

UNIVERSITY OF NEBRASKA
SEXUAL HARASSMENT AND
TITLE IX COMPLIANCE REPORT

September 2021

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September 14, 2021

Senator Lynne Walz, Chair
Members of the Education Committee
Nebraska Legislature

Dear Chairwoman Walz and members of the Education Committee,

On behalf of the University of Nebraska and our four campuses, I respectfully submit the attached biennial report on sexual harassment and Title IX compliance at public postsecondary institutions per Nebraska Revised Statute 85-608.

The University of Nebraska system takes student and campus safety very seriously and appreciates the opportunity to engage with you and the Education Committee to discuss this report.

If you have any questions, please do not hesitate to contact me at (402) 472-8636.

Respectfully,

Ted Carter
President

▶▶▶ TITLE IX OVERVIEW

Background

The following report regarding sexual harassment and Title IX compliance is provided by the University of Nebraska pursuant to Neb. Rev. Stat. § 85-608. The report contains the following information:

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

Title IX Overview

Sexual Misconduct & Title IX

The University of Nebraska is dedicated to the prevention of sexual misconduct and to providing a safe environment for students, faculty, and staff.

What is Title IX?

Title IX of the Education Amendments Act of 1972 is a federal law that states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Title IX prohibits discrimination based on sex in education programs and activities in federally funded schools. It also protects all students, employees, and other persons from all forms of sex discrimination.

▶▶▶ UNIVERSITY OF NEBRASKA SEXUAL HARASSMENT AND TITLE IX COMPLIANCE REPORT

Campus Climate Survey Results Related to Sexual Harassment

In the winter of 2017, the University of Nebraska System partnered with Gallup to learn more about perceptions of a broad range of issues related to campus climate from students, faculty, staff members, and alumni. The study explored several factors that could contribute to campus climate, including civic engagement, safety, confidence in response to critical issues, sharing views, and a diverse and inclusive environment.

Although the central focus of this survey was not sexual harassment, when asking questions about factors that could contribute to campus climate, the survey specifically solicited feedback related to gender, sexual orientation, and gender identity, which are protected by Title IX, as well as sexual assault and harassment. The executive summary of the University of Nebraska System Climate Study in **Appendix A**. The full report can be found [online](#).

University of Nebraska at Kearney

In addition to the system-wide survey in 2017, UNK conducted a Diversity & Inclusion Assessment in 2017, released in June 2018. The full report is in **Appendix B**.

Information Related to the Training Provided to Title IX Coordinators, Investigators, and Decision-Makers

As described below, University of Nebraska Title IX Coordinators, investigators, decision-makers, and individuals who facilitate an informal resolution process participate in various training and professional development opportunities related to matters concerning sexual misconduct and Title IX.

Consistent with the Title IX regulations, University of Nebraska Board of Regents Policy 2.1.8, Sexual Misconduct, requires that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Additionally, the Sexual Misconduct Policy requires Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process to receive the following training:

- a. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process receive training on:
 - i. The definition of sexual harassment;
 - ii. The scope of the University's education program or activity;
 - iii. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable;
 - iv. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and,
- b. Decision-makers also receive training on:
 - i. Any technology to be used at a live hearing; and,
 - ii. Issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant; and,
- c. Investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Please see the websites and appendices below for additional information.

University of Nebraska at Kearney

<https://www.unk.edu/about/compliance/title-ix-resources/training.php> | Appendix C

University of Nebraska–Lincoln

<https://www.unl.edu/equity/compliance-cfr-1064510d> | Appendix D

University of Nebraska Medical Center

<https://www.unmc.edu/titleix/training/index.html> | Appendix E

University of Nebraska at Omaha

<https://www.unomaha.edu/office-of-equity-access-and-diversity/title-ix-information/training.php> | Appendix F

Policies, Initiatives & Grievance Procedures Adopted to Address Sexual Misconduct

University of Nebraska Sexual Misconduct Policy

University of Nebraska Board of Regents Policy 2.1.8, Sexual Misconduct, prohibits sexual misconduct. The Policy applies system-wide, to all the campuses. The Sexual Misconduct Policy is available at <https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/board-governing-documents/board-of-regents-policies.pdf> and in **Appendix G**.

The Board of Regents amended the Sexual Misconduct Policy on August 14, 2020, in light of the United States Department of Education's amendments to Title IX, which were released on May 6, 2020. The final regulations specify how recipients of federal financial assistance covered by Title IX, such as the University of Nebraska, must respond to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination. The revised Sexual Misconduct Policy consisted of revisions that were developed by a committee representing the entire University community (students, faculty, and staff) across all campuses and the Office of the President.

Sexual misconduct, which includes domestic violence, dating violence, sexual harassment, sexual assault, sexual exploitation, and stalking, is unacceptable behavior under University of Nebraska policy and is against the law. Each of these types of prohibited conduct is defined in the Sexual Misconduct Policy along with retaliation, which is also prohibited by the Policy. The Sexual Misconduct Policy also provides expectations for matters such as awareness, education, prevention, and training programs; reporting sexual misconduct; resources; and grievance procedure.

Procedures for Sexual Misconduct Reports Against Students and Employees

In addition to the Sexual Misconduct Policy, the University of Nebraska has also adopted procedures for sexual misconduct reports against students and employee and to comply with federal law. Similar to the Sexual Misconduct Policy, the procedures apply system-wide, to all the campuses. Executive Memorandum No. 38, Procedures for Sexual Misconduct Reports Against Students (See **Appendix H**) and Executive Memorandum No. 39, Procedures for Sexual Misconduct Reports Against Employees (See **Appendix I**) are available at <https://nebraska.edu/offices-policies/policies>.

The procedures provide comprehensive information regarding various sexual misconduct topics such as what conduct is prohibited, how to report sexual misconduct, what happens when the University receives a report of sexual misconduct, how to file a Formal Complaint of sexual misconduct, and the grievance procedures for Formal Complaints. The procedures include topics such as:

- ▶ Conduct that is prohibited, including definitions
- ▶ The definition of consent
- ▶ The roles of individuals involved in the sexual misconduct investigation and adjudication process
- ▶ Jurisdiction: Locations Where and Circumstances When the Procedures Apply
- ▶ Where to report sexual misconduct
- ▶ What happens when a Title IX Coordinator receives a report of sexual misconduct
- ▶ Confidentiality, privacy, and the sharing of information
- ▶ Amnesty for reports of sexual misconduct
- ▶ Supportive measures

- ▶ Preservation of evidence
- ▶ How to file a Formal Complaint of sexual misconduct
- ▶ The grievance process for Formal Complaints of sexual misconduct (including, but not limited to the investigation, hearing, and appeals)
- ▶ Sanctions
- ▶ Remedies for Complainants
- ▶ Informal Resolutions

In summary, any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual misconduct) to the Title IX Coordinator. The University will respond to reported allegations of sexual misconduct and may provide appropriate supportive measures to the Complainant, as described within the Procedures, even if the Complainant does not wish to pursue a Formal Complaint.

Filing a Formal Complaint is the first step of a grievance process that determines whether the Respondent is responsible for violating the Policy. The grievance process begins when a Complainant files, or a Title IX Coordinator signs, a Formal Complaint requesting that the University investigate an allegation of sexual misconduct. Unless a Formal Complaint is dismissed or resolved during one of the steps of the grievance process, the grievance process will include a preliminary review of the Formal Complaint, an investigation, a hearing, and the opportunity for the parties to challenge certain decisions through an appeal. Additionally, an Informal Resolution process may be available at any time prior to reaching a University determination regarding responsibility. If applicable, the University may initiate Informal Resolution or either party may request Informal Resolution.

Initiatives

Sexual Misconduct Awareness and Prevention Training Programs:

The University of Nebraska publicizes and conducts ongoing programs for students and employees and other members of the University community to promote awareness of sexual misconduct and to help prevent and attempt to reduce the risk of the occurrence of sexual misconduct. These programs also include instruction on safe and positive options for bystander intervention that may be carried out by individuals to prevent harm or intervene when there is a risk of sexual misconduct being inflicted on another person.

Each campus has programs related to sexual misconduct awareness and prevention. An online sexual misconduct prevention and awareness program is also available to all University of Nebraska student and employees. The program covers various topics related to preventing and addressing sexual misconduct, describes available University and non-University resources, and explains University policies and procedures.

Collaborative on Sexual Misconduct

In 2019, UNL Chancellor Ronnie Green formed the Collaborative on Sexual Misconduct Committee. The collaborative, made up of students, faculty, and staff, was charged with recommending efforts to improve education training and policy development to address sexual misconduct. In collaboration with Student Affairs, Title IX, and Academic Affairs, it is led by Susan Swearer, professor of educational psychology and a licensed psychologist. The committee report is available in **Appendix J**.

Information on Where University of Nebraska Students and Employees May Receive Immediate Emergency Assistance to Address Instances of Sexual Misconduct

University of Nebraska students and employees may receive immediate emergency assistance to address instances of sexual misconduct by calling 911. Individuals may also contact a local emergency medical center for 24-hour emergency assistance. Below is contact information for University Police or Public Safety and examples of local emergency medical centers that provide services 24 hours a day, seven days a week.

University Police or Public Safety	Examples of Local Emergency Medical Centers Open 24 Hours	
University of Nebraska at Kearney		
Police Department (UNK) General Services Building 2507 19th Ave. Kearney, NE 68849 911 or (308) 865-8911	CHI Health Good Samaritan 10 E. 31st St. Kearney, NE 68847 (308) 865-7100	Kearney Regional Medical Center 804 22nd Ave. Kearney, NE 68845 (308) 455-3600
University of Nebraska–Lincoln		
University Police (UNL and UNCA) 300 N. 17th St Lincoln, NE 68588 911 or (402) 472-2222	Bryan Medical Center West 2300 S. 16th St. Lincoln, NE 68502 (402) 481-1111 Bryan Medical Center East 1600 S 48th St. Lincoln, NE 68506 (402) 481-1111	CHI Health St. Elizabeth 555 S. 70th St. Lincoln, NE 68510 (402) 219-8000
Frontier County Sheriff (NCTA) 308 Center Ave N. Curtis, NE 69025 911 or (308) 367-4411	Community Hospital 1301 E. H St. McCook, NE 69001 (308) 344-2650	

University of Nebraska Medical Center		
Campus Security (UNMC) 4215 Emile St. Omaha, NE 68105 (402) 559-5111	Nebraska Medicine 4350 Dewey Ave. Omaha, NE 68105 (402) 552-2000	Methodist Hospital Sexual Assault Response Team (SART) and Sexual Assault Nurse Examiner (SANE) Program Methodist Hospital 8303 Dodge St. Omaha, NE 68114 (402) 354-4424 Methodist Women's Center 717 N. 190th Plaza #1100 Elkhorn, NE 68022 (402) 815-1700
	CHI Health Emergency Department Forensic Nurse Examiner Program CHI Health Emergency Department (University Campus) 2412 Cuming St Omaha, NE 68131 (402) 449-4590	

University of Nebraska at Omaha		
Department of Public Safety (UNO) 6001 Dodge Street Omaha, NE 68182 (402) 554-2648	Nebraska Medicine 4350 Dewey Ave. Omaha, NE 68105 (402) 552-2000	Methodist Hospital Sexual Assault Response Team (SART) and Sexual Assault Nurse Examiner (SANE) Program Methodist Hospital 8303 Dodge St. Omaha, NE 68114 (402) 354-4424 Methodist Women's Center 717 N 190th Plaza #1100 Elkhorn, NE 68022 (402) 815-1700
	CHI Health Emergency Department Forensic Nurse Examiner Program CHI Health Emergency Department (CUMC - Bergan Mercy) 7500 Mercy Rd. Omaha, NE 68124 (402) 398-6161	

24/7 Hotlines

Additionally, below are two hotlines that offer 24-hour assistance as well as information about local resources.

- ▶ National Sexual Assault Hotline: (800) 656-HOPE (4673)
- ▶ National Domestic Violence Hotline: (800) 799-SAFE (7233)

Information on How University of Nebraska Students and Employees May Report Concerns of Sexual Misconduct to the University

Reporting Sexual Misconduct

All individuals are expected to promptly report conduct that may violate the University's Sexual Misconduct Policy to the University. In addition, all individuals are expected to report conduct that may also violate criminal law to both the Title IX Coordinator and to local law enforcement. These processes are not mutually exclusive, and both may happen simultaneously or at different times.

Any University student, employee, or other individuals who seek to report may contact the:

- ▶ Title IX Coordinator
- ▶ University Police or Public Safety for assisting in filing a criminal complaint and preserving physical evidence
- ▶ Local law enforcement to file a criminal complaint

The University will respond to reported allegations of sexual misconduct and may provide appropriate supportive measures to the Complainant, as described below, even if the Complainant does not wish to pursue a Formal Complaint. If an individual would like the University to respond to allegations of sexual misconduct, it is important that the individual report to the Title IX Coordinator. In some cases, an individual who may have experienced sexual misconduct may share information with another member of the University community. While the University expects University community members with knowledge of potential violations of the sexual misconduct Policy to report to the Title IX Coordinator, the University will only have actual notice of sexual misconduct if an individual reports to an Official with Authority. The following individuals are Officials with Authority: President, Chancellors; Provost/Vice Presidents and Vice Chancellors; and both the NU System and Campus Title IX Coordinators.

Reporting to the Title IX Coordinator

Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Title IX Coordinator Contact Information:

Meagan Counley
Title IX Coordinator
University of Nebraska–Lincoln
128 Canfield Administration Building
(402) 472-3417
mcounley2@unl.edu

Mary Chinnock Petroski
Title IX Coordinator
University of Nebraska at Kearney
2113 Warner Hall
(308) 865-8655
petroskimj@unk.edu

Carmen Sirizzotti
Title IX Coordinator
University of Nebraska Medical Center
2010 Administrative Center
(402) 559-2710
csirizzotti@unmc.edu

Jennifer McConville
Title IX Coordinator
Nebraska College of Technical Agriculture
404 E 7th St., Curtis, NE 69025
(308) 367-5259
jmconville2@unl.edu

Sarah Weil
Title IX Coordinator
University of Nebraska at Omaha
211 Eppley Administration Building
(402) 554-2120
sweil@unomaha.edu

Drew Nielsen
Title IX Coordinator
University of Nebraska System
3835 Holdrege St., Lincoln, NE 68583
(402) 554-3715
drewnielsen@unomaha.edu

- ▶ The University of Nebraska hotline is available for online reporting at <https://secure.ethicspoint.com/domain/media/en/gui/52126/index.html> or by phone at (844) 348-9584.
- ▶ An individual may also contact the Department of Education’s Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling (800) 421-3481.

Anonymous Reporting

Any individual may report sexual misconduct to the University, and if preferred, may do so without disclosing one’s name. Depending on the level of information available about the incident or the individuals involved, the University’s ability to respond to an anonymous report may be limited. An individual may report anonymously through the University’s EthicsPoint reporting system.

Information on Resources, Programs, and Support Available to University of Nebraska Students and Employees to Address Concerns of Sexual Misconduct

There are numerous resources, programs, and support available to University of Nebraska students and employees to address concerns of sexual misconduct. These include, but are not limited to:

- ▶ Title IX Coordinators and corresponding offices
- ▶ University Police or Public Safety
 - UNK Police Department
 - UNL Police Department
 - UNO Department of Public Safety
 - UNMC Campus Security
 - Frontier County Sheriff
- ▶ Campus Advocacy Resources (Confidential)
 - UNK S.A.F.E. Center
 - UNL Center for Advocacy, Response & Education (CARE)
 - UNMC & UNO: Victim & Survivor Advocates
- ▶ Student Counseling Resources (Confidential)
 - UNK Counseling
 - UNL Counseling and Psychological Services (CAPS)
 - UNMC Counseling and Student Development Center
 - UNO Counseling and Psychological Services (CAPS)
- ▶ Employee Counseling Resources (Confidential)
 - UNK Employee Assistance Program (EAP)
 - UNL Employee Assistance Program (EAP)
 - UNMC Employee Assistance Program (EAP)
 - UNO Employee Assistance Program (EAP)
- ▶ Other State or National Resources
 - Nebraska Department of Health and Human Services
 - Nebraska Coalition to End Sexual and Domestic Violence
 - National Domestic Violence Hotline (1-800-799-7233)
 - National Sexual Assault Hotline (1-800-656-4673)

The University provides supportive measures to Complainants and Respondents. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. The following supportive measures may be made available to the Complainant and the Respondent based on the facts and circumstances of the individual case:

1. Transfer or re-assignment of living space within University residence halls;
2. Assistance from the University in completing the relocation if transferred or reassigned;
3. Mutual restrictions on contact between the parties;
4. Canceling a university housing contract and/or adjusting a student account balance for refund;
5. Coordinating course-related adjustments (e.g. excused absences, flexible attendance, revised deadlines, reschedules, substitutions, etc.);
6. Endorsing or authorizing a grade change (e.g. incomplete, pass/no pass);
7. Transferring between class sections;
8. Endorsing or authorizing a withdrawal after the deadline has passed with or without a refund of tuition and fees;
9. Alternative course completion options (e.g. substitutions, independent study, correspondence);
10. Arranging to complete a course or lectures via distance education methods with the assistance of technology;
11. Providing increased security at location or activities (e.g. accompaniment or escort, surveillance, monitoring);
12. Modifying work schedules, job responsibilities, supervision, or re-assignment to a different work site; and
13. Counseling at a campus clinic or center.

The University will maintain as confidential any supportive measures provided to the Complainant or the Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. Any supportive measures offered to either party will not punish, discipline, or unreasonably burden the other party.

University of Nebraska at Kearney

A list of resources available can be found in **Appendix O**.

University of Nebraska–Lincoln

A list of resources available can be found in **Appendix P**.

University of Nebraska Medical Center

A list of resources available can be found in **Appendix Q**.

University of Nebraska at Omaha

A list of resources available can be found in **Appendix R**.

Information on University of Nebraska Student or Employee-Led Organizations Engaged in Supporting Victims of Sexual Misconduct

Each University of Nebraska campus has student or employee-led organizations engaged in supporting victims of sexual harassment.

University of Nebraska at Kearney

Please see the list below and **Appendix O** for resources.

- ▶ UNK's Gender & Sexuality Resource Office provides the following services to all students:
 - Campus and community-wide programming and education on gender equality
 - Access to resources, a safe place to voice concerns/questions/ideas
 - A safe space for the LGBTQIA+ community and advocates
 - Referrals to community and campus resources
 - A central point of contact for survivors of sexual assault, stalking, dating violence, or domestic abuse
 - Victim advocate services
- ▶ Campus Sexual Assault Response Team (CSART)
- ▶ Counseling (24/hour Crisis Line): (308) 865-8248
 - A mental health clinic offering confidential personal counseling and support.

University of Nebraska – Lincoln

Please see the list below and **Appendix P** for resources.

- ▶ CARE Advocates: A confidential, supportive resource that provides advocacy and support for students, faculty, and staff who have experienced sexual assault, domestic/dating violence, stalking, harassment, and other crimes. CARE advocates are available during University business hours, Monday through Friday between 8 a.m. and 5 p.m.
- ▶ Student Affairs – Use Your Voice Campaign: Each Husker has a role to play in stopping sexual assault and relationship violence. Through the Use Your Voice initiative, the University of Nebraska–Lincoln strives to increase awareness of campus resources for prevention, reporting, and support. <https://studentaffairs.unl.edu/use-your-voice>
- ▶ Counseling and Psychological Services (CAPS): Counseling and Psychological Services is a multidisciplinary team of psychologists and counselors that works collaboratively with Nebraska students to help them explore their feelings and thoughts and learn helpful ways to improve their mental, psychological and emotional well-being when issues arise.

Crisis Care Appointments are same-day appointments that provide an opportunity to speak with a counselor about an immediate crisis, get support, and develop a plan to help manage a crisis. Help is available 24/7. <https://caps.unl.edu/>

University of Nebraska Medical Center

Please see the list below and **Appendix Q** for resources.

- ▶ EMPOWER: EMPOWER, a partnership between the University of Nebraska Medical Center's Service-Learning Academy and the WCA, offers various educational programs throughout the academic year. The WCA is a local organization dedicated to helping women achieve personal, economic, and social success. The WCA offers support in domestic abuse counseling, shelter assistance, legal guidance, and career services.

University of Nebraska at Omaha

Please see the list below and **Appendix R** for resources.

- ▶ UNO Counseling and Psychological Services: Offers a Clinical Support Group for Survivors of Sexual Assault. UNO has a dedicated Victim Survivor Advocacy Program that provides services to students and employees in the UNO community.
- ▶ Faculty and Employee Assistance Programs (FEAP): Provide counseling, support services, and referrals to UNO employees.
- ▶ Advisors in the UNO Title IX Office: Assist victims (students, staff, and faculty) of sexual harassment in the Title IX grievance process.
- ▶ Victim and Survivor Advocates: Survivors and victims can meet with an advocate to discuss resources, support services, and emergency support services. Through advocacy services, survivors and victims can access counseling, Title IX, and legal services.
- ▶ UNO Gender and Sexuality Resource Center: Provides optional bystander training that allows other students and employees to have the skills to intervene and support victims and survivors.

Agreements between the University of Nebraska and Local Law Enforcement Agencies or the County Attorney Related to Addressing Instances of Sexual Misconduct

There is a Memorandum of Understanding between the Board of Regents of the University of Nebraska and each County Attorney's office where the campuses are located. Additionally, there are agreements with local law enforcement agencies and programs. Please see below for a list of agreements.

University of Nebraska at Kearney

- ▶ Memorandum of Understanding between the Buffalo County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix U**)
- ▶ Memorandum of Understanding between UNK's Campus Sexual Assault Response Team (CSART) and the Buffalo County SAFE Project (**Appendix V**)

University of Nebraska-Lincoln

- ▶ Memorandum of Understanding between Lancaster County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix W**)
- ▶ Memorandum of Operating Procedures between the UNL Office of Institutional Equity & Compliance (IEC) and the University Police (UNLPD) (**Appendix X**)
- ▶ Memorandum of Understanding between Frontier County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix Y**)

University of Nebraska Medical Center

- ▶ Memorandum of Understanding between the Buffalo County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix U**)
- ▶ Memorandum of Understanding between the Douglas County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix Z**)
- ▶ Memorandum of Understanding between the Norfolk County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix AA**)
- ▶ Memorandum of Understanding between the Scottsbluff County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix BB**)

University of Nebraska at Omaha

- ▶ Memorandum of Understanding between the Douglas County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix CC**)

▶▶▶ **APPENDIX A**

NU System Climate Study Results

EXECUTIVE SUMMARY

The University of Nebraska System Climate Study

Understanding Perceptions of Students,
Faculty, Staff and Alumni

SEPTEMBER 2018

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UNIVERSITY OF
Nebraska

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About University of Nebraska

The University of Nebraska — through its four campuses — strives to be the best public university in the country as measured by the impact we have on our people and our state, and — through them — the world.

For more information, visit <https://nebraska.edu/>.

About Gallup

Gallup delivers analytics and advice to help leaders and organizations solve their most pressing problems. Combining more than 80 years of experience with its global reach, Gallup knows more about the attitudes and behaviors of employees, customers, students and citizens than any other organization in the world.

For more information, visit www.gallup.com or www.gallup.com/services/170939/higher-education.aspx.

Introduction

In the winter of 2017, the University of Nebraska system partnered with Gallup to learn more about perceptions of a broad range of issues related to campus climate from students, faculty, staff members and alumni. The goals of this partnership were to:

- ▶ gather multiple perspectives on issues related to campus climate
- ▶ learn community members' views about these complex topics
- ▶ encourage rich and meaningful dialogue
- ▶ inform the cultivation of a diverse, inclusive and welcoming environment

This executive summary includes a snapshot of findings from Web surveys conducted in spring 2018. Results are from surveys of more than 4,400 students, 1,800 faculty, 3,600 staff members and 2,800 recent alumni (within the last five years) across each of the four University of Nebraska campuses. For more information, see the full report: University of Nebraska System Climate Study: Understanding Perceptions of Students, Faculty, Staff and Alumni.

Results of these surveys highlight important issues facing the University of Nebraska and U.S. higher education institutions. It is the University of Nebraska's intent that the study supports new and ongoing efforts to help make the University of Nebraska an even better, more respectful place to live, learn, work, serve and play.

Snapshot of Findings

UNIVERSITY CLIMATE

Campus climate is created through the many ways that people interact with and treat one another and is a reflection of the standards, core values and principles of the campus. Climate is shaped by the tenor of voices that promote and protect those standards, values and principles. Respectful, generous treatment of others reflected through civil dialogue alongside sincere debate may be considered a hallmark of a healthy campus climate. This study explores several factors that could contribute to campus climate, including racial climate, trust and fairness, and safety.

RACIAL CLIMATE

Majorities of students, faculty, staff and alumni say the racial climate among students, faculty and staff on their campus is good or excellent.

Results show that the majority of respondents rate the racial climate among students on their campus as “good” or “excellent.” In particular, the distribution of student responses shows that they are about nine times more likely to rate the racial climate among their peers as “excellent” (28%) than “poor” (3%). Fifteen percent of students rate the racial climate as “only fair” or “poor.”

- ▶ **Racial Climate Among Students:** Nearly eight in 10 currently enrolled students (78%) and seven in 10 faculty (70%) and staff members (74%) say the racial climate among students on their campus is “good” or “excellent;” 83% of recent alumni say the racial climate among students on their campus was “good” or “excellent” during the time they attended. Overall, 14% of faculty and staff members say they don’t know how they rate the racial climate among students. Seven in 10 currently enrolled non-white students say the racial climate among students is “good” or “excellent,” which includes 53% of black students and 73% of both Asian and Hispanic students. These results are similar to those from a recent study of U.S. college students in which about seven in 10 rate their college’s racial climate as “good” or “excellent,” although black students nationally are less positive — about six in 10 evaluate their campus’ racial climate positively.¹

¹ Jones, Jeffrey M., “College Presidents Still Report Positive Race Relations on Campus,” March 2016. Results from the Gallup/Knight Foundation 2017 Survey of College Students This study was a telephone survey of undergraduate students. <https://news.gallup.com/poll/190535/college-presidents-report-positive-race-relations-campus.aspx>

- ▶ **Racial Climate Among Faculty and Staff Members:** Eight in 10 faculty and 75% of staff members say the overall racial climate among faculty is “good” or “excellent,” and seven in 10 faculty and eight in 10 staff members (84%) say the racial climate among staff members is “good” or “excellent.” Overall, 11% of faculty and staff members say the racial climate among each of their respective peer groups is “only fair” or “poor;” though, 16% of staff members don’t know how they rate racial climate among faculty, and similarly, 18% of faculty don’t know how they rate the overall racial climate among staff members.
 - Black faculty and staff members overall are about as likely to say the racial climate among faculty is “good” or “excellent” (45%) as they are to say it is “only fair” or “poor” (43%). They are slightly more likely to say it’s “good” or “excellent” (50%) than they are to say it’s “only fair” or “poor” (42%) among staff members; 75% of Asian faculty and staff members and 68% of Hispanic faculty and staff members rate the racial climate among faculty as “good” or “excellent.” Similarly, 70% and 69% of Asian and Hispanic faculty and staff members, respectively, rate the racial climate among staff members as “good” or “excellent.”²

CIVIC ENGAGEMENT AND CIVIL DISCOURSE

- ▶ More faculty and staff members agree or strongly agree that their campus actively works to promote civic engagement and civil discourse among students than agree or strongly agree their campus is successful in ensuring these elements. Many faculty and staff members say they don’t know whether their campus actively works to promote and ensure civic engagement and civil discourse. For example, 40% don’t know whether they are successful in ensuring civil discourse among most students.
- ▶ Two-thirds of faculty (68%) agree or strongly agree efforts to promote civic engagement and civil discourse are complicated by the national political environment.

² Results from a study of U.S. college and university presidents shows about eight in 10 rate their state of race relations on their own campus as “good” or “excellent,” while only about four in 10 rate the state of U.S. colleges generally the same. Jones, Jeffrey M., “College Presidents Still Report Positive Race Relations on Campus,” March 2016. <https://news.gallup.com/poll/190535/college-presidents-report-positive-race-relations-campus.aspx>

SAFETY

- ▶ Most students and alumni who live/lived in residence halls say they feel/felt safe or very safe at night and on weekends in those halls. While just 1% of students say they feel unsafe or very unsafe, more than half responded “don’t know/does not apply” to these questions on safety in residence halls. Most students and alumni also say they feel/felt safe or very safe in academic buildings at night. Fewer students say they feel safe walking alone on campus at night.
- ▶ Three in four faculty and two-thirds of staff members say they feel safe or very safe walking alone on campus at night; more than eight in 10 faculty and 74% of staff say they feel safe or very safe in academic buildings at night. About one in 10 of faculty and two in 10 staff members responded “don’t know/does not apply” to these questions on safety.

CONFIDENCE IN RESPONSE TO CRITICAL ISSUES

- ▶ More than half of each group surveyed agree or strongly agree their institution would do the right thing if they raised an issue about sexual assault or harassment; though 10% and 14% of students and alumni, respectively, don’t know. Two-thirds of males (66%) and 55% of females agree or strongly agree their institution would do the right thing if they raised an issue about sexual assault or harassment. Similarly, a study of U.S. college students nationally shows females are less likely than males to express confidence.³
- ▶ Again, similar to findings from a national study of U.S. college students, somewhat fewer students (47%), faculty (47%) and alumni (45%) and half of staff members (50%) agree or strongly agree they are confident their campus would do the right thing if they raised an issue about discrimination; 12% of students and 16% of alumni don’t know.⁴ Among student racial and ethnic groups, Hispanic students are least likely to express institutional confidence. Additionally, lesbian, gay or bisexual students are somewhat less likely than their peers who are not sexual-orientation or gender-identity minorities to agree or strongly agree (40% vs. 49%, respectively) they are confident their campus would do the right thing.⁵

³ Strada-Gallup Survey of U.S. College Students, 2017.

⁴ Ibid.

⁵ For many survey items, respondents were asked to rate their level of agreement on a five-point scale, where 5 means strongly agree and 1 means strongly disagree.

FREEDOM OF EXPRESSION

Freedom of expression and, relatedly, academic freedom have historically been core values of American higher education institutions and are central to a vibrant campus climate. Given the current political and social climate in the U.S., a lot of attention has focused on issues concerning free speech on college and university campuses nationally. Items were included in the surveys to explore some issues regarding free speech.

Majorities of students, faculty, staff and alumni agree or strongly agree their campus is committed to promoting freedom of expression.

Results of the climate study show that majorities of respondents think their institution is committed to promoting freedom of expression, though some faculty think their campus prevents them from saying things they believe because others might find them offensive.

Additionally, students may need increased opportunities to meaningfully engage in dialogue with those who hold different views. Namely, while the majority of students feel comfortable having meaningful conversations with their peers who hold different views, few students say they have had a discussion with someone with whom they disagreed on an issue who changed their opinion on that issue. Furthermore, few students say they have actively sought out relationships with those who might challenge their own worldview.

RESPECT FOR FREE SPEECH

- ▶ Nearly two-thirds of students (65%) and three-fourths of alumni (74%) say students generally respect free speech rights; about six in 10 faculty (59%) say students respect free speech rights. About two in 10 of staff members (23%) and 16% of faculty say they don't know whether students respect free speech rights. Two-thirds of students (67%) and 74% of alumni agree or strongly agree that faculty generally respect free speech rights.
- ▶ Majorities of faculty (67%) and staff members (59%) agree or strongly agree their peers generally respect free speech rights. Less than one in 10 of these groups disagree or strongly disagree, and 9% of faculty and staff members overall don't know.

SHARING VIEWS

- ▶ Students are somewhat more likely to agree or strongly agree (35%) than they are to disagree or strongly disagree (29%) that their institution's climate prevents some people from saying things they believe because others might find them offensive; 14% don't know.
- ▶ Faculty are as likely to disagree or strongly disagree (35%) as they are to agree or strongly agree (36%) that the campus climate prevents faculty from saying things they believe because others might find them offensive. More staff members agree or strongly agree (39%) than disagree or strongly disagree (26%) that the climate on their campus prevents staff from saying things they believe because others might find them offensive; though 12% of staff members say they don't know.
- ▶ Nearly half of students (48%) say most expression and discussion of political or social ideas among students happens online through social media; one-third say it happens face-to-face on campus; 19% of students say they don't know.⁶
- ▶ Generally, students are far more likely than not to say they feel comfortable having meaningful conversations with other students who hold different views on issues relating to sexual orientation, religion, immigration, race and ethnicity or political ideology. The majority of faculty feel comfortable or very comfortable having meaningful conversations with students who hold different views on issues relating to sexual orientation, religion, immigration or race or ethnicity. Somewhat fewer (47%) faculty feel comfortable having such conversations on issues relating to political ideology.
- ▶ Majorities of respondents from each group surveyed say that members of 15 identified subgroups are able to freely and openly express their views on their campus. Aligning with a national study of college students, respondents are most likely to think that males, females and whites are able to freely and openly express their views.⁷ Again, similar to results from another study of U.S. college students, University of Nebraska students are somewhat more likely to say that political liberals than political conservatives are able to freely and openly express their views.⁸ However, NU students are somewhat more likely than the students nationally to say political conservatives are able to express their views.
- ▶ Four in 10 (42%) faculty and 27% of staff members agree or strongly agree they feel comfortable expressing political views with faculty, though 15% of staff members say they don't know. Three in 10 faculty and staff members agree or strongly agree they feel comfortable expressing political views with staff members; 10% of faculty say they don't know.
- ▶ About half of students (53%) agree or strongly agree they are comfortable expressing their political views with other students; 20% disagree or strongly disagree. Fewer, about four in 10 students (44%), agree or strongly agree they are comfortable expressing their political views with professors; 28% disagree or strongly disagree.

6 These findings are similar to results from a study of U.S. college students. Jones, Jeffrey M., "More U.S. College Students Say Campus Climate Deters Speech," March 2018. From the Gallup/Knight Foundation 2017 College Student Survey. https://news.gallup.com/poll/229085/college-students-say-campus-climate-deters-speech.aspx?g_source=link_NEWSV9&g_medium=TOPIC&g_campaign=item_&g_content=More%2520U.S.%2520College%2520Students%2520Say%2520Campus%2520Climate%2520Deters%2520Speech

7 Gallup/Knight Foundation 2017 College Student Survey. https://news.gallup.com/poll/229085/college-students-say-campus-climate-deters-speech.aspx?g_source=link_NEWSV9&g_medium=TOPIC&g_campaign=item_&g_content=More%2520U.S.%2520College%2520Students%2520Say%2520Campus%2520Climate%2520Deters%2520Speech

8 Ibid.

- ▶ Many students (76%) and alumni (74%), as well as faculty (68%) and staff members (69%) agree or strongly agree they have or had many opportunities to learn from others with different perspectives or backgrounds.
- ▶ More than half of students (57%) and nearly two-thirds of alumni (65%) agree or strongly agree they have or had many opportunities to share their opinions with others in a meaningful way. About half of faculty (49%) and four in 10 staff members (38%) say they have such opportunities.
- ▶ Students are somewhat more likely to agree or strongly agree (41%) than disagree or strongly disagree (31%) that they feel comfortable sharing ideas in class that are probably only held by a small number of students.
- ▶ About half of students (54%) say they have never or rarely had a discussion with someone with whom they disagreed on an issue who changed their position on that issue; just 7% say they have had such discussions often or very often. Most students (71%) say they have never or rarely had interactions that were tense or hostile with students.
- ▶ While one in four students (24%) say they have often or very often sought out relationships with others who might challenge their understanding of the world, 36% say they have never or rarely sought out such relationships.
- ▶ More faculty agree or strongly agree (41%) than disagree or strongly disagree (25%) they are comfortable encouraging discussions of ideas that are probably only held by a small number of students.

ACADEMIC FREEDOM

- ▶ About two-thirds of faculty (68%) and eight in 10 (82%) staff members say academic freedom at their campus is as secure or more secure now than it was a year ago.⁹ About one-third of faculty (32%) say it is less secure now.
- ▶ About four in 10 faculty say their campus has done enough to protect academic freedom among faculty; about three in 10 say their campus has done too little.
- ▶ Additionally, about half of faculty (51%) feel comfortable or very comfortable expressing their views on matters of faculty governance.
- ▶ About seven in 10 respondents from each group surveyed believe their institution's leadership values free speech, and about one in 10 says it does not, including 13% of faculty. Roughly two in 10 from each group say they don't know whether their institution's leadership values free speech.
- ▶ Four in 10 faculty (41%) agree or strongly agree they feel very comfortable using material that may be unpopular with some students; 20% disagree or strongly disagree they feel very comfortable using potentially unpopular material, and 15% say they don't know.
- ▶ A majority of faculty (58%) have not changed how or what they teach because of concerns they have about offending or upsetting students.

⁹ These results from faculty match those of a study of U.S. college chief academic officers, in which seven in 10 of these leaders say academic freedom is "as secure" or "more secure" than it was a year ago. 2017 Inside Higher Ed Survey of Chief Academic Officers. <https://www.insidehighered.com/news/survey/2017-inside-higher-ed-survey-chief-academic-officers>

LEADERSHIP AND DIRECTION

Leaders play a critical role in creating an environment that engages all people and helps them feel valued and part of the future they are collectively building. Several items invited opinions about leadership and practices. While there is reservation among faculty and staff members that there is open communication throughout all levels of the institution, majorities of each group agree leadership is creating a future they want to be part of.

Faculty and staff members generally agree their leadership is creating a future they want to be a part of, but they need more clarity about that future direction.

- ▶ More than half of faculty (52%) and staff members (56%) agree or strongly agree their leadership is creating a future they want to be a part of. Additionally, majorities of faculty (64%) and staff members (64%) agree or strongly agree they would recommend their campus as a great place to work.
- ▶ Nearly seven in 10 faculty and staff members say their colleagues demonstrate behavior of high integrity and ethics.
- ▶ About four in 10 faculty (38%) and staff members (44%) agree or strongly agree they always trust their campus to be fair to all within their respective peer group.¹⁰ Similarly, 39% and 37% of faculty and staff members, respectively, agree or strongly agree their peer group at work is direct and honest in all communications.
- ▶ Faculty and staff members are somewhat more likely to disagree than agree that there is open communication throughout all levels of their institution. However, they are more likely to agree than disagree that leadership creates an environment that is trusting and open.
- ▶ Slightly more than one-third of faculty (35%) and staff members (37%) agree or strongly agree they have a clear understanding about the future direction. About four in 10 faculty (44%) and nearly half of staff members (48%) agree or strongly agree that senior leadership is leading in the right direction; 25% of faculty and 20% of staff members disagree or strongly disagree.
- ▶ Nearly four in 10 faculty (38%) and staff members (38%) agree or strongly agree that at their institution people are held accountable for their actions; 13% of faculty and 9% of staff members say they don't know.

¹⁰ Faculty rated faculty members and staff members rated staff members.

DIVERSE AND INCLUSIVE ENVIRONMENT

A healthy university climate is predicated on actively promoting equity and fostering a diverse and inclusive environment where all community members are invited to contribute to critical conversations and are treated with generosity where they live, learn and work. Results of the University of Nebraska climate study suggest that while majorities of community members think their campus environment is inclusive, there is a need to do more to create a climate that ensures all people feel welcomed.

Majorities of students, faculty, staff and alumni agree or strongly agree their institution is committed to ensuring an inclusive environment for all.

More than six in 10 of all groups surveyed agree or strongly agree that their institution is committed to ensuring an inclusive environment for all; just one in 10 disagrees or strongly disagrees. However, about one-third of students say they have felt uncomfortable at some time on campus because of something someone said in reference to race, ethnicity, gender or religion.¹¹ Further, while strong majorities of NU students say they rarely or never hear someone at their university making disparaging comments about someone's race or ethnicity (71%), sexual orientation (69%), gender identity (67%), disability (85%) or religion (71%), about one in four say they have frequently or occasionally heard such comments.

- ▶ Most respondents — at least seven in 10 among each group surveyed — believe their institution's leadership values racial and ethnic diversity.¹² Overall, eight in 10 faculty and staff members (78% and 83%, respectively) say leadership values racial and ethnic diversity; about one in 10 of both groups says they don't know.
- ▶ Majorities of respondents say their campus is at least somewhat diverse in terms of students', faculty's and staff members' race and ethnicity, family income, political viewpoint and religious identification.
- ▶ More than half of faculty (52%) and staff members (56%) agree or strongly agree that their campus values diverse opinions and ideas. About one in four of each group is neutral and fewer than two in 10 disagree or strongly disagree.

11 One in four college students nationally say they have felt uncomfortable on campus because of something someone said in reference to race, ethnicity or religion. Gallup/Knight Foundation 2017 Survey of College Students. https://kf-site-production.s3.amazonaws.com/publications/pdfs/000/000/248/original/Knight_Foundation_Free_Expression_on_Campus_2017.pdf

12 A national phone study of college students shows most college students think their president or chancellor values racial and ethnic diversity. Knight Foundation/Newseum Institute/Gallup Survey of College Students, 2016. https://kf-site-production.s3.amazonaws.com/publications/pdfs/000/000/184/original/FreeSpeech_campus.pdf

DISPARAGING COMMENTS

- ▶ About seven in 10 students and alumni say they never or rarely hear/heard someone making disparaging comments about someone's race or ethnicity, gender identity, sexual orientation or religion; about one in four says they frequently or occasionally hear/heard disparaging comments about each of these groups. About one in 10 says they frequently or occasionally hear offensive comments about someone's disability.
- ▶ At least seven in 10 faculty and staff members say they rarely or never hear students making disparaging comments about someone's race or ethnicity, sexual orientation, gender identity or religion; though, more than one in 10 says they frequently or occasionally hear such comments from students. Fewer have heard disparaging comments from students about someone's disability. More staff members than faculty say they don't know how often they hear disparaging comments from students, perhaps because some staff members interact less often with students. Fewer faculty and staff members (6% overall) say they hear disparaging comments about someone's disability.
- ▶ About eight in 10 faculty and staff members say they rarely or never hear faculty or staff members make disparaging comments about someone's race or ethnicity, sexual orientation, gender identity, disability or religion. About one in 10 or less says they frequently or occasionally hear such comments from either faculty or staff members. About two-thirds (65%) of faculty never or rarely hear disparaging comments from faculty about someone's area of scholarship. A little more than one in 10 of faculty don't know how often they hear such comments from staff members about these groups, and similarly, at least 15% of staff members don't know how often they hear such comments from faculty.
- ▶ Six in 10 students (64%) and seven in 10 (73%) alumni say they have never felt uncomfortable on campus because of something someone said in reference to race, ethnicity, gender or religion, whether or not it was directed at them; 36% of students say they have felt uncomfortable in such instances.

WELCOMING PLACE

- ▶ Students, faculty, staff and alumni are more likely than not to say their campus is/was a good place for nine minority student groups identified. Seven in 10 students (70%) and staff members (72%) say their campus is a good place for students who are members of racial and ethnic minorities; about six in 10 faculty (64%) and alumni (65%) say it is/was a good place for these students. No more than 12% of each respondent group say their campus is not a good place for each of nine student subgroups identified.¹³ Notably, high proportions of each respondent group say they don't know whether their campus is a good place for many of the groups studied. For example, at least two in 10 of each group surveyed say they don't know if their campus is a good place or not for students who are members of racial and ethnic minorities.
 - About six in 10 (59%) black students and 71% of white students say their campus is a good place for students who are members of racial and ethnic minorities; 23% of black students say it is not a good place compared with 6% of white students who say this. A little more than seven in 10 Asian and Hispanic students, respectively, say their campus is a good place for students who are members of racial and ethnic minorities.¹⁴
 - About six in 10 of each group surveyed say their institution is a good place for lesbian, gay or bisexual students. About three in 10 or more of students (29%), faculty (35%), staff members (31%) and alumni (36%) say they don't know whether their institution is a good place for these students. While 70% of lesbian, gay or bisexual students say their campus is a good place for lesbian, gay or bisexual students, 18% say it is not a good place; 13% of lesbian, gay or bisexual college students nationally say their school is not a good place for this group.¹⁵
 - Faculty and staff members are much more likely to say their campus is a good place than they are to say it is not a good place for seven minority groups studied.¹⁶ Two-thirds of faculty and 76% of staff members say their campus is a good place for colleagues of racial or ethnic minorities; 12% of faculty and 6% of staff members say it is not a good place for colleagues who are members of racial or ethnic minorities. Again, about two in 10 faculty and staff members say they don't know.

PERCEPTIONS OF DIVERSITY

- ▶ Majorities of students, faculty, staff members and alumni say their campus is somewhat or highly diverse in terms of students' political viewpoint, race or ethnicity, religious identification, and family income or social class.
- ▶ Majorities of faculty and staff members say their campus is somewhat or highly diverse in terms of faculty and staff members' political viewpoint, race or ethnicity, religious identification, and family income or social class.

¹³ Students and alumni indicated whether their institution is a good place or not for students who are members of racial and ethnic minorities; lesbian, gay or bisexual students; transgender students; students who are members of religious minorities; military service members and veterans; students with disabilities; undocumented students who came to the U.S. as youth and have been covered under the Deferred Action for Childhood Arrivals (DACA) program; international students; and female students.

¹⁴ A study of U.S. college students shows black students are more inclined to say their campus is not a good place for racial and ethnic minorities compared with white students. Strada-Gallup College Student Survey, 2017.

¹⁵ Ibid.

¹⁶ Faculty and staff indicated whether their institution is a good place or not for faculty and staff members who are members of racial and ethnic minorities; lesbian, gay or bisexual faculty and staff members; transgender faculty and staff members; faculty and staff members who are members of religious minorities; military service members and veterans; faculty and staff members with disabilities; and female faculty and staff members.

FREE SPEECH IN HIGHER EDUCATION

There has been a good deal of attention focused on issues concerning free speech at colleges and universities nationally. An array of items were included in the study that assessed opinions on issues concerning free speech in higher education, generally.

Most students, faculty, staff, and alumni think that using violence to stop a speech is never acceptable and majorities think denying news media coverage of a protest or rally on campus is never acceptable. However, there is less consensus about other aspects of free speech on campus.

Results largely align across the survey groups, and student results are similar in many aspects with those of national studies of U.S. college students.¹⁷ For some issues presented, there are clear majority opinions; however, some scenarios elicit divergent perspectives, suggesting that further investigation and conversation regarding these complex topics is warranted.

- ▶ A little more than half of all respondents — students, faculty, staff members and alumni — say that colleges and universities should allow all types of speech, including speech that is offensive or biased against certain groups of people. Four in 10 or fewer among all respondent groups say that institutions should prohibit offensive or biased speech or expression of viewpoints.
- ▶ Students, faculty and alumni are about as likely to oppose as they are to favor canceling planned speeches because of concerns about the possibility of violent protests. Staff members are somewhat more likely to favor canceling them for this reason. At least 15% among each group surveyed say they don't know. A majority of all respondents favor establishing free speech zones on campus, in which distribution of literature is permitted; about two in 10 oppose such designated areas. Most respondents oppose disinviting speakers because some students oppose the invitation; likewise, most respondents favor providing safe spaces — areas on campus that students can go for support if they feel upset or threatened by things they see, hear or experience.
- ▶ Half or more of respondents say it is never acceptable to shout down speakers or prevent them from speaking. Nearly all respondents oppose violence as a means to stop a speech, protest or rally. Most faculty, staff members and alumni (82%, 73% and 70%, respectively) think it's never acceptable for college students to deny news media access to cover a protest or rally on campus, though fewer students (62%) say it's never acceptable to deny media access.
- ▶ Most respondents say it is always acceptable to engage in peaceful counter-protests. However, respondents are split on whether it is acceptable to engage in sit-ins or other attempts to disrupt operations in campus buildings.

¹⁷ Results are similar to those of a survey of U.S. college students in which most students oppose using violence to stop a speech and oppose denying media access to cover protests or rallies. Gallup/Knight Foundation 2017 Survey of College Students https://news.gallup.com/poll/229085/college-students-say-campus-climate-deters-speech.aspx?g_source=link_NEWSV9&g_medium=TOPIC&g_campaign=item_&g_content=More%2520U.S.%2520College%2520Students%2520Say%2520Campus%2520Climate%2520Deters%2520Speech

Looking Ahead

The University of Nebraska climate study can support conversations about ongoing efforts to build a healthy, vibrant institutional climate. The study's results inform many of the critical issues that higher education institutions across the U.S. are carefully considering. And while results of the study reflect that the University of Nebraska is a good place for diverse people and ideas to flourish, they also reveal there is work to be done to ensure a welcoming and respectful environment for all. Results suggest opportunity for the University of Nebraska to boost transparent communication, capitalize on willingness to engage in meaningful dialogue, foster relationship-building with those with different perspectives and champion free expression while honoring others.

Issues surrounding free speech and climate in higher education are broad and complex, and navigating them requires a host of contributing voices and patient — but urgent — planning. To make progress in optimizing the experiences of all students, staff, faculty and alumni at the University of Nebraska, it is necessary to broach the issues with humility, courage and intentionality. This study serves as one step in the quest to support a culture of asking and listening.

Methodology

This report includes results from a quantitative research study that Gallup conducted on behalf of the University of Nebraska. The objective of the study was to learn about the opinions and perceptions of students, faculty, staff and alumni about a broad range of issues related to free speech and climate. Gallup developed the surveys with input from a system-wide project team of faculty and staff members.

Data are from web-based surveys conducted with students, faculty and staff members from April 12-29, 2018, and alumni from May 14-29, 2018. To attempt a census of each population, Gallup sent email invitations to 47,951 currently enrolled students, 15,233 faculty and staff members and 42,631 recent alumni (within the last five years) provided by the University of Nebraska. Gallup also sent a series of email reminders throughout the data collection period to increase participation.

PARTICIPATION RATES BY RESPONDENT GROUP

	Students	Faculty	Staff	Alumni
SAMPLE SIZE	4,403	1,801	3,616	2,815
PARTICIPATION RATE	9%	32%	38%	7%

Gallup analyzed the student, faculty and staff samples for nonresponse, comparing the final sample distribution to statistics provided by the University of Nebraska for each of the key populations. The sample approximated students’ race and ethnicity. Women and graduate-level students participated at a slightly higher rate, which is consistent with survey trends nationally. Gallup weighted the student sample to account for differential response rates among subgroups of the population and to ensure the final sample more closely approximated the currently enrolled student population. The faculty and staff sample approximated the university system gender distribution. Gallup did not weight the alumni and faculty samples. Similarly, alumni survey data were not weighted, as Gallup’s review suggested weighting was not required.

In some cases, reported frequencies may not add up to 100% due to rounding. “Don’t know” and “Choose not to answer” responses are included in the results.

RESPONDENT PROFILE

	Race			
	Students	Faculty	Staff	Alumni
WHITE	82%	86%	91%	87%
BLACK	3%	3%	3%	3%
ASIAN	8%	7%	3%	4%
HISPANIC	7%	3%	3%	5%
OTHER	0%	1%	1%	1%

Which of the following do you currently describe yourself as?

	Students	Faculty	Staff	Alumni
MALE	46%	49%	37%	45%
FEMALE	51%	46%	58%	53%
TRANSGENDER	0%	0%	0%	0%
NON-BINARY OR GENDER QUEER	1%	0%	0%	1%
PREFER NOT TO ANSWER	2%	5%	5%	2%

Which of the following do you consider yourself to be? You can select more than one.

	Students	Faculty	Staff	Alumni
STRAIGHT OR HETEROSEXUAL	87%	89%	89%	89%
LESBIAN	1%	2%	1%	1%
GAY	3%	2%	1%	3%
BISEXUAL	7%	2%	2%	5%
QUEER	2%	1%	1%	2%
SAME-GENDER LOVING	1%	1%	0%	1%
PREFER NOT TO ANSWER	3%	7%	7%	3%

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▶▶▶ **APPENDIX B**

UNK Diversity and Inclusion Climate Survey Results



**Diversity
& Inclusion**

UNIVERSITY OF NEBRASKA AT KEARNEY

DIVERSITY & INCLUSION
ASSESSMENT

June 2018



THE KALEIDOSCOPE GROUP

Real People • Real Conversations • Real Issues • Real Change

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EXECUTIVE SUMMARY

During UNK's recent strategic planning process, the university reaffirmed its commitment to fostering a climate of mutual respect and an inclusive environment that explicitly values the diversity of individuals, cultures, thought, and expression. With financial support from President Bounds, UNK engaged The Kaleidoscope Group to conduct a comprehensive campus review focusing on diversity and inclusion. Findings will guide recommendations to the Chancellor on key diversity and inclusion strengths to leverage, gaps to address, and means of enhancing UNK efforts moving forward.

Assessment Objectives

The primary purpose of the assessment was to understand the progress UNK has made to date, measure where diversity and inclusion currently stands and make recommendations for any areas of improvement. Data from multiple sources were collected and used as the basis of findings and recommendations. These include:

- Administration of the Diversity and Inclusion Climate survey to the entire UNK community, including all students, faculty, staff, and administrators.
- Focus groups with a diverse selection of all university affiliation groups (students, faculty, staff, administrators) and members of the Kearney and Buffalo County communities.
- Interviews with various university leaders, administrators, faculty, and staff to gain an understanding of their perceptions of current diversity and inclusion efforts.
- Assessment of UNK policies, procedures, activities, and previous research results relating to diversity and inclusion.

Main Findings

The overarching finding is that UNK has made significant progress to encourage diversity and inclusion among university stakeholders, including a boost in diverse student and faculty representation, federal compliance with Affirmative Action Plans, and establishing a campus culture where for the most part everyone feels welcome and different perspectives are respected.

That said, the university has not achieved optimal success as some barriers to inclusion persist, which in turn impacts the ability to draw and retain diversity in representation. Progress appears slow in part because diversity and inclusion efforts have occurred in isolation from one another. In effect, UNK has taken proactive and meaningful steps toward a diverse and inclusive campus, but these are for the most part managed in silos which has in turn limited reach and impact.



Diverse Representation

Advancements in representation at UNK have been made over the past decade. However, the overall increase in diverse representation has not been sufficient to bridge the race and ethnicity gap and bring UNK in line with Nebraska or the broader US population. Approximately 17 percent of the Nebraska population is comprised of racial and ethnically diverse people. However, just 12 percent of the total UNK student body is comprised of non-White students.

A significant gap exists among African Americans, who comprise 4.6 percent of Nebraska's total population and 13 percent of the total US population, but only 2.1 percent of the 2017 UNK enrollment. Hispanics have stronger representation, comprising 9 percent of 2017 UNK enrollment, 10 percent of Nebraska and 17 percent of the US population. However, given the significant increase in the Hispanic population within historically strong counties for UNK recruitment, additional opportunity exists to boost Hispanic enrollment.

The multicultural segment of faculty, staff, and administrators at UNK also demonstrates some significant gaps. According to the 2017 UNK Diversity and Inclusion Climate Survey, just 2.7 percent of faculty, 2.5 percent of staff, and 7.7 percent of administration identified as African American. Hispanic representation was at similar levels: 3.7 percent of faculty, 3.2 percent of staff, and no administrators. Numbers in some race and ethnic categories are so small, a loss or gain of one individual produces wide variations in multi-year comparisons.

Student Experience

Recruitment and Enrollment

The 7.7 percent decrease in enrollment between the Fall of 2012 and 2017 was driven primarily by drops in Male and White students. The university may be able to offset reduced enrollments by increasing active outreach targeting a more diverse group of student prospects. Current strategic enrollment goals do include some directly tied to diversity, but the potential reach of diversity and inclusion on enrollment goes beyond race and ethnicity. If students of different perspectives and backgrounds do not perceive UNK as a respectful and inclusive community other enrollment goals, such as nonresident domestic and top quartile resident student recruitment, may be negatively impacted.

The 2016 UNK strategic plan includes strategies to increase recruitment of a quality, diverse student body through holistic enrollment management. Though UNK has developed a comprehensive enrollment management plan, there does not appear to be an integrated recruitment plan for UNK. Rather, recruitment strategy and initiatives with a diversity focus appear primarily driven by the Office of Multicultural Affairs (OMA), with the Office of International Education (OIE) focused on international students, while broader UNK recruitment is managed by the Office of Recruitment and Admissions.

Website and admissions materials rely heavily on Hispanics and international students to demonstrate diverse representation. There are very few African Americans included, and other dimensions, such as disability or non-gender conforming individuals, are completely absent.



Retention

Retention rates at UNK among Caucasian Non-Hispanics, Hispanics, and first-generation students are comparable and relatively strong. However, African American student persistence rates are considerably lower, with just one-third continuing after their second year at UNK (2014-15 STARS).

A variety of student retention efforts exist, although those targeting diverse and/or at risk students appear limited in scope and resources.

Faculty and Staff Perspective

Recruitment and Hiring

UNK has formal recruitment policies and hiring guidelines in place that clearly support equity. However, there are limited strategies and efforts in place to actively improve diversity among faculty and staff.

Evaluation, Promotion, and Tenure

The staff performance evaluation includes a “Cultural Diversity and Sensitivity” factor, but how consistently staff or supervisors understand it, and how it is being used in the evaluation, is not clear. Additionally, the university has also adopted a rather robust process for annual review of faculty performance. However, it has not been updated since 2008 and does not contain any statements or measures specific to supporting an inclusive environment of mutual respect in and out of the classroom.

The process for promotion is clearly outlined in the UNK Faculty Handbook in terms of the procedures and timeline for completion of noted and required steps. The criteria are clear, however, there are insufficient measures included to ensure a fully objective and unbiased assessment for tenure and promotion. Teaching is understood to be the most critical factor in a faculty member’s application, but little guidance is given in terms of quantifiable thresholds. Additionally, there are currently no criteria related to supporting diversity and inclusion (e.g. planning course content, facilitating classroom discussion, service supporting diverse populations and perspectives) included in the process for promotion.

Inclusive Environment

Overall Campus Climate

Overall, the University of Nebraska at Kearney is viewed by its community and stakeholders as a comfortable welcoming environment. There are, however, some areas for improvement as some groups are perceived to be treated with more disrespect, specifically: non-native English speakers, people from other nations, members of the LGBTQQ community, Muslim, Jewish, and other members of racial or ethnic minority groups.

Perceptions of Exclusionary Bias and Discrimination

Relatively low levels of bias and discrimination exist at UNK overall. However, some groups experience these at higher rates than others. This was reported from two different perspectives: the observation of how others are treated and personal experience.

The most common perception of bias across all survey respondents is racism, followed by homophobia. There are differences in bias perceptions based on university affiliation group. Across all categories of bias, faculty reported the highest perceptions of bias, particularly related to sexism and homophobia. Additionally, some diverse groups feel the effects of discrimination more, with women, Hispanics, African Americans, and certain religious affiliations reporting higher incidence.

Students experienced or observed nearly half of all exclusionary conduct incidents reported in the survey. The most common forms of exclusionary behavior included derogatory verbal comments or remarks, someone being deliberately excluded, ignored, or left out, and bullying or harassment. The most frequently reported places for exclusionary conduct are classrooms and campus facilities or events.

Curricular Diversity and Classroom Environment

While most participants agree that overall representation of diverse groups in course materials is adequate, some believe there are gaps in course material representing LGBTQQ perspectives.

For the most part students feel valued for their contributions in classroom discussions. However, tensions related to race, ethnicity, gender, and sexual orientation were consistently reported. Another common perception is that non-native English speakers and international students may experience more exclusionary behavior in the classroom, perpetuated by some faculty members. This does not happen in all classes but was reported with enough frequency (in focus groups, interviews, and the survey) that it merits mention.

Recommendations

The primary recommendations are to integrate diversity and inclusion into institutional planning and engage in elevating the cultural competency of the entire university community. These steps will increase the role diversity and inclusion plays in UNK's long-term success, by transforming a series of initiatives led by separate teams into the collective realization of UNK vision and strategy. Ultimately, diversity and inclusion can be leveraged as mechanisms to support long-term institutional growth and sustainability.

Detailed recommendations are provided below and include strategies and tactics to guide decisions that enhance UNK's diversity and inclusion efforts moving forward. These are structured around five core themes:



1. Diversify Students, Faculty, and Staff
2. Provide Ongoing Support for Diverse Populations
3. Elevate and Encourage Efforts in Diversity and Inclusion
4. Assure Sustainable Efforts in Diversity and Inclusion
5. Enhance Campus-Wide Cultural Competence

Diversify Students, Faculty, and Staff

UNK has made great strides in diverse representation over the past ten to fifteen years. However, gaps persist and among some populations remain quite broad. Further action is needed to advance diversity – among students, faculty, staff, and administration – to bring representation in line with the broader UNK mission and vision.

Key recommendations include the following:

- Develop an integrated UNK recruitment plan and team to assure consistent outreach and admissions strategies that attract and support a highly diverse group of students.
- Consider the impact diversity and inclusion has on enrollment goals, beyond racial and ethnic representation. Other dimensions (e.g. sexual identity and orientation, religion) can impact the ability to achieve nonresident domestic and top quartile resident enrollment goals, should prospective students believe they would not fit in at UNK or have concerns about being treated with respect.
- Consider bias and cultural competency training specific to recruitment and hiring for members who work with student recruitment and admissions, along with recruitment and hiring managers for faculty and staff.
- Website and marketing materials need to be inclusive of areas beyond Hispanic and international students (e.g. disabilities and non-gender conformity) to acknowledge the depth of diversity dimensions recognized by UNK and deliver a consistent message of mutual respect and inclusion.
- Consider readdressing faculty and staff placement goals and hiring guidelines. Current AAPs includes some placement goals but are limited, and enhancements to the hiring guidelines could boost access and ultimately increase diversity among faculty and staff at a faster pace.

Provide Ongoing Support for Diverse Populations

Some diverse groups currently face challenges at UNK, particularly the disrespectful treatment of non-native English speakers, people from other countries, the LGBTQQ community, and women. Additionally, Hispanics felt unwelcome at UNK at higher rates than other demographic groups, African American student attrition is extremely high. Immediate support is needed for



these groups to protect retention, reinforce UNK's commitment to equity and diversity, and send a consistent message to the broader UNK community that this type of behavior is unacceptable. Key recommendations include the following:

- Review organizational resourcing pertaining to the recruitment and retention of historically underrepresented groups. For example:
 - Leverage resources to implement strategies in UNK's Strategic Plan that focus on at risk populations, such as African American students.
 - OMA has yielded positive results but is lacking in staff and funding resources needed to support a broad range of needs across diversity dimensions.
 - Assess Student Support Services to better understand program impact on historically underrepresented student groups, then determine ways to increase reach and success, such as through collaboration with other departments.
- Consider further investigation of low African American student persistence. Elevated perceptions of discrimination and discomfort were expressed in the survey and focus groups. However, low base sizes prohibit the ability to determine key drivers or draw conclusions from this assessment.
- Assess the promotion, application, and selection process of visible and other key programs such as the Chancellor's Ambassadors, NSE (New Student Enrollment) leaders, and LPAC (Loper Programming and Activities Council), to ensure access and encourage participation from a diverse group of qualified UNK students.
- Encourage collaboration between Women's, Gender & Ethnic studies and other departments to support adding a required diversity course as part of the general studies requirement.
- Expand support for diverse groups through initiatives that foster understanding and mutual respect, such as cultural immersion experiences, conversations tables, friendship programs, and informal mentoring.
- Improve the current process regarding discrimination and harassment complaints and concerns. Consistent and timely communication about the issue and its resolution are critical to demonstrating commitment and avoiding the potentially lasting effects of communication challenges, as UNK has experienced in the past.
- Create conflict resolution processes for students, faculty, and staff based on principles of restorative justice, which focuses on repairing harm and creating opportunities to return victims and perpetrators of injustices to a place of resolution and equity.

Elevate and Encourage Efforts in Diversity and Inclusion

Expand and enhance policies, practices, and procedures to foster diversity and inclusion. Incentivize and reward achievements that further UNK goals to develop a highly diverse and



inclusive learning environment and community. Address diversity and inclusion needs across the broader Kearney community through mutually beneficial collaboration.

Key recommendations include the following:

- Add a measure to course evaluations that addresses respect for inclusion in the classroom experience.
- Incorporate diversity and inclusion into UNK's standards of professional conduct for faculty. Clarifying obligations to support inclusion (e.g. planning course content, facilitating classroom discussion) will enhance efforts and ensure accountability.
- Revisit staff performance evaluations to ensure the Cultural Diversity and Sensitivity measure is clearly communicated to staff and provide supervisor training to ensure consistent measurement.
- Identify ways to include and measure inclusive behaviors as part of annual faculty performance review.
- Consider revising faculty tenure and promotion criteria to include measures that can positively impact diversity and inclusion. Examples include:
 - Add a measure regarding inclusive classroom experience to student evaluations and include in the tenure guidelines with defined thresholds.
 - Include training and service related to diversity and inclusion as relevant achievements to support Scholarship and Service criteria.
- Incentivize and reward achievements of faculty and staff that align with the goal of a diverse and inclusive learning environment and community.
- Develop an advisory group of UNK and Kearney community members to identify diversity and inclusion needs, growth opportunities, and develop strategies to address these in the broader Kearney community.

Assure Sustainable Efforts in Diversity and Inclusion

How diversity and inclusion can support the university's success has not been clearly articulated to date, and efforts remain disjointed. Developing an integrated institutional approach to diversity and inclusion will ensure long-term, sustainable advancement.

Key recommendations include the following:

- Establish a vision of success for diversity and inclusion. This would send a strong message to the campus and community, and lay the groundwork for sustainable efforts through the following:



- Engage senior administrators and key diversity stakeholders in collaboration to better define what diversity and inclusion means for the success of UNK and, importantly, how it supports UNK's broader strategic plan.
- Gain alignment on common definitions of diversity for the NU system identified in the work completed by the DOC.
- Assign accountability measures to diversity and inclusion in the UNK strategic plan. It is commendable that diversity and inclusion is embedded in UNK's current strategic plan. Assigning accountability is the next step in this process, to assure these elements are more likely to be achieved.
- Create a new position of Diversity Officer for the campus that is separate from compliance monitoring to organize, facilitate, and manage the recommendations of OMA and EAD. The purpose of this new position is to oversee and manage long term diversity and inclusion sustainability for UNK.
- Regular assessment of UNK's diversity and inclusion climate is crucial to advancing efforts through accountability. Additionally, coordinating timing on climate updates with UNK strategic planning updates, will assure diversity and inclusion is embedded into the institution, as opposed to executed and measured in a vacuum.

Enhance Campus-wide Cultural Competence

Strengthen cultural competency skills across the campus population, enabling students, faculty, staff, and administrators alike to be more effective in their interactions, both in and out of the classroom, with perspectives and cultures other than their own.

Key recommendations include the following:

- Develop a series of town hall style meetings that elevate understanding and personalize the value of diversity and inclusion—to move the dialogue beyond viewing it just as an operational matter or as a “directive from Administration.”
- Take university leaders and key administrators through a Diversity and Inclusion Commitment Journey, aligning on the strategic direction of diversity and inclusion at UNK, elevating awareness and providing implementation support for committed behaviors and actions from UNK leadership.
- Create a Diversity and Inclusion Learning Roadmap to identify key developmental objectives for the institution and across specific departments and/or roles. Objectives are broken down into clear steps and, as such, support long-term planning and goal achievement. Examples include:
 - Diversity and Inclusion Awareness and Managing Bias training tailored for student recruitment and admissions and staff/faculty hiring managers.
 - Communication skills building workshops for selected faculty, staff, and student groups (e.g. Leadership UNK).



In Closing

The Kaleidoscope Group recognizes and applauds the meaningful work the University of Nebraska at Kearney has done in recent years to improve diversity and inclusion on campus, as well as strengthening ties with the greater Kearney community. While there are opportunities for change and improvement, UNK has made progress and demonstrated dedication to continuing to reinforce equal access, respect, and inclusion of all people.

We wish UNK great success as the university moves toward establishing new goals and further strengthens its position as an institution of choice for students, faculty, and staff.



INTRODUCTION

The Higher Learning Commission (HLC) is the regional accrediting body for 19 states and includes the University of Nebraska System. Currently, approximately 1,000 institutions are affiliated with the HLC. The HLC has five criteria for maintaining accreditation. Criterion 1 focuses on an institution's mission and states that "The institution's mission is clear and articulated publicly; it guides the institution's operations" (Higher Learning Commission, 2013). Within Criterion 1 are several core components including core component 1C, which states:

The institution understands the relationship between its mission and the diversity of society; The institution addresses its role in a multicultural society; and the institution's processes and activities reflect attention to human diversity as appropriate within its mission and for the constituencies it serves. (Higher Learning Commission, 2013)

To address the strategic diversity goals established by the Higher Learning Commission and University of Nebraska system, the University of Nebraska at Kearney (UNK) has established the Equity, Access and Diversity (EAD) Advisory to assist the Chancellor in further nurturing a diverse institution, together with fostering an atmosphere of inclusion for faculty, staff, students, and visitors. The EAD serves in an advisory capacity to the Chancellor, offering guidance on issues including comprehensive equity, access, diversity, initiatives, policy, and compliance (e.g. AA/EQ/ADA, Title IX, and embracing diversity).

Advisory activity includes regular meetings; annual reporting; advancement of campus awareness and engagement; and contributions to strategic planning, initiatives, and assessment. The EAD also fulfills the function of UNK's Affirmative Action Commission, whose members form a cadre of qualified members who can serve on hearing panels as required.

During UNK's recent strategic planning process, UNK reaffirmed its commitment to fostering a climate of mutual respect and an inclusive environment that explicitly values diversity of individuals, cultures, thought, and expression. Senior administrators and the EAD felt that the Fall 2017 semester was the right time to take measure of both progress to date and the current campus climate. Results will be used to identify means of enhancing UNK's efforts moving forward.

With financial support from President Bounds, UNK engaged The Kaleidoscope Group to conduct a comprehensive campus review focusing on diversity and inclusion. The review included a campus-wide electronic survey (UNK Diversity & Inclusion Campus Climate Survey), secondary documents, and a series of focus groups with students, faculty, staff, administrators, and community representatives invited to participate. Detailed information is provided in this report about methods, findings, and recommendations.



PROJECT OVERVIEW

Purpose

The primary purpose of the assessment is to understand the progress UNK has made to date, to assess where diversity and inclusion currently stands at UNK and to make recommendations for any areas of improvement. Research findings will be used to guide recommendations to the chancellor on key diversity & inclusion strengths to leverage, gaps to address, and means of enhancing UNK efforts moving forward.

Assessment Objectives

This assessment was guided by a set of objectives to assess:

- How well UNK is promoting diversity and equity;
- Practices and/or attitudes that promote or impede inclusive work and learning environments;
- Areas in need of improvement to support an inclusive work and learning environment;
- Examine whether UNK is currently well-positioned and/or sufficiently organized to take advantage of opportunities of excellence, and;
- Identify strategies that best respond to areas in need of improvement.

Methods

Three research methods were used for this study:

1. a survey distributed to campus community members,
2. focus groups and interviews, and
3. secondary document analysis.

This combination enabled the consulting team to extract data reflecting multiple perspectives and points in time, and to provide directional comparisons over time. All participant responses were kept confidential. Each method is described in detail below.

Survey

The Kaleidoscope Group and the UNK EAD Advisory collaborated closely on The UNK Diversity and Inclusion Campus Climate Survey. On November 6, 2017, 5,686 electronic surveys were delivered to students, faculty, staff, and administrators of the UNK campus. Everyone on



campus received the survey so that all would feel included in the research process. Non-respondents received four reminder e-mails from November 13, 2017 to November 27, 2017 to increase response rates.

Survey data collection closed with a dataset of 907 total useable survey responses. However, not every participant responded to every question block or question, as filters were developed to determine the questions most applicable to each participant. Most questions were analyzed using a dataset of approximately 735 responses. Based on the response received, results can be generalized to the larger UNK population.

The survey was comprised of 44 questions. Certain questions were only visible depending on whether participants were students, faculty, staff, or administrators.

The data collected were largely based on Likert-type responses that used a 5-point scale. For open-ended questions, the data obtained were summarized to preserve the privacy of participants. Likert scale responses included the designations/ranks of Strongly Disagree, Somewhat Disagree, Neither Agree nor Disagree, Somewhat Agree, and Strongly Agree. It is important to note that Likert-type data are technically categorical, but because a scaled response is used, those data can be interpreted as interval or ratio-level data. However, this approach has some limitations in that it is not possible to measure the distance or numeric value between the scale values, and as such, they are always an approximation that is subjective to the respondent. For surveys such as this (that is, climate and inclusiveness studies), a 5-point Likert scale is standard in the industry.

Data analysis followed three primary stages. First, all survey data were examined for consistency to remove outliers (if necessary) and to test for normalcy of distribution using mean and standard deviation. Data were not normally distributed, which is expected in a survey of this nature. Then, summary responses (from all respondents) for each question were examined in table form, though not all tables were included in this report. Third, cross-tabulations for each question by specific groups of respondents were developed. These cross-tabulations include role in the institution (that is, students, faculty, staff, or administrators) for each question. Then, cross-tabulations by certain demographics—including race and ethnicity, gender, orientation, political affiliation, religion, military service status, and disability—were conducted for most questions and question blocks, except for questions related to experiences or observances of specific types of exclusionary behavior where summations of data were used. The last cross-tabulation for each question examined demographic groups by role (student, faculty, staff, and administrators) with detailed attention to race/ethnicity, gender, orientation, political affiliation, religion, military status, and disability status. Statistical association for each cross-tabulation was evaluated through the chi-square test of association.



Focus Groups

Eight focus groups were convened on November 8 and 9, 2017. Each focus group was 90 minutes long and consisted of 10-12 participants each. In total, 93 participants comprised the following groups:

- Students (two groups)
- Faculty (two groups)
- Staff (two groups)
- Administrators (one group)
- Community Representatives (one group)

The EAD Advisory recommended that participants participate from each homogenous group. Each focus group was led by a facilitator using the same discussion guide (see Appendix D), which was developed by the Kaleidoscope Group and approved by the EAD Advisory. The facilitator took notes and compiled them for later analysis. Discussions were rich in content, and all responses were kept confidential.

In addition to focus groups, meetings were held with the Chancellor's Cabinet, members of the EAD, and Human Resources representatives. These meetings took place on November 8, 2017. These meetings were designed to get clarification on campus systems, policies, and practices.

Analysis of focus group discussion data began with cleaning up notes and grouping responses for each question based on the homogenous groups. Even though responses were grouped, specific responses for each focus group were preserved to identify nuances. The consultant did an initial identification of common themes, and two raters identified common themes to ensure triangulation. Triangulation improved the trustworthiness of the themes that emerge and reduced researcher bias. Common themes are detailed in the findings section. A second layer of analysis occurred to identify noteworthy comparisons and contrasts between each set of homogenous groups (faculty, staff, students, administrators, and community).

Secondary Documents

The Kaleidoscope Group requested an extensive list of documents to gain deeper understanding of policies, procedures, and activities relating to diversity and inclusion at University of Nebraska at Kearney. Additionally, past research results were provided to provide directional understanding of past work and progress that may have been achieved regarding diversity and inclusion. If used in the construction of this report, secondary data sources are listed in the bibliography.

Document analyses were used as support materials in the presentation of key themes and findings, and in considering public and institutional demographic data. They were also used in



reviewing research regarding best practices, in considering progress made over time, and in generating observations and recommendations.

Included in secondary data received was specific curriculum information for courses related to diversity and inclusion from two undergraduate minors: Women's and Gender Studies and Ethnic Studies. These two programs offer a multidisciplinary approach to teaching students about diversity and inclusion. The Women's Gender and Ethnic Studies Major has courses that overlap between the two minors, so looking at the two minors separately captured the major components. Looking at the two minors also allowed for specific nuances of each minor to be addressed. Course descriptions and selected syllabi that address various dimensions of diversity were read to identify gaps based on current trends in diversity and inclusion and consultant higher education expertise. Curriculum recommendations are identified and discussed in the Classroom Environment and Curriculum Section.



CAMPUS CLIMATE AND INCLUSIVENESS IN PERSPECTIVE

In the last few decades, campus climate has become a relevant research topic as colleges and universities have become interested in how the social environment influences students, faculty, and staff. There has been limited consensus on how exactly to define campus climate, but the research, in general, has focused on how diversity and multiculturalism are accepted within campuses (Hart & Fellabaum, 2008). “Campus climate” refers to the ways in which different groups interact on campus and the degree to which members of a university community feel accepted by peers and faculty.

Research regarding campus climate is important, as it reveals several factors related to university education and student life that could be used to help facilitate more open access to education. For example, a recent study examined how non-white students feel at predominantly white universities. The results identified over 70 interpersonal racial micro-aggressions toward non-whites. The students in the study reported racial slurs, especially racialization of space via writing on the walls of residence halls. In addition to these perceptions of segregated residence hall spaces, participants perceived that the residence halls that housed higher numbers of ethnic minorities were inferior in quality of housing. Some raised concerns about security regulations as well. Most importantly, participants reported that their negative feelings of exclusion were further worsened when staff members appeared to minimize the importance of racism. This shows not only that universities need to implement diversity programs to help students develop more inclusive behaviors, but also that administrators and staff also play an important role in reducing instances of exclusionary behavior (Harwood, Hunt, Mendenhall, & Lewis, 2012).

Another example of campus climate study research revealed that issues of sexual orientation and gender raised opportunities for students and faculty to feel excluded. This study, concentrated on two-year community colleges, suggested that there is a strong relationship between campus climate and classroom climate for LGBTQ students. In other words, inclusion of LGBTQ students in class—both by encouraging interaction with the faculty and fellow students, and by incorporating topics that are important for the LGBTQ community into the curriculum—is what enhances these students’ feeling of belonging. The study also revealed that classroom inclusion was limited, partly because of the attitudes of community college faculty members, who work mostly part-time and feel detached from the college itself (Garvey, Taylor, & Rankin, 2015).

Immigration has been a significant topic in recent years, but very few studies have examined how international college students experience campus climate issues. A recent study at the University of California Berkeley was completed to understand the connection between campus climate and a sense of belonging among international students. The results showed that campus climate, which included feeling that the students are respected regardless of their race or ethnicity, political or religious beliefs, or sexual orientation, correlates to a sense of belonging on campus for first- and second-generation international students. Interestingly, faculty and peer



interaction had positive effects on international students overall, but faculty interactions did not have much relation to second-generation international students' sense of belonging. The results show that a sophisticated approach is needed in order to develop a sense of belonging for international students and that developing a fully integrated campus climate is the most important step (Stebleton, Soria, Huesman, & Torres, 2014).

Not only is a climate of exclusion bad for those affected; studies show that diversity itself has positive effects on education. Gurin and her colleagues argued that racial and ethnic diversity have positive effects on educational outcomes, especially *learning outcomes* (active thinking, motivation, and intellectual engagement) and *democratic outcomes* (perspective-taking, citizenship engagement, and racial and cultural understanding) (Gurin, Dey, Hurtado & Gurin, 2002).

Students are not the only population affected by the campus climate. Research has shown that campus climate also affects university employees. A study that examined the position of 208 women in academia shows that those who reported negative experience in the workplace, like gender discrimination, sexism and sexual harassment, had poorer job outcomes. Those who reported a positive climate, in which they did not feel in any way discriminated against, described themselves as more productive (Settles, Cortina, Malley, & Stewart, 2006). A study by Sears (2002) reports similar results for LGBTQQ faculty members. Respondents could classify their institutions as affirming, tolerant, intolerant, or hostile toward sexual minorities. A more positive institutional climate was correlated with feelings of personal support and value.

In summary, campus climate studies have always identified the pulse of a campus at a moment in time. Colleges and universities use data from campus climate studies to shape university policy and ensure that the entire campus community feels valued and included. Climate studies will continue to be important tools for administrators who seek to understand the perceptions of students, faculty, staff, and community leaders.





PART I: DIVERSE REPRESENTATION

This section provides an overview of the progress made to date, current status, and recommendations for enhancements to the diverse representation of UNK students, faculty, staff, and administration. Key areas covered include:

- A brief overview of diversity in the state of Nebraska, the central region, and the Kearney community is provided as important context for current UNK enrollment trends, as approximately 87 percent of the current student population are Nebraska residents.
- Recruitment, admission, and retention of students is then examined and considered within the context of the current state, along with 2020 UNK enrollment goals.
- A review and assessment of practices and policies related to faculty and staff recruitment, hiring, promotion, and tenure is provided.

Changing Landscape of Nebraska

The demographic landscape of Nebraska continues to change, fueled by multiple factors such as industry, immigration, and social progress. One of those changes in recent years is the migration of rural residents to urban centers. Along with demographic change comes opportunity for changes in diversity throughout the Kearney area and Nebraska at large.

Some dimensions of diversity, such as gender or the LGBTQQ community, are shifting more in terms of roles, rights, and perceptions. Recent United States Census data suggests that other dimensions, such as race and ethnicity, are experiencing population shifts in Nebraska, driven strongly by immigration. In 1990, immigrants accounted for only 1.8 percent of the state's total population. By 2010, that share had climbed to 6 percent, and between 2010 and 2014, Nebraska's foreign-born population increased by an additional almost 11,000 people, growing by almost 10 percent. Today, Nebraska is home to more than 120,000 foreign-born individuals who make their living as anything from software developers to meatpacking workers.

A large percentage of immigrants are of Hispanic origin, so the size of the Hispanic population in Nebraska has more than doubled since the 2000 Census. This is particularly meaningful for UNK, given current enrollment patterns. Half of UNK's Fall 2017 Nebraska resident student enrollment came from six counties. These six counties happen to be home to 58 percent of the total Hispanic population in Nebraska, but only 40 percent of the total White, Non-Hispanic population (Source: US Census). Additionally, high school graduate figures presented in the 2013 North Central Association Higher Learning Commission (HLC) Self Study project a 145 percent increase in Hispanic high school graduates in Nebraska by 2018, while the pool of Caucasian Non-Hispanic high school graduates is expected to decline by approximately 15 percent during this same time period.

Due to the size and continued growth of the population in Nebraska, and UNK's historical enrollment patterns, Hispanics should be a critical component to UNK's strategic enrollment

goals. This is not to say Hispanics should be the sole focus of diversity recruitment and admissions efforts. There are certain gaps in representation at UNK, given population size to UNK student and faculty ratios, particularly among the African American population. Additionally, there are other affinity groups and diversity dimensions that may be considered well-represented at UNK but require additional support and resources to ensure an inclusive and welcoming environment is cultivated, to drive retention, and achieve the university's broader vision to 'preparation of students to lead responsible and productive lives in a democratic, multicultural society.'

The People of UNK

The people of the University of Nebraska at Kearney include representatives of diverse populations in terms of religion, race, ethnicity, gender, sexual orientation, disability, political ideology, and veteran status. By and large, everyone lives and learns together in an environment that is substantively free of conflict, cohesive, and productive. While there are exceptions, UNK has been largely successful in recruiting diverse populations to the University. Figures 1 through 8 provide detailed information about the people of UNK in terms of their university affiliation group (that is, students, faculty, staff, and administrators) across multiple dimensions of diversity.

The most common demographic characteristics of survey participants are heterosexual female, non-Hispanic White, Republican, Protestant Christian, does not have a disability, and is not currently enlisted in the military or a veteran. This profile is generally representative of the University and is an indicator that our survey sample, though not entirely random, is sufficiently representative of UNK that we are comfortable presenting conclusions based on the data acquired.

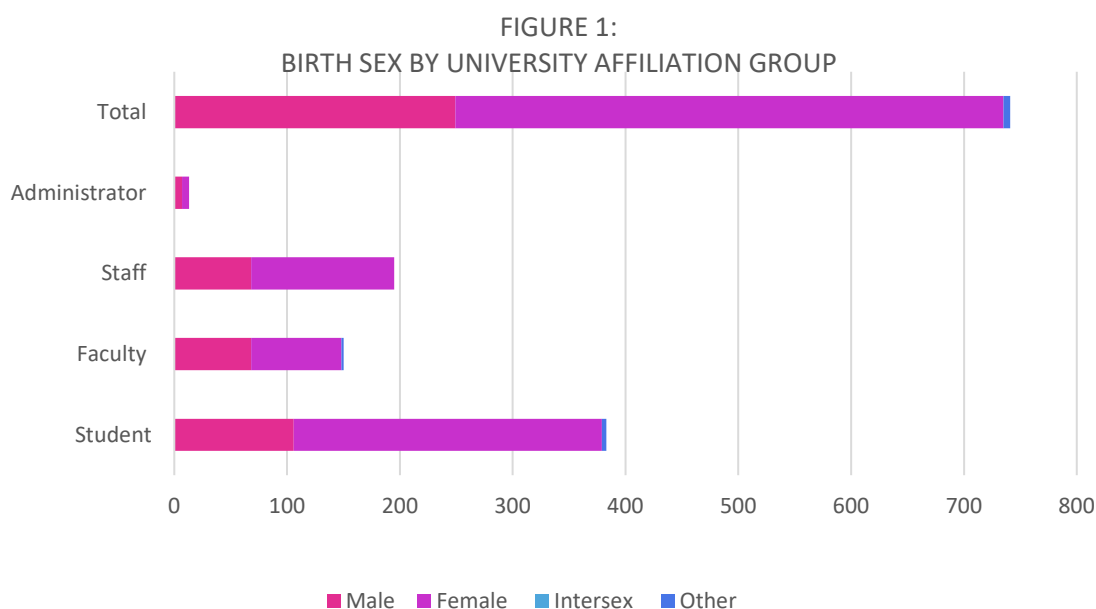


FIGURE 2:
GENDER IDENTITY BY UNIVERSITY AFFILIATION GROUP

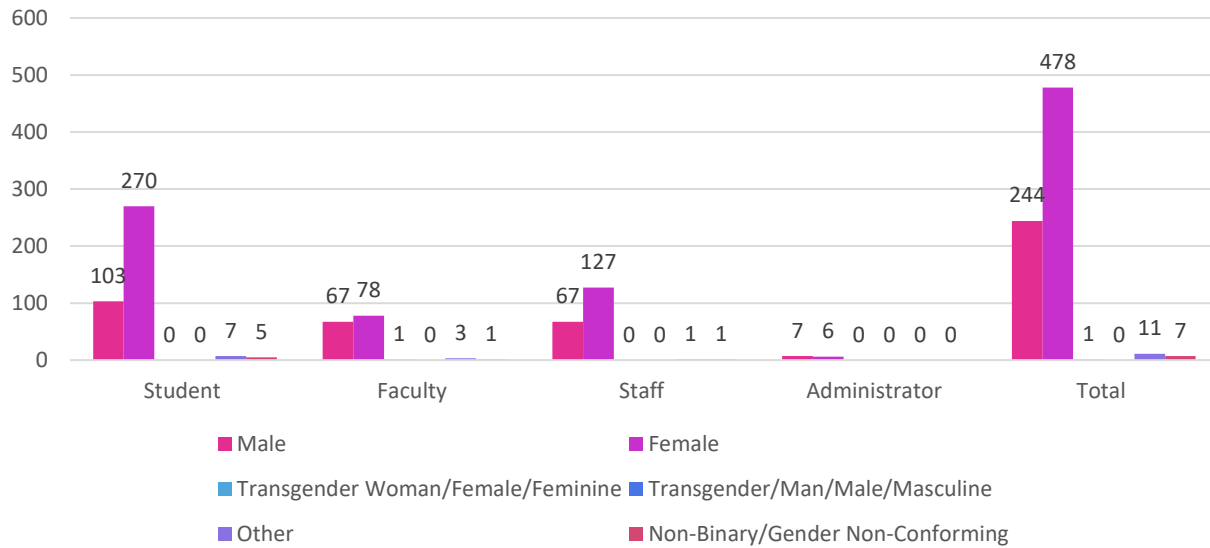
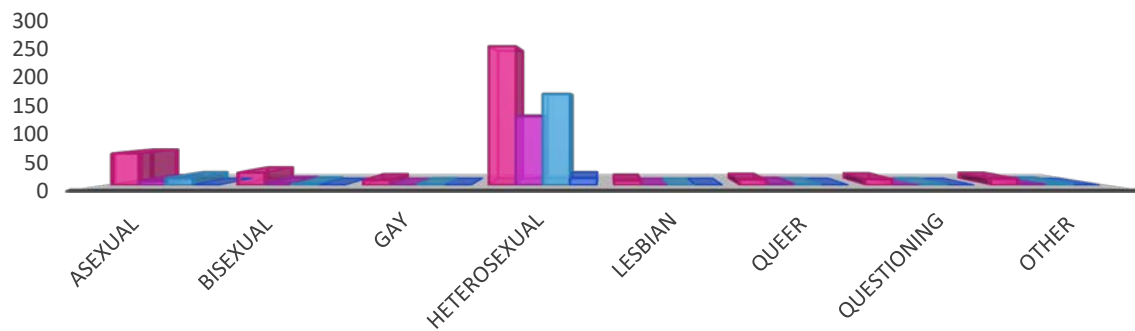


FIGURE 3:
SEXUAL ORIENTATION BY UNIVERSITY AFFILIATION GROUP



	Asexual	Bisexual	Gay	Heterosexual	Lesbian	Queer	Questioning	Other
Student	59	23	9	259	8	10	11	12
Faculty	7	4	0	128	0	2	0	2
Staff	13	3	1	170	0	1	1	3
Administrator	0	0	0	13	0	0	0	0

FIGURE 4:
RACE AND ETHNICITY BY UNIVERSITY AFFILIATION GROUP

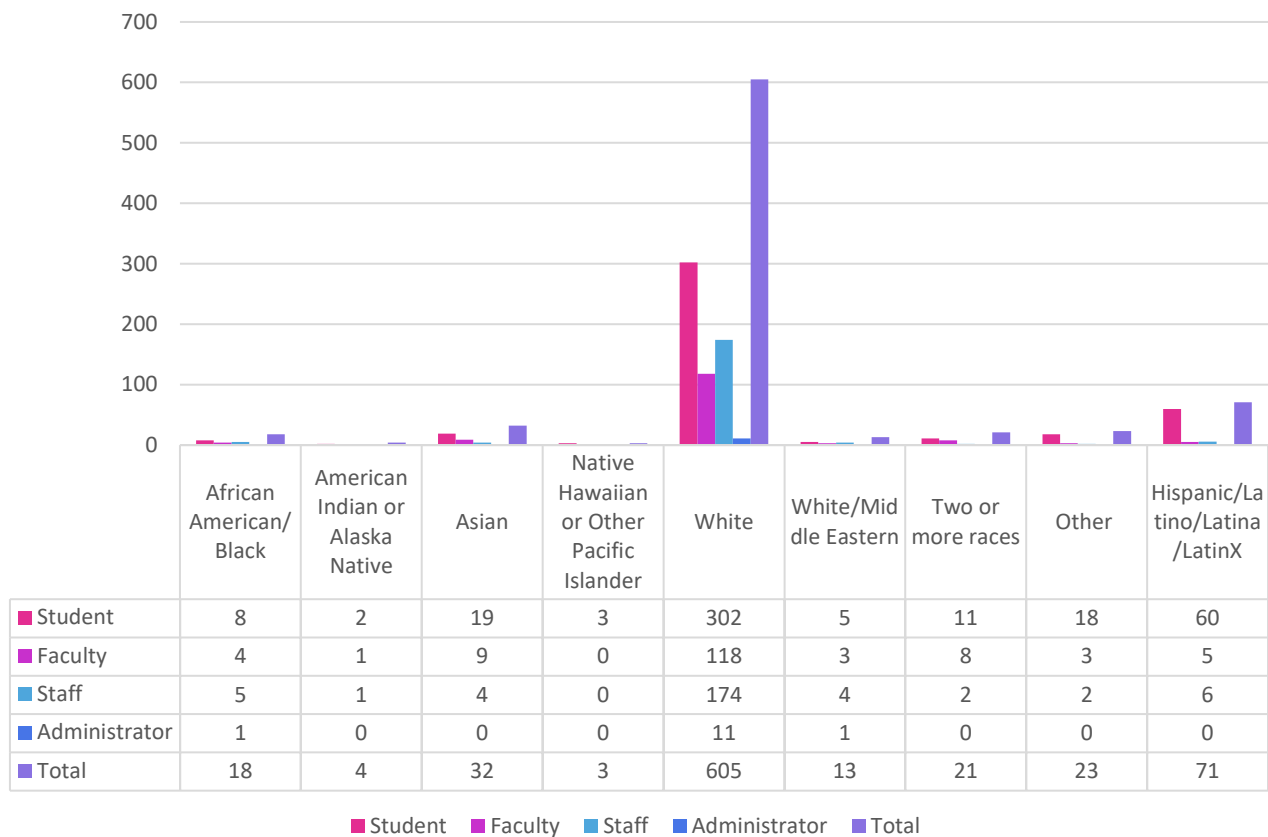


FIGURE 5: DISABILITY ACROSS ALL UNIVERSITY GROUPS

- No Disability
- ADHD
- Asperger's
- Emotional/Psychological
- Hearing
- Learning Disability
- Medical/health
- Physical/mobility
- Traumatic Brain Injury
- Visual
- Other (please specify)
- Prefer not to answer

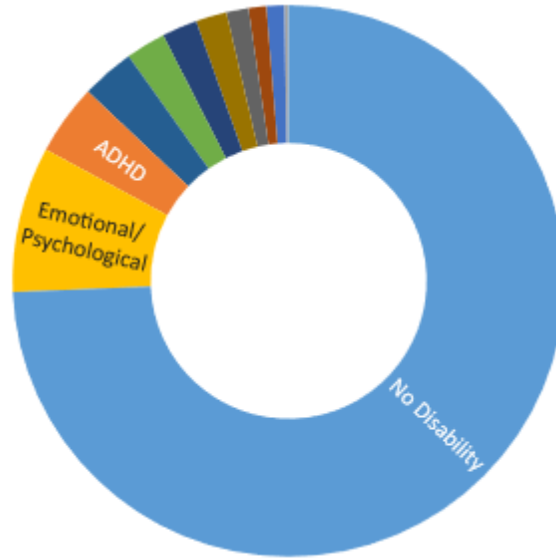


FIGURE 6:
POLITICAL AFFILIATION BY UNIVERSITY AFFILIATION GROUP

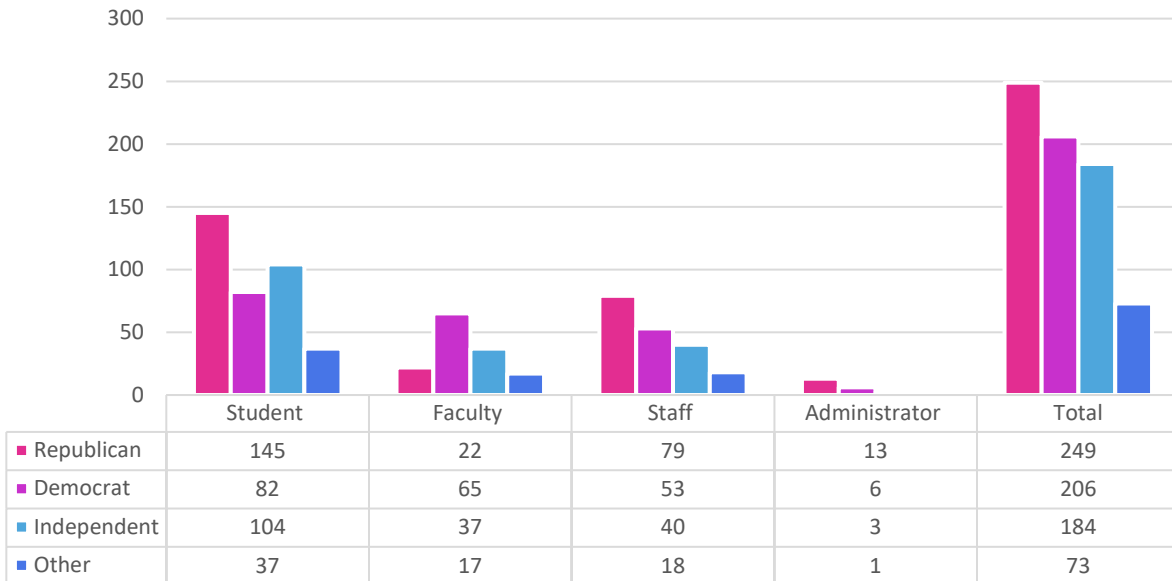


Figure 7:
Religious Affiliation (all University Groups)

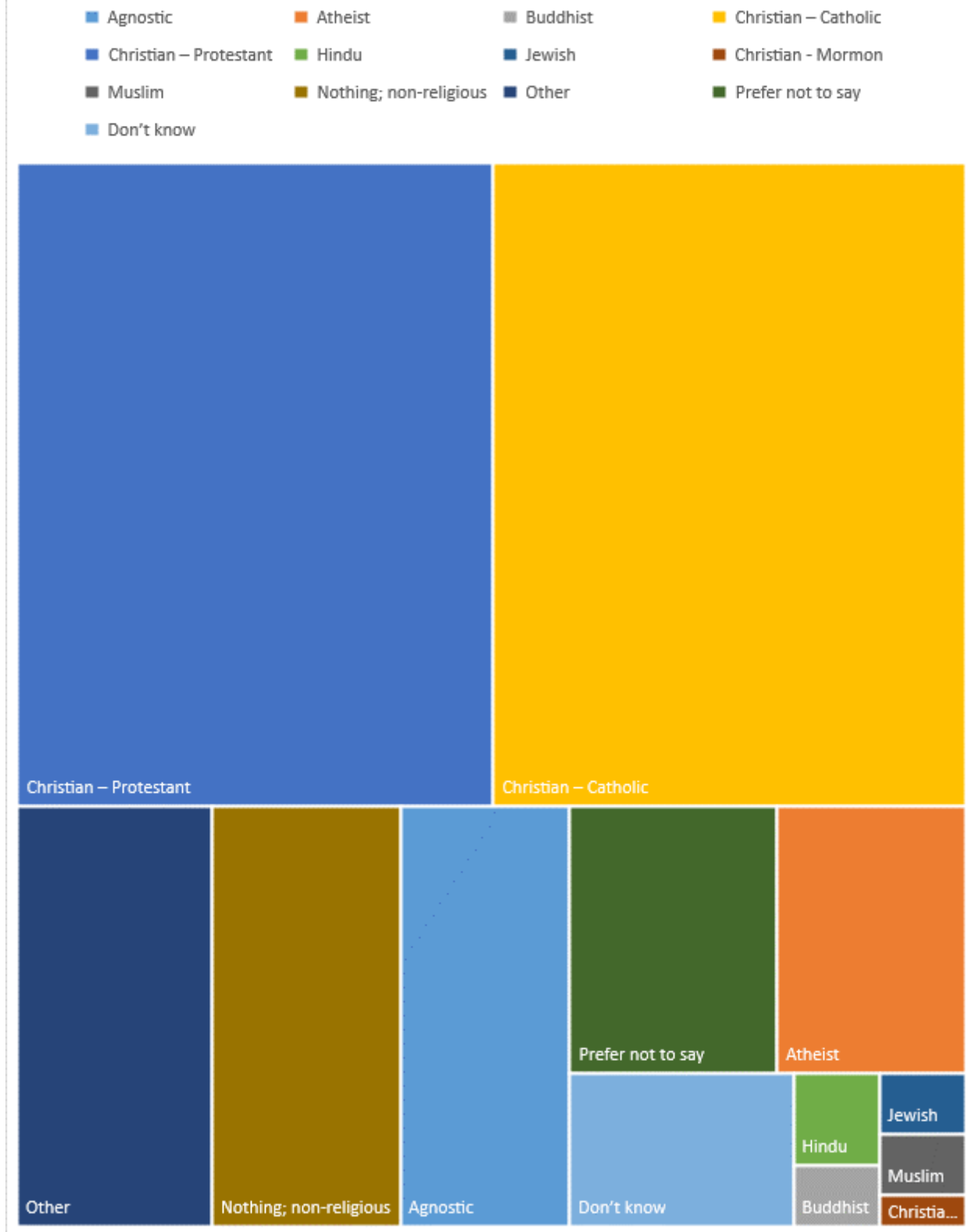
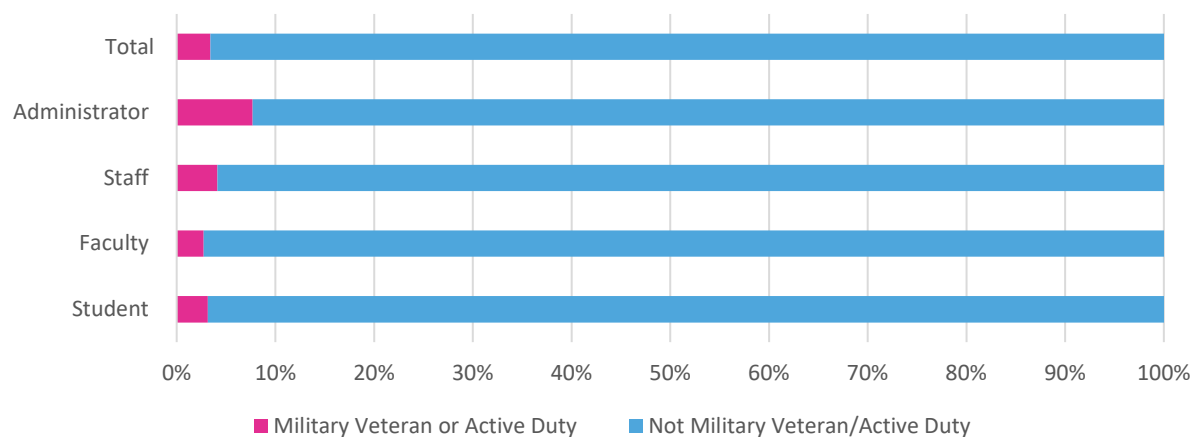


FIGURE 8:
MILITARY STATUS BY UNIVERSITY AFFILIATION GROUP



One potential area for improvement for UNK in terms of demographic composition involves increasing representation among certain groups. In this respect, the greatest racial/ethnic gap is among African Americans, who comprise 4.6 percent of Nebraska’s total population and 13 percent of the total US population. However, African Americans accounted for just 2.1 percent of the 2017 UNK enrollment and 2.5 percent of survey respondents. While progress has been made related to diverse student representation, the overall increase in diverse student representation over the past 10-15 years has not been sufficient to bridge the race and ethnicity gap and bring UNK in line with Nebraska or the broader US population. Approximately 17 percent of the Nebraska population is comprised of racial and ethnically diverse residents. However, just 12 percent of the total UNK student body is comprised of non-White students (excludes nonresident aliens).

Several other dimensions were also considered when assessing diverse representation at UNK. Unless otherwise noted, the source is the 2017 UNK Diversity and Inclusion Climate Study:

- As of Fall 2017, male students represent 39.3 percent of the total student population, and females represent 60.6 percent.
- Based on results of the 2017 UNK Diversity and Inclusion Survey which served as a primary data source for the assessment, nearly 80 percent (79.6%) of respondents identified as heterosexual. The next largest group identified as asexual (10.7%), and just under 10 percent (9.85%) identified as gay, lesbian, queer, or questioning. The remaining respondents (2.3%) self-identified as “other” in terms of sexual orientation. According to a 2017 Gallup poll, 3.6 percent of the adult population in Nebraska identifies as Lesbian, Gay, Bisexual or Transsexual.
- Survey results also indicate that just 1.5 percent identified as transgender, non-binary, or gender nonconforming.



- Slightly over 60 percent of students reported ascribing to a Christian religion that includes Catholic, Mormon, and Protestant denominations. This mirrors the larger Kearney community.
- The next largest group in terms of religious affiliation identified as Agnostic or Atheist (combined 12.1%), followed by no religion or non-conforming religious affiliation (7.8%).
- Very few participants (18 total, or 2.4%) identify themselves as Hindi, Buddhist, Jewish, or Muslim. Under 1 percent of the Kearney population are Jewish, ascribe to an Eastern religion, or are Muslim (2017 UNK Diversity and Inclusion Climate Study).

Diversity Among Students: Enrollment and Retention

Across the nation, enrollment at colleges and universities has decreased. In part, this is a product of an improved economy with low unemployment rates. There also are a greater number of regionally accredited institutions offering degree programs in a variety of ways ranging from the traditional, residential college experience to fully online programs. State funded universities find themselves in the position of competing for students against non-profit, private universities, and proprietary institutions. These factors have, in combination with the changing demographics of key Nebraska counties, contributed to reductions in enrollment at UNK, which appears to be primarily driven by a drop in White and Male students.

However, progress has been made in increasing the size of the diverse student population for over a decade, with a 156 percent increase in non-white/non-Hispanic students (excludes non-resident aliens) between 2005 to 2017. This growth was strongly led by a significant increase in Hispanic student enrollment (191 total students in 2005 to 603 in 2017). Overall, Hispanics are better represented at UNK, at 9.0 percent of Fall 2017 student enrollment.

Hispanics comprise 10 percent of the Nebraska, and 17 percent of the US population, and there is evidence that UNK is moving towards strong Hispanic representation. However, when broader UNK enrollment patterns and regional population growth patterns are taken into consideration, there is still a Hispanic gap at UNK. 50 percent of UNK student enrollment coming from six Nebraska counties; the combined Hispanic population in these counties is considerably higher than the state average.

Asians and African Americans also had significant growth during this time, however as their total size at UNK is so small, strong growth rates have not translated into significant enrollment figures. In 2017 there were only 55 Asian students enrolled at UNK. However, 5.9 percent of students are international, the majority of which are from Asian countries (primarily Korea, Japan, and China). Therefore, perspective on Asian representation at UNK varies, depending on whether US residents only are considered or in tandem with nonresident aliens.

Other groups are underrepresented at UNK, in terms of student enrollment size, according to the 2017 UNK Diversity and Inclusion Climate Study:



- The majority (77.8%) reported having no disability. The remaining 20.3 percent of respondents reporting on this question were diverse in their responses in that every category of disability, including “other” and “prefer not to answer,” was represented. Emotional and psychological disabilities were most prevalent (8.9%).
- Slightly more participants identified as Republican (35%) than Democrat (29%). Approximately one quarter (25.8%) identified as Independent. This distribution varies from the Kearney community where nearly 70 percent of registered voters are Republican, slightly over 25 percent are Democrats, and under 3 percent are Independent.
- Only 3.4 percent of survey participants identified as being active duty or veteran military members whereas approximately 7 percent of the Kearney community are military veterans. However, it should be noted that most Kearney veterans are older so the comparison may not directly relate to measuring UNK representation in this case.

The UNK Strategic Enrollment Goals 2020 include a list of 16 specific goals regarding increasing the size and composition of the overall university headcount enrollment. Two of these goals are directly tied to diversity:

- Increase racial and ethnic diversity of the student body to 15 percent (1080 of 7,200).
- Increase the overall head count enrollment of Hispanic students to 13 percent of the student body (936 of 7,200).

Based on Fall 2017 enrollment figures, the 2020 goals represent modest growth for diverse students overall (current diverse student enrollment is at 978 vs. 1,080 goal). However, Hispanics represent approximately two-thirds (67%) of total projected growth in UNK enrollment (2020 student enrollment is projected to include an additional 556 students overall, with Hispanics comprising 370 of this total). It is important to take these figures into account in recruitment strategy development and resource planning.

Currently low African American and Asian American student enrollment should also be considered when establishing growth goals and action plans. Several key variables should be given weight in strategic decisions:

- Low representation of these groups in traditional recruitment areas for UNK will require new strategies and either a shift or increase in resources.
- Relatively low population size in Nebraska overall will require targeted outreach efforts in-state to see best results.
- Non-resident domestic student goals may also support additional recruitment efforts targeting African American and Asian American students.

Finally, diversity can have a strong impact on many of the Strategic Enrollment Goals outside of racial and ethnic representation. Nonresident domestic, overall retention rates, and admissions from top quartile Nebraska students are examples of goals that should take broader diversity dimensions (i.e. sexual identity and orientation, disability, and religion) into consideration during



strategy implementation. Meaning, a broader perspective of diversity should be embedded into enrollment strategy goal development to support goal achievement. Ensuring all students feel welcome and respected at UNK is most critical to achieving broader enrollment goals.

Diverse Student Recruitment

The 2016 UNK Strategic Plan lists strategies to increase recruitment of a quality, diverse student body through holistic enrollment management. These include:

- Elevate expectations for every unit/member of the campus community to embrace the critical role each plays in recruiting/retaining students—emphasizing engagement, positive interactions, and mutual respect.
- Evaluate and enhance all aspects of recruitment (e.g., Admissions & Financial Aid strategies, campus tours and academic department visits, marketing/messaging, transfer processes).
- Deploy targeted initiatives to increase enrollments of transfer, minority, and international students and increase presence in specific Nebraska schools with strong academic programs and high number of quality graduates.

The first point regarding everyone’s role in creating an inclusive and welcoming environment is critical to the overall success of diverse student recruitment and retention. This goes well beyond the role of Admissions, the Office of Multicultural Affairs, and Student Affairs - and is covered in more depth in the Inclusive Environment section of this report.

Current diverse outreach is primarily led by the Office of Multicultural Affairs (OMA), with the Office of International Education (OIE) focused on international students, and broader recruitment efforts are run through Admissions. A bilingual staff member was hired within Admissions to support inbound communication needs. However, there is no clear approach for handling broader diversity recruitment, beyond Hispanic needs, and, whilst a comprehensive enrollment management plan has been developed, there appears to be no integrated recruitment efforts.

Consider embedding diversity into the broader institutional recruitment efforts. Having an integrated team work together to enhance UNK recruitment can limit redundancies and inefficiencies that occur where two or more groups work in the same area, but function in silos. The result of integrated efforts is an increase in resource efficiency and consistency in delivery and execution. Ultimately, it also supports UNK’s commitment to diversity and inclusion through a message of ‘we,’ as opposed to directing diverse students to programming and support ‘for them.’

Tactics and Messaging

Recruitment efforts have expanded considerable in the past few years as documented in the 2016 OMA Self Study report, although close to home, face-to-face recruitment remains the primary focus. Key initiatives include:

- Hosting the Nebraska Cultural Unity Conference
- Hosting the Multicultural Scholars and Leaders Day
- Individual High School Visits
- Organizations/Heritage Months/Upcoming Events
- Merit and Need-Based Financial Aid

The UNK website and admissions materials rely heavily on Hispanics and international students to demonstrate diverse representation. There are very few African Americans and other diversity dimensions that can be visibly identified. For example, visibly apparent disabilities or non-gender conforming individuals are completely absent.

Initiatives and messaging also seemed weighed towards Hispanics and international students. This perception was also identified in focus groups, as some participants feel UNK portrays greater diversity than actually exists in marketing materials. Others pointed toward the emphasis on international students. As one focus group participant put it, “Apply the same resources as recruiting international students for recruiting US minorities based on race, gender, sexual orientation, etcetera.”

Given the breadth and depth of potential diversity dimensions that could be taken into consideration for initiative/event planning and communications, it is important for UNK to first determine a detailed, consistent definition of diversity at UNK and priority areas of focus. Then clearly articulate how diversity can support the overall institutions mission and goals. With this level of clarity, strategy and resource planning can be developed to achieve maximum positive impact.

Diverse Student Persistence and Retention

Institutional retention, according to the National Center for Education Statistics, is defined as the percentage of students who complete a program or maintain enrollment at their first institution, while persistence refers to students who complete a program or maintain enrollment at any institution. Reporting, specifically in STARS, is not clear on differences between persistence and retention; these terms are used interchangeably. For purposes of this report, we also use persistence and retention interchangeably, but recognize that there may be advantages to UNK to recognize the differences between the two measures and report outcomes for each group separately for purposes of long-term planning.

Retention rates among Caucasian Non-Hispanics, Hispanics, and First Generation are all comparable and strong (74.2%, 73.4%, and 71.3% after the second year, 2014-15 STARS), and even higher for international students at 90.3 percent. Based on these figures, it would appear the current level support for Hispanic and international students is yielding positive results.

However, African American student persistence rates are considerably lower than all other demographic subgroups, with just one-third continuing after their second year at UNK (2014-15 STARS). African American retention, particularly males, is a challenge on a national level; the



National Student Clearinghouse Research Center estimates a roughly 55 percent completion rate for African American Students. However, the retention of African American students at UNK is extremely low as compared to other groups, implying a greater issue that requires further examination to determine the root cause.

Retention figures for other diverse groups, such as students with disabilities, those who identify as LGBTQQ, gender non-conforming, and other dimensions of diversity outside gender, race, and ethnicity are not available.

Current efforts to support students at UNK are extensive. Some resources are available to all students, while others target first generation, low income and/or diverse students. Current retention efforts include:

- The Office of Student Engagement, along with OMA, provide numerous opportunities to become actively engaged in student organizations, student governance, community service, special events opportunities, and mentoring activities.
- Roughly 200 UNK students (2013 TRiO Self Study Report) are served by Student Support Services, which provides academic tutoring, personal counseling, mentoring, financial guidance, and other support for educational access and retention.
- The UNK Counseling Center provides short-term professional counseling, supporting the growth of UNK students' academic, emotional, and social wellbeing.
- The Learning Commons targets the needs of students wanting to improve their understanding of course material through the development of stronger learning skills.
- The Disability Services for Students coordinates reasonable accommodations to afford equal opportunity and full participation in UNK programs for undergraduate and graduate students with disabilities, according to Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990, and the Amendments Act of 2008.
- The Office of Residence Life is dedicated to providing service and support to students' needs. This office coordinates all aspects of the residence halls and off-campus apartments.

Focus group data indicates that UNK sponsors and hosts many events that promote specific cultures or special interest groups. While participants largely were appreciative of these opportunities to explore other cultures and perspectives, many also commented that the approach is somewhat disjointed and siloed and leaves the impression that these are segregated events for specific groups, and by default, exclude others from participation. Some focus group participants view these efforts as ways to learn about other cultures, but that the presentations and events tend to lack context that would allow participants to understand how the event fits into the broader UNK campus culture.

We also heard concerns from focus group participants that these events are largely focused on Hispanic and international diversity, and as a result may exclude other diverse groups that are part of the UNK community. One cause of this may be that OMA resources are insufficient and



as a result, decisions are made to provide programming that appeal to the largest diverse communities.

Student Codes of Conduct can also serve as another retention support mechanism, as reinforcement of a commitment to providing an inclusive environment. UNK has a Student Code of Conduct in place, but it is less clear whether the Code of Conduct adequately addresses issues related to diversity and inclusion. It is worth noting that no statements or prescribed behaviors are linked to respecting diversity or students' roles in ensuring an inclusive environment. However, in 2016 a Student Statement of Values was developed and includes direct reference to mutual respect and dignity, being open-minded and valuing the intrinsic worth and ideas of others. Integrating these values into the Student Code of Conduct may give them more weight and provide another opportunity for broad communication about the University's commitment to diversity and inclusion.

Conclusions on Student Diversity Efforts

- Diverse representation at UNK has grown over the past 12 years, and while all groups have seen an increase, growth is most heavily driven by Hispanics.
- The changing landscape of Nebraska and the region UNK has historically drawn from, have changed considerably during this same timeframe. Hispanics play a strong role in population growth, particularly in counties with strong UNK enrollment.
- African Americans and Asian Americans are underrepresented at UNK.
- The LGBTQQ community is represented at UNK among students, but many diversity dimensions are not easily tracked so it's not possible to understand where representation stands.
- African Americans have considerably lower retention rates than all other groups at UNK.
- Most diversity recruitment and retention efforts appear specific to Hispanics and international students.
- Recruitment is lacking an integrated team, strategy, and approach, as for the most part, diverse recruitment is still managed by OMA.
- There is a lack of broad diverse representation in the website and admissions materials – diversity is also heavily weighted to Hispanic and international students.

Recommendations for Diverse Student Recruitment, Enrollment, and Retention

- Many factors come into play when considering diverse recruitment beyond US Census figures and historic UNK performance. Broader diversity and inclusion vision for UNK, nonresident domestic student, and other enrollment profile goals must be considered to determine the best strategy and implementation plan for UNK moving forward.



- There are other affinity groups and diversity dimensions that may be considered well-represented at UNK but may require additional support and resources to ensure an inclusive and welcoming environment is provided, to drive retention and achieve the university's broader vision to 'preparation of students to lead responsible and productive lives in a democratic, multicultural society.'
- Diversity can have a strong impact on many of the Strategic Enrollment Goals outside of racial and ethnic representation. Nonresident domestic and top quartile Nebraska students are examples of goals that should take broader diversity dimensions into consideration, such as sexual identity and orientation, disability, and religion. Ensuring all students feel welcome and respected at UNK is most critical to achieving broader enrollment goals.
- An integrated, UNK recruitment team can solve for some resources concerns, as it eliminates multiple departments/units working in silos. Additionally, it can increase the quality and impact of efforts, with many perspectives included in internal teams communicating externally, and culturally relevant messages and approaches applied when needed.
- Ensure the right level of resources are in place to support diverse student retention. While UNK has extensive programs in place, many lack sufficient resources and staffing to support the volume of need. Student Support Services specifically mentions wait lists. It's important to ensure easy access to support, so a detailed evaluation of the right level of resources in line with current levels of diversity, and growth projections, is needed.
- Assess the promotion, application, and selection process of visible and other key programs such as the Chancellor's Ambassadors, NSE (New Student Enrollment) leaders, and LPAC (Loper Programming and Activities Council), to ensure access and encourage participation from a diverse group of qualified UNK students.
- There is a need for culturally relevant messaging and diversity in images, as it is important for potential students to see themselves at UNK.
- Consider incorporating conduct related to respecting diversity and mutual respect in an inclusive learning environment to the Student Code of Conduct, raise awareness, and make the document more easily available to all.

Diversity Among Faculty and Staff: Recruitment, Evaluation, Promotion, and Tenure

While female representation is strong among faculty, staff, and administrators, racial and ethnic minorities are underrepresented among all groups. A relatively smaller proportion of faculty and staff self-identify as LGBTQQ as compared to students, with 4.2 percent of faculty, 3.1 percent of staff, and no administrators. Other notable findings related to diversity among faculty and staff include the following elements:



- Affirmative Action Plans for Minorities, Females, Individuals with Disabilities, and Veterans are significant progress towards improving diverse representation among the UNK employee population, but areas of opportunity exist to facilitate the increase of diversity among staff and faculty.
- The University of Nebraska at Kearney has adopted a rather robust process for the annual review of faculty performance; however, it appears to have not been updated since 2008.
- While UNK has established standards of professional conduct for faculty, these do not include any statements on fostering an inclusive learning and/or classroom environment.
- The process for promotion is clearly outlined in the UNK Faculty Handbook in terms of the procedures and timeline for completion of noted and required procedural steps. Criteria for promotion and tenure are set at the departmental level, however, clear and measurable decision criteria is lacking at the institutional level for university-wide expectations across disciplines and programs.

Diversity of Faculty, Staff and Administrators

Multicultural representation of faculty, staff, and administrators at UNK is low, compared to Nebraska and national averages. According to the 2017 UNK Diversity and Inclusion Climate Survey, 23 percent of Faculty, and 15.4 percent (2 out of 13) Administrators identify as a race and/or ethnicity other than White. And numbers in specific race and ethnic categories are so small in some cases that a loss or gain of a single individual tends to produce wide variations in multi-year comparisons. Greater progress has been made with female representation within the faculty, albeit not as quickly in senior positions. There is strong female representation among faculty, staff, and administrators.

Most of university employees identified as heterosexual, and the next largest group identified as asexual, albeit at a low proportion (6.4% and less). A smaller proportion self-identify as LGBTQQ than students, with 4.2 percent of faculty, 3.1 percent of staff, and no administrators. These figures are in line with state comparisons - according to a 2017 Gallup poll, 3.6 percent of the adult population in Nebraska identifies as Lesbian, Gay, Bisexual, or Transsexual.

Recruitment and Hiring

The University of Nebraska at Kearney, like most other traditional publicly funded institutions, relies on national searches for faculty. The University also has Affirmative Action Plans (AAP) in place for Minorities and Females, Individuals with Disabilities, and Veterans. These include some fundamentals of a strong plan, including structure, policies, processes, and some assessment reports.

The AAPs for Minorities and Females, Individuals with Disabilities and Veterans contain robust reviews of processes and targeted recruitment efforts. These include recruitment strategies such as targeting colleges and universities with a significant number of target groups



represented, publishing job advertisements in targeted sources, using specialized recruitment companies, and using the Employment Delivery System. Additional steps are mentioned to support internal promotion and advancement, including mentorship programs, job training, and tuition reimbursement to employees. The remaining steps included in the AAPs detail reviews of employment decisions, hires/promotions, termination, and compensation.

A set of Action-Oriented Programs have also been instituted for minorities and females, to ensure no barriers to employment exist. Several of these programs include evaluations and measures to ensure a fair recruitment and hiring process, such as a robust selection process evaluation, training for personnel and management staff on EEO and best practice interview and selection processes.

Additionally, UNK has a formal Recruitment Policy and Hiring Guidelines for faculty and staff. While there are strategies for recruitment of Individuals with Disabilities and Veterans in their respective AAPs, it is worth noting UNK's current recruitment policy only references strategies and efforts for minorities and women. The Hiring Guidelines include fundamental guidelines and steps to ensure a fair and equitable process.

Internal auditing and reporting systems are in place in all Affirmative Action Plans at UNK. Personnel activities for Individuals with Disabilities and Veterans are reviewed at least annually, so adequate measures should be in place. However, the Minorities and Females AAP states activities are reviewed "as necessary and desirable."

The Minorities and Females AAP does include both a Placement Goals Report and Goal Attainment Report for the year prior. However, the job groups in each do not align, so it is difficult to draw conclusions, particularly as the Goal Attainment Report does not include any Faculty, which would be a critical component to any Placement Goals, given the low representation of minorities and lower representation of women in certain faculty roles, such as full Professor.

Some enhancements can be considered as UNK actively seeks to enhance diversity among faculty and staff. These do not need to be a part of the AAPs specifically, and it is important to note goals regarding diversity do not need to be limited to placement. Alternatives such as advertising, outreach efforts, amendments to the search committee process, and procedures such as removing names from resumes for initial review can also be considered to demonstrate more active efforts to ensure equity and access in the hiring processes. Additionally, continued development for those involved in the hiring process, albeit search committees or hiring managers, on addressing bias in the search and hiring process is critical.

Finally, analysis conducted by the University of Nebraska at Kearney Education Association conclude that, as of 2012, UNK does not have gender equity issues with respect to salaries for women faculty members (Source: 2013 NCA HLC Self-Study). And the Minorities and Females AAP includes salary as part of the personnel activities reviewed. However, concerns about salary equality and discrimination against women at UNK came up various times over the course of the research, particularly among faculty and staff. Additionally, the Staff Senate survey results include salary structure for staff as an issue staff would like to have addressed.



No data were provided to demonstrate disparity in salary, but given the concerns mentioned, additional transparency and communication about salary structure is suggested.

Performance Measurement

Measuring employee performance is an important step in diversity and inclusion, as it serves as a method for equality and a means to identify key issues to address to ensure an inclusive environment. This section focuses on the performance, promotion, and tenure of UNK staff and faculty.

Currently the Board of Regents requires a formal staff performance appraisal be completed on an annual basis. The evaluation form is comprised of measures specific to each individual role, and a standard set of 15 measures. One of these is related to “Cultural Diversity and Sensitivity,” although it is not clear how consistently staff or supervisors interpret the statement, nor how it is being used in the evaluation process.

The University of Nebraska at Kearney has adopted a robust process for the annual review of faculty performance, as outlined in the Faculty Handbook, which is the guiding policy for faculty members. One of the key strengths of the annual review process is its support of UNK as a teaching institution that places an emphasis on the instruction and cultivation of the student experience. A positive element is that the annual performance reviews and tenure processes include the requirement of classroom visitations and peer review of teaching. Furthermore, student evaluations of every course instructed for each professor or lecturer are critical elements, underscoring the value and importance of the student experience.

Annual faculty performance evaluations are conducted for each faculty member at every rank, and for tenure track faculty members, the annual review is a process used to support the tenure and promotion of probationary faculty by providing a written assessment of performance related to teaching, scholarship, and service (prioritized in that order). The annual review is also an opportunity to support faculty who have attained tenure, but not yet full promotion to full professor by providing a formal mechanism for feedback related to teaching, scholarship, and service with the goal of supporting the success of the faculty member in attaining the rank of full professor. However, the tenure and review process appears to have not been updated since 2008, so may not reflect culture shifts or organizational priorities related to teaching, scholarship, and service in a way that more actively promotes diversity and inclusion in the classroom and workplace.

UNK has established standards of professional conduct for faculty, albeit outdated as the last recorded update appears to have been in 2005. These standards include statements on discrimination and sexual harassment. However, diversity and inclusion are not addressed. Specifically, including reinforcement on UNK’s dedication to ensuring an inclusive environment, together with detailed description of faculty obligations to support inclusion (e.g. planning course content, facilitating classroom discussion) can enhance efforts and ensure accountability for individual faculty actions.



Promotion and Tenure

The process for promotion is clearly outlined in the UNK Faculty Handbook in terms of the procedures and timeline for completion of noted and required steps. The criteria is clear, however, there are insufficient measures included to ensure a fully objective and unbiased assessment for tenure and promotion. Teaching is understood to be the most critical factor in a faculty member's application, but little guidance is given in terms of quantifiable thresholds for effectiveness in teaching, creativity, or course management. The same ambiguity exists in the Faculty Handbook related to Scholarship. The section on service is a bit more detailed in that it includes examples of appropriate evidence of service activities that may be considered in the tenure and promotion review process. Finally, there are currently no criteria related to supporting diversity and inclusion (e.g. planning course content, facilitating classroom discussion, service supporting diverse populations and perspectives).

Many within higher education have noted some concerns with the tenure and promotion process across US institutions, from an equity, access, and diversity perspective. One of the most frequently mentioned is a lack of criteria with objective measures. Tenure decisions are most often made by a committee of Associate or Full Professors following a list of criteria without clear measures to guide the decision process. As an example, publication in high impact academic journals, along with an active research agenda with external funding, are typically presumed to carry more weight for decisions around tenure and/or promotion than others such as teaching or service - but to what degree is not clear. Additionally, effectiveness in teaching and/or ensuring an inclusive learning environment are not commonly assessed with quantifiable measures and thresholds. Without clear measures embedded into the criteria, the possibility of bias and exclusion entering the tenure decision process is greater.

Training and Development

UNK has multiple practices and initiatives in place to help diverse talent retention through supporting professional growth and development. Some of these include Leadership UNK for staff members, Staff and Faculty Senates, and ad hoc professional development and training. In addition, Leadership UNK provides staff employees with exposure to leadership opportunities on campus and in the Kearney community. This program is an excellent platform to foster diverse staff development, so it is important to ensure the program, the application process, and communications are designed to foster equal access.

The Staff and Faculty Senates address topics affecting members of those communities at a policy level and promotes elements of faculty and staff governance that are essential to community building and meeting regional accreditation standards. Ensuring diverse representation is critical to equitable and consistent practices.

In a recent Staff Senate Professional Development Survey, multiculturalism and diversity garnered relatively low interest among staff for training and development topics. However, topics such as conflict management and improving communication ranked toward the top. These skills are usually at the core of diversity and inclusion training. Staff perceptions of each supports a recurring theme throughout the research: there is a lack of consistent understanding



about issues at the core of diversity and inclusion, and elevated cultural competency will support the continued growth and development of staff and faculty.

Conclusions

In many ways, UNK employees are representative of the community in which it is situated and serves. The University, like the community surrounding it, is largely White, Heterosexual, Protestant, Republican, with a relatively small military veteran population. Of the 323 faculty members at UNK, 281 (or 87 percent) are White Non-Hispanic. Only six faculty members are Hispanic, and an additional six are Black. The University's greatest opportunity for enhancing diversity among the faculty and staff population is to increase resourcing and focus on the recruitment and hiring of more diverse individuals.

Regarding promotion, tenure, and retention, UNK has some institutional policies that are significant and impressive departures from traditional higher education in the United States. These focus on the quality of instruction for faculty members at various positions and ranks, as opposed to the singular focus on grant funded research and research publications that is the dominant culture at research-intensive universities. However, some policies and practices, such as performance measurement and the tenure process, should be reviewed as part of the efforts to advance equity, access, and diversity. And new policies should be considered to enhance consistency in inclusive conduct and provide a platform to hold UNK faculty and staff to consistent standards.

Professional development and training opportunities to support diverse staff and retention appear based at the department level, so are difficult to assess their scope and impact. And finally, lack of knowledge and understanding about key diversity and inclusion topics, and how to interact with individuals from diverse backgrounds appear to be barriers to developing a consistently inclusive campus at UNK. Cultural competency development for faculty and staff is needed to address these concerns and support diverse retention.



Recommendations

In terms of creating opportunities for improving diversity and inclusion among faculty and staff, along with supporting equity for faculty members seeking tenure and promotion, we recommend the following:

- Some enhancements are recommended for the Recruitment Policy and Hiring Guidelines, to reinforce commitment to diversity and inclusion for all UNK community members. For example:
 - Readdressing the diverse groups singled out in the Recruitment Policy for additional support to enhance recruitment and hiring opportunities.
 - Ensure hiring criteria and advertising statements do not include exclusionary comments or demonstrate bias.
 - Consider increasing the minimum requirement of diverse members and expanding the diversity dimensions included in search committee minority member requirements. For example, consider expanding minority requirements to two of the three members, however, dimensions can include sexual orientation, religion, political affiliation. The objective is to build a search committee rich in diverse perspectives and ideas that can enhance the hiring process.
 - Consider blind recruitment tactics, such as removing names and other personally identifiable information from resumes and applications.
 - Continue training for hiring managers and search committees on cultural competency and bias in the hiring process.
- Convene faculty of all ranks to revisit and update the 2008 revision to the Faculty Handbook regarding performance reviews, tenure, and promotion for faculty. Minimally, this process should focus on evaluation of diversity and inclusion in the critical elements of teaching, scholarship, and service. We recommend that each of these elements include specific examples of what inclusion would look like in a way that is respectful to the discipline. Then use faculty governance processes to implement diversity and inclusion as a standard for performance evaluation to help set the culture shift that is needed to embrace an inclusive learning and working environment.
- Ensure that annual performance appraisal processes for faculty and staff include performance measures related to diversity and inclusion, which are clearly understood by contributors and supervisors. Provide supervisor training to ensure diversity and inclusion is addressed appropriately and consistently in the process.
- Evaluate tenure guidelines, measures, and criteria to ensure an equitable process that is respectful of academic disciplines.
- Assure the development of mechanisms that include teaching evaluations as part of the tenure and promotional review process for all academic departments.



- Encourage professional development in diversity and inclusion, and consider these efforts as rated criteria related to service for purposes of tenure and promotion.
- Update the faculty standards for professional conduct to include standards for diversity and inclusion. Specifically, include reinforcement of UNK's dedication to ensuring an inclusive environment, together with detailed description of faculty obligations to support inclusion (e.g. planning course content, facilitating classroom discussion) that enhance efforts and ensure accountability for individual faculty actions.



PART II: INCLUSIVE ENVIRONMENT

Research findings regarding an inclusive environment at UNK are presented according to the following key focus areas:

- Overall campus climate (comfortable, welcoming, and respectful)
- Perceptions of bias and discrimination
- Experienced or observed exclusionary attitudes and behaviors
- Diversity in curriculum
- Classroom environment
- Perceptions of the Kearney community

Within each focus area, an overview of key findings is provided, followed by the presentation detailed of findings according to demographic groups of respondents, including where possible:

- University group affiliation (student, faculty, staff, or administrator)
- Gender and gender identity
- Sexual orientation
- Race and ethnicity
- Religion
- Political affiliation
- Military status

Conclusions and Recommendations are provided at the end of each focus area section.

Findings from the 2017 Diversity and Inclusion Climate Survey are a primary data source. Focus group results are also included in this section, as applicable, to offer support to key findings and add depth and context to analysis and findings. Where relevant, comparisons to past research and external sources are also made and appropriately noted. Sources include, but are not limited past UNK climate studies, and various self-study documents, including the Self Study for the Higher Learning Commission.



Overall Campus Climate

In total, 744 participants among students, faculty, staff, and administrators responded to Diversity and Inclusion Climate Survey questions related to campus climate and reported their perceptions of the degree of respect with which certain groups of people are perceived and treated. Students, faculty, administrators, and staff generally feel comfortable on campus and that UNK, as a whole, is a welcoming place to live and learn. There were, however, some indications that not all UNK community members feel comfortable or welcome:

- Across all university affiliations and demographic groups, non-native English speakers are perceived to most likely to be treated disrespectfully to some extent (at 36.3%). This group is followed by people from other nations (17.1%), members of the LGBTQQ community (16.3%), and Muslims or members of racial or ethnic minority groups (both at 16%).
- Additionally, among respondents who self-identified on Race and Ethnicity, nearly 40 percent (39.8%) viewed the climate toward Jewish people to be disrespectful or very disrespectful.
- Among Christian-based religions, including Protestantism, Catholicism, and Mormonism, 6.4 percent of respondents view UNK as unwelcoming to some extent. By contrast, 14.3 percent of those who identify as Agnostic, Atheist, or non-religious reported that UNK is unwelcoming.
- Nearly every race and ethnicity, apart from African American and Middle Eastern, noted some degree of disagreement with the statement that UNK is welcoming (Strongly Disagree and Somewhat Disagree); 18 percent of Hispanics, 17.4 percent self-identify “other” as their race, 14.2 percent self-identified two or more races, and 9.4 percent of Asians.
- Democrats are less likely to feel UNK is a welcoming place, with 13.6 percent noting that they strongly disagree or somewhat disagree, as compared to under 3 percent of Republicans.
- Democrats are more likely to perceive that specific groups of people are treated differently or disrespectfully.

University Affiliation

In terms of university group affiliation (students, faculty, staff, and administrators), the majority of respondents believe UNK to be a comfortable place, with 668 respondents across all university affiliation groups reporting that they strongly agree or somewhat agree with this question (88.9%). Only 46 respondents (or 6.1%) indicated disagreement with this statement, and 37 (4.9%) expressed a neutral perception.

Staff and administrators are slightly more likely to view the overall comfort at UNK as favorable (91.3% and 92.3% respectively), indicating they strongly or somewhat agree that UNK is a

comfortable place as compared to students (87.8%) and faculty (88.7%). The difference across university group affiliations, however, is not statistically significant.

Similar to comfort, respondents were asked if UNK was a welcoming place. As with perceptions of comfort, most participants also feel welcome, but there are some differences. People are slightly less likely to feel welcome than they are to feel comfortable. Figure 9 provides detail on perceptions of feeling welcome at UNK.

FIGURE 9:
PERCEPTIONS OF COMFORT BY UNIVERSITY AFFILIATION GROUP
"UNK is a Comfortable Place for Me"

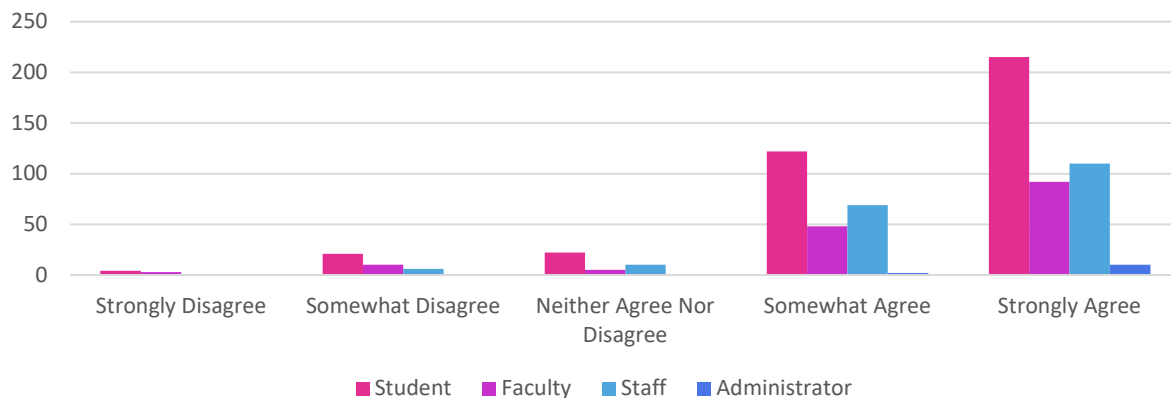
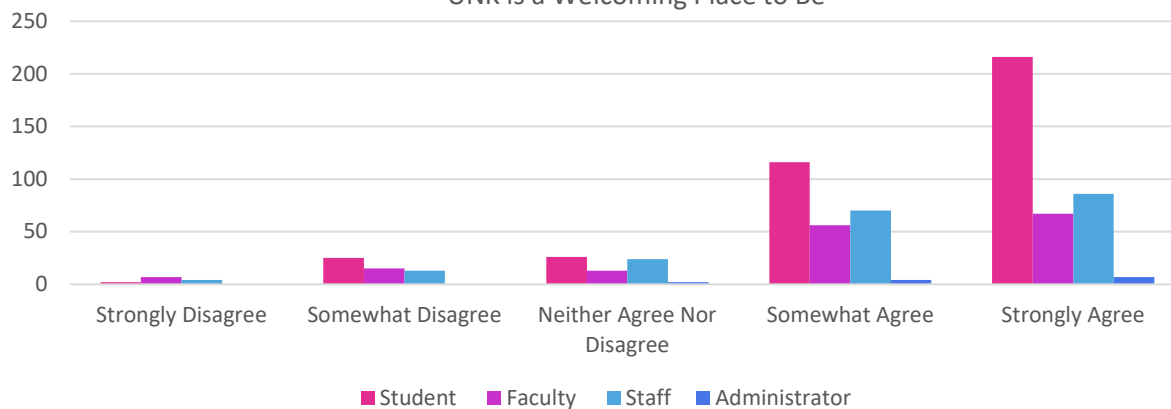


FIGURE 10:
PERCEPTIONS OF UNK AS WELCOMING BY UNIVERSITY AFFILIATION GROUP
"UNK is a Welcoming Place to Be"



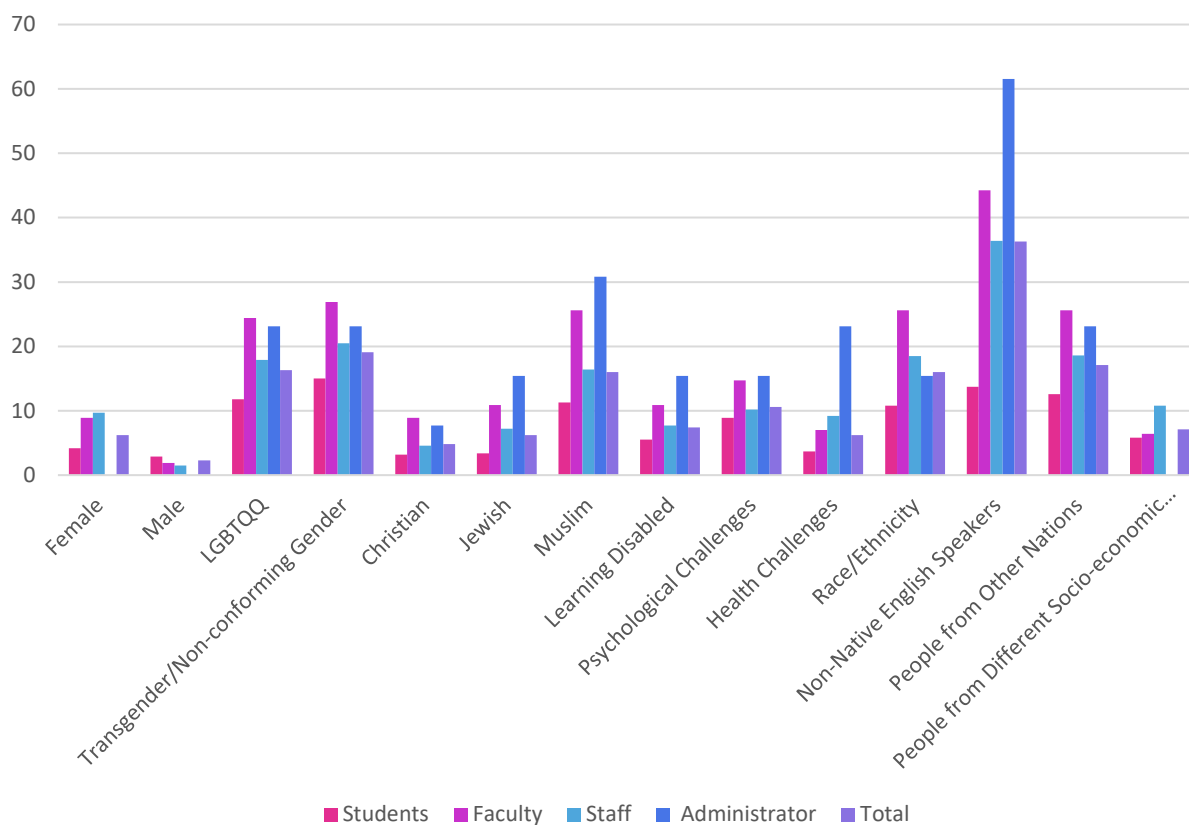
Across all university affiliations, it is perceived that the group most likely to be treated with the greatest level of disrespect (expressed through scores of very disrespectful or disrespectful for each category) are non-native English speakers, at 36.3 percent. This group is followed by

people from other nations (17.1%), members of the LGBTQQ community (16.3%), and Muslims or members of racial or ethnic minority groups (both at 16%).

Based on chi-square tests of association, the only statistically significant associations by University Affiliation/Role are among people who are LGBTQQ ($p < .02$), people who are Jewish ($p < .03$), people who are Muslim ($p < .01$), racial and ethnic minorities ($p < .01$), people who are non-native English speakers ($p < .01$), and people from other countries ($p < .04$).

Figure 11 presents information about the percentage of students, faculty, staff, and administrators perceive a disrespectful campus climate toward specific groups of people on the UNK campus.

FIGURE 11:
PERCENTAGE OF VIEWS OF DISRESPECTFUL CAMPUS CLIMATE BY UNIVERSITY AFFILIATION GROUP



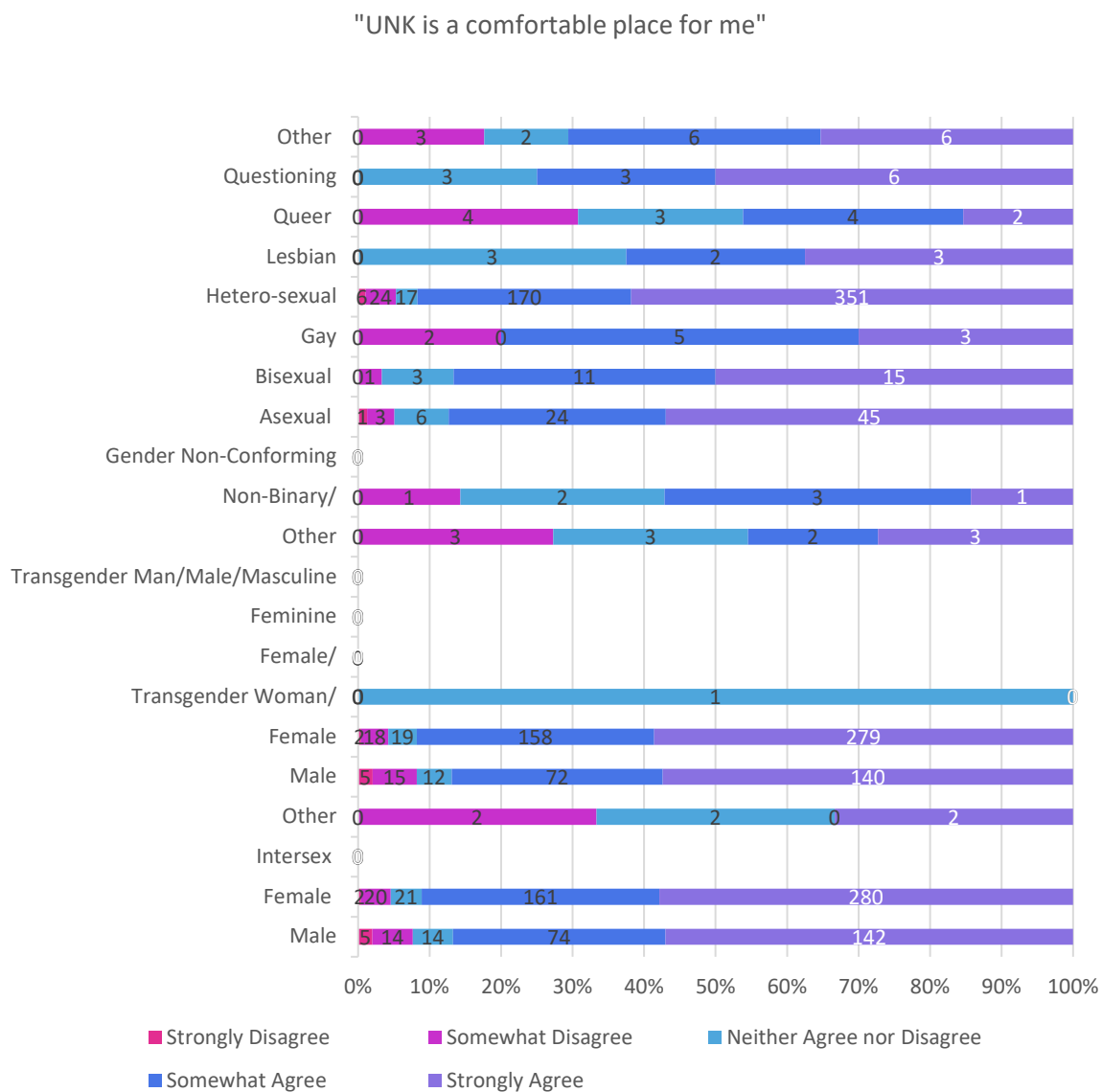
Gender, Gender Identity, and Sexual Orientation

Among gender, gender identity, and sexual orientation combined, 89 percent of respondents generally agree that UNK is a comfortable place. Males are slightly more likely than females to report a negative climate (7.6% versus 4.5%).

In the survey population, only two people identified as a transgender woman or transgender man, so to preserve the privacy of those individuals, responses related to people who self-identified as transgender were removed from most data analysis.

Respondents who identified as binary/non-conforming gender identity, queer, or other were the most likely groups to perceive a negative campus climate. Figure 12 provides detailed information about the number of people by birth sex, gender identity, and sexual orientation and their evaluation of the claim, "The University of Nebraska at Kearney is a comfortable place for me".

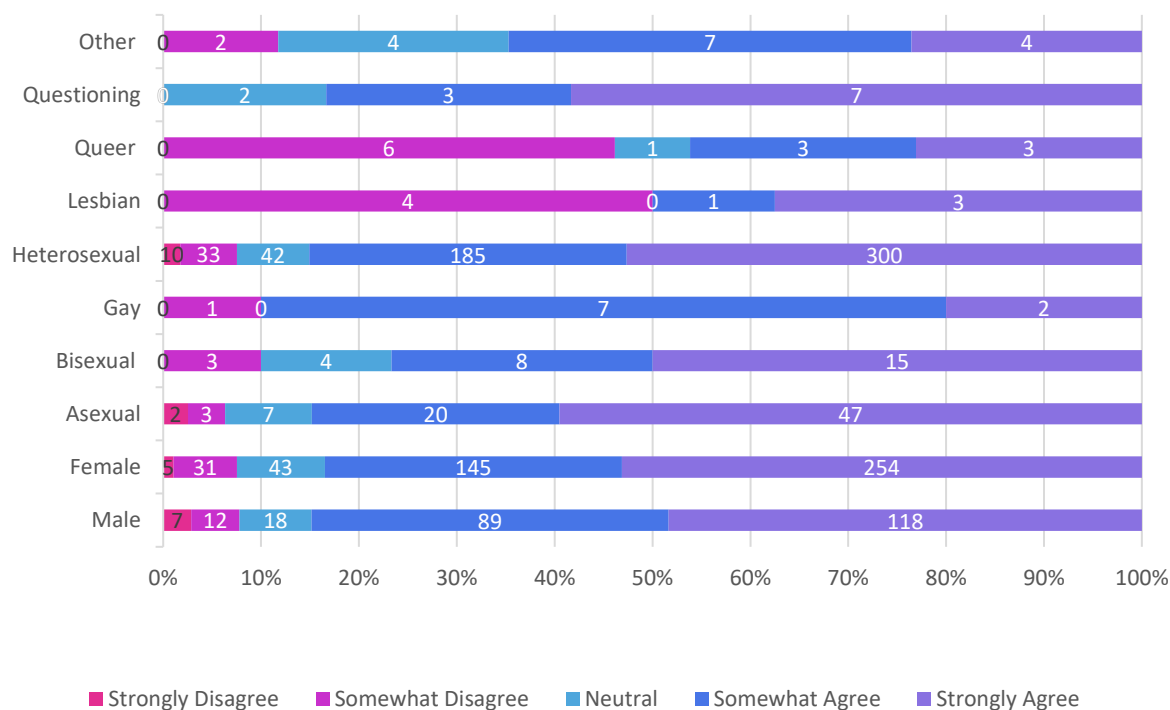
FIGURE 12:
OVERALL COMFORT AT UNK BY GENDER, GENDER IDENTITY, AND SEXUAL ORIENTATION



In terms of UNK being perceived as a welcoming place, over 80 percent (82.8%) of all respondents who responded to gender, gender identity, and sexual orientation questions agreed or strongly agreed that UNK is welcoming.

When comparing male/masculine perceptions versus female/feminine perceptions, the extent to which UNK is felt to be not welcoming remains very consistent (7.8% and 7.5%).

FIGURE 13:
UNK AS WELCOMING BY GENDER AND GENDER IDENTITY
"UNK is a welcoming place for me"



Among the total population who responded to questions related to gender, gender identity, and sexual orientation the following population groups were identified as those who encounter the greatest climate of disrespect on the UNK campus (as measured by a score of very disrespectful or disrespectful):

- Non-Native English Speakers (19.1%)
- Transgender or Gender Nonconforming (18.8%)
- People from Other Nations (16.8%)
- Members of the LGBTQQ Community (16%)
- People who are Muslim (15.6%)

FIGURE 14
PERCENTAGES OF PEOPLE WHO VIEW A DISRESPECTFUL CAMPUS CLIMATE BY GENDER IDENTITY

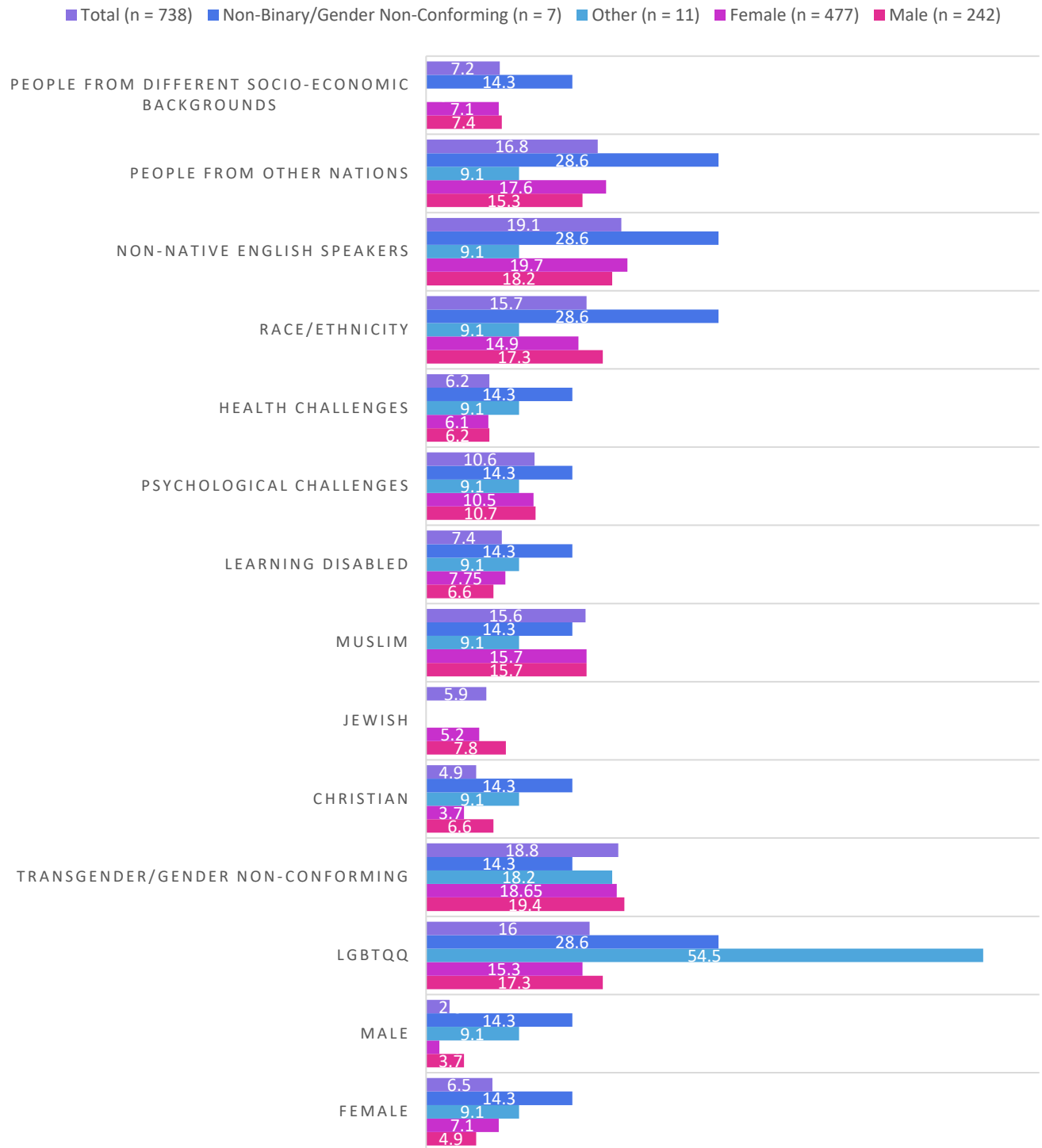
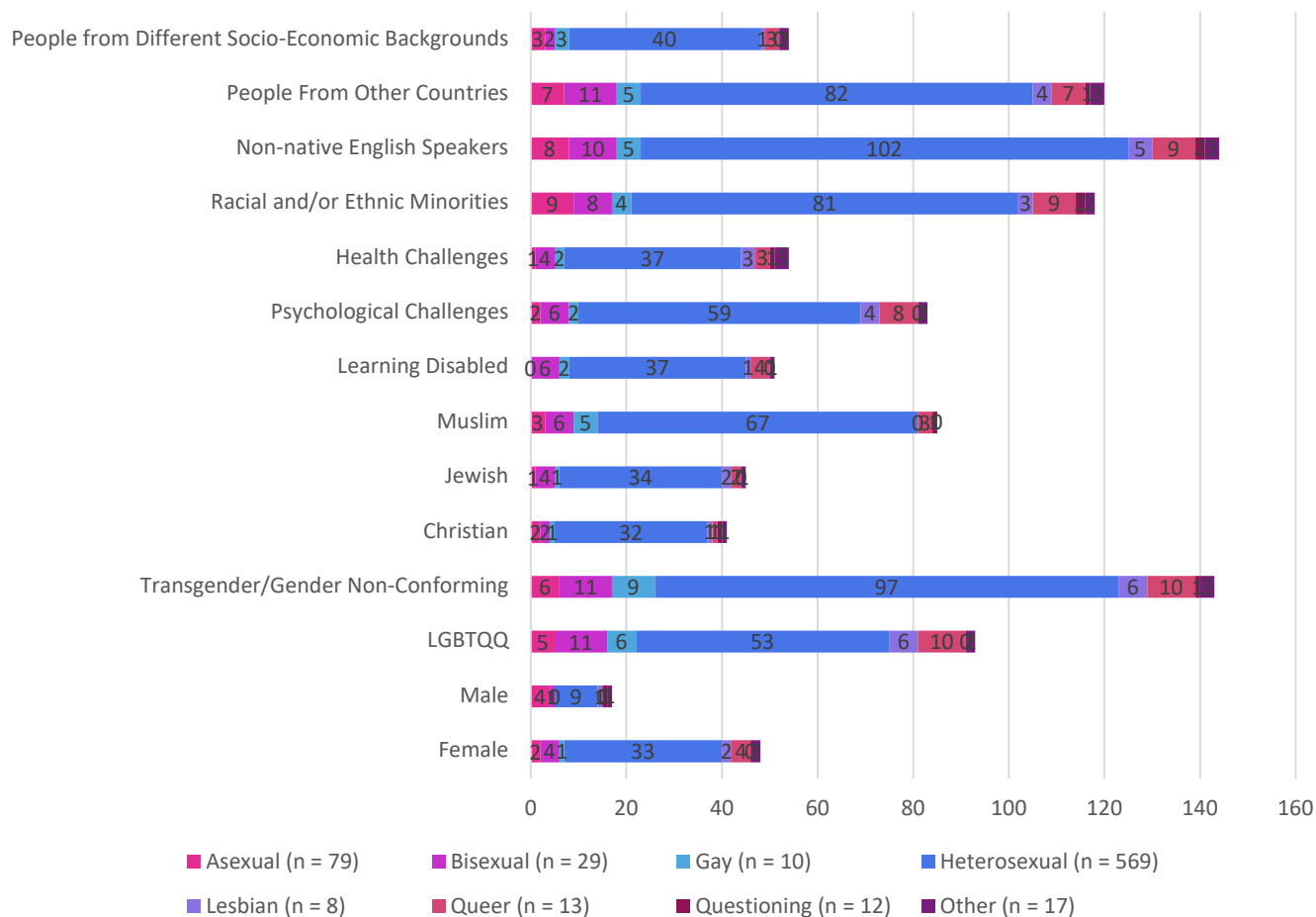


FIGURE 15:
NUMBER OF PEOPLE WHO VIEW A DISRESPECTFUL CAMPUS CLIMATE BY SEXUAL ORIENTATION



Race and Ethnicity

In terms of race and ethnicity, most respondents agreed or strongly agreed that UNK is a welcoming place, which is consistent with other demographic groups. Overall, 83.2 percent of participants who identified a race, and 83.5 percent of participants who identified as Hispanic, view UNK as welcoming.

However, nearly every race and ethnicity, apart from African Americans and Middle Eastern, noted some degree of disagreement with the statement that UNK is welcoming (strongly disagree and somewhat disagree), suggesting there is room for improvement of the experiences of minority races and ethnicities at UNK:

- 18 percent of respondents who self-identified as Hispanic, Latino, Latina, or Latinx.
- 17.4 percent of respondents who identified “other” as their race.
- 14.2 percent of respondents who self-identified two or more races.

- 9.4 percent of Asian.

Figure 16 provides information regarding perceptions of UNK as a welcoming place by race and ethnicity. Figure 17 provides detailed information regarding perceptions of UNK as a comfortable place by race and ethnicity.

Figure 16:
Perceptions of UNK as Welcoming by Race and Ethnicity

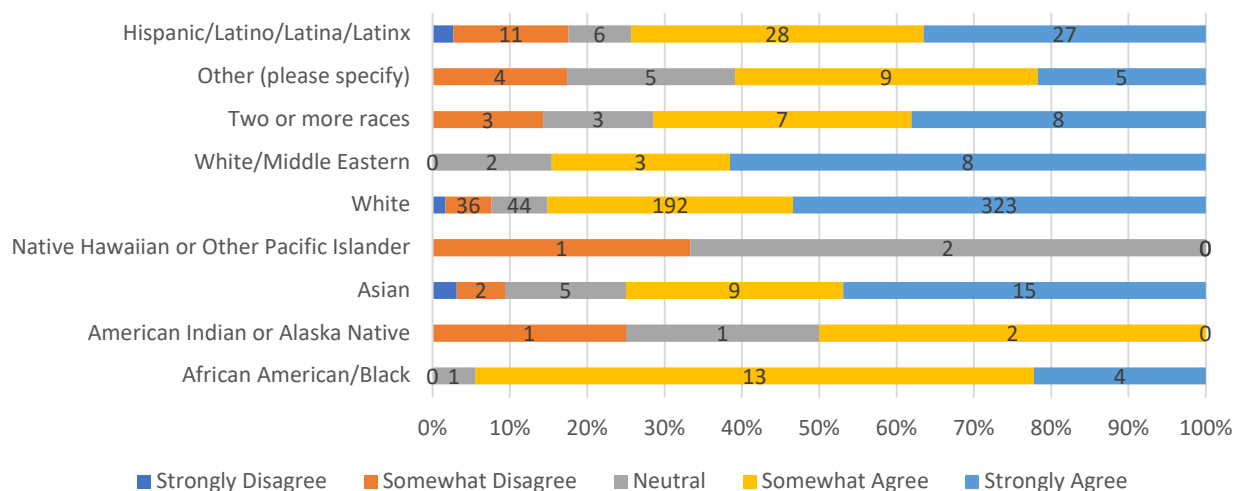
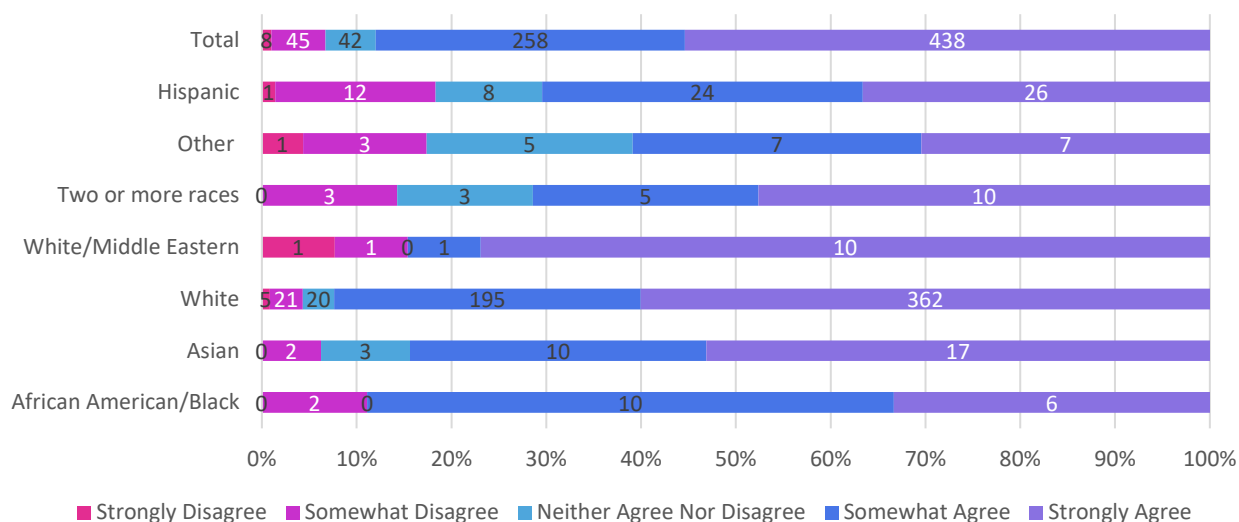


FIGURE 17:
PERCEPTIONS OF UNK AS COMFORTABLE BY RACE AND ETHNICITY





Slightly over 700 people who reported a race also responded to questions about whether they view the UNK campus climate as respectful toward specific groups of people. Two groups of participants were removed from this analysis because the combined groups of American Indian/Alaskan Native and Native Hawaiian/Pacific Islanders constituted fewer than ten participants.

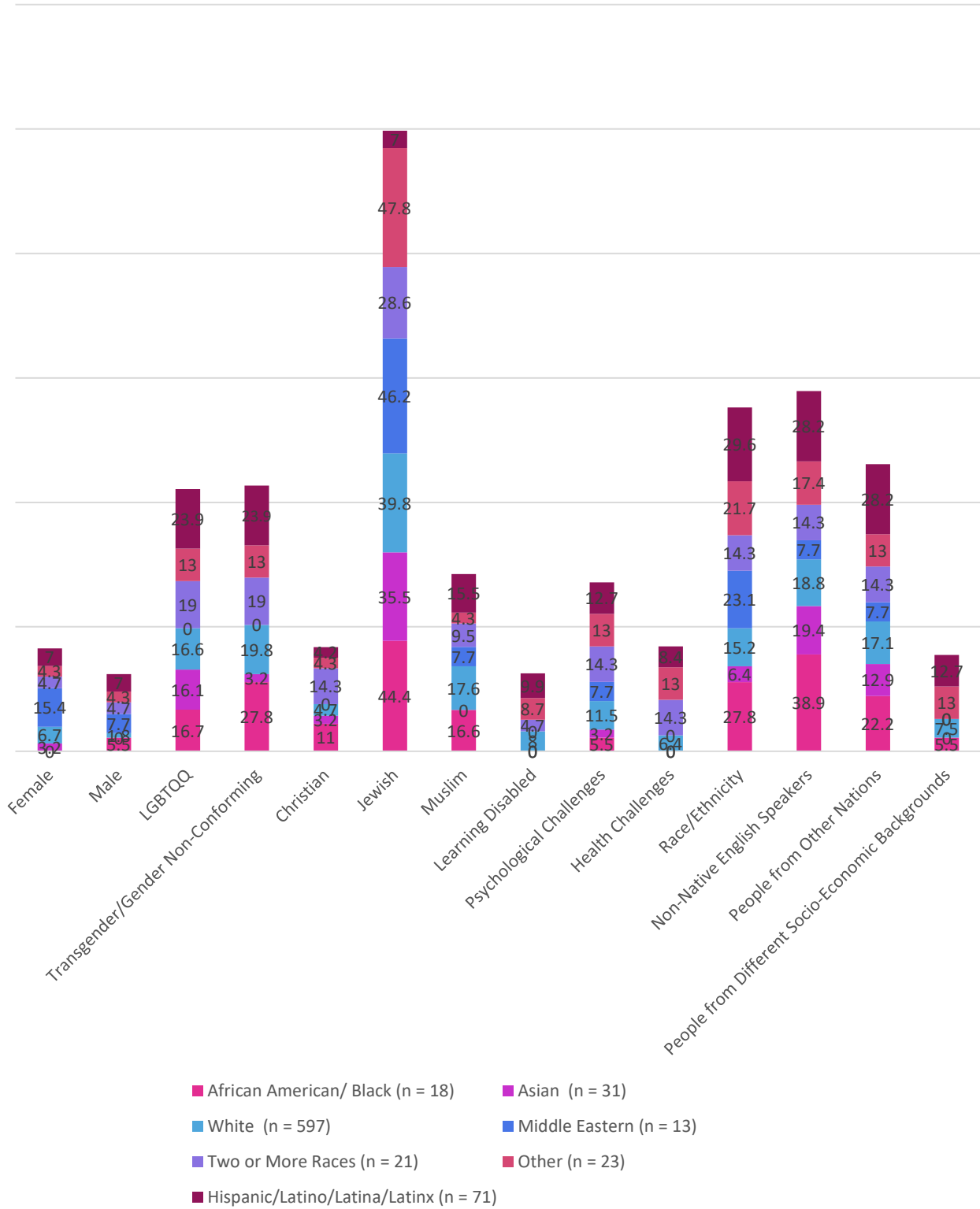
Overall, in every category, respondents viewed the campus climate as neutral or favorable in terms of the degree of respect for specific groups of individuals. However, when viewing campus climate and respectfulness from the perspective of race, 39.8 percent of respondents viewed the climate toward Jewish people to be disrespectful or very disrespectful.

Non-native English speakers and transgender and gender non-conforming UNK community members are also perceived as being treated disrespectfully or very disrespectfully (18.9% and 18.6% of total).

In terms of statistical significance, based on chi-square tests of association, there are significant associations between race and respectfulness toward women ($p < .01$), men ($p < .01$), people who are Christian ($p < .02$), and people who are Muslim ($p < .03$). There is no statistically significant association between race of respondent and any other category of people in terms of respectful climate.



FIGURE 18:
PERCENTAGE OF PEOPLE WHO VIEW A DISRESPECTFUL CAMPUS CLIMATE FOR
SPECIFIC GROUPS BY RACE AND ETHNICITY

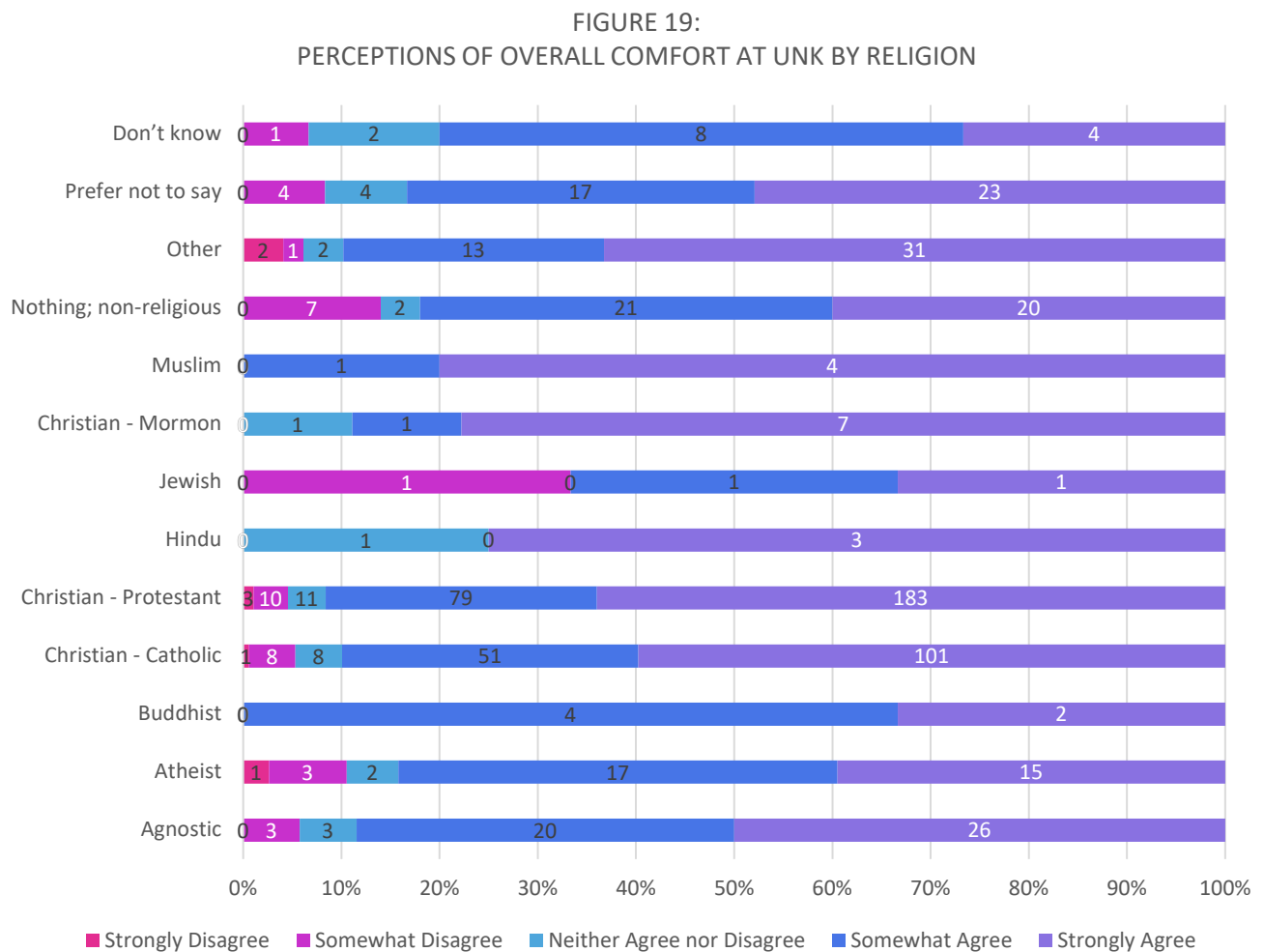


Religious Affiliation

In terms of overall comfort by religious affiliation, 653 people (88.9%) reported that they agree, to some degree, that UNK is a comfortable place for them. This finding suggests that when overall climate and comfort is viewed through the lens of religious affiliation, there are not substantive differences when religion is viewed in contrast to university affiliation group.

Only 6.1 percent of all respondents across all religious groups reported that they felt, to some extent, that UNK is not a comfortable place to be. The most common religious group to report discomfort is Christians who ascribe to a Protestant denomination (1.7% of respondents), but it is likely that this occurs because of the relatively large Christian population at UNK, as the proportion of respondents are similar across all religious groups.

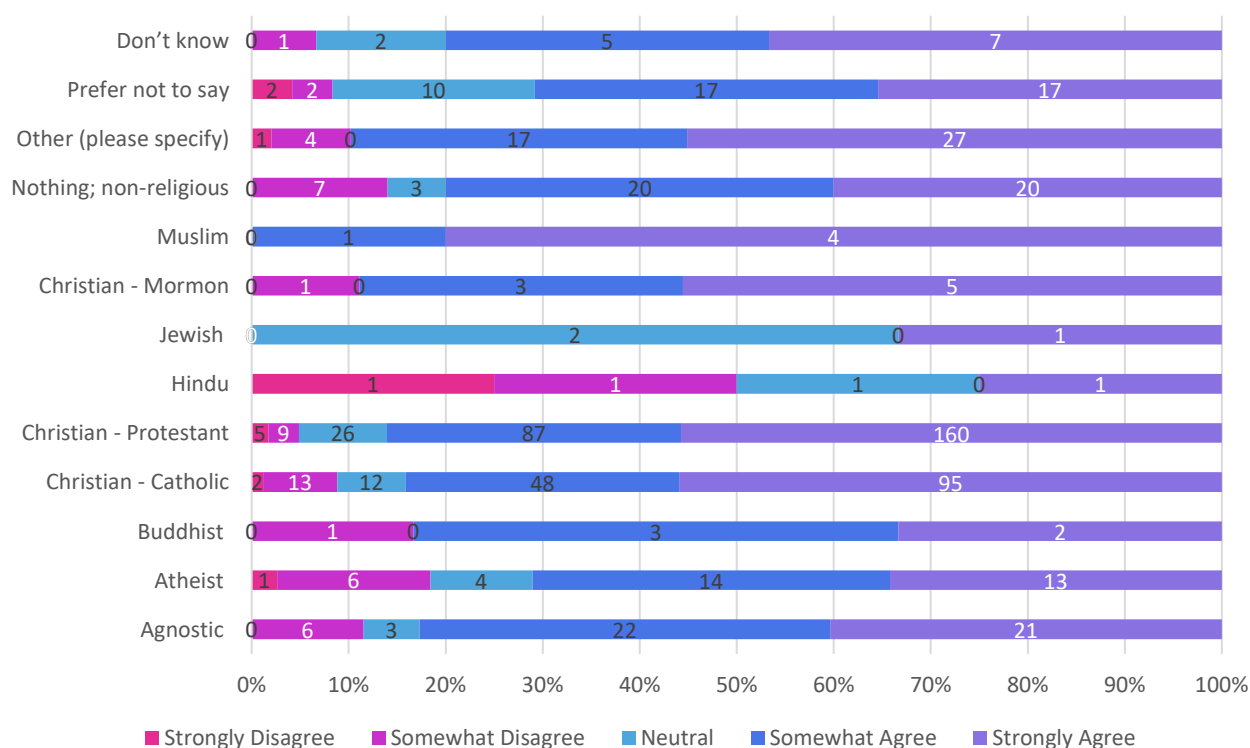
Figure 19 depicts the number of participants who responded to the question of overall comfort at UNK by religious affiliation.



In terms of religious affiliation, most people at UNK believe it to be a welcoming environment (82.8% of respondents somewhat or strongly agreed).

There are some differences, however, among denominations and religious beliefs. Among Christian-based religions, including the various denominations of Protestantism, Catholicism, and Mormonism, 6.4 percent of respondents view UNK as unwelcoming to some extent. By contrast, 14.3 percent of those who identify as Agnostic, Atheist, or non-religious reported that UNK is unwelcoming. This suggests that for the non-religious, UNK is somewhat less likely to be viewed as a welcoming place.

FIGURE 20:
VIEWS OF UNK AS A WELCOMING PLACE BY RELIGIOUS AFFILIATION



Approximately 733 participants who identified a religious affiliation answered the series of questions related to the degree to which specific populations of people at UNK are viewed as being treated respectfully. However, groups of respondents that constituted fewer than nine participants could not be logically combined with other groups of religious beliefs and were removed from this analysis. As such, participants who identified as Buddhist, Hindu, Jewish, and Muslim were removed from the dataset analyzed here.

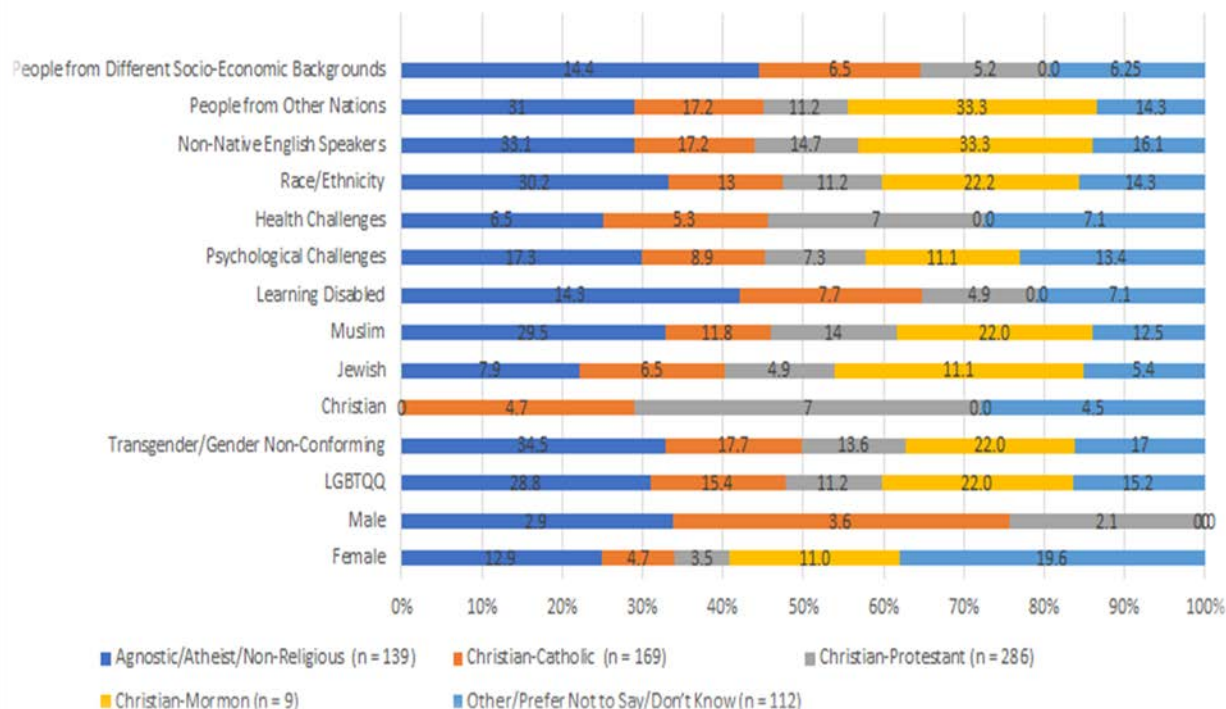
Consistent to responses by other demographic groups, participants who identified a religious affiliation reported non-native English speakers, members of the LGBTQQ community, and people who are transgender or gender non-conforming as the top three populations that

respondents, overall, were most likely to recognize as being subjected to disrespectful treatment.

Interestingly, however, a higher level of disrespect was perceived towards Muslims and racial or ethnic minorities (16% each). This is particularly interesting given that people who self-identified as Muslim were not included in this analysis, suggesting that members of the campus community overall, perceive some degree of disrespectful treatment toward Muslims.

It is also an interesting observation that among Agnostics, Atheists, and non-religious people, not one single respondent perceived any disrespect toward Christians. It is also notable that nationwide, the number of college students who ascribe to no religious affiliation has tripled over the last three decades (Downey, 2017), and that trend seems to be evident at UNK. The Cooperative Institutional Research Program (CIRP) has also reported that the number of students whose religious preference is “none” has changed significantly since 1990 and increases at a rate of approximately 1 percent per year.

FIGURE 21:
PERCENTAGES OF PEOPLE WHO VIEW A DISRESPECTFUL CAMPUS CLIMATE FOR SPECIFIC POPULATIONS BY RELIGION

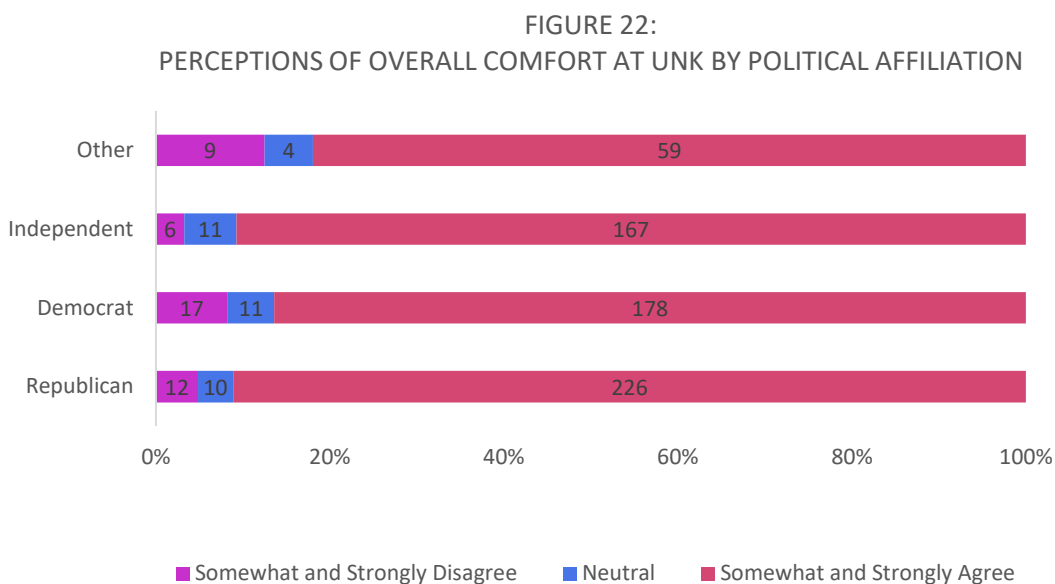


Political Affiliation

Among respondents who identified a political affiliation, 88.7 percent agreed that UNK is a comfortable place for them, while 6.2 percent disagreed, and 5.1 percent were neutral, that UNK is comfortable for them.

Among Democrats, 86 percent report UNK as being comfortable, compared to 91 percent of Republicans and 88 percent of Independents and other political affiliations. The difference between these groups is not statistically significant, indicating that among all political affiliations, UNK is largely viewed as a comfortable place to study or work.

Figure 22 presents the number of participants by political affiliation and response to the question, “The University of Nebraska at Kearney is a comfortable place for me.”



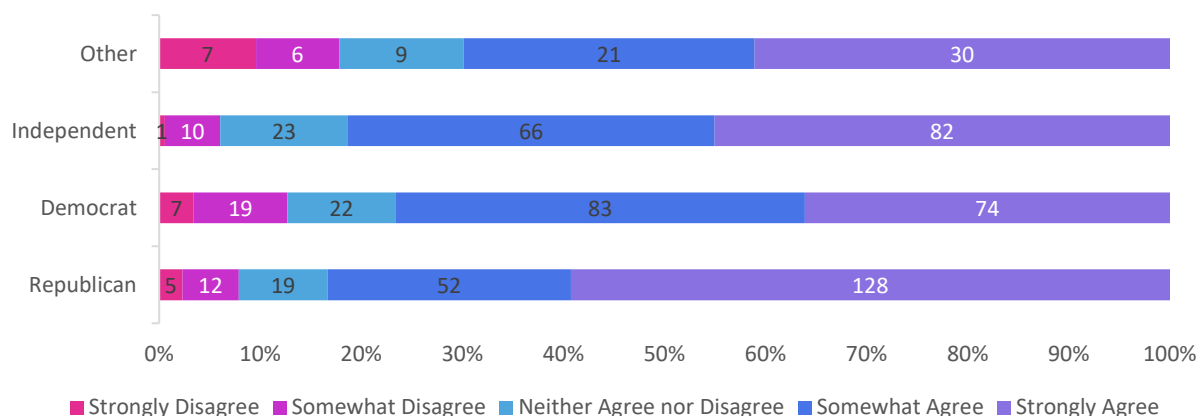
Respondents overwhelmingly view the University of Nebraska at Kearney as a welcoming place regardless of political affiliation (82.8% across political affiliations). Fewer than 10 percent (8.4%) disagree to some extent with the statement that UNK is a welcoming place.

Democrats are least likely to view UNK as welcoming, with 13.6 percent noting that they strongly disagree or somewhat disagree. The next largest group to disagree are those respondents who self-identified as “other political affiliation,” with 15 percent disagreeing to some extent that UNK is a welcoming place. Republicans are the least likely to perceive UNK as unwelcoming, with under 3 percent (2.8%) noting disagreement to some extent.

Political affiliation and the perception that UNK is a welcoming place are statistically associated with one another based on a chi-square test of association ($p < .01$). Slightly more than 80 percent of respondents who identified a political affiliation believe that, to some extent, UNK has a respectful climate.

As with the perceptions related to whether UNK is welcoming, the largest variation came from respondents who self-identified as Democrats or other political affiliations. Both groups are more likely to feel that UNK is not respectful (12.7% and 17.8%). Based on a chi-square test of association, political affiliation is statistically associated with feelings of being respected ($p < .01$).

FIGURE 23:
CREATION OF A RESPECTFUL ENVIRONMENT BY POLITICAL AFFILIATION



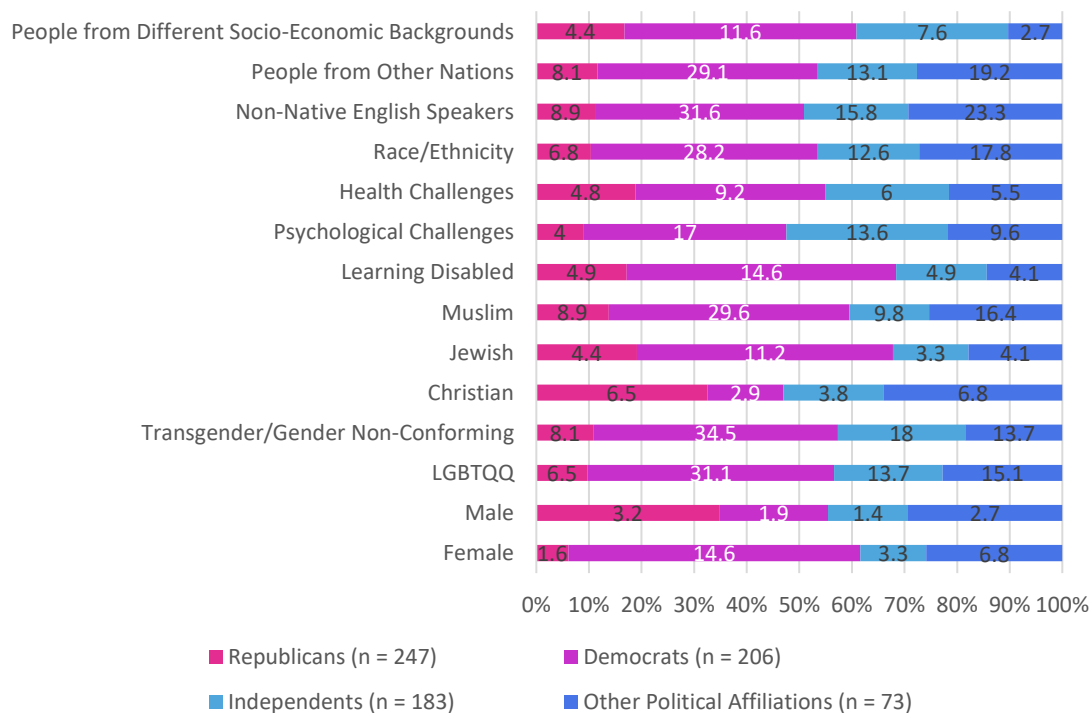
Overall the groups most likely viewed as being treated disrespectfully are the same among political affiliation as other groups of respondents. These include members of the LGBTQQ community (16.4%), transgender and gender non-conforming community members (18.9%), and non-native English speakers (18.8%).

Democrats are more likely to perceive that specific groups of people are treated differently or disrespectfully, much like they reported for other components of the survey. Across most measured dimensions of diversity, Democrats perceive levels of disrespect at three to four times that of Republicans. The only exceptions are for Males and Christians, for whom Democrats reported lower levels of disrespectful treatment.

In terms of testing for significance, all associations are statistically significant ($p < .05$) except for the relationship between political affiliation and male gender identity.

FIGURE 24:
PERCENTAGES OF VIEWS OF A DISRESPECTFUL CAMPUS CLIMATE BY
POLITICAL AFFILIATION

"Based on your experiences, how do you rate the campus climate for people who are..."



Conclusions on Campus Climate

Overall, the University of Nebraska at Kearney is viewed by its community and stakeholders as a welcoming environment to learn, live, and work. As one student noted, “I am a bisexual man who has bipolar disorder and is a practicing Orthodox Christian, so there are a few different fronts on which I could potentially feel discriminated against. I am happy to report, though, that I have always felt accepted on this campus. I think that is a profound statement to be able to make, that this campus makes me feel welcomed in both my LGBT identity (a classically "liberal" trait) and my traditional Christian identity (a classically "conservative" trait). As far as I am concerned, UNK deserves a pat on the back for having arms wide enough to embrace a person like me. Sure, there are ways it could be better (there always will be), but in my experience UNK does an excellent job of accepting people who are conservative, liberal, religious, irreligious, queer, straight, and everything in between.”

There are, however, some concerns that create opportunities for improving this admirable record of inclusion. UNK is a largely homogenous group, in that it is largely comprised of White, Protestant, Republicans who are heterosexual, and the data suggests that while overall the majority of people who work and learn at UNK feel welcomed, or at least not excluded, for



community members who do not fit into the dominant demographic, there are some gaps in terms of the degree to which people feel welcome or disrespect that is perceived by the broader UNK population.

Campus Climate Recommendations

It is not possible to determine the root cause of concerns that emerged in the data, although it is possible the population and social changes taking place in Nebraska, particularly those that the region immediately surrounding UNK may feel more strongly, are impacting how some groups are perceived and their own perceptions of feeling welcome and respected. Change is hard, and Nebraska has experienced considerable change in a relatively short period of time.

The points of concern that emerged in the data regarding the UNK campus climate and levels of disrespect were among a broad set of diversity dimensions, creating an opportunity for UNK leadership to address how its members perceive and interact with people of other cultures, beliefs, and practices. The overarching recommendation to enhance the campus climate at the University of Nebraska at Kearney is to focus on developing cultural competency.

While broad issues around diversity and inclusion should be addressed to achieve broad impact, the data demonstrates that some diverse groups may need immediate support and possibly further investigation to determine the root cause of the negative perceptions and concerns. These include:

- Perceptions of feeling welcome by Hispanics, Asians, and other people of color (two or more races and “other”).
- Perceptions of feeling welcome among Agnostic, Atheist, or other non-religious groups.
- Perceptions of feeling welcome among Democrats.
- Perceptions of disrespect for non-native English speakers, people from other nations, different races and ethnicities, members of the LGBTQQ community, and those who identify as non-binary or non-gender conforming.

Perceptions of Exclusionary Bias and Discrimination

Participants in the UNK Campus Climate Survey were asked to report on their beliefs about whether the climate at UNK is exclusionary or biased in specific areas, including race and ethnicity, sexism, homophobia, age, socio-economic status, disability, and non-normative sexual orientation. Approximately 750 people responded to this series of questions. Key findings include:

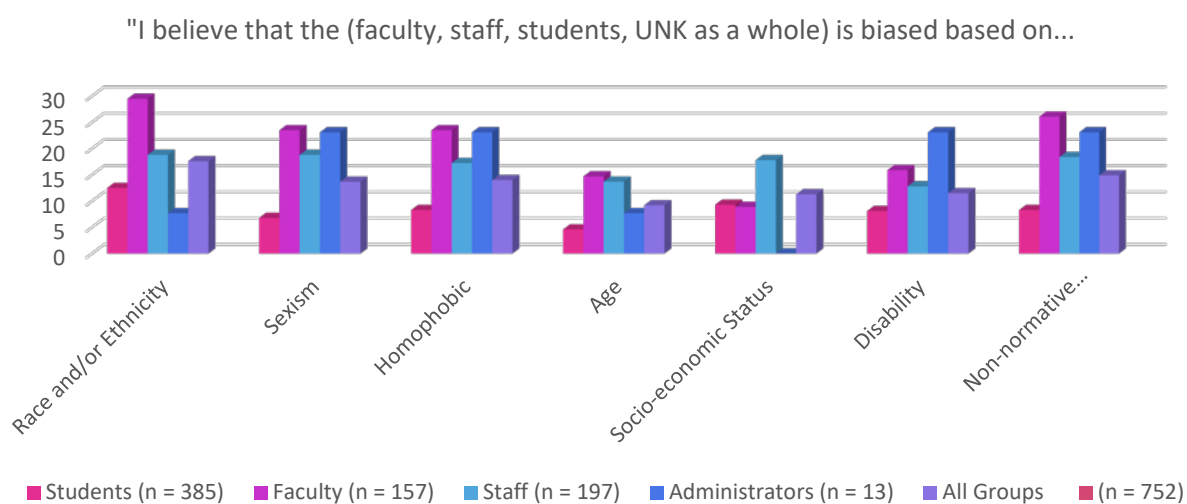
- Respondents who self-identified as Democrats tended to perceive higher levels of exclusionary bias than the overall average.
- The most common perception of exclusionary bias is based on race and ethnicity, with 26 percent of all respondents reporting they agree to some extent that UNK is biased based on race and/or ethnicity.

- When analyzed according to religious affiliation, the most common forms of bias perceived by respondents are race (17.3%), non-normative sexual identity (14.8%), and homophobia bias (13.9%).

There are differences in perceptions of bias based on university affiliation. Across all seven categories of bias, faculty reported the highest perceptions of bias. Most striking is that faculty and administrators reported bias related to sexism and homophobia at 23.5 percent each. Faculty also perceived higher levels of bias based on race and/or ethnicity than other affiliation groups. Notably, students reported bias related to sex, gender, or orientation at far lower levels.

In all cases, exclusionary bias is statistically associated with university affiliation group ($p < .01$).

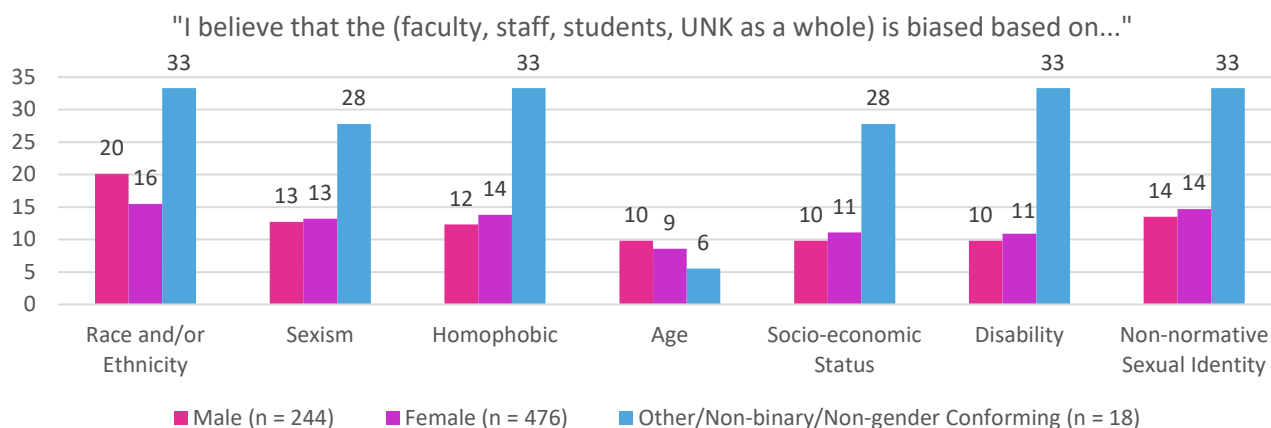
FIGURE 25:
PERCENTAGES OF EXCLUSIONARY BIAS BY UNIVERSITY AFFILIATION GROUP (n = 752)



Given the trend toward moderately high perceptions of bias based on gender, orientation, or gender identity, it is useful to view each group of exclusionary bias according to the respondent's gender identity. Given the very low, and in some cases non-existent, numbers of people who identified as transgender woman/female/feminine or transgender man/male/masculine, those categories have been removed from this analysis to protect the confidentiality of the respondents. Participants who reported their gender identity as "other" or "non-binary/gender non-conforming" were combined into a single category.

People who self-identified their gender identity as "other," non-binary, or non-gender conforming tended to report higher instances of exclusionary bias than groups with other gender identities. All groups combined, however, expressed a perception of bias across all categories included in the survey at rates generally slightly higher than 10 percent (with the exception of age bias, which was slightly lower than 10%). Figure 26 details bias perceptions of respondents (who reported that they somewhat or strongly agree with the existence of exclusionary bias based on type) according to self-reported gender identity.

FIGURE 26:
PERCENTAGES OF VIEWS OF EXCLUSIONARY BIAS BY GENDER IDENTITY (n = 740)



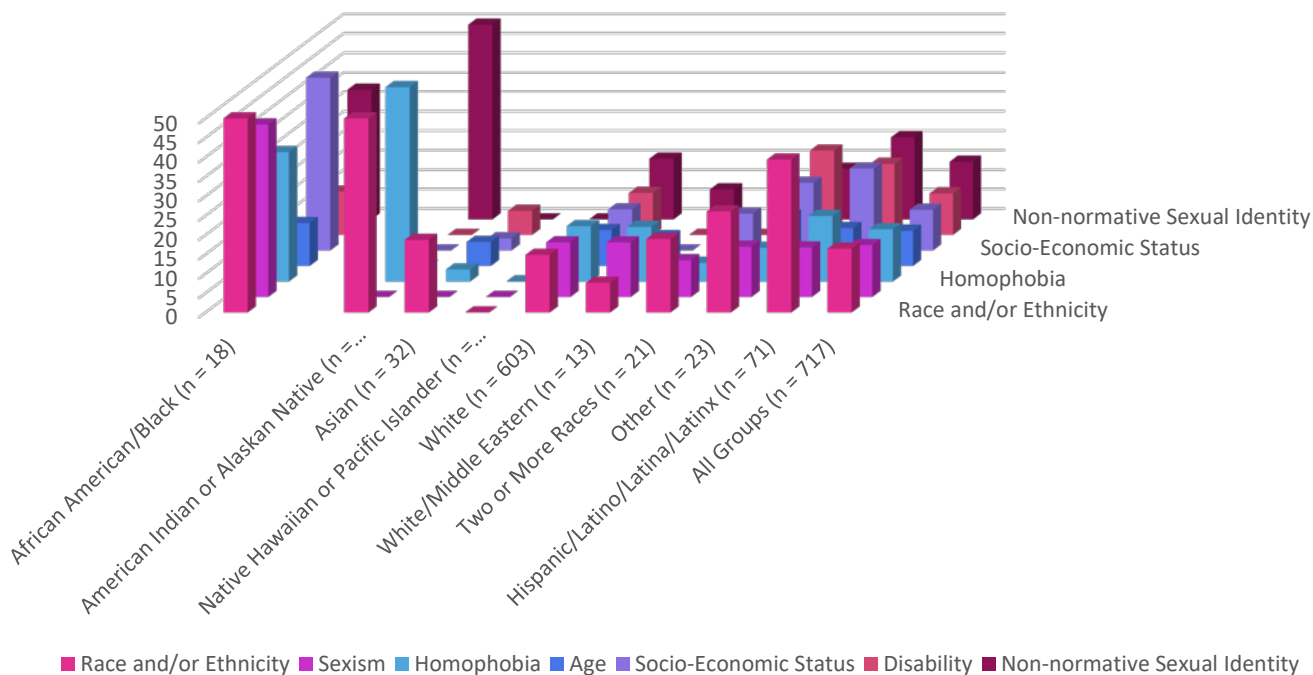
Exclusionary Bias by Race and Ethnicity

The most common perception of exclusionary bias is based on race and ethnicity, with 26 percent of all respondents reporting they agree to some extent that UNK is biased based on race and/or ethnicity. Fully, half of African Americans and American Indians/Alaskan Natives affirmatively believed the same, though it should be noted that the size of each of these groups (18 and 4, respectively) is small in comparison to the overall population of respondents.

The second most common perception of bias is based on non-normative sexual identity (14.8%), followed by homophobic bias (13.5%). It should be noted that perceptions of bias based on sexism follow very closely, with 13.4% of all respondents expressing that they somewhat or strongly agreed that sexist bias exists at UNK.

FIGURE 27:
PERCENTAGES OF VIEWS OF EXCLUSIONARY BIAS BY RACE AND ETHNICITY

"I believe that the (faculty, staff, students, UNK as a whole) at the University of Nebraska at Kearney is biased based on..."

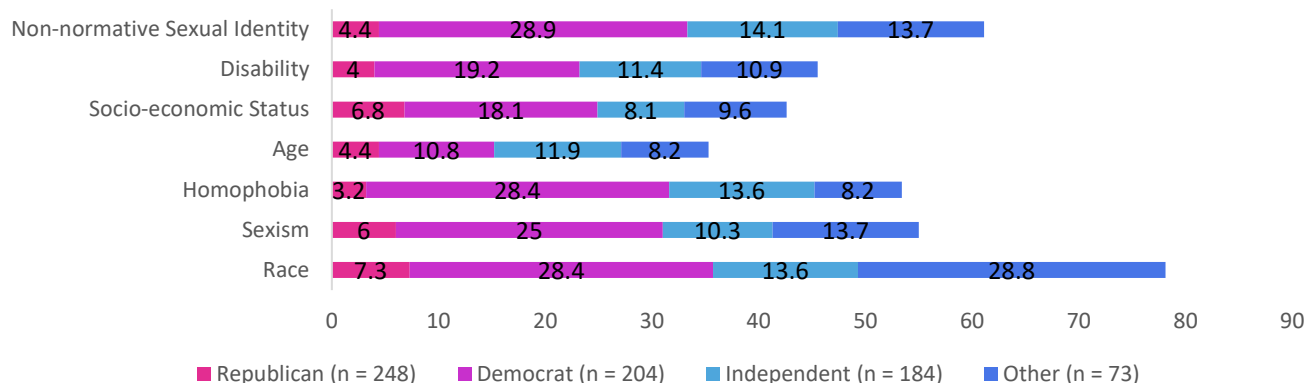


Exclusionary Bias by Political Affiliation

The most prevalent form of exclusionary bias by political affiliation is race: 17.2 percent of respondents, irrespective of political affiliation, somewhat or strongly agreed that race-based bias exists at UNK. Respondents who self-identified as Democrats tended to perceive higher levels of exclusionary bias than the overall average of across all categories of bias.

FIGURE 28:
PERCENTAGES OF VIEWS OF EXCLUSIONARY BIAS BY POLITICAL AFFILIATION
(n = 709)

"I believe that the (faculty, staff, students, UNK as a whole) at the University of Nebraska at Kearney is biased based on..."



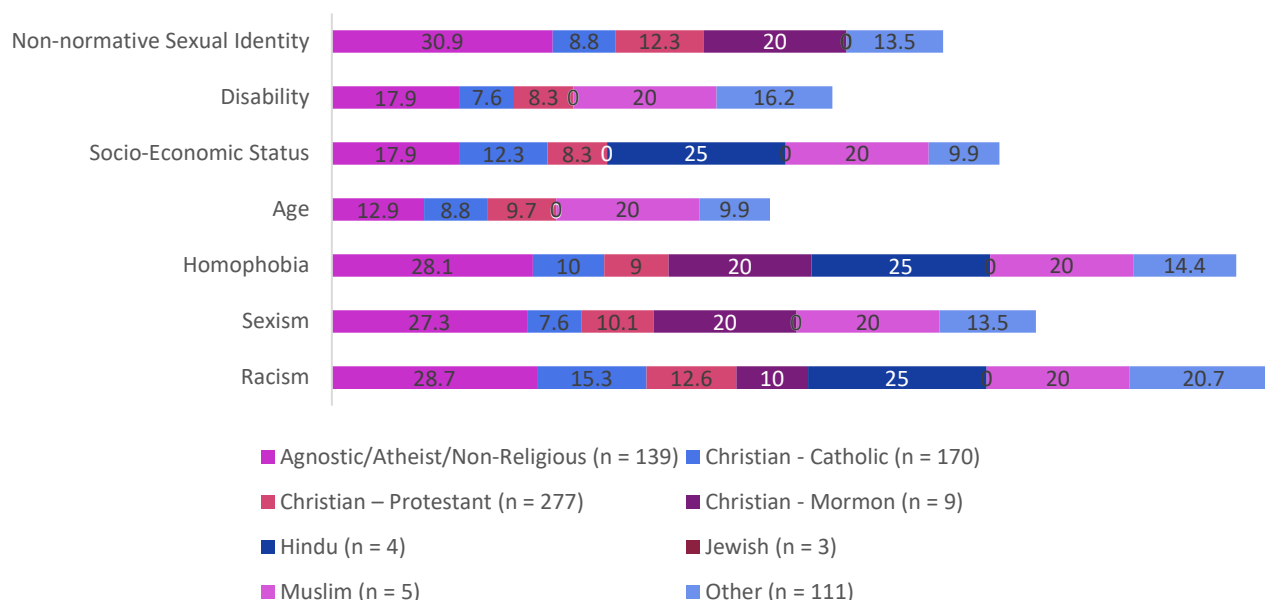
Exclusionary Bias by Religious Affiliation

To better understand perceptions of exclusionary bias by religious affiliation, some categories of religions were grouped. Agnostics, atheists, and people who self-identified as non-religious were collapsed into a single group. Furthermore, Christian Protestants and Mormons were combined. And the category of “Other” includes people whose religious affiliation was not included in the survey, people who prefer not to identify a religious affiliation, and people who do not know their religious affiliation. In total, 734 people who identified a religious preference responded to questions related to exclusionary bias.

The most common form of bias, among respondents who answered religious affiliation, is that of race (17.3% of all respondents), followed by non-normative sexual identity (14.8%) and homophobia (13.9%).

Among the categories of religion as described, Agnostic/Atheist/Non-Religious respondents were more likely to agree to some extent that bias exists among all categories.

FIGURE 29:
 PERCENTAGES OF VIEWS OF EXCLUSIONARY BIAS BY RELIGION (n = 734)
 "I believe the (faculty, staff, students, UNK as a whole) at the University of Nebraska at
 Kearney is biased based on..."



Exclusionary Bias Related to Disability

Consistently, across all groups, discrimination based on disability status is noted at around 11 percent. An examination of qualitative survey responses and focus group data revealed that most disability concerns are regarding the lack of adequate accommodation. In the discussions and comments from community members with disabilities, it was clear that they generally acknowledge that the University meets the requirements of reasonable accommodation under the Americans with Disabilities Act, but some needs remain unmet. For example:

- ...Our campus and again, specific buildings on campus are NOT easy to access. While they may technically meet the accessibility requirements, for those who are actually trying to use certain buildings it is not access friendly. We must do better! The "ramp" into Warner Hall is extremely steep, slippery, and difficult to navigate. There should be improvements!
- When one is working with the disability office, it can sometimes be hard to completely match the student's accommodations. I, as a student with disability and an accommodation, feel like my accommodation is often undermined and like I am in hidden words being told [by various UNK staff members] to make compromises that impact my ability to manage my disability.



Experiences and Observations of Exclusionary Conduct

Exclusionary conduct refers to behaviors that are marked by incivility, bullying, discrimination against individuals and groups who are different, and are antithetical to creating a diverse and inclusive environment. In the UNK Campus Climate Survey, all survey participants were given the opportunity to respond to a series of questions regarding any instances in which they may have experienced exclusionary conduct themselves or were witnesses to exclusionary conduct directed at others.

Overall, reported responses about exclusionary conduct are relatively low for each university affiliation group and by category of exclusionary conduct. In total, 572 reports of exclusionary conduct were indicated. Of these, students experienced or observed nearly half of incidents (45.6%). Faculty reported approximately 27 percent, staff reported 23.2 percent, and administrators reported 3 percent of all instances experienced or observed by the target of the exclusionary conduct.

Appendix E includes a series of tables that provide detail on dimensions of exclusionary conduct including whether the conduct was witnessed or experienced firsthand, location, and certain characteristics of the instigator. Key information is summarized here, but we felt additional detail may be needed to fully understand the scope and breadth of behaviors that are perceived by UNK stakeholders as offensive and exclusionary in nature. The tables in Appendix E provides detail on the number and types of exclusionary conduct, and by whom those events were witnessed or experienced.

Source of Exclusionary Conduct

In total, respondents reported 569 instances of exclusionary conduct, but it is not possible to know how many specific incidents occurred or how many respondents may be referencing the same or similar incidents. As with observations of exclusionary conduct, most instances were noted by students who observed or experienced 267 (46.9%) of occurrences where the instigator of the conduct was identified. Faculty reported another 146 (25.7%), staff reported 133 (23.4%), and administrators reported 11 (1.9%).

In terms of the source, or identity, of the instigator of exclusionary behavior, faculty and staff are nearly equal as reported by participants (146 and 133 instances, respectively) for a total of 49.0% of all instances reported. The tables in Appendix E provide detailed information about the source or instigator of exclusionary behavior by University Group Affiliation.

Forms of Exclusionary Behavior

In total, 823 instances of different forms of exclusionary behavior were reported by respondents, but it is also important to bear in mind that this number is not an accurate count of specific incidents. It is not possible to know how many specific incidents occurred based on the data collected. As with observations of exclusionary conduct, the majority of instances were noted by students, who observed or experienced 358 (43.5%) forms of exclusionary behavior. Faculty



reported another 235 (28.5%), staff reported 200 (24.3%), and administrators reported 30 (3.6%).

The most common forms of exclusionary behavior included derogatory verbal comments or remarks (145 occurrences), someone being deliberately excluded, ignored, or left out (129), and bullying or harassment (122). Together, these three forms of exclusionary behavior constitute nearly half (48.1%) of reported instances of exclusionary conduct.

Location of Exclusionary Behavior

Slightly under 400 survey participants reported 391 instances of exclusionary conduct where the location was identified. It is important to bear in mind that this number is not an accurate count of specific number of incidents and it is not possible to know how many specific incidents occurred based on this data collection effort. As with other questions related to the nature of exclusionary behavior, students were more likely than other respondents to report on the location where exclusionary behavior occurred.

The most commonly reported places for exclusionary conduct included classrooms and campus facilities or events (54.5% combined). The least likely location for exclusionary behavior was through social media (8.7%).

Limitations to Observations and Experiences with Exclusionary Conduct

This study's key limitation for estimating the pervasiveness of exclusionary conduct at UNK is that it is not possible to determine from this data collection effort how many documented incidents occurred or how many respondents referenced the same incidents. For example, the most commonly reported place for exclusionary conduct are classrooms and campus events, meaning that there are likely multiple potential witnesses to the same event, and it is not possible to know how many individuals who responded to the survey may be referencing the same incident.

Conclusions on Exclusionary Conduct

Among campus affiliation groups, students are far more likely to observe exclusionary conduct than any other stakeholder. In most cases, faculty and staff were seen as being the most likely instigators of exclusionary conduct, and verbal comments, deliberately ignoring someone, or bullying and harassment are the most common forms of exclusionary behavior. Exclusionary behaviors tend to occur more in classrooms or at campus events, and less at residence halls or through social media.

Perceptions of Bias and Discrimination at UNK

Across all university affiliation groups, generally fewer than 10 percent of survey respondents reported feeling strongly or somewhat strongly that they had been discriminated against. The exception to this trend relates to gender discrimination where slightly higher (13%) of respondents perceive gender-based discrimination. The least likely sources of discrimination were non-normative gender identity, disability, and sexual orientation. Approximately 10 percent



of survey respondents reported perceptions of discrimination based on age. Last, students are slightly more likely than other university affiliation groups to perceive discrimination based on race and/or ethnicity. Approximately 8 percent of students reported that they, personally, felt discriminated against on the basis of race or ethnicity.

University Policies Regarding Discrimination

UNK policy statements regarding compliance with federal and state laws are noted on the UNK website, are accessible, and understandable to a wide range of stakeholder groups. Policies specifically pertaining to discrimination and harassment are also available on the website, along with procedures for filing a discrimination complaint and grievance procedures related to discrimination for classes of people protected under the Civil Rights Act of 1964, as amended, and the Americans With Disabilities Act, particularly Section 504 grievances. The University also has an Affirmative Action Plan which reinforces the core values of the institution related to employee recruitment and on-boarding of new faculty.

What is less obvious, however, is a mechanism for students, faculty, staff, and other university stakeholders to make complaints or share concerns related to exclusionary conduct in a way that is confidential and includes controls that reasonably ensure that issues made in good faith are followed up on by the institution. As noted in earlier parts of this report, there is a clear code of conduct for students, but one for faculty, staff, and administrators is less obvious. Though there are policies and procedures in place to address protected status violations it seems the University relies more on the policies regarding discrimination, harassment, and compliance to address any exclusionary behavior, but those policies do not encompass the full range of exclusionary behaviors that potentially occur on a diverse campus. As one university employee commented, “I know there are resources for students to turn if they feel discriminated against (which is wonderful), but I do not see a lot of info of where staff/faculty can turn to for confidential reporting/talking”.

Focus group participants from several groups noted the lack of follow up by administration regarding reporting of incidents of discrimination on campus. The perception is that once incidents are reported nothing is done. Participants also generally offered a recommendation that to counter the perception that nothing is done on the reports is for administrators to bring closure to the investigation by informing the person or group of the outcome of the investigation and giving specific actions that were taken. There was a concern that a lack of transparency in the reporting process may contribute to false assumptions and a general lack of clarity about whether reports of discrimination are taken seriously and acted upon. Furthermore, in spite of the consistent messaging regarding a university-wide zero-tolerance policy regarding retaliation, a recurring theme from faculty and staff participating in focus groups involved the uneasiness of reporting discrimination incidents due to possible retaliation. This was most concerning for non-tenured faculty who feared retaliation from getting tenure.

General Perceptions of Discrimination

Generally, most participants who offered information on the survey or participated in focus groups noted that UNK does a fairly good job of addressing discrimination. Equal Opportunity



Affirmations clearly appear in guiding policies related to compliance with federal and state laws governing equal opportunity, discrimination, and harassment, and the university has a process in place for the filing of discrimination complaints and the resolution of discrimination grievances. These policies are clearly available to all campus stakeholders, including students, faculty, staff, vendors, and campus visitors.

In spite of these procedures, both focus group and survey participants identified an awareness of discrimination at UNK. Several participants were aware of perceived discrimination on campus. Minorities and women students, faculty, and staff are more sensitive to instances of perceived discrimination than their majority counterparts. Common perceptions included the following types of comments:

- Many respondents noted a general perception that faculty may have some preferences to working with exclusively White students, to the exclusion of other groups, including Hispanic people. For example, one student noted an experience with a professor who “liked to go off on rants about different minorities.” The same respondent noted that it was his or her perception that some faculty members favor men over women and recalled a situation where s/he recalled that a faculty member made disparaging comments about women; mentally ill people; people who are gay, lesbian, or transgender; overweight people; and the role of religion in gender identity.
- Respondents also noted that they perceive the existence of an “old boys club” and that women struggle to have equal voices on campus.
- Faculty respondents described their experiences working in hostile work environments with regard to gender. Some noted that women are assigned a greater workload but are not fairly compensated for disparate work assignments. In another example, a faculty or staff member openly commented that women attended universities in order to acquire their MRS degree and nothing else.
- A variety of respondents expressed concerns about the exclusion of religious, racial, and ethnic minorities.
- Many respondents across all university groups raised concerns that international students are treated differently than American students. They reported behaviors including name-calling, social exclusion in the classroom, and disparaging comments about accents and speech affect. One respondent commented that “racial diversity should be valued above all else, yet the International Office has staff who exclude or disrespect staff of differing ethnicity.”

Diversity and Inclusion Education for Students, Faculty, and Staff

Participants voiced a general consensus that there is a need for diversity and inclusion education for all on campus; however, faculty training is widely perceived as the most urgent need. Culturally insensitive comments or actions that made students and staff feel devalued stemmed from faculty in the examples mentioned above. While the concept of academic



freedom is a pillar of any university, cultural insensitivity is not. Participants indicated that diversity and inclusion training should be ongoing throughout the year, not just a one-time annual occurrence. Specific examples of comments are below:

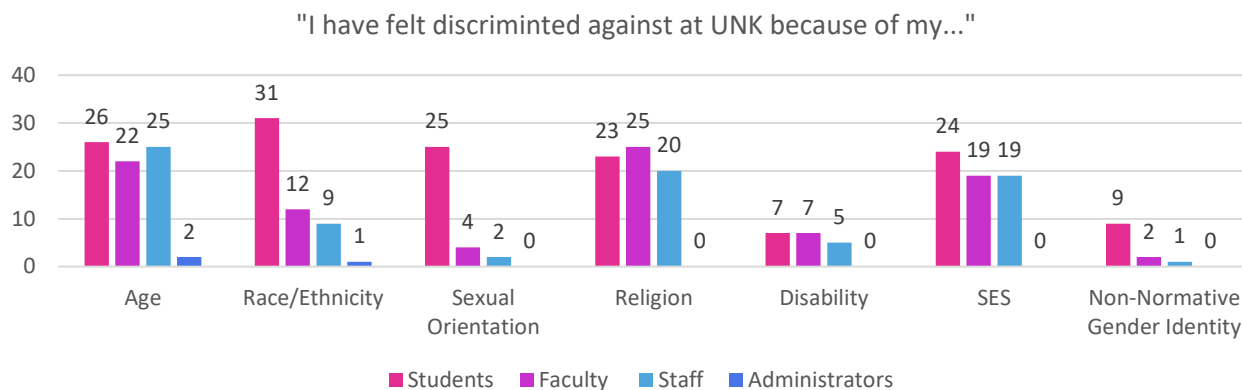
- “Need training beyond first day – every year we should have yearly training and do refreshers.”
- “Dining staff and custodial staffs need to be included in training.”
- “Given the current political climate, reaffirm that professors will not face repercussions for supporting Muslims, the LGBTQ community, people with mental disabilities or other distinctions, and that discussions of the problems these groups face should be accepted in the classroom.”
- “We need this to be a campus wide effort. There needs to be more training opportunities available. The training also needs to be hosted in a variety of mediums, in-person training is not always feasible when offices are short staffed, so making them available online would be helpful.”
- “Diversity education about not only race, ethnicity and sexual orientation but also gender and age. Ageism is very prevalent and is not addressed”.
- “Offer educational services to combat these harmful beliefs about minorities. I'm not exactly sure what kinds of educational services work the best...classes? brochures? presentations? But, I feel like these underlying assumptions about minorities are toxic and should be combatted somehow, not just swept under a rug because then they don't really go away...they just stew and create more toxicity”.

Perceptions of Discrimination by University Affiliation Group

Survey participants were asked to rate their personal perceptions of discrimination against them based on age, race and/or ethnicity, sexual orientation, gender identity, religion, socioeconomic status, and disability status. Across all university affiliation groups—that is, students, faculty, staff, and administrators—generally fewer than 10 percent of respondents reported that they felt strongly or somewhat strongly that they have been discriminated against. The exception to this trend is in the case of gender-based discrimination: 13 percent of respondents across all university affiliation groups reported feeling that they had experienced discrimination on the basis of gender to some extent. The next ranking category of discrimination was age, where approximately 10 percent of respondents reported the perception of discrimination, followed by religion (9%). Approximately 7 percent overall reported perceptions of discrimination on the basis of race or ethnicity. Students are slightly more likely to perceive racial or ethnic discrimination, with approximately 8 percent of students reporting that they have been discriminated against based on race or ethnicity. The least prevalent sources of discrimination, overall, were non-normative gender identity (1.6%), disability (2.5%), and sexual orientation (4.1%). Figure 30 provides detail on the number of participants, by university affiliation group,

who report having experienced various types of discrimination. Survey scores of somewhat agree and strongly agree were combined to estimate perceived occurrences of discrimination.

FIGURE 30:
NUMBER OF PEOPLE WHO HAVE FELT DISCRIMINATED AGAINST BY TYPE AND UNIVERSITY GROUP



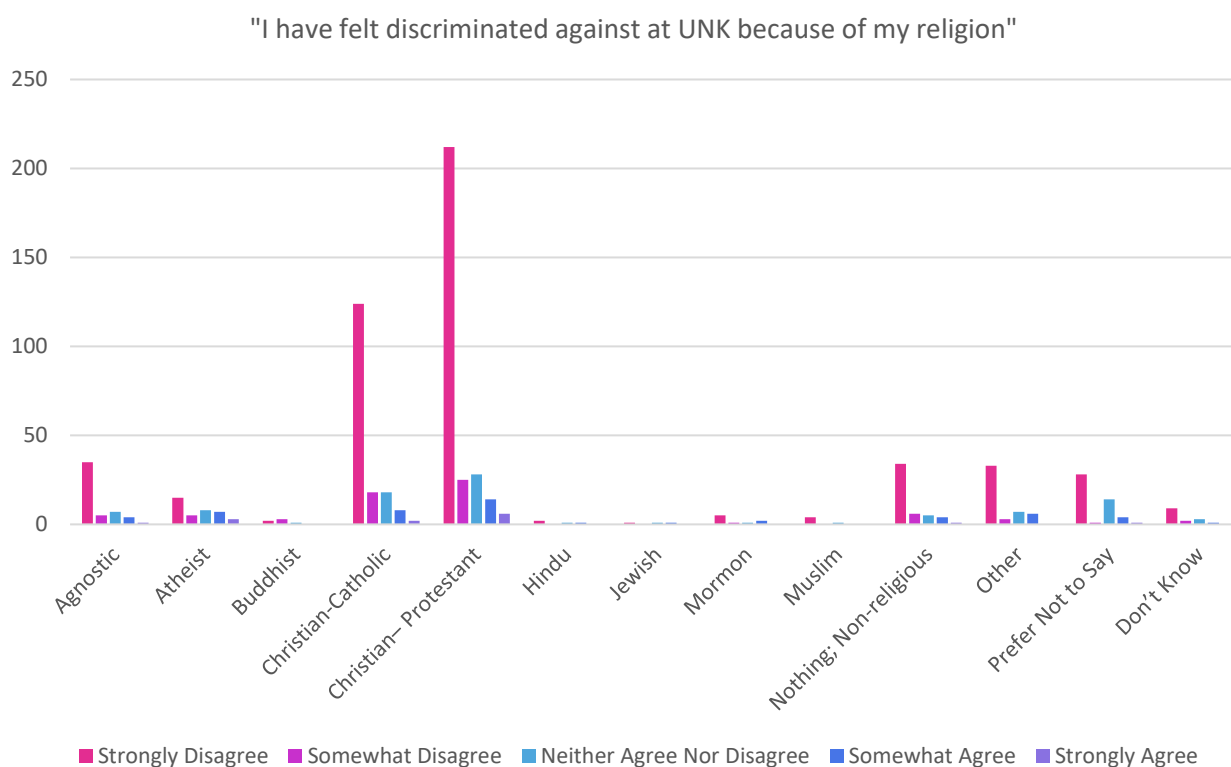
Discrimination Based on Religious Preferences

UNK's community includes a diverse array of major world religions and alternative religious affiliations including agnosticism and atheism. The majority of survey participants reported being of a Christian-based faith, including Catholicism, Protestantism, and Mormonism (63.2%). Nearly 20 percent of the sample population reported being Agnostic, Atheist, or non-religious. Participants were also asked to identify whether they have felt discriminated against at UNK because of religion.

The majority of respondents reported strong or moderate disagreement with the statement, "I have felt discriminated against at UNK because of my religion". However, on closer examination of those participants who reported feeling discriminated against based on religion, agnostics and atheists, when combined are more likely to perceive discrimination than any other religious group. A total of 90 participants identified as being agnostic or atheist, and 15, or 16.7 percent, reported perceptions of discrimination on the basis of religion. Of the 50 participants who reported that they are non-religious, 5 (10%) also reported a sense of discrimination on the basis of religion, as did those who prefer to not say their religious beliefs, or practice a belief not categorized in the survey (97 people), 11.3 percent noted they felt personally discriminated against on the basis of religion. This may indicate that UNK has done good work in reducing bias or perceptions of discrimination against those who practice Eastern religions, are Muslim, or Jewish as compared to the dominant religious Christian faiths, but there may be opportunities to focus on the inclusion of the non-religious, atheists, or agnostics. The next largest group of people who identified perceptions of discrimination on the basis of religion are Christian-Protestants, with 7 percent of respondents from that group reporting a sense of discrimination directed at them.

Two groups, Buddhists (n = 6) and Muslims (n = 5), did not report a sense of being discriminated against at UNK. In part, this may be a result of the very small number of participants who identified as Buddhist or Muslim, and may not be directly connected to perceptions regarding inclusion or exclusion. Overall, across all religious affiliations and denominations, 91 percent of respondents disagreed to some extent or were neutral about the degree to which they perceive experiencing discrimination on the basis of religion at UNK. At the same time, with the exception of Muslims and Buddhists, participants from every category of religion noted experiences related to perceptions of religious discrimination to some extent. Figure 31 provides detail regarding participants who reported perceptions of religious discrimination by denomination or category (no percentages are noted because of the small n in most cases).

FIGURE 31:
PERCEPTIONS OF RELIGIOUS DISCRIMINATION BY RELIGION (n = 734)



Perceptions of Discrimination by Political Affiliation

The relationship between political affiliation and perceptions of discrimination was examined to better understand how the two factors may be related on the UNK campus. Among those who responded to the questions regarding perceptions of discrimination and identified a political affiliation, approximately 34.5 percent identify as Republican, 28.9 percent identify as Democrat, 25.8 percent identify as Independent, and other affiliations represent slightly over 10 percent (10.25%). Data related to political affiliation were then analyzed to understand how each type of discrimination is viewed relative to political affiliation. The majority of respondents did not



perceive that they have been discriminated against in terms of age, race/ethnicity, sexual orientation, gender, religion, socio-economic status, non-normative gender identity, or disability status. Across all groups, approximately three-quarters disagreed or somewhat disagreed that they perceived a specific type of discrimination; approximately 10 percent were neutral; and generally speaking, 6-13 percent of the sample indicated that they felt they had been the object of discriminatory behavior at UNK, but the origin of that discrimination was not necessarily political affiliation.

Responses were then analyzed to evaluate whether any particular political affiliation was more closely associated with a specific discrimination type. Across all categories, Democrats and Independents were more likely to report they had been discriminated against than Republicans. In every category of discrimination relative to political affiliation, using a chi-square test of association, each was found to be statistically associated ($p < .05$). In other words, political affiliation is statistically associated with perceptions of discrimination based on age, race and ethnicity, sexual orientation, gender, religion, socio-economic status, non-normative gender identity, and disability. The most common source of feelings of discrimination, when viewed within the context of political affiliation, is gender. In the case of perceptions related to gender discrimination, 23.3 percent of Democrats reported that they strongly or somewhat agreed they had been subjected to discriminatory behavior based on gender, as compared to 7.2 percent of Republicans and 9.8 percent of Independents.

Perceptions of Discrimination by Active Duty Service Members and Veterans

A very small percentage, 3.4 percent of respondents (25 individuals), indicated that they were either currently active duty military or were veterans. In most cases, one to two noted they perceived that they had been discriminated against according to each category of discrimination. The slight exception is in the case of discrimination based on religion, where five of the 25 responding active or veteran service members reported the perception they had been discriminated against. However, given the very small sample size of service members compared to the overall sample, statistical testing is not appropriate.

Perceptions of Discrimination by Gender/Birth Sex

Approximately 33.6 percent of respondents were male, 65.6 percent were female, and less than 1 percent identified as “other.” Data related to gender were then analyzed to understand how each type of discrimination is viewed relative to self-reported birth sex. The majority of respondents did not perceive that they have been discriminated against in terms of age, race/ethnicity, sexual orientation, gender, religion, socio-economic status, non-normative gender identity, or disability status. Across all groups, on average, slightly over three-quarters (78.45%) disagreed or somewhat disagreed that they perceived a specific type of discrimination, slightly under 15 percent (14.75%) were neutral, and generally speaking, 6 percent of the sample indicated that they felt they had been the object of discriminatory behavior at UNK.

Responses were then analyzed to evaluate whether any gender or birth sex was more closely associated with a specific discrimination type. In five categories (age, race/ethnicity, sexual orientation, socio-economic status, and disability status), males were slightly more likely than

females to report that they had been discriminated against. In the categories of gender, religion, and non-conforming gender identity, women were more likely to report discrimination. In none of the categories, however, was the differences between groups statistically significant except in the case of gender-based discrimination. In the case of perceptions related to gender discrimination, 16.6 percent of females reported that they strongly or somewhat agreed they had been subjected to discriminatory behavior based on gender as compared to 5.2 percent of males. Birth sex is statistically associated with feelings of gender discrimination ($p < .01$), but is not statistically associated with other categories of discrimination.

FIGURE 32:
PERCEPTIONS OF SEXUAL ORIENTATION DISCRIMINATION BY GENDER

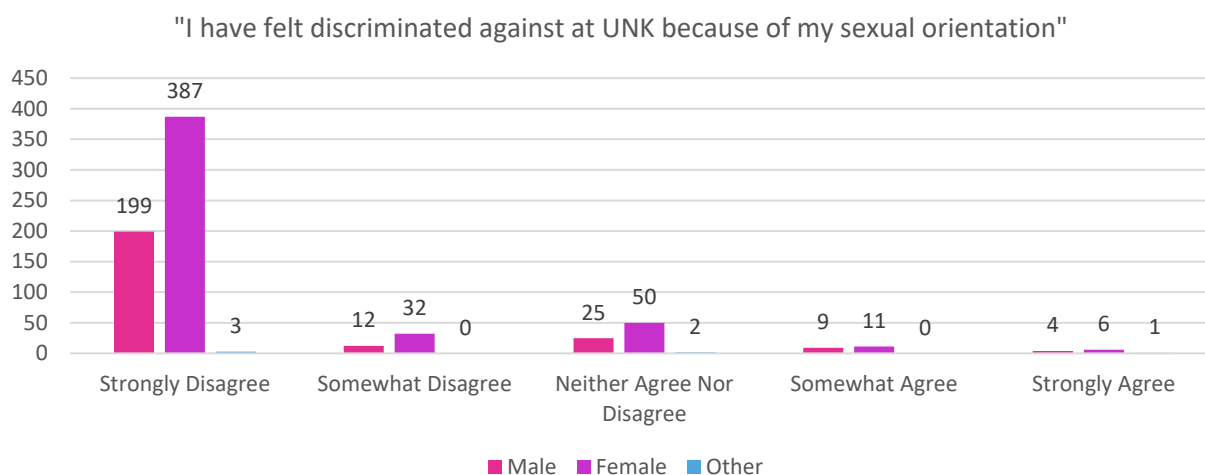
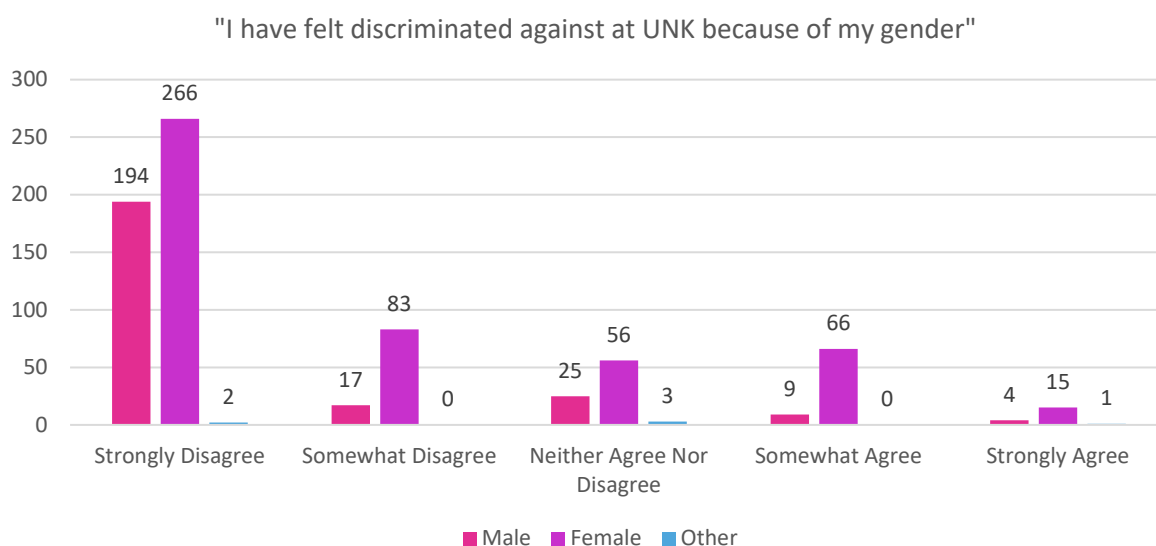


FIGURE 33:
PERCEPTIONS OF GENDER DISCRIMINATION BY GENDER





Most people who responded to the UNK Campus Climate Survey strongly disagree with the statement that they have been discriminated against based on sexual orientation or gender, which we believe to be largely the result of the university's assertive position on consistent policy messaging related to discrimination and compliance with equal opportunity laws at the federal and state level. However, there are some opportunities for improving this record, particularly regarding women, where slightly over half strongly disagree that they've felt discriminated against on the basis of gender. Nearly 20 percent of women responding to the survey indicated that they have, to some extent, experienced gender based discrimination at UNK. The anonymous nature of the survey may have provided a venue for women to express their frustration regarding gender-based discrimination, and therefore the percentage of women reporting gender discrimination may not be accurate. Even with these limitations regarding data reporting, we believe that some opportunities exist for UNK to close the gender gap related to discrimination on campus. These recommendations are explained in greater detail in the Recommendations section of this report.

Perceptions of Discrimination by Race

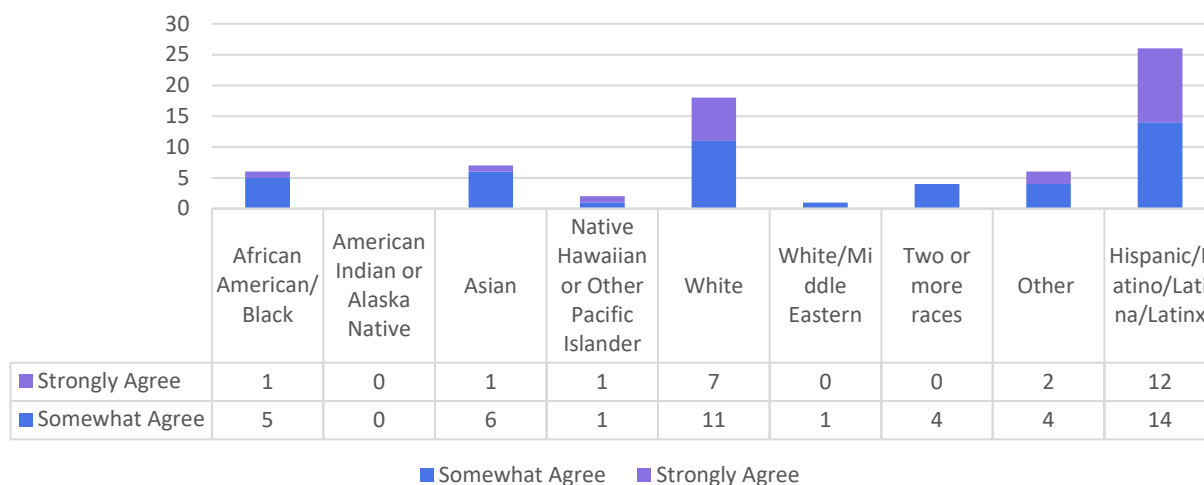
Among all racial groups, 84.6 percent noted that they strongly or somewhat disagreed with the statement that they feel discriminated against because of race or ethnicity, and another 9.3 percent neither agreed nor disagreed that they felt discriminated against. This percentage, however, is somewhat deceptive as a result of the large population of White survey participants. Within the group of participants who identified a race, there are some populations who have experienced more racial disparity or discrimination than others. Race and ethnicity are both statistically associated with feelings of discrimination ($p < .01$).

- African American respondents reported 33.4 percent who somewhat or strongly agreed that they have felt discriminated against.
- Over 20 percent (21.7%) of Asians reported experiencing discrimination to some degree;
- Fully one-third of Native Hawaiian or other Pacific Islanders report discrimination;
- Over one-quarter (26.1%) of people belonging to "Other" races report feelings of discrimination.
- Among Hispanics, slightly over one-third (36.4%) indicated that they somewhat or strongly agreed that they have felt discriminated against.

There are some data limitations that should be disclosed. The populations of non-white races at UNK is very small, which means that a single person who reports discrimination or feelings of being discriminated against results in tremendous impact in terms of percentage. At the same time, it is notable that even including the population of White people, the overall percentage of people who report feeling at least somewhat discriminated against is 6.1 percent. Figure 34 provides detail on those participants who somewhat agreed or strongly agreed that they had felt discriminated against on the basis of race and ethnicity according to racial/ethnic population group.

FIGURE 34:

PERCEPTIONS OF RACIAL OR ETHNIC DISCRIMINATION BY RACE/ETHNIC GROUP
 "I have felt discriminated against because of my race or ethnicity"



Conclusions on Perceptions of Discrimination

We believe that the University has a basic policy structure in place that is consistent and compliant with the requirements of federal and state law. We also acknowledge that the University is consistent with its messaging regarding retaliation and claims of discrimination and that overall, most stakeholders at UNK do not experience discrimination. However, we also acknowledge that there is evidence of discrimination across most groups of participants, though there are “pockets” of certain groups who experience feelings and perceptions of discrimination at a higher level than others. Specifically, women, Hispanic people, African Americans, and certain religious groups experience higher rates of incidence of discrimination. These occurrences create opportunities for liability for the institution that needs to be avoided to maintain financial and organizational sustainability as UNK moves toward its stated goals for 2020.

Survey results, both qualitative and quantitative, suggest that members of the demographic majority (White – not Hispanic, Republican, Protestant Christians) may be sensing a culture shift toward a more inclusive and multicultural environment in a way that hasn’t been experienced by this community in the past. For example, 5.2 percent of male respondents noted that they feel they have been discriminated against because of their gender or birth sex, 3 percent of White respondents feel they’ve been discriminated against because of their race, and nearly 7 percent of those who prescribe to a Christian faith feel they’ve been discriminated against on the basis of religion.



It appears that some people are experiencing a sense of exclusion that is relatively new to them as cultural patterns and needs shift. This dimension of inclusion is more apparent in some comments from the survey and focus group participants:

- “Honestly, if you are white & male you are the new minority - the least respected among all classes”.
- As a faculty member commented, “As a white, male conservative, I and my colleagues feel constantly out of place and attacked for our beliefs. I personally seek an equal and encouraging environment and in a lot of cases I believe that there is discrimination to all parties, however the only relief from this discrimination seems to be going towards minorities and liberals”.
- “The university tries so hard to include all other races and people with gender-dysphoria that I, as a white, straight male, often feel as though the whole world is trying to cover up my existence by putting such a significant highlight on all of the minority groups. Diversity is perfectly okay, but you need to remember the people that have historically been and currently are the majority”.

The University needs to work toward careful and strategic management of the various dimensions of multi-culturalism so that all people at UNK, regardless of race, ethnicity, gender, or religion engage in a place that is as free of exclusive behavior as possible.

Diversity and Inclusion in the Student Experience: Classroom Environment and Curricula

As part of a holistic assessment of inclusiveness at UNK, we explored certain dimensions of curriculum and the classroom experience. The University has a clear orientation toward teaching and supporting efforts to ensure a positive student experience which is evident through marketing, web presence, policy statements, and as part of multiple self-studies conducted by the university and programs.

Diversity in Curricula

UNK has numerous interdisciplinary courses through the Women’s, Gender & Ethnic Studies Major that explore multiple dimensions of diversity, and diversity and inclusion are woven throughout the curriculum from a number of other programs and that generally speaking, the university meets HLC requirements related to diversity and inclusiveness across the curriculum. There are many opportunities for students to learn about elements of diversity, though a consistent theme we identified is that often times, students need to intentionally seek out diversity in terms of selecting courses, and there is some indication that diversity and inclusion is not consistent across all degree programs. This undermines the University’s ability to instill a campus wide culture of inclusiveness.

The UNK General Studies Program is a diverse set of courses that provides the foundational knowledge that society expects an educated citizen to have. The General Studies program provides the skill-set necessary for life-long learning and provides students the opportunity to



explore subjects and/or areas of interest. The General Studies mission is to help students acquire knowledge and abilities to: understand the world, make connections across disciplines, and contribute to the solution of contemporary problems. Some of the most requested knowledge and skills from employers are comfort with diversity and understanding the importance of multicultural inclusion. There is also an opportunity for students to learn about what inclusion means for leaders. Understanding the concept of inclusion will highlight why diversity is important and how fostering inclusive cultures at work will help them after they graduate. Since employers regard inclusive leadership as a valuable skill, this form of career preparation would further advance the mission of General Studies. We also found that outcome measures associated with the General Studies courses may not always include measures associated with diversity and inclusion in a way that supports the mission of General Studies.

We reviewed the major in Women's, Gender, and Ethnic Studies curriculum as part of this review of campus climate related to diversity and inclusion and noted that the number of specific courses related to diversity is quite high compared to universities of similar size. However, diversity and inclusion may not be as apparent in all program curricula across the university. While it was outside the scope of this study to examine the curricula for all programs, we did notice that some participants noted an absence of cultural diversity. For example, one participant noted that "there is no focus on cultural diversity curriculum, so students can actually spend four to five years studying and never build skills to help them function in a diverse world".

Diversity in the Classroom Environment: Course Materials

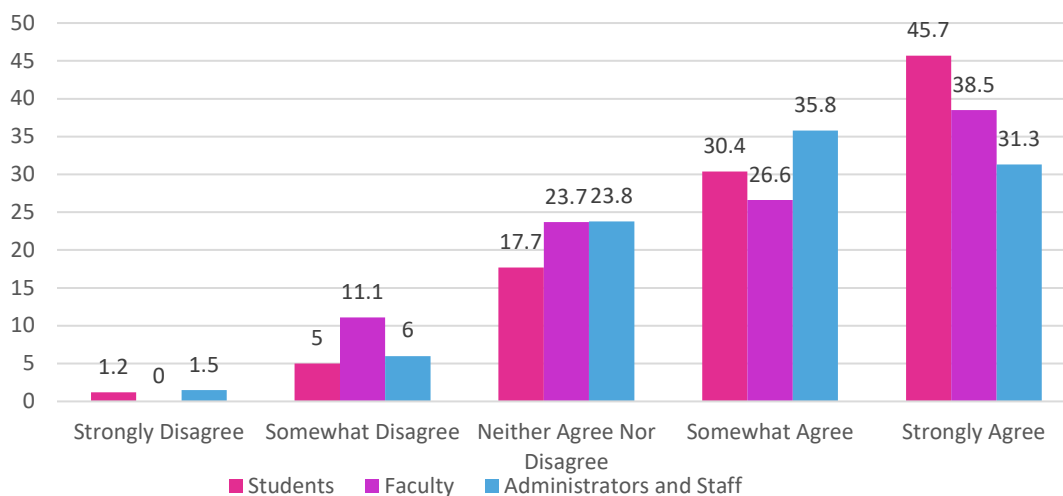
Approximately 540 people who participated in the survey, principally students and faculty, answered the questions about diversity in classroom environments. We looked for information specifically related to whether classroom materials, including texts, handouts, and visual presentations include fair and sufficient perspectives of:

- Women
- People who are LGBTQQ
- People who are transgender and gender nonconforming
- People from various religious views
- People with disabilities, including emotional, psychological, and physical disabilities
- People who are from racial or ethnic minorities
- People from other countries
- People from various socio-economic statuses
- People who are intersex

As with other survey components, responses related to classroom environment were evaluated on a five-point scale ranging from strongly agree to strongly disagree.

Figure 35 presents the various university affiliation groups (that is faculty, students, and administrators and staff) and their ranked agreement with the statement that classroom materials include fair and sufficient perspectives of women. Generally, all university affiliations view the materials to be sufficiently representative (72.46%), with approximately 20 percent having a neutral perception on the issue. Nearly 8 percent of respondents, however, disagreed to some extent that materials were adequate in terms of perspectives of women. Faculty members are more likely than students to disagree that course room materials presented adequate and fair representations of women. There are statistically significant associations between university role and classroom materials related to various religious views, people with disabilities, people from various socio-economic statuses, and people who are intersex ($p < .05$ for each association). The remaining associations between university affiliation and role and classroom materials are not statistically significant.

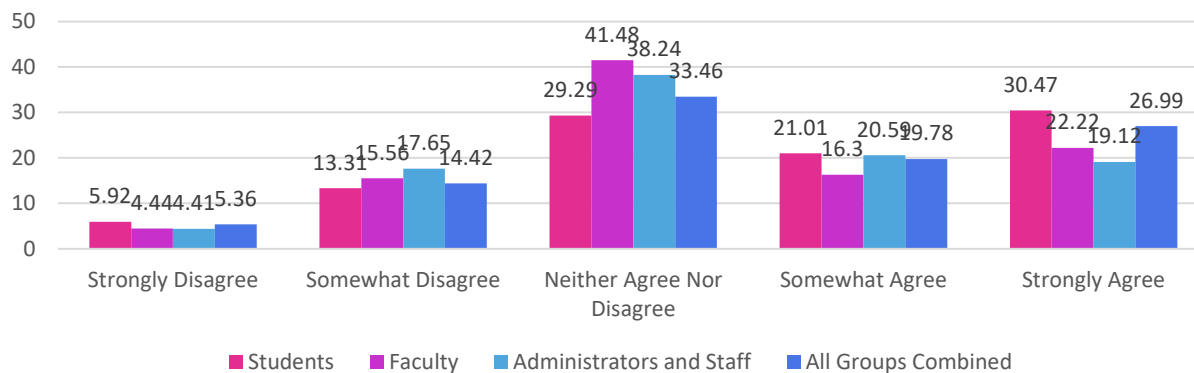
FIGURE 35:
PERCEPTIONS THAT COURSE MATERIALS RELATED TO WOMEN ARE FAIR AND SUFFICIENT BY UNIVERSITY AFFILIATION GROUP (BY PERCENT)



In terms of fair and sufficient perspectives of people who are LGBTQQ, not quite half of participants across all groups perceived course materials as sufficient. Nearly 15 percent of all groups were neutral on the matter, but approximately 20 percent of all user groups believed that course room materials insufficiently represented the perspectives of people who are LGBTQQ. At not quite 20 percent each, students and faculty were roughly equally likely to believe that representation of LGBTQQ perspectives is inadequate in course materials.

FIGURE 36:

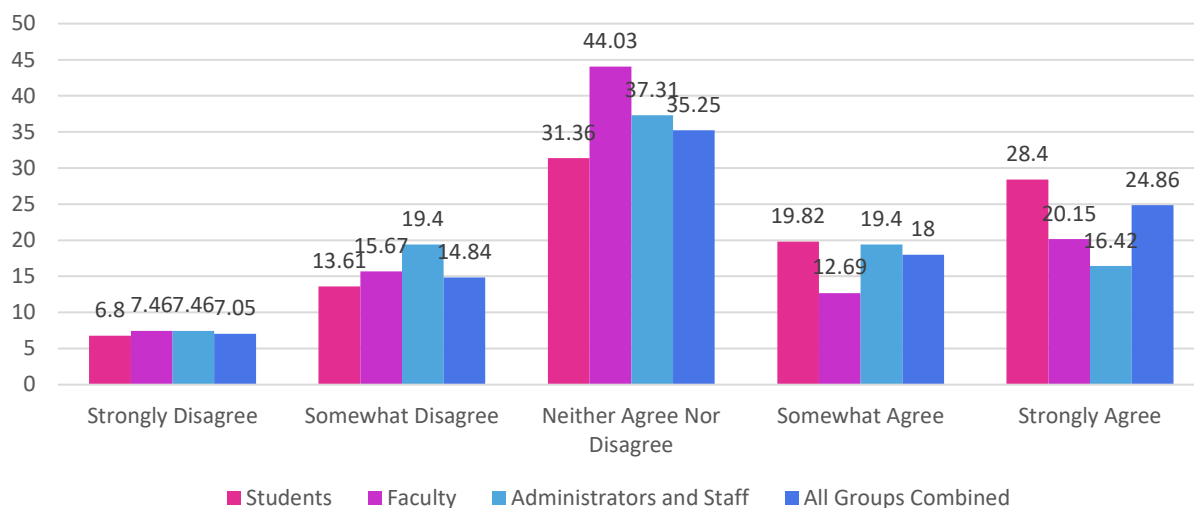
PERCEPTIONS THAT COURSE MATERIALS RELATED TO LGBTQQ ARE FAIR AND SUFFICIENT BY UNIVERSITY AFFILIATION GROUP (BY PERCENT)



Comparing faculty and student perspectives, faculty are slightly more likely to perceive that classroom materials include fair and sufficient representation of perspectives of people who are transgender or gender non-conforming. Faculty strongly or somewhat disagreed with the statement (23.1% of those who responded), compared to students who disagreed to some extent (approximately 20% of those surveyed). The difference is not statistically significant ($p > .05$).

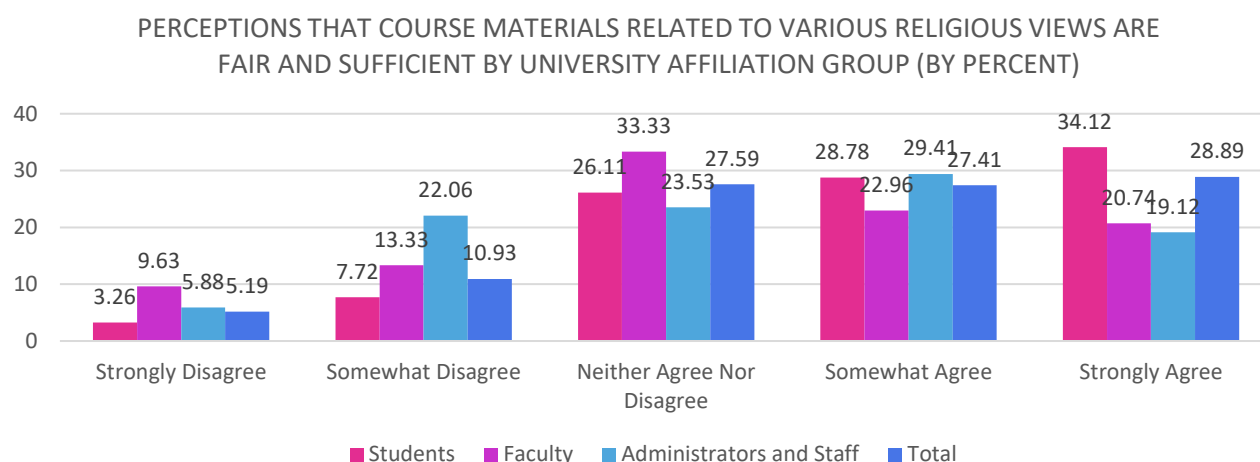
FIGURE 37:

PERCEPTIONS THAT COURSE MATERIALS RELATED TO TRANSGENDER AND NON-GENDER CONFORMING ARE FAIR AND SUFFICIENT BY UNIVERSITY AFFILIATION GROUP (BY PERCENT)



Slightly over 15 percent (16.12%) of all groups perceive that classroom materials are not representative of various religious views. Over 10 percent of students, over 20 percent of faculty, and nearly 30 percent of administrators and staff held this perception. Overall, however, over half (56.3%) of respondents perceive that diverse religious views are to some extent adequately presented in classroom materials.

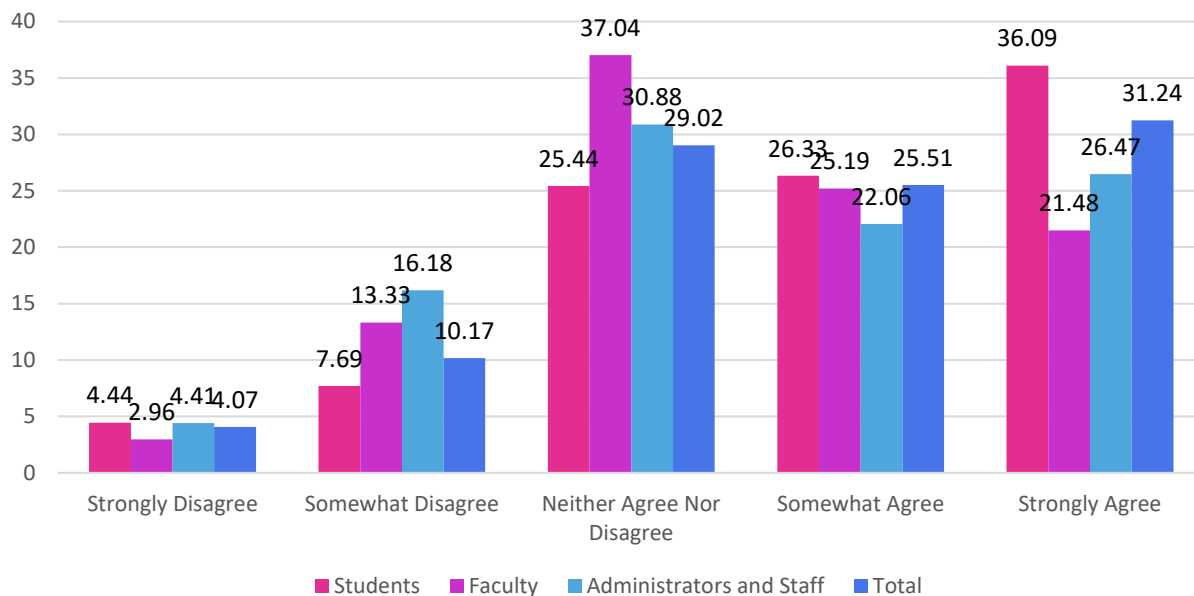
FIGURE 38:



In terms of fair and adequate representation of people with various emotional, psychological, and physical disabilities, slightly over 85 percent of all participants across groups believe that classroom materials adequately represent people with disabilities, are neutral, or have no opinion. However, close to 15 percent of respondents across all groups disagreed that sufficient and fair representation of people with disabilities occurs. The greatest difference is between students (12.13%) and administrators and staff (20.59%).

FIGURE 39:

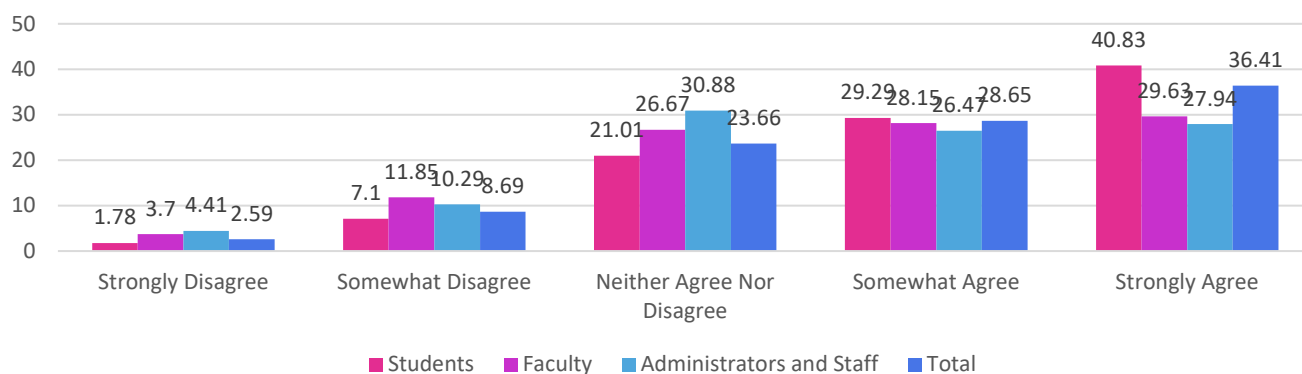
PERCEPTIONS THAT COURSE MATERIALS RELATED TO PEOPLE WITH DISABILITIES ARE FAIR AND SUFFICIENT BY UNIVERSITY AFFILIATION GROUP (BY PERCENT)



Among the various demographic and diverse populations included in this section of the survey, the respondents across all university affiliation groups reported more favorably on inclusive course materials related to racial and ethnic minorities. Slightly over 10 percent (11.28%) of all affiliation groups reported that fair and sufficient perspectives of racial and ethnic minorities were *not* adequately represented in course materials. Slightly over 65 percent of respondents perceive that classroom materials incorporate the perspectives of racial and ethnic minorities.

FIGURE 40:

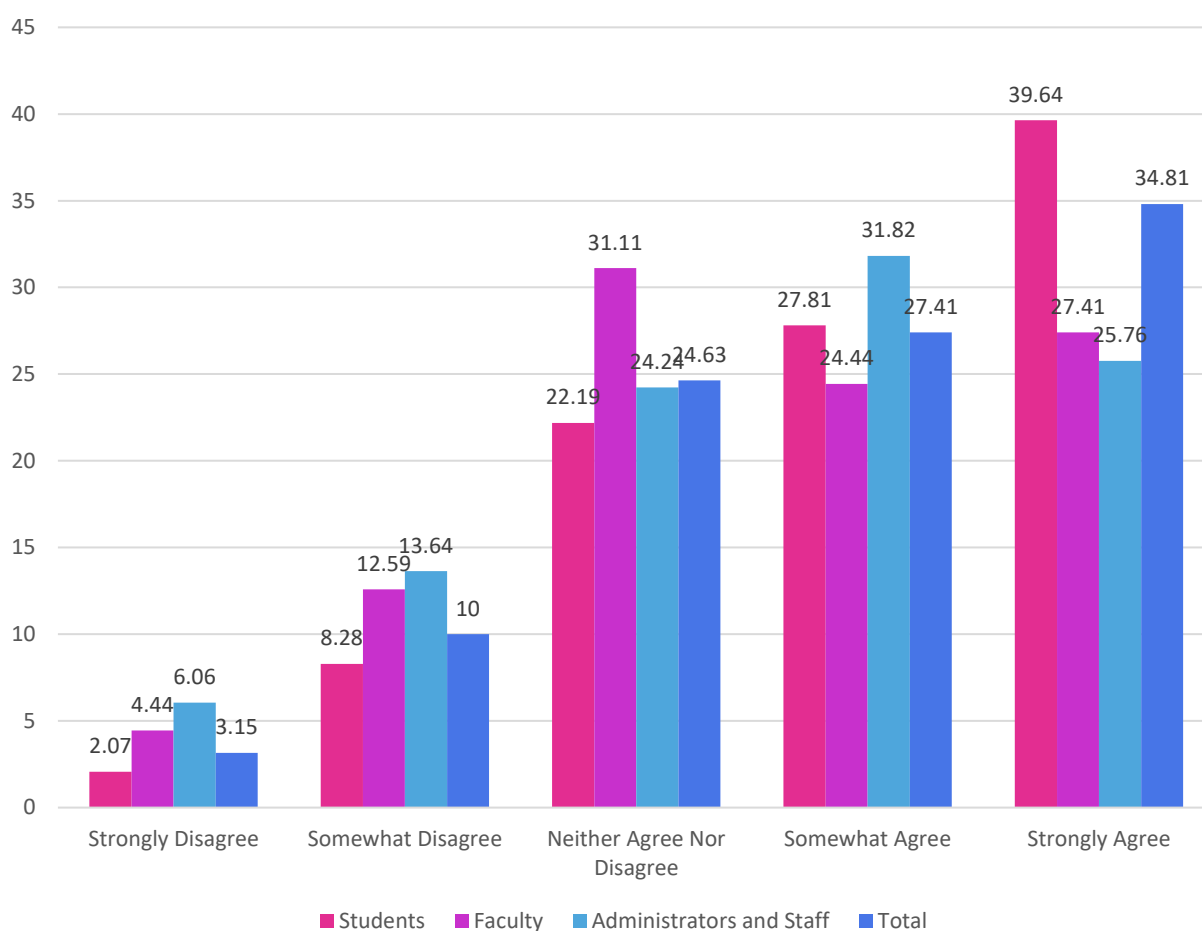
PERCEPTIONS THAT COURSE MATERIALS RELATED TO RACIAL AND ETHNIC MINORITIES ARE FAIR AND SUFFICIENT BY UNIVERSITY AFFILIATION GROUP (BY PERCENT)



As with representation of racial and/or ethnic minorities, survey participants generally agreed that classroom materials are fair and include sufficient perspectives of people from other nations. Slightly over 60 percent of participants (62.2%) indicated agreement that classroom materials are fair and adequately inclusive to some extent. Slightly over 13 percent perceived course materials as lacking in terms of inclusiveness. Faculty tend to be slightly more critical of course materials than are students.

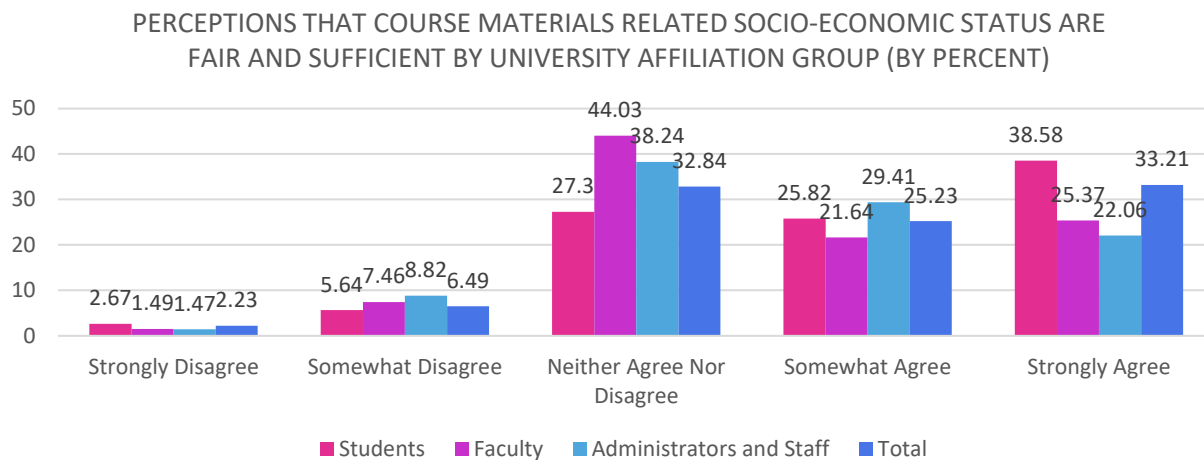
FIGURE 41:

PERCEPTIONS THAT COURSE MATERIALS RELATED TO PEOPLE FROM OTHER NATIONS IS FAIR AND SUFFICIENT BY UNIVERSITY AFFILIATION GROUP (BY PERCENT)



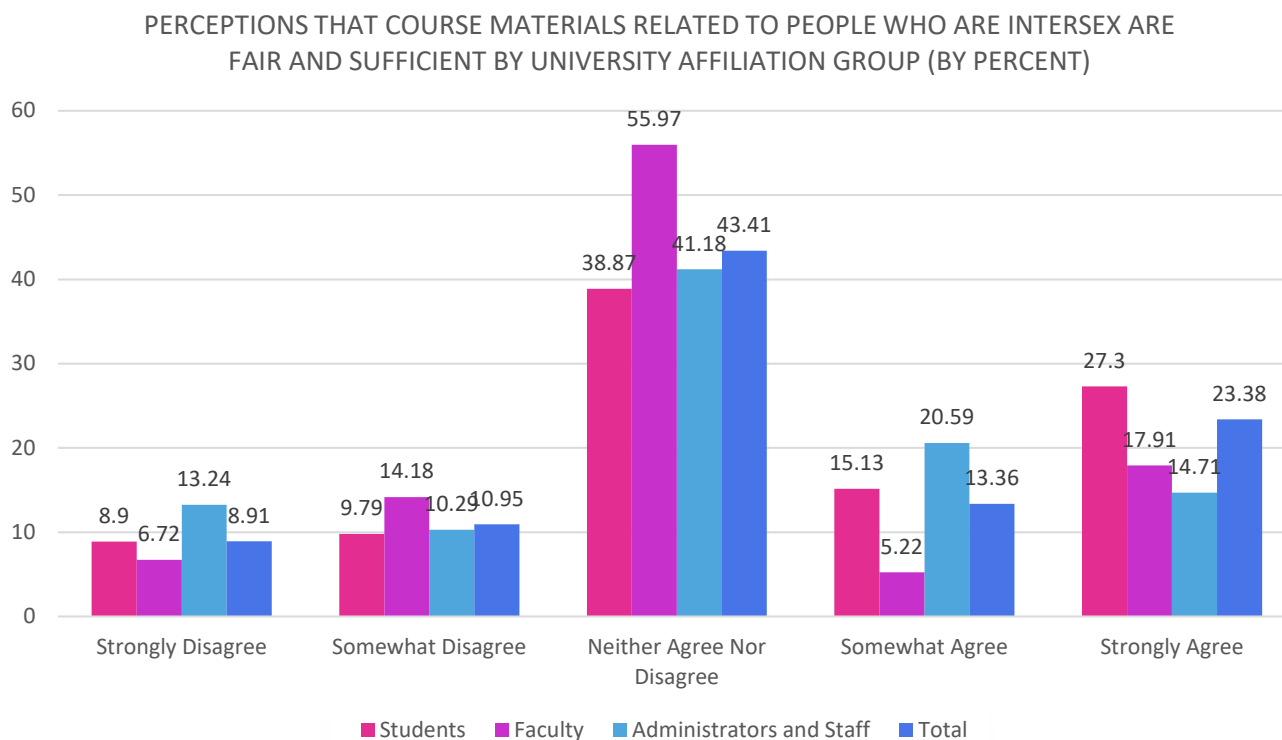
In terms of people from various socio-economic groups, under 10 percent of all university affiliation groups believed that the perspectives of various socio-economic groups are underrepresented.

FIGURE 42:



The term “intersex” is a general term to describe a variety of genetic and anatomical conditions where a person is born with a reproductive or sexual anatomy that does not fully fit the typical definition of female or male (Intersex Society of North America, 2017). Among all university affiliation groups, nearly 20 percent of respondents agreed that the perspectives of intersex people are not adequately represented in classroom material, and well under half of participants agreed that adequate representation is present in learning materials and presentations.

FIGURE 43:



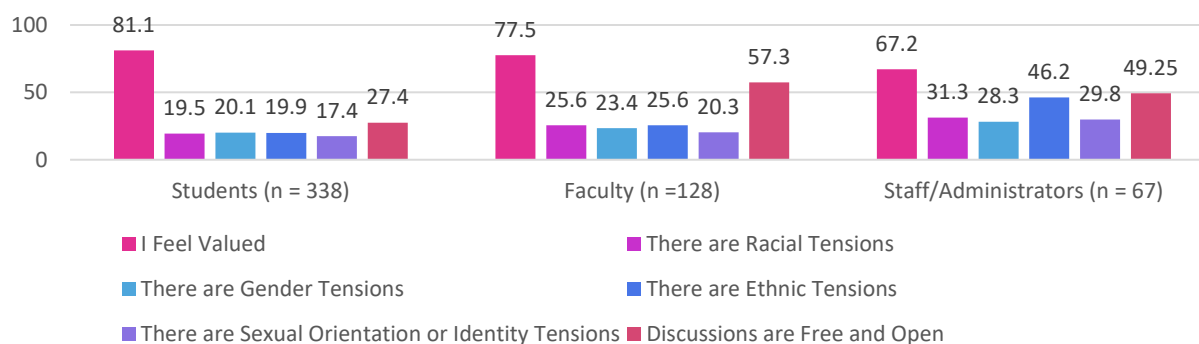
Respondents were asked to evaluate how much they agreed with a series of questions about the content and tone of classroom discussions. Only those survey participants who described themselves as familiar with the classroom environment responded to these questions (n = 535). All groups generally responded that they feel valued in classroom discussions, but students are more likely than faculty or staff and administrators to feel valued. At the same time, however, respondents consistently noted they have sensed, perceived, or experienced tensions related to race, ethnicity, gender, and sexual orientation during classroom discussions.

Staff and administrators were combined into a single group for ease of analysis and in order to organize university employees who are least likely to engage in classroom activities on a regular basis into a single category. Interestingly, survey responses indicate that members of this combined group perceive tension in classroom discussions at higher rates than students or faculty. Using the chi-square test of association to test for statistical significance between university group affiliation and classroom discussions, there are statistically significant results related to feeling valued in classroom discussions, tension related to sexual orientation or identity, and free and open exploration of topics ($p < .05$ in each case). All other associations are not statistically significant.

Further, students are more likely to view discussions as being free and open than faculty or staff/administrator groups. However, even in the case of students, a relatively low 27.4 percent noted that they strongly or somewhat agreed that discussions are free and open. In terms of the student experience, students are likely to feel valued for their contributions but somewhat inhibited in terms of free and open discussion. Approximately 20 percent (19.2%) of students noted that they perceive tensions related to diverse populations in classroom discussions.

FIGURE 44:

PERCENTAGES OF PEOPLE WHO AGREE REGARDING CERTAIN ELEMENTS OF CLASSROOM DISCUSSION





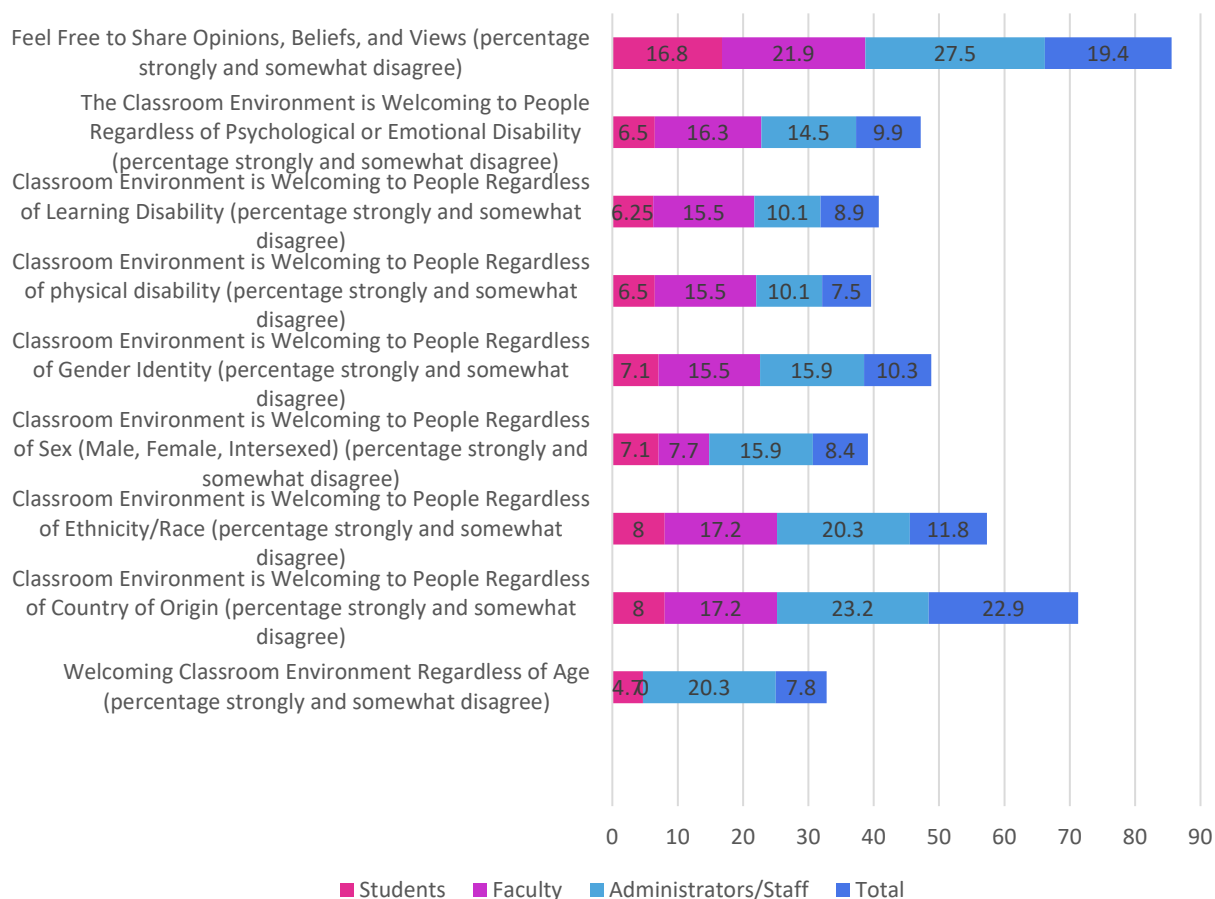
Diversity in the Classroom Environment: Perceptions of Welcome and Comfort

The last set of questions in the section on classroom climate focused attention on how welcome people feel interacting in the classroom in general, with regard to specific diverse populations, and their comfort level in engaging in discourse and interaction in the classroom. Data for this set of questions was collected on the same five-point Likert-type scale as with other questions, though the chart below depicts only the percentage of participants who disagreed somewhat or strongly with the guiding statements noted in the left-hand column. The two items that contained the highest concentration of negative responses were: “the classroom environment is welcoming to people regardless of country of origin” (22.9% of overall participants disagreed with that statement) and “I feel free to share perceptions, beliefs, and views” (this statement elicited nearly 20% disagreement among all groups, as well as the greatest degree of disagreement for each individual group across all questions related to diverse populations). All other responses generally hovered at or below a 10 percent disagreement rate across the total sample of participants, including all university group affiliations. Generally, faculty, staff, and administrator groups tend to perceive a more negative classroom environment than do students across all categories. In terms of statistical significance, there are statistically significant associations based on chi-square testing for university affiliation/role and all categories of classroom environment ($p < .05$).



FIGURE 45:

UNIVERSITY GROUP PERCEPTIONS OF ELEMENTS OF THE CLASSROOM ENVIRONMENT BY PERCENTAGE DISAGREEMENT



Comments from participants who completed the survey or participated in a focus group support these findings and offer greater context about the classroom experience. Students reported incidents of faculty who use culturally insensitive language in some classes and discount experience of minority students of all backgrounds.

Comments from people who have experienced the classroom environment include meaningful context about perceptions of gender, race, and ethnicity that cannot be discounted.

- From a Student: I don't take kindly to a [faculty member] telling a group of women (even in jest) that they were only in school for their MRS degrees.

- From a Student: One time a teacher said that most of the Latinos get most the scholarships because they qualify since they're poor, taking away the opportunity for other kids to apply or receive one.
- From a Student: An LGBT student was asked to share their experiences in a classroom discussion about the LGBT community. When they spoke up, they were spoken over and ignored by the instructor.
- From a Student: A new professor who continually said cruel words to a student and reported that the student was a b**** and was very rude towards all students in her class. The professor would laugh at us if the students answered not in the way she wanted. Very disrespectful to graduate students
- From a Student: Several times my experience with harassment made me consider transferring schools or dropping out altogether.
- From a Faculty Member: I was contacted by a Jewish faculty member who was told that they were not allowed to take off for Yom Kippur because that individual chose to work on Christmas. Two Jewish students were told that they had to attend a Student Leadership Event on Yom Kippur and they fasted and both got sick; one of the same Jewish students was told that they had to sing Christmas carols in an event and that it was a required activity; when someone overheard that local Jews were coming together for socialization and that they felt some isolation, that individual said, "Well, if they don't like it here, they should go back to where they came from."

Another recurring theme involves the treatment and experiences of international students:

- From a Student: I reported the instructor to the department chair and said that this instructor had no place at UNK. The instructor treated international students differently from "American" students. She also made comments to the international students that were demeaning.
- From a Faculty Member: I can't count how many times I have seen and heard anecdotal stories of UNK faculty that have an international student in their classroom and cannot pronounce their name. Instead of learning that name, they arbitrarily assign a "nickname" like Susie that they can pronounce. Likewise, if a student has limited language capabilities, they just skip over them or ignore them. This happens every single day at UNK, and it is truly a shame for an institution that likes to think of itself as inclusive.
- From a Student: The views people have in general in Kearney are more open than other cities toward international students. However, there are some staff and faculty members that do not respect international students as much as domestic students. There have been cases in general education courses and major courses from what I have observed.



- From a Student: Students and some professors hate/dislike listening to presentations by international students because they are hard to hear or understand.

Conclusions on Classroom Environment and Curricula

Based on our review of materials, focus group participation, and survey responses some broad conclusions can be drawn. While the majority of participants in this climate study agreed that fair representation of diverse groups in course materials is adequate, there were enough survey respondents who noted that there are some areas where inclusiveness could be improved, particularly around the areas of representation of the perspectives of people who are LGBTQQ. Approximately 20 percent of the UNK community who participated in the survey believe that course material insufficiently represents the perspectives of people who are LGBTQQ.

Approximately 16 percent of all participants believe that classroom materials fail to fairly and sufficiently represent the perspectives of people from various religious views. Similar cultural insensitivity to religious views, particularly when religion and ethnicity intersect, was voiced by focus group participants and survey respondents who provided additional contextual detail in open ended questions. Furthermore, a significant proportion of participants noted a belief that there are tensions in the classroom related to race, ethnicity, gender, and sexual orientation or identity.

Perceptions of the Kearney Community

The University of Nebraska at Kearney is the single largest employer in the city, followed by Good Samaritan Hospital. Over 10 percent of the population of Kearney (including those under 18 years of age) are employed by one of these places. Beyond this, Kearney is characterized by a tourism industry. Given the size and impact the University has on the area, it is important to sustain the relationship the University has with the community in which it is situated and serves.

Data included in this section of the report related to the perceptions of the Kearney community based on focus group results. It is worth noting that focus group recruitment was designed to represent the UNK and Kearney communities; participants were predominantly White, non-Hispanic, and several, native Nebraskans.

UNK's Relationship with the Community

Perceptions of the Kearney community were generally positive. Most focus group participants see Kearney as a great place to raise a family, a classic closely-knit mid-western community, and a place that they would recommend to others. Participants generally were not aware of how UNK engages with the community regarding diversity and inclusion outside of hosting cultural and food-focused events.

There were some contrasting views of Kearney depending on participant viewpoints. For example, some individuals who grew up in Kearney or the surrounding communities found it challenging to make connections and break through established groups. Minority students reported that they had experienced racial profiling incidents in the Kearney community. Minority faculty, staff, and students all find it difficult to find cultural resources like ethnic foods, ethnic



hair salons, ethnic barber shops, and diverse religious options. Contrasting perspectives are reflected in the sample comments below.

- “Kearney is a great place to live.”
- “Very welcoming community”
- “Have to drive six hours, round trip, to Omaha to get cultural food and hair care products.”
- “Public transportation for international students is lacking.”
- “Housing is really expensive for everyone not just diverse communities.”
- “When students and faculty choose UNK, they look at the community.”
- “Diversity in community would help diversity on campus.”

Kearney Community Recommendations

- Establish a university-community advisory council that consists of university representatives including students, faculty, administrators, staff in addition to community leaders. The purpose of the advisory committee would be to identify strategies to work together to increase diversity and inclusion programs, events, and opportunities in the community for all Kearney residents.
- UNK should work with community representatives to address student concerns about incidents of exclusionary behavior while off campus. Several minority students indicated that they have experienced racial profiling and uncomfortable situations while off campus that led them to believe that their race played a factor in the incidents occurring.
- Develop a transitional program for new faculty to help with housing. New faculty face unique challenges with housing due to Kearney’s limited real estate options and competitive housing market. Housing causes a great deal of stress for new faculty and this stress could be minimized through a university sponsored temporary housing arrangement with local realtors where faculty could use university housing on campus or off campus apartments on a short-term basis until permanent housing is identified.
- Public transportation is limited in Kearney which creates a unique challenge for international students. Since UNK has a large population of international students, public transportation would help with their adjustment to the community and campus. A possible solution would be for UNK to offer a shuttle service that could take anyone on campus, not just international students, to locations in the community on a regular basis.



PART III: CONCLUSIONS AND RECOMMENDATIONS

The University of Nebraska at Kearney has established its commitment to diversity and inclusion through various activities, events, and policies. However, opportunities exist to enhance progress, to ensure the UNK community thrives in the new landscape of Nebraska and beyond. Above all, the need to elevate cultural competency has been identified as an institutional opportunity to support the continued development of inclusion at UNK, both inside and outside of the classroom. Ultimately, diversity and inclusion are mechanisms for long-term growth and sustainability.

Recommendations

The primary recommendations are to integrate diversity and inclusion into institutional planning and engage in elevating the cultural competency of the entire university community. These steps will increase the role diversity and inclusion plays in UNK's long-term success, by transforming a series of initiatives led by separate teams into the collective realization of UNK vision and strategy. Ultimately, diversity and inclusion can be leveraged as mechanisms to support long-term institutional growth and sustainability.

Detailed recommendations are provided below and include strategies and tactics to guide decisions that enhance UNK's diversity and inclusion efforts moving forward. These are structured around five core themes:

1. Diversify Students, Faculty, and Staff
2. Provide Ongoing Support for Diverse Populations
3. Elevate and Encourage Efforts in Diversity and Inclusion
4. Assure Sustainable Efforts in Diversity and Inclusion
5. Enhance Campus-Wide Cultural Competence

Diversify Students, Faculty, and Staff

UNK has made great strides in diverse representation over the past ten to fifteen years. However, gaps persist and among some populations remain quite broad. Further action is needed to advance diversity – among students, faculty, staff, and administration – to bring representation in line with the broader UNK mission and vision.

Key recommendations include the following:

- Develop an integrated UNK recruitment plan and team to assure consistent outreach and admissions strategies that attract and support a highly diverse group of students.
- Consider the impact diversity and inclusion has on enrollment goals, beyond racial and ethnic representation. Other dimensions (e.g. sexual identity and orientation, religion)



can impact the ability to achieve nonresident domestic and top quartile resident enrollment goals, should prospective students believe they would not fit in at UNK or have concerns about being treated with respect.

- Consider bias and cultural competency training specific to recruitment and hiring for members who work with student recruitment and admissions, along with recruitment and hiring managers for faculty and staff.
- Website and marketing materials need to be inclusive of areas beyond Hispanic and international students (e.g. disabilities and non-gender conformity) to acknowledge the depth of diversity dimensions recognized by UNK and deliver a consistent message of mutual respect and inclusion.
- Consider readdressing faculty and staff placement goals and hiring guidelines. Current AAPs includes some placement goals but are limited, and enhancements to the hiring guidelines could boost access and ultimately increase diversity among faculty and staff at a faster pace.

Provide Ongoing Support for Diverse Populations

Some diverse groups currently face challenges at UNK, particularly the disrespectful treatment of non-native English speakers, people from other countries, the LGBTQQ community, and women. Additionally, Hispanics felt unwelcome at UNK at higher rates than other demographic groups, African American student attrition is extremely high. Immediate support is needed for these groups to protect retention, reinforce UNK's commitment to equity and diversity, and send a consistent message to the broader UNK community that this type of behavior is unacceptable.

Key recommendations include the following:

- Review organizational resourcing pertaining to the recruitment and retention of historically underrepresented groups. For example:
 - Leverage resources to implement strategies in UNK's Strategic Plan that focus on at risk populations, such as African American students.
 - OMA has yielded positive results but is lacking in staff and funding resources needed to support a broad range of needs across diversity dimensions.
 - Assess Student Support Services to better understand program impact on historically underrepresented student groups, then determine ways to increase reach and success, such as through collaboration with other departments.
- Consider further investigation of low African American student persistence. Elevated perceptions of discrimination and discomfort were expressed in the survey and focus groups. However, low base sizes prohibit the ability to determine key drivers or draw conclusions from this assessment.
- Assess the promotion, application, and selection process of visible and other key programs such as the Chancellor's Ambassadors, NSE (New Student Enrollment)



leaders, and LPAC (Loper Programming and Activities Council), to ensure access and encourage participation from a diverse group of qualified UNK students.

- Encourage collaboration between Women's, Gender & Ethnic studies and other departments to support adding a required diversity course as part of the general studies requirement.
- Expand support for diverse groups through initiatives that foster understanding and mutual respect, such as cultural immersion experiences, conversations tables, friendship programs, and informal mentoring.
- Improve the current process regarding discrimination and harassment complaints and concerns. Consistent and timely communication about the issue and its resolution are critical to demonstrating commitment and avoiding the potentially lasting effects of communication challenges, as UNK has experienced in the past.
- Create conflict resolution processes for students, faculty, and staff based on principles of restorative justice, which focuses on repairing harm and creating opportunities to return victims and perpetrators of injustices to a place of resolution and equity.

Elevate and Encourage Efforts in Diversity and Inclusion

Expand and enhance policies, practices, and procedures to foster diversity and inclusion. Incentivize and reward achievements that further UNK goals to develop a highly diverse and inclusive learning environment and community. Address diversity and inclusion needs across the broader Kearney community through mutually beneficial collaboration.

Key recommendations include the following:

- Add a measure to course evaluations that addresses respect for inclusion in the classroom experience.
- Incorporate diversity and inclusion into UNK's standards of professional conduct for faculty. Clarifying obligations to support inclusion (e.g. planning course content, facilitating classroom discussion) will enhance efforts and ensure accountability.
- Revisit staff performance evaluations to ensure the Cultural Diversity and Sensitivity measure is clearly communicated to staff and provide supervisor training to ensure consistent measurement.
- Identify ways to include and measure inclusive behaviors as part of annual faculty performance review.
- Consider revising faculty tenure and promotion criteria to include measures that can positively impact diversity and inclusion. Examples include:
 - Add a measure regarding inclusive classroom experience to student evaluations and include in the tenure guidelines with defined thresholds.



- Include training and service related to diversity and inclusion as relevant achievements to support Scholarship and Service criteria.
- Incentivize and reward achievements of faculty and staff that align with the goal of a diverse and inclusive learning environment and community.
- Develop an advisory group of UNK and Kearney community members to identify diversity and inclusion needs, growth opportunities, and develop strategies to address these in the broader Kearney community.

Assure Sustainable Efforts in Diversity and Inclusion

How diversity and inclusion can support the university's success has not been clearly articulated to date, and efforts remain disjointed. Developing an integrated institutional approach to diversity and inclusion will ensure long-term, sustainable advancement.

Key recommendations include the following:

- Establish a vision of success for diversity and inclusion. This would send a strong message to the campus and community, and lay the groundwork for sustainable efforts through the following:
 - Engage senior administrators and key diversity stakeholders in collaboration to better define what diversity and inclusion means for the success of UNK and, importantly, how it supports UNK's broader strategic plan.
 - Gain alignment on common definitions of diversity for the NU system identified in the work completed by the DOC.
- Assign accountability measures to diversity and inclusion in the UNK strategic plan. It is commendable that diversity and inclusion is embedded in UNK's current strategic plan. Assigning accountability is the next step in this process, to assure these elements are more likely to be achieved.
- Create a new position of Diversity Officer for the campus that is separate from compliance monitoring to organize, facilitate, and manage the recommendations of OMA and EAD. The purpose of this new position is to oversee and manage long term diversity and inclusion sustainability for UNK.
- Regular assessment of UNK's diversity and inclusion climate is crucial to advancing efforts through accountability. Additionally, coordinating timing on climate updates with UNK strategic planning updates, will assure diversity and inclusion is embedded into the institution, as opposed to executed and measured in a vacuum.



Enhance Campus-wide Cultural Competence

Strengthen cultural competency skills across the campus population, enabling students, faculty, staff, and administrators alike to be more effective in their interactions, both in and out of the classroom, with perspectives and cultures other than their own.

Key recommendations include the following:

- Develop a series of town hall style meetings that elevate understanding and personalize the value of diversity and inclusion—to move the dialogue beyond viewing it just as an operational matter or as a “directive from Administration.”
- Take university leaders and key administrators through a Diversity and Inclusion Commitment Journey, aligning on the strategic direction of diversity and inclusion at UNK, elevating awareness and providing implementation support for committed behaviors and actions from UNK leadership.
- Create a Diversity and Inclusion Learning Roadmap to identify key developmental objectives for the institution and across specific departments and/or roles. Objectives are broken down into clear steps and, as such, support long-term planning and goal achievement. Examples include:
 - Diversity and Inclusion Awareness and Managing Bias training tailored for student recruitment and admissions and staff/faculty hiring managers.
 - Communication skills building workshops for selected faculty, staff, and student groups (e.g. Leadership UNK).

In Closing

The Kaleidoscope Group recognizes and applauds the meaningful work the University of Nebraska at Kearney has done in recent years to improve diversity and inclusion on campus, as well as strengthening ties with the greater Kearney community. While there are opportunities for change and improvement, UNK has made progress and demonstrated dedication to continuing to reinforce equal access, respect, and inclusion of all people.

We wish UNK great success as the university moves toward establishing new goals and further strengthens its position as an institution of choice for students, faculty, and staff.



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APPENDICES

Appendix A: Chancellor Communication of Diversity and Inclusion Review

Appendix B: UNK Diversity & Inclusion Campus Climate Study Survey Invitation

Appendix C: UNK Diversity & Inclusion Campus Climate Survey

Appendix D: Focus Group Discussion Guide

Appendix E: Detailed Tables on Observations of Exclusionary Conduct



Appendix A: Chancellor Communication of Diversity and Inclusion Review

From: employees-bounces@list.unk.edu [mailto:employees-bounces@list.unk.edu] **On Behalf Of** Douglas A. Kristensen
Sent: Friday, October 27, 2017 10:10 AM
To: employees@list.unk.edu
Subject: [Employees] Campus Review: Diversity and Inclusion

Students, Faculty and Staff—

During our recent strategic planning process, UNK reaffirmed its commitment to fostering a climate of mutual respect and an inclusive environment that explicitly values diversity of individuals, cultures, thought and expression. Now is the right time to take quantitative and qualitative measure of both our progress to date and our current campus climate, and to identify means of enhancing our efforts moving forward.

To this end, and with financial support from President Bounds, UNK has engaged The Kaleidoscope Group to conduct a comprehensive campus review focusing on diversity and inclusion. Led by consultant Cassandra Caldwell, Ph.D., the review will include:

1. a campus-wide climate survey. I encourage all members of our campus community to participate. Every voice needs to be heard. You will receive a “UNK Diversity Survey” via email next week. (Please watch for it in case it routes to your spam folder.) All responses will be confidential and it will not take long to complete.
2. a series of focus groups with students, faculty, staff, administrators and community representatives invited to participate. Many of you have already been invited to take part, and I greatly appreciate your engagement.

A report of results will be presented to senior administration and the campus community early next spring.

I extend appreciation to the dedicated members of the Equity, Access and Diversity advisory group for continuing to steward this opportunity, and many others, for our campus. If you have questions relative to this review, please feel free to contact Gilbert Hinga at hingag2@unk.edu or Mary Petroski at petroskimj@unk.edu.

Thank you in advance for your participation in this important review.

Sincerely,
Doug

Douglas A. Kristensen, J.D.

Chancellor

University of Nebraska at Kearney

1000 Warner Hall

[2504 Ninth Ave.](#)

[Kearney NE 68849](#)

[308-865-8208](#)

kristesend@unk.edu





Appendix B: UNK Diversity & Inclusion Campus Climate Study Survey Invitation

Dear Participant:

During the recent campus strategic planning process, UNK reaffirmed its commitment to fostering a climate of mutual respect and an inclusive environment that explicitly values diversity of individuals, cultures, thought and expression. In light of this, now is a good time to take quantitative and qualitative measures of UNK's current campus climate and progress regarding diversity and inclusion so that UNK can identify ways to enhance these efforts. One of the areas that is anticipated to be impacted is recruitment and retention.

This diversity & inclusion survey is part of that review. The Kaleidoscope Group (KG) is helping UNK to conduct this survey.

Your participation is voluntary, but very important. We need your voice to be heard. All responses from the survey will be confidential. The survey takes about 20 minutes to complete. You do not have to take it in one sitting; if necessary, you can save your responses and come back to them later to complete. To take the survey, please click the link below. **Follow this Link to the Survey:**

[\\${!://SurveyLink?d=Take the Survey}](#)

After the survey, KG will analyze the responses from the survey, and other data that we are gathering (e.g. information from focus groups, previous data, etc.) and we will provide results to UNK early this coming spring. If you have questions about this survey, please feel free to contact me at cassandra.caldwell@kgdiversity.com.

Thank you for completing the survey.

Kind regards,
Cassandra D. Caldwell, Ph.D.
Consultant
The Kaleidoscope Group

Follow the link to opt out of future emails:
[\\${!://OptOutLink?d=Click here to unsubscribe}](#)

Appendix C: UNK Diversity & Inclusion Campus Climate Survey

Qualtrics Survey Software



Part I: Campus Climate: Perceptions of Inclusion

Using the following scale, please respond to each of the following statements.

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree
University of Nebraska Kearney is a comfortable place for me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have felt discriminated against at UNK because of my age.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have felt discriminated against at UNK because of my race/ethnicity.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have felt discriminated against at UNK because of my sexual orientation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have felt discriminated against at UNK because of my gender.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have felt discriminated against at UNK because of my religion.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Qualtrics Survey Software

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree
I have felt discriminated against at UNK because of my socio-economic status.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel comfortable with the climate related to diversity and inclusion in my department/unit.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The University of Nebraska Kearney is a welcoming place to be.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel respected at the University of Nebraska Kearney.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have felt discriminated against because of my disability.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have felt discriminated against at UNK because of my non-normative gender identity.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Using the following scale, please respond to each of the following statements.

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree
I believe that the (faculty; staff; students; UNK as a whole) at the University of Nebraska Kearney is biased based on race/ethnicity.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I believe that the (faculty; staff; students; UNK as a whole) at the University of Nebraska Kearney is sexist.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Qualtrics Survey Software

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree
I believe that the (faculty; staff; students; UNK as a whole) at the University of Nebraska Kearney is homophobic.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I believe that the (faculty; staff; students; UNK as a whole) at the University of Nebraska Kearney is age biased.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I believe that the (faculty; staff; students; UNK as a whole) at the University of Nebraska Kearney is biased based on socioeconomic status.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I believe that the (faculty; staff; students; UNK as a whole) at the University of Nebraska Kearney is biased based on disability, including physical, learning, or emotional/psychological disabilities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I believe that the (faculty; staff; students; UNK as a whole) at the University of Nebraska Kearney is biased against non-normative gender identities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Based on your experiences, how do you rate the climate on campus for people who are:

	Very Disrespectful	Disrespectful	Neither Respectful or Disrespectful	Somewhat Respectful	Very Respectful
Female	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Male	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
LGBTQQ	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Qualtrics Survey Software

	Very Disrespectful	Disrespectful	Neither Respectful or Disrespectful	Somewhat Respectful	Very Respectful
Transgender and gender nonconforming	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Christian	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jewish	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Muslim	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Learning Disabled	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Experience psychological health issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Experience physical health issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Racial or ethnic minorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Non-native English speakers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
From other countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
From various socio-economic statuses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are you familiar with classroom environments on campus?

Yes

No

Classroom materials, including texts, handouts, and visual presentations include fair and sufficient perspectives of:

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree
Women	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People who are LGBTQQ	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People who are transgender and gender nonconforming	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Qualtrics Survey Software

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree
People from various religious views	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People with disabilities, including emotional, psychological, and physical disabilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People who are from racial or ethnic minorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People from other countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People from various socio-economic statuses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People who are intersex	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please evaluate the following statements about classroom discussions at the University of Nebraska Kearney.

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree
I feel valued in the classroom during discussions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel there are racial tensions in classroom discussions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel there are ethnic tensions in classroom discussions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel there are gender tensions in classroom discussions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel there are sexual orientation or identity tensions in classroom discussions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Qualtrics Survey Software

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree
I think the classroom discussions encourage free and open exploration of difficult topics related to inclusion and diversity.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please evaluate the following statements about the classroom environment at the University of Nebraska Kearney.

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree
The classroom environment is welcoming to people regardless of age.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The classroom environment is welcoming to people regardless of country of origin.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The classroom environment is welcoming to people regardless of ethnicity/race.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The classroom environment is welcoming to people regardless of sex (male, female, intersexed).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The classroom environment is welcoming to people regardless of gender identity.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The classroom environment is welcoming to people regardless of physical disability.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Qualtrics Survey Software

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree
The classroom environment is welcoming to people regardless of learning disability.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The classroom environment is welcoming to people regardless of psychological and/or emotional disability.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel free to share my opinions, beliefs, and views.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Part II: Observations of Exclusionary Conduct

During your time at the University of Nebraska at Kearney, have you experienced or observed any conduct directed toward a person or group of people from UNK that you believe has created an exclusionary working or learning environment (feeling shunned or ignored)?

Yes

No

Who was the target (in other words, victim) of the exclusionary behavior? Please select all that apply.

	Experienced	Observed
Student	<input type="checkbox"/>	<input type="checkbox"/>
Graduate Student/ Graduate Assistant	<input type="checkbox"/>	<input type="checkbox"/>
Faculty	<input type="checkbox"/>	<input type="checkbox"/>
Staff	<input type="checkbox"/>	<input type="checkbox"/>
Administrator	<input type="checkbox"/>	<input type="checkbox"/>
Friend	<input type="checkbox"/>	<input type="checkbox"/>
Campus Visitor/Guest	<input type="checkbox"/>	<input type="checkbox"/>

Qualtrics Survey Software

	Experienced	Observed
Group or Category of People (please specify) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Campus Law Enforcement or Public Safety	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
I prefer not to answer.	<input type="checkbox"/>	<input type="checkbox"/>

Who or what was the source of this behavior, that is, who instigated, the exclusionary behavior? Please select all that apply.

	Experienced	Observed
Student	<input type="checkbox"/>	<input type="checkbox"/>
Graduate Student/ Graduate Assistant	<input type="checkbox"/>	<input type="checkbox"/>
Faculty	<input type="checkbox"/>	<input type="checkbox"/>
Staff	<input type="checkbox"/>	<input type="checkbox"/>
Administrator	<input type="checkbox"/>	<input type="checkbox"/>
Friend	<input type="checkbox"/>	<input type="checkbox"/>
Campus Visitor/Guest	<input type="checkbox"/>	<input type="checkbox"/>
Group or Category of People (please specify) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Campus Law Enforcement or Public Safety	<input type="checkbox"/>	<input type="checkbox"/>
Visual media (e.g., poster, brochure, website)	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
I prefer not to answer.	<input type="checkbox"/>	<input type="checkbox"/>

What form(s) of exclusionary behavior did you observe? Please select all that apply.

Qualtrics Survey Software

	Experienced	Observed
An admission, hiring, or promotion decision based on identity	<input type="checkbox"/>	<input type="checkbox"/>
Bullying or harassment	<input type="checkbox"/>	<input type="checkbox"/>
Someone was deliberately ignored, excluded, or left out	<input type="checkbox"/>	<input type="checkbox"/>
Derogatory verbal comments or remarks	<input type="checkbox"/>	<input type="checkbox"/>
Derogatory email, text messages, social network posts	<input type="checkbox"/>	<input type="checkbox"/>
Other derogatory written comments	<input type="checkbox"/>	<input type="checkbox"/>
Derogatory phone calls	<input type="checkbox"/>	<input type="checkbox"/>
Someone who was fearful of their personal/physical safety	<input type="checkbox"/>	<input type="checkbox"/>
Graffiti	<input type="checkbox"/>	<input type="checkbox"/>
Racial profiling	<input type="checkbox"/>	<input type="checkbox"/>
Victim of a crime	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic profiling	<input type="checkbox"/>	<input type="checkbox"/>
Homophobic behavior	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
I prefer to not answer.	<input type="checkbox"/>	<input type="checkbox"/>

Where did this behavior take place? Please select all that apply.

	Experienced	Observed
In a classroom	<input type="checkbox"/>	<input type="checkbox"/>
In a campus facility or event	<input type="checkbox"/>	<input type="checkbox"/>
Off campus	<input type="checkbox"/>	<input type="checkbox"/>
In campus housing/residence hall	<input type="checkbox"/>	<input type="checkbox"/>
Through social media	<input type="checkbox"/>	<input type="checkbox"/>



Qualtrics Survey Software

	Experienced	Observed
Other (Please specify.) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
I prefer to not answer.	<input type="checkbox"/>	<input type="checkbox"/>

Is there anything else about this experience you would like to share?

During your time at the University of Nebraska at Kearney, have you experienced or observed any conduct directed toward a person or group of people from UNK that you believe has created an intimidating, offensive, or hostile working or learning environment?

Yes

No

Who was the target (in other words, victim) of this intimidating, offensive, or hostile working or learning environment? Please select all that apply.

	Experienced	Observed
Student	<input type="checkbox"/>	<input type="checkbox"/>
Faculty	<input type="checkbox"/>	<input type="checkbox"/>
Staff	<input type="checkbox"/>	<input type="checkbox"/>
Graduate Student/ Graduate Assistant	<input type="checkbox"/>	<input type="checkbox"/>
Administrator	<input type="checkbox"/>	<input type="checkbox"/>
Friend	<input type="checkbox"/>	<input type="checkbox"/>
Campus Visitor/Guest	<input type="checkbox"/>	<input type="checkbox"/>
Group or Category of People (please specify) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Campus Law Enforcement or Public Safety	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
I prefer not to answer.	<input type="checkbox"/>	<input type="checkbox"/>

Who or what was the source of this behavior, that is, who instigated, the intimidating, offensive, or hostile working or learning environment? Please select all that apply.

	Experienced	Observed
Student	<input type="checkbox"/>	<input type="checkbox"/>
Graduate Student/ Graduate Assistant	<input type="checkbox"/>	<input type="checkbox"/>
Faculty	<input type="checkbox"/>	<input type="checkbox"/>
Staff	<input type="checkbox"/>	<input type="checkbox"/>
Administrator	<input type="checkbox"/>	<input type="checkbox"/>
Friend	<input type="checkbox"/>	<input type="checkbox"/>
Campus Visitor/Guest	<input type="checkbox"/>	<input type="checkbox"/>
Group or Category of People (please specify) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Campus Law Enforcement or Public Safety	<input type="checkbox"/>	<input type="checkbox"/>
Visual media (e.g., poster, brochure, website)	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
I prefer not to answer.	<input type="checkbox"/>	<input type="checkbox"/>

What form(s) of intimidating, offensive, or hostile working or learning environment did you experience or observe? Please select all that apply.

	Experienced	Observed
Assumption that someone was admitted/hired/promoted based on identity	<input type="checkbox"/>	<input type="checkbox"/>
Assumption that someone was not admitted/hired/promoted based on identity	<input type="checkbox"/>	<input type="checkbox"/>
Bullying or harassment	<input type="checkbox"/>	<input type="checkbox"/>

Qualtrics Survey Software

	Experienced	Observed
Someone was deliberately ignored, excluded, or left out	<input type="checkbox"/>	<input type="checkbox"/>
Derogatory verbal comments or remarks	<input type="checkbox"/>	<input type="checkbox"/>
Derogatory email, text messages, social network posts	<input type="checkbox"/>	<input type="checkbox"/>
Other derogatory written comments	<input type="checkbox"/>	<input type="checkbox"/>
Derogatory phone calls	<input type="checkbox"/>	<input type="checkbox"/>
Someone who was fearful of their personal/physical safety	<input type="checkbox"/>	<input type="checkbox"/>
Graffiti	<input type="checkbox"/>	<input type="checkbox"/>
Racial profiling	<input type="checkbox"/>	<input type="checkbox"/>
Victim of a crime	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic profiling	<input type="checkbox"/>	<input type="checkbox"/>
Homophobic behavior	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
I prefer to not answer.	<input type="checkbox"/>	<input type="checkbox"/>

Where did this intimidating, offensive, or hostile working or learning environment take place?
Please select all that apply.

	Experienced	Observed
In a classroom	<input type="checkbox"/>	<input type="checkbox"/>
In a campus facility or event	<input type="checkbox"/>	<input type="checkbox"/>
Off campus	<input type="checkbox"/>	<input type="checkbox"/>
In campus housing/residence hall	<input type="checkbox"/>	<input type="checkbox"/>
Through social media	<input type="checkbox"/>	<input type="checkbox"/>
Other (Please specify.) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
I prefer to not answer.	<input type="checkbox"/>	<input type="checkbox"/>



Is there anything else about these observations or experiences you would like to share?

Part III: Conclusion

What do you think the University of Nebraska Kearney could do to enhance diversity and inclusion within the university community?

To enhance diversity and inclusion within the university community, Is there anything you think the University of Nebraska Kearney should stop doing?

Is there anything else about your experience with campus diversity and inclusion you would like us to know about?

Part IV: Demographics

What is your birth sex?

Male

Female

Intersex

 Other

What is your gender identity?

Male



Qualtrics Survey Software

- Female
- Transgender Woman/Female/Feminine
- Transgender Man/Male/Masculine
- Non-Binary/Gender Non-Conforming
- Other

What term best describes your sexual orientation? (mark all that apply)

- Asexual
- Bisexual
- Gay
- Heterosexual
- Lesbian
- Queer
- Questioning
- Other (please specify)

What is your race?

- African American/Black
- American Indian or Alaska Native
- Asian
- Native Hawaiian or Other Pacific Islander
- White
- White/Middle Eastern
- Two or more races
- Other (please specify)

Ethnicity: I am Hispanic, Latino, Latina, or Latinx

- Yes
- No



Do you have a disability that substantially limits one or more major life activities? (select all that apply)

No Disability

ADHD

Asperger's

Emotional/Psychological

Hearing

Learning Disability

Medical/health

Physical/mobility

Traumatic Brain Injury

Visual

Other (please specify)

Prefer not to answer

What is your religious affiliation?

Agnostic

Atheist

Buddhist

Christian - Catholic

Christian - Protestant

Hindu

Jewish

Mormon

Muslim

Nothing; non-religious

Other (please specify)

Prefer not to say

Don't know

What is your political affiliation?

Republican



Qualtrics Survey Software

Democrat

Independent

Other

Are you a military veteran or active duty military?

Yes

No

Please indicate your primary university group affiliation.

Student

Faculty

Staff

Administrator

Are you a student athlete?

Yes

No

What is your class?

Freshman

Sophomore

Junior

Senior

Graduate Student

Where do you live?

On campus

Off campus



What is your major?

What is your national origin?

Domestic

International

Prefer not to say

How long have you been employed at the university?

Less than 1 year

1-5 years

6-10 years

11-15 years

16-20 years

More than 21 years

What is your employment status?

Full time

Part time

What is your staff designation?

Academic Unit

Non-Academic Unit

How long have you been employed at the university as an administrator?

Less than 1 year

1-5 years

6-10 years

11-15 years

- 16-20 years
- More than 21 years

Which primary administration title do you hold?

- Senior Administrator
- Vice-President/Chancellor
- Dean
- Department Chair
- Director
- Other (please specify)

How long have you been employed at the university as faculty member?

- Less than 1 year
- 1-5 years
- 6-10 years
- 11-15 years
- 16-20 years
- More than 21 years

What is your faculty designation?

- Tenured
- Tenure-track
- Adjunct
- Post Doc
- Other Academic Appointment

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Appendix D: Focus Group Discussion Guide

1. How would you describe diversity and inclusion initiatives at University of Nebraska at Kearney?
2. What does the university do to make all faculty, staff, administrators, and students feel welcome?
3. Share some of the policies that you are aware of that promote diversity and inclusion?
4. Are you aware of any discrimination occurring on campus?
5. Share some of the policies that you are aware of that may hinder diversity and inclusion.
6. Would you recommend the university to diverse faculty, staff, students, and administrators?
7. How is the climate in the community outside of the university as it relates to diversity and inclusion?
8. How is the university working with the Kearney community to promote diversity and inclusion?
9. What suggestions do you have for the university as it relates to diversity and inclusion initiatives?
10. What are other issues related to the climate of diversity and inclusion at University of Nebraska at Kearney that you would like to discuss?



Appendix E: Detailed Tables on Observations of Exclusionary Conduct

Table A: Target of Exclusionary Conduct by University Group Affiliation (Select percentages noted in parentheses)

Target of Exclusionary Conduct		Total	Student	Faculty	Staff	Administrator
Student	Experienced	57	48	2	6	1
	Observed	138	63	43	27	5
	Total	165	83	44	32	6
Faculty	Experienced	40	8	28	4	0
	Observed	61	18	34	8	1
	Total	82	23	46	12	1
Staff	Experienced	36	7	2	25	2
	Observed	66	17	17	31	1
	Total	87	21	19	44	3
Administrator	Experienced	7	4	0	2	1
	Observed	12	6	5	1	0
	Total	18	9	5	3	1
Friend	Experienced	24	20	2	2	0
	Observed	60	36	10	13	1
	Total	72	46	11	14	1
Campus Visitor/Guest	Experienced	8	5	1	2	0
	Observed	28	11	8	9	0
	Total	32	14	8	10	0
Group or Category of People (unspecified)	Experienced	20	17	2	1	0
	Observed	46	26	10	7	3
	Total	55	32	12	8	3
Campus Law Enforcement/Public Safety	Experienced	2	1	0	1	0
	Observed	7	5	0	1	1
	Total	9	6	0	2	1
Other	Experienced	1	0	1	0	0
	Observed	7	2	2	2	1
	Total	7	2	3	2	1
Prefer to Not Answer	Experienced	7	5	0	2	0
	Observed	12	7	1	4	0
	Total	14	9	1	6	0
Graduate Assistant/Student Assistant	Experienced	7	5	0	2	0
	Observed	25	12	9	4	0
	Total	31	16	9	6	0
SUM		572	261 (45.6%)	158 (27.6%)	133 (23.2%)	17 (3.0%)

Table B: Source/Instigator of Exclusionary Behavior Witnessed or Experienced by University Group Affiliation (Select percentages noted in parentheses)

Instigator or Source of Exclusionary Behavior		Total	Student	Faculty	Staff	Administrator
Student	Experienced	38	33	2	3	0
	Observed	95	46	32	14	3
	Total	133	79	34	17	3
Faculty	Experienced	51	22	18	11	0
	Observed	83	32	32	16	3
	Total	134	54	50	27	3
Staff	Experienced	35	17	4	14	0
	Observed	55	23	9	22	1
	Total	90	40	13	36	1
Administrator	Experienced	28	10	7	9	2
	Observed	41	13	15	11	2
	Total	69	43	22	18	4
Friend	Experienced	4	4	0	0	0
	Observed	9	6	1	2	0
	Total	13	10	1	2	0
Campus Visitor/Guest	Experienced	5	2	2	1	0
	Observed	15	7	4	4	0
	Total	20	9	6	5	0
Group or Category of People (unspecified)	Experienced	4	2	1	1	0
	Observed	18	11	4	3	0
	Total	22	13	5	4	0
Campus Law Enforcement/Public Safety	Experienced	5	1	1	3	0
	Observed	12	4	3	5	0
	Total	17	5	4	8	0
Visual Media (e.g., Poster)	Experienced	5	2	2	1	0
	Observed	13	7	4	2	0
	Total	18	9	6	3	0
Other	Experienced	3	0	1	2	0
	Observed	6	4	1	1	0
	Total	9	4	2	3	0
Prefer to Not Answer	Experienced	14	9	2	3	0
	Observed	16	9	1	6	0
	Total	30	18	3	9	0
	Experienced	5	5	0	0	0
	Observed	9	8	0	1	0



Graduate Assistant/Student Assistant	Total	14	13	0	1	0
SUM		569	267 (46.9%)	146 (25.7%)	133 (23.4%)	11 (1.9%)

Table C: Forms of Exclusionary Behavior by University Affiliation Group

Form of Exclusionary Behavior		Total	Student	Faculty	Staff	Administrator
An admission, hiring, or promotion decision based on identity	Experienced	18	5	7	5	1
	Observed	41	10	17	12	2
	Total	51	14	19	16	2
Bullying or harassment	Experienced	47	19	14	13	1
	Observed	102	40	32	26	4
	Total	122	47	40	30	5
Someone was deliberately ignored, excluded, or left out	Experienced	54	28	10	14	2
	Observed	101	40	33	26	2
	Total	129	53	39	33	4
Derogatory verbal comments or remarks	Experienced	57	23	15	17	2
	Observed	122	45	42	32	3
	Total	145	54	48	38	5
Derogatory email, text messages, social network posts	Experienced	16	6	6	4	0
	Observed	43	19	9	12	3
	Total	47	19	11	14	3
Other derogatory written comments	Experienced	10	4	4	2	0
	Observed	23	12	5	4	2
	Total	26	13	7	4	2
Derogatory phone calls	Experienced	5	2	0	3	0
	Observed	11	6	2	3	0
	Total	13	7	2	4	0
Someone who was fearful of their personal/physical safety	Experienced	16	6	7	3	0
	Observed	44	16	18	8	2
	Total	52	18	22	10	2
Graffiti	Experienced	3	2	1	0	0
	Observed	14	9	2	2	1
	Total	15	10	2	2	1
Racial profiling	Experienced	18	13	2	3	0



	Observed	45	26	7	12	0
	Total	55	32	9	14	0
Victim of a crime	Experienced	2	2	0	0	0
	Observed	7	5	0	1	1
	Total	9	7	0	1	1
Ethnic profiling	Experienced	14	11	2	1	0
	Observed	43	23	11	9	0
	Total	52	29	13	10	0
Homophobic behavior	Experienced	14	11	2	1	0
	Observed	67	34	16	13	4
	Total	72	37	17	14	4
Other	Experienced	9	4	2	3	0
	Observed	13	7	3	2	1
	Total	18	7	5	5	1
Prefer to not answer.	Experienced	10	7	1	2	0
	Observed	12	8	0	4	0
	Total	17	11	1	5	0
SUM		823	358 (43.5 %)	235 (28.5 %)	200 (24.3 %)	30 (3.6%)

Table D: Location of Exclusionary Conduct by University Group Affiliation (Select percentages noted in parentheses)

		Total	Student	Faculty	Staff	Administrator
In a classroom	Experienced	36	32	1	3	0
	Observed	73	42	19	11	1
	Total	89	55	19	14	1
Campus facility or event	Experienced	57	20	18	16	3
	Observed	100	31	34	29	6
	Total	124	41	40	36	7
Off campus	Experienced	16	12	1	3	0
	Observed	41	24	8	7	2
	Total	47	28	8	9	2
In campus housing/residence hall	Experienced	20	20	0	0	0
	Observed	37	27	1	8	1
	Total	45	35	1	8	1
Through social media	Experienced	10	9	1	0	0
	Observed	31	19	4	5	3
	Total	34	22	4	5	3
Other location	Experienced	7	2	1	3	1



	Observed	22	5	9	7	1
	Total	26	6	10	9	1
Prefer to Not Answer	Experienced	16	7	4	5	0
	Observed	18	6	2	10	0
	Total	26	9	6	11	0
SUM		391	196 (50.1%)	88 (22.5%)	92 (23.5%)	15 (3.8%)



▶▶▶ **APPENDIX C**

***UNK: Information Regarding Training Provided to Title IX
Coordinators, Investigators, and Decision-Makers***

2018

- [January-June 2018 504 Coordinator](#)
- [January-June 2018 Coordinator Five -Bias & Cultural Competencies Materials](#)
- [January-June 2018 Coordinator One - Materials](#)
- [January-June 2018 Coordinator Two - Pressures, Politics, Sanctions, Minors, & MOUs Materials](#)
- [January-June 2018 Investigator Four - Due Process Materials](#)
- [January-June 2018 Title IX Coordinator & Administrator Level Four: Trainer Training: Advocacy, Prevention & Trauma](#)
- [January-June 2018 Investigator One Materials](#)
- [January-June 2018 Investigator Three B Sexual Harassment Case Processing & Resolution Materials](#)
- [January-June 2018 Investigator Level Two Materials](#)
- [January-June 2018 OCR Compliant Procedures Materials](#)
- [January-June 2018 Student Conduct Hearing Panel Materials](#)
- [July-December 2018 504 Coordinator Materials](#)
- [July-December 2018 Climate Surveys VAWA Compliance Strategic Prevention Materials](#)
- [July-December 2018 Coordinator Four Trainer Training, What Title IX Coordinators Need to Know About Advocacy, Prevention, and Trauma Materials](#)
- [July-December 2018 Coordinator One Materials](#)
- [July-December 2018 Coordinator Two Pressures, Politics, Sanctions, Minors & MOUs Materials](#)
- [July-December 2018 Investigator Four Due Process Materials](#)
- [July-December 2018 Investigator One Materials](#)
- [July-December 2018 Investigator Three A Sexual Violence Case Processing & Resolution Materials](#)
- [July-December 2018 Investigator Three B Sexual Harassment Case Processing & Resolution Materials](#)
- [July-December 2018 Investigator Two Materials](#)
- [July-December 2018 Title IX Compliance and Athletics Materials](#)

2019

- [January-June 2019 504 Coordinator Materials](#)

- [January-June 2019 Coordinator Four Trainer Training, What Title IX Coordinators Need to Know About Advocacy, Prevention, and Trauma Materials](#)
- [January-June 2019 Coordinator One Materials](#)
- [January-June 2019 Coordinator Three Compliance and Case Management Materials](#)
- [January-June 2019 Coordinator Two Materials](#)
- [January-June 2019 Investigator Four Due Process Materials](#)
- [January-June 2019 Investigator One Materials](#)
- [January-June 2019 Investigator Two Materials](#)
- [January-June 2019 One Day Due Process Materials](#)
- [January-June 2019 PreK Title IX Administrator Materials](#)
- [January-June 2019 Title IX Compliance and Athletics Materials](#)
- [July-December 2019 504 Coordinator Materials](#)
- [July-December 2019 Coordinator Five Bias & Cultural Competencies Materials](#)
- [July-December 2019 Coordinator Four Trainer Training, What Title IX Coordinators Need to Know About Advocacy, Prevention, and Trauma Materials](#)
- [July-December 2019 Coordinator One Materials](#)
- [July-December 2019 Coordinator Three Compliance & Case Management Materials](#)
- [July-December 2019 Coordinator Two Pressures, Politics, Sanctions, Minors & MOUs Materials](#)
- [July-December 2019 Hearing Officer Materials](#)
- [July-December 2019 Investigator One Materials](#)
- [July-December 2019 Investigator Two Materials](#)
- [July-December 2019 OCR Title IX Regulations Materials](#)
- [July-December 2019 One Day Due Process Materials](#)
- [July-December 2019 PreK-12 Title IX Administrator Materials](#)
- [July-December 2019 Title IX Compliance and Athletics Materials](#)

2020

- [January-June 2020 504 Coordinator Materials](#)
- [January-June 2020 Coordinator One Materials](#)
- [January-June 2020 Coordinator Three Compliance and Case Management Materials](#)

- [January-June 2020 Coordinator Two Pressures, Politics, Sanctions, Minors, and MOUs Materials](#)
- [January-June 2020 Hearing Officer and Decision-Maker Materials](#)
- [January-June 2020 Investigator One Materials](#)
- [January-June 2020 Investigator Two Materials](#)
- [January-June 2020 OCR Title IX Regulations Level 4](#)
- [January-June 2020 Investigator Level Four](#)
- [January-June 2020 PreK12 Coordinator Materials](#)
- [January-June 2020 PreK12 Investigator Materials](#)
- [January-June 2020 K-12 Coordinator and Admin Advanced](#)
- [January-June 2020 Title IX Compliance and Athletics Materials](#)
- [July-December 2020 504 Coordinator Materials](#)
- [July-December 2020 Coordinator One Materials](#)
- [July-December 2020 Coordinator Three Compliance & Case Management Materials](#)
- [July-December 2020 Coordinator Two Pressures, Politics, Sanctions, Minors & MOUs Materials](#)
- [July-December 2020 Hearing Officer & Decision-Maker Materials](#)
- [July-December 2020 Investigator One Materials](#)
- [July-December 2020 Investigator Two Materials](#)
- [July-December 2020 Investigator Three B Sexual Harassment Case Processing & Resolution Materials](#)
- [July-December 2020 Investigator Level 4 Materials](#)
- [July-December 2020 K-12 Coordinator One Materials](#)
- [July-December 2020 K-12 Coordinator and Admin Advanced](#)
- [July-December 2020 Regulations Implementation Materials](#)
- [July-December 2020 Title IX Compliance and Athletics Materials](#)
- [July-December 2020 K-12 Investigator One Materials](#)
- [July-December 2020 K-12 ADA/504 Coordinator One Materials](#)
- [July-December 2020 Hearing Chairs Materials](#)
- [July-December 2020 Hearing Advisors Materials](#)
- [July-December 2020 Coordinator One Materials](#)

- [July-December 2020 K-12 Decision Maker Materials](#)
- [July-December 2020 Investigator Level Four Materials](#)
- [July-December 2020 Hearing Advisors Materials](#)

2021

- [January-June 2021 Coordinator One Materials](#)
- [January-June 2021 K-12 Coordinator One Materials](#)
- [January-June 2021 Investigator Level One Materials](#)
- [January-June 2021 Hearing Chairs Materials](#)
- [January-June 2021 Coordinator Two Materials](#)
- [January-June 2021 Hearing Advisor Materials](#)
- [January-June 2021 Investigator Two Materials](#)
- [January-June 2021 K-12 Decision-Maker Materials](#)
- [January-June 2021 K-12 Investigator One Materials](#)
- [January-June 2021 Investigator Three Materials](#)
- [January-June 2021 Title IX Athletics Materials](#)
- [January-June 2021 ADA/504 Coordinator Materials](#)
- [January-June 2021 K-12 504/ADA Coordinator Materials](#)
- [January-June 2021 K-12 Coordinator Advanced](#)
- [January-June 2021 Coordinator Level Five Course Material](#)
- [January-June 2021 Hearing Officer & Decision Maker Materials](#)
- [January-June 2021 Investigator Four Materials](#)
- [January-June 2021 Interactive Mock Hearing Course Material](#)
- [January-June 2021 Coordinator Four Course Material](#)
- [July-December 2021 Coordinator One Course Material](#)
- [July-December 2021 Investigator Two Course Materials](#)

Supplemental Course Training Materials

- [2019 Case Study Packet](#)
- [Pregnancy & Title IX](#)
- [A Reference Tool for Key Guidance \(2016\)](#)

- [ATIXA 2018 Member Survey Summary](#)
- [ATIXA K-12 Model Policies and Procedures \(AMPP\)](#)
- [OCR Letter to the Connecticut Interscholastic Athletic Conference, et al.](#)
- [Ten Tips for K-12 Title IX Coordinators](#)
- [Ten Tips for K-12 Title IX Investigators](#)
- [What School Leaders Need to Know About Title IX](#)
- [Twenty Tips for Developing a Title IX Action Plan](#)
- [US Department of Education: Letter to Wachter](#)
- [OCR Resolution Agreement: Chicago Public Schools](#)
- [US Department of Education: Letter to Chicago Public Schools](#)
- [Secretary DeVos Announces New Civil Rights Initiative to Combat Sexual Assault in K-12 Public Schools](#)
- [Section 504 ADA Grievance Process](#)
- [Section 504 Section 34 Regulations](#)
- [OCR Recommendation for 504 Grievance Procedure](#)
- [Guidelines for Animals on Campus](#)
- [Do's & Dont's for Responding to Animals on Campus](#)
- [Summary Sheet: Navigating the Law Regarding Animals on Campus](#)
- [Understanding the Law Regarding Animals on Campus: Companion Text](#)
- [Section 504 Section 34 Regulations](#)
- [2020 Housing of Urban Development Changes](#)
- [OCR Recommendation for 504 Grievance Procedure](#)
- [Esports' Urgent Need for Visible Gender Diversity](#)
- [TNG 2017 Whitepaper: Due Process and the Sex Police](#)
- [ATIXA Overview: Wesley College Letter on OCR Title IX Resolutions Letter](#)
- [ATIXA Model Policy: The Title IX Rights of Pregnant and Parenting Students](#)
- [Children on Campus Model Policy](#)
- [Mandatory Reporters Policy Template \(2015\)](#)
- [The Handbook for Campus Safety and Security Reporting, US Department of Education, 2016](#)

- [Notalone.gov - Building Partnerships Among Law Enforcement Agencies, Colleges, and Universities](#)
- [Notalone.gov - Building Partnerships with Local Rape Crisis Centers: Developing a Memorandum of Understanding](#)
- [The Chronicle: Title IX Investigation Tracker](#)
- [Flowchart - Informal Resolution](#)
- [Flowchart - Investigation 106.45\(b\)\(5\)](#)
- [Flowchart - Mandatory or Discretionary Dismissal](#)
- [1P2P Flowchart](#)
- [Flowchart - 3 Buckets of Evidence](#)
- [Flowchart-Case Flow and Intersection of Title VII and Title IX](#)
- [FAQs About the Impending Title IX Regulations - April, 2020](#)
- [Top 10 Myths of the New OCR Title IX Regulations](#)
- [New to IX: What Every K-12 Administrator Needs to Know](#)
- [Draft Regulations to Final Regulations: A Comparison Guide](#)
- [A Primer on Title IX for Scouting: What Every Boy Scout and Girl Scout Official Needs to Know](#)
- [2020 Title IX Regulations as a Checklist](#)
- [ATIXA's Title IX Coordinator's Roadmap for Developing an Implementation Plan for the 2020 Regs by August 14, 2020](#)
- [R³ Blog](#)
- [ATIXA's OPEN Center Database](#)
- [Guide to Title IX Compliance for Hospitals](#)
- [2020 Title IX Regulations](#)
- [ATIXA's Draft Regulations to Final Regulations: A Comparison Guide](#)
- [Overview of the Title IX Final Rule](#)
- [Department of Education's Summary of Major Provisions of the Title IX Final Rule and Comparison to the NPRM](#)
- [Title IX of the Education Amendments of 1972](#)
- [Original 1975 Department of Education \(Health, Education, and Welfare\) Regulations](#)
- [Original Joint Agency Regulations \(21 Agency Common Rule\)](#)

- [Civil Rights Restoration Act Regulations \(updating Title IX in 2000\)](#)
- [2001 Office of Civil Rights Title IX Guidance \(termed guidance, but these are really Regs under APA\)](#)
- [Violence Against Women Act. 2014](#)

Webinar Training Materials

- [Full Page Slides: Collegiate Athletics Focused: Compliance in COVID Times Webinar - July 31, 2020](#)
- [Full Page Slides: K-12 Athletics Focused: Compliance in COVID Times Webinar - July 30, 2020](#)
- [A Title IX Introductory Webinar for K-12 Schools and Districts](#)
- [Hearing Panels and Decision-Makers: Briefing on the New Regulations Webinar Slides](#)
- [New Title IX Regulations for Boards of Trustees and Cabinet-Level Administrators](#)
- [R3 Webinar Ten Things to Know About the New Title IX Regulations](#)
- [Webinar- Maintaining Title IX Program Integrity in a Pandemic](#)
- [Webinar- OCR Effective Commenting-Overview of the Notice and Comment Period](#)
- [Webinar- OCR Proposed Regulations](#)
- [Webinar- Proposed Regulations-Steps to be Taking Now](#)
- [Webinar- Recent Due Process Rulings by the California Courts-What Do California Colleges and Universities Need to Know and Do?](#)
- [Athletics Compliance in COVID - College](#)
- [Athletics Compliance in COVID - K12](#)
- [Virtual Hearings Webinar FINAL Slides](#)
- [SPOO or Not SPOO? That is the Question Webinar Final Slides](#)
- [Rationale Writing Workshop for Decision-Makers and Investigators](#)

20-Minutes-to...*Trained* Training Materials

- [20-Minutes-to...Trained Addressing Trauma Module](#)
- [20-Minutes-to...Trained Advising the Complainant Module](#)
- [20-Minutes-to...Trained Advising the Respondent Module](#)
- [20-Minutes-to...Trained Animals on Campus Module](#)
- [20-Minutes-to...Trained Appeals Module](#)
- [20-Minutes-to...Trained Applying Preponderance and Making a Finding Module](#)

- [20-Minutes-to...Trained Assessing Credibility Module](#)
- [20-Minutes-to...Trained Assessing Credibility Part II Module](#)
- [20-Minutes-to...Trained BIT and Title IX Intersections Module](#)
- [20-Minutes-to...Trained Bullying and Cyberbullying Module](#)
- [20-Minutes-to...Trained Conflicts of Interest Module](#)
- [20-Minutes-to...Trained Dealing with Report Investigation Requests Module](#)
- [20-Minutes-to...Trained Deliberations and Groupthink Module](#)
- [20-Minutes-to...Trained Documentation Module](#)
- [20-Minutes-to...Trained Due Process Module](#)
- [20-Minutes-to...Trained Informal Resolutions Module](#)
- [20-Minutes-to...Trained Interim Measures & Suspensions Module](#)
- [20-Minutes-to...Trained Intersections of Title VII and IX Module](#)
- [20-Minutes-to...Trained Intimate Partner Violence Module](#)
- [20-Minutes-to...Trained Pattern and Predation Module](#)
- [20-Minutes-to...Trained Preliminary Inquiry Module](#)
- [20-Minutes-to...Trained Questioning Module](#)
- [20-Minutes-to...Trained Role of the Investigator Module](#)
- [20-Minutes-to...Trained Self-Care for Title IX Coordinators Module](#)
- [20-Minutes-to...Trained Sexual Harassment Module](#)
- [20-Minutes-to...Trained Stalking Module](#)
- [20-Minutes-to...Trained Trauma-Informed Interviewing Best Practices Module](#)
- [20-Minutes-to...Trained Trauma-Informed Interviewing Best Practices Part II Module](#)
- [20-Minutes-to...Trained Understanding Sexual Violence Module](#)

Online Training Materials

- [Mandated Reporter Online Training for Campus Employees](#)
- [5 Tips for Working with Closed Communities](#)
- [Common Report Writing Errors in Title IX & Civil Rights Investigations](#)
- [Title IX For Independent Schools/NBOA Training](#)
- [ATIXA Advisor Certification - Modules](#)

▶▶▶ **APPENDIX D**

***UNL: Information Regarding Training Provided to Title IX
Coordinators, Investigators, and Decision-Makers***

Title IX Coordinator Trainings

August 14, 2020-Present

- ▶ January 27-31, 2020, Association of Title IX Administrators, *Level 1 Title IX Coordinator Training*
- ▶ May 8, 2020, National Association of Campus and University Attorneys, *Title IX: The Department of Education's Final Rule on Sexual Harassment*
- ▶ May 11, 2020, Association of Title IX Administrators, *Complimentary Regulations Webinar*
- ▶ May 11, 2020, Association of Title IX Administrators, *Regulations Q&A for members*
- ▶ May 11, 2020, American Council on Education, *Discussing the Final Title IX*
- ▶ May 18, 2020, National Association of College and University Attorneys, *Title IX: The Department of Education's Final Rule on Sexual harassment*
- ▶ May 18, 2020, Association of Title IX Administrators, *Q&A Session for Members, Part II*
- ▶ May 20, 2020, Pepper Hamilton, LLP, *New Title IX Regulations – A Seismic Shift During a Pandemic* CUPA-HR webinar: *Title IX Final Rule Released: What You Need to Know Now*
- ▶ May 21, 2020, Association of Title IX Administrators, *2020 TIX Regs Overview: Commitment Beyond Compliance for Colleges and Universities*
- ▶ May 28, 2020, United Educators, *Unpacking the Final Title IX Regulations: Q&A With an Expert*
- ▶ May 28, 2020, Husch-Blackwell, LLP, *The Impact of Title IX Regulations on Faculty and Employees*
- ▶ June 2, 2020, Association of Title IX Administrators/The NCHERM Group, *How to Meet Title IX Training Requirements in 2020*
- ▶ June 15 & 20, 2020, Association of Title IX Administrators, *Compliance and Case Management: Title IX Coordinator and Administrator Level 3*
- ▶ June 17, 2020, Ankura Consulting Group, LLC, *Conducting Climate Investigations: Challenges and Best Practices*
- ▶ June 22, 2020, Association of Title IX Administrators, *2020 Title IX Regs Overview: Commitment Beyond Compliance for Hearing Officers and Decision Makers*
- ▶ June 25, 2020, Federalist Society, *Debate: Were the New Title IX Regulations Needed? Will They Result in Fairer Disciplinary Proceedings?*
- ▶ July 2, 9, 16, 23 & 30, 2020, Association of Title IX Administrators, *Pressures, Politics, Sanctions, Minors, & MOUs: Title IX Coordinator and Administrator Level Two Training and Certification Course*
- ▶ July 21, 2020, Ankura Consulting Group, LLC, *Advisors in Title IX Investigations: Legal, Regulatory, and Public Policy Considerations*
- ▶ July 28, 2020, SIECUS, *Sexual Citizens: Preventing Sexual Assault on College Campuses*
- ▶ September 25 and October 2, 2020, Debbie Osgood and Rebecca Veidlinger, *Title IX Training for the University of Nebraska: The Hearing Process*
- ▶ September 30, 2020, Dan Schorr, LLC, *Title IX Hearings: Ten Potential Challenges to Anticipate*
- ▶ January 27, 2021, Dan Schorr, LLC, *Conducting Climate Investigations: Challenges and Best Practices*
- ▶ January 29, 2021, Institutional Compliance Solutions, *ICS: Year-End Review*
- ▶ February 16, 2021, Center for Restorative Justice, *Effective Interventions for Students Who Engage in Problematic Sexual Behavior: Context, Considerations, and Options for Restorative Justice Practitioners*
- ▶ February 24, 2021, Dan Schorr, LLC, *Individual Wishes vs. Risk of Harm: When and How to Proceed without a Cooperative Complainant*
- ▶ March 12, 2021, National Association of College and University Attorneys, *Title IX Coordinator Training*
- ▶ April 21, 2021, Dan Schorr, LLC, *Implementing Restorative Justice in Title IX and Misconduct Response*
- ▶ April 28, 2021, Vector Solutions, *Keys to Sexual Violence Prevention in 2021 - An Expert Panel Discussion*
- ▶ May 20, 2021, *Free Speech, Cancel Culture, and Viewpoint Diversity on Campus Panel Discussion*

- ▶ May 26, 2021, Dan Schorr, LLC, *Considerations for Building a Title IX Advisor Pool*
- ▶ June 4, 2021, Certified FETI, *Forensic Experiential Trauma Interview Methodology Course*
- ▶ June 23, 2021, Certified FETI, *Forensic Experiential Trauma Interview Practical Application*
- ▶ July 13, 2021, Husch-Blackwell, LLC, *A Clery Update: Hospitals, Medical Centers, Student Health and the Clery Act*

Civil Rights Investigator Trainings

August 14, 2020-Present

- ▶ May 8, 2020, National Association of Campus and University Attorneys, *Title IX: The Department of Education's Final Rule on Sexual Harassment*
- ▶ May 11, 2020, Association of Title IX Administrators, *Complimentary Regulations Webinar*
- ▶ May 11, 2020, Association of Title IX Administrators, *Regulations Q&A for members*
- ▶ May 18, 2020, National Association of College and University Attorneys, *Title IX: The Department of Education's Final Rule on Sexual harassment*
- ▶ May 18, 2020, Association of Title IX Administrators, *Q&A Session for Members, Part II*
- ▶ May 20, 2020, College and University Professional Association for Human Resources, *Title IX Final Rule Released: What You Need to Know Now*
- ▶ May 20, 2020, Pepper Hamilton, LLP, *New Title IX Regulations – A Seismic Shift During a Pandemic*
- ▶ May 28, 2020, United Educators, *Unpacking the Final Title IX Regulations: Q&A With an Expert*
- ▶ May 28, 2020, Husch-Blackwell, LLP, *The Impact of Title IX Regulations on Faculty and Employees*
- ▶ June 2, 2020, Association of Title IX Administrators & Get Inclusive, *How to Meet Title IX Training Requirements in 2020*
- ▶ June 8 & 9, 2020, Association of Title IX Administrators, *Civil Rights Investigator Training- Level One*
- ▶ June 17, 2020, Ankura Consulting Group, LLC, *Conducting Climate Investigations: Challenges and Best Practices*
- ▶ June 23 & 24, 2020, Association of Title IX Administrators, *Civil Rights Investigator Training- Level Two*
- ▶ July 13, 2020, United Educators, *Unpacking the Final Title IX Regulations, Part 2: Q&A with Josh Edwards*
- ▶ July 21, 2020, Ankura Consulting Group, LLC, *Advisors in Title IX Investigations: Legal, Regulatory, and Public Policy Considerations*
- ▶ September 25 and October 2, 2020, Debbie Osgood and Rebecca Veidlinger, *Title IX Training for the University of Nebraska: The Hearing Process*
- ▶ September 30, 2020, Dan Schorr, LLC, *Title IX Hearings: Ten Potential Challenges to Anticipate*
- ▶ November 9, 2020, Husch Blackwell, *Clery Updates for 2021: Unpacking the New Guidance*
- ▶ November 23, 2020, Nebraska State Bar Association, *Just Mercy and Access to Justice: Illuminating Bias, Confronting Systemic Racism, and Doing the Hard Work That Needs to Be Done*
- ▶ December 15, 2020, Husch Blackwell, *Labor and Employment in Higher Education Year-in-Review 2020*
- ▶ January 22, 2021, Husch Blackwell, *2020 Title IX Regulations: Core Issues and Lessons Learned*
- ▶ February 18, 2021, National Association of College and University Attorneys, *Title IX Coordinator Training*
- ▶ February 22, 2021, Equitas Health Institute, *Aromantic Week Panel*
- ▶ May 17 to May 26, 2021, Certified FETI, *Forensic Experiential Trauma Interview Certification*

University Conduct Board

- ▶ September 25 and October 2, 2020, Debbie Osgood and Rebecca Veidlinger, *Title IX Training for the University of Nebraska: The Hearing Process*
- ▶ February 4 and February 9, 2021, University of Nebraska–Lincoln, *Sexual Misconduct Hearing Procedures*

Civil Rights Investigator Trainings

January 4, 2021-July 15, 2021

- ▶ January 16, 2021, National Association of College and University Attorneys, *Title IX Coordinator Training -Online Course*
- ▶ January 22, 2021, Husch Blackwell, *2020 Title IX Regulations: Core Issues and Lessons Learned*
- ▶ January 25 and 26, 2021, Association of Title IX Administrators, *Civil Rights Investigator Level One Training*
- ▶ January 27, 2021, Dan Schorr, LLC, *Conducting Climate Investigations: Challenges and Best Practices*
- ▶ February 4 and February 9, 2021, University of Nebraska–Lincoln, *Sexual Misconduct Hearing Procedures*
- ▶ February 24, 2021, Dan Schorr, LLC, *Individual Wishes vs. Risk of Harm: When and How to Proceed without a Cooperative Complainant*

Last updated July 16, 2021. If you require additional information, please contact our office at equity2@unl.edu or (402) 472-3457.

▶▶▶ **APPENDIX E**

***UNMC: Information Regarding Training Provided to Title IX
Coordinators, Investigators, and Decision-Makers***

1. [ATIXA Civil Rights Investigation One: Foundations](#)
2. [ATIXA Civil Rights Investigator Two: Advanced](#)
3. [ATIXA Civil Rights Investigator Three: Sexual Violence/Sexual Harassment Case Processing & Resolution](#)
4. [ATIXA Civil Rights Investigator Four Training: Advanced Interviewing Skills and Strategies](#)
5. [ATIXA Title IX Coordinator One: Foundations](#)
6. [ATIXA Title IX Coordinator Two: Pressures, Politics, Sanctions, Minors, and MOUs](#)
7. [ATIXA Hearing Officer & Decision-Maker Training](#)
8. [ATIXA Mock Hearing Training](#)
9. [ATIXA Investigation Report Writing](#)
10. [FETI - Introduction to the Forensic Experimental Trauma Interview](#)

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** Hardcopy available upon request. Please contact Carmen Sirizzotti, Title IX Coordinator at csirizzotti@unmc.edu.

▶▶▶ **APPENDIX F**

***UNO: Information Regarding Training Provided to Title IX
Coordinators, Investigators, and Decision-Makers***



Title IX Team Training

- [ATIXA Civil Rights Investigation One: Foundations](#)
- [ATIXA Civil Rights Investigator Two: Advanced](#)
- [ATIXA Civil Rights Investigator Three: Sexual Violence/Sexual Harassment Case Processing & Resolution](#)
- [ATIXA Civil Rights Investigator Four Training: Advanced Interviewing Skills and Strategies](#)
- [ATIXA Title IX Coordinator One: Foundations](#)
- [ATIXA Title IX Coordinator Two: Pressures, Politics, Sanctions, Minors, and MOUs](#)
- [ATIXA Title IX Coordinator Three: Compliance and Case Management](#)
- [ATIXA Hearing Officer & Decision-Maker Training](#)
- [ATIXA Hearing Panels and Decision-Maker Webinar-Briefing on the New Regulations](#)
- [ATIXA Title IX in Athletics](#)
- [ATIXA 504/ADA Coordinator](#)
- [ATIXA New Title IX Regulations for Boards of Trustees and Cabinet Level Administrators](#)
- [ATIXA Mock Hearing Training \(August 21, 2020\)](#)
- [ATIXA Severe, Pervasive and Objectively Offensive](#)
- [ATIXA 201 Guide to Sanctioning Student Sexual Misconduct Violations](#)
- [ATIXA 20 Minutes to Trained - Advising the Reporting Party](#)
- [ATIXA 20 Minutes to Trained - Advising the Responding Party](#)
- [ATIXA 20 Minutes to Trained - Due Process](#)
- [ATIXA 20 Minutes to Trained - Informal Resolution](#)
- ATIXA Gender Identity on College Campuses: Managing Challenges**
- NaBITA Non-Clinical Assessment of Suicide**
- NaBITA SIVRA-35 Risk Assessment**
- Ankura - Advisors in Title IX Investigations: Legal, Regulatory, and Public Policy Considerations**
- Husch Blackwell – Title IX & Sexual Harassment Response**

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** - Hardcopy available upon request. Please contact the Title IX Coordinator at sweil@unomaha.edu or 402.554.2120.

▶▶▶ **APPENDIX G**

University of Nebraska Board of Regents Policy 2.1.8, Sexual Misconduct

RP-2.1.8 Sexual Misconduct Policy

A. Statement of Policy

1. The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in the education program or activity that the University operates. The University is required by Title IX of the Education Amendments of 1972 (Title IX) and the accompanying regulations not to discriminate in such a manner. This requirement not to discriminate extends to admission and employment. Inquiries about the application of Title IX and the accompanying regulations may be referred to a University Title IX Coordinator or the Assistant Secretary for Civil Rights of the Department of Education or both.
2. Beginning with the University of Nebraska charter in 1869, Nebraska law has provided that no person shall be deprived of the privileges of this institution because of sex. Discrimination on the basis of sex is also prohibited by federal law. All members of the University community are expected to conduct themselves in a manner that maintains an environment free from sexual misconduct. Sexual misconduct, which includes domestic violence, dating violence, sexual harassment, sexual assault, sexual exploitation, and stalking, is unacceptable behavior under University of Nebraska policy and against the law. The University of Nebraska has programs to promote awareness of and to help prevent sexual misconduct, and to assist members of the university community who are affected by such behavior.
3. Sexual harassment, a type of sex discrimination, is specifically prohibited by this Policy as well as federal laws such as Title VII of the Civil Rights Act of 1964 (Title VII) and Title IX.
 - a. Under Title IX, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
 - i. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
 - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
 - iii. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
 - b. Under Title VII, which applies to employees only, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual's employment and create an abusive working environment.

B. Scope of Policy

1. This Policy applies to all members of the University of Nebraska community regardless of sexual orientation or gender identity, and to all education programs and activities under the jurisdiction of the University of Nebraska.
2. For the purpose of complaints alleging discrimination under Title IX, education program or activity includes locations events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.
3. The President and Chancellors shall implement procedures to address the rights of all individuals involved in cases of alleged sexual misconduct.

C. Prohibited Conduct Definitions

For purposes of addressing complaints of sexual misconduct against or by University students and employees, the following uniform definitions shall be used by the University.

1. "Dating violence" means violence committed by a person
 - a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. Where the existence of such relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship
 - ii. The type of relationship
 - iii. The frequency of interaction between the persons involved in the relationship.
2. "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 who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse or 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 acts under the domestic or family violence laws of the jurisdiction.

Domestic violence includes domestic assault. Under Nebraska law, a person commits domestic assault if the person (i) intentionally and knowingly causes bodily injury to their intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner.

Under Nebraska law an "intimate partner" means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship.

3. "Retaliation" means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to

participate in any manner in an investigation, proceeding, or hearing under this Policy.

4. "Sexual assault" means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - a. Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - b. Fondling: the touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim's age or because of the victim's temporary permanent mental incapacity.
 - c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
5. "Sexual exploitation" includes, but is not limited to: prostituting another person; nonconsensual visual or audio recording of sexual activity; non-consensual display or distribution of photos, images or information of an individual's sexual activity or intimate body parts; non-consensual voyeurism; coercing someone against their will to engage in sexual activity, or; knowingly transmitting sexually transmitted disease (STD) without disclosing STD status.
6. "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:
 - a. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
 - c. Sexual assault (see definition herein);
 - d. Dating violence (see definition herein);
 - e. Domestic violence (see definition herein); or
 - f. Stalking (see definition herein)

To be considered sexual harassment for the purposes of Title IX, the conduct must meet the additional requirements of occurring in the University's education program or activity and against a person in the United States.

For employees, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual's employment and create an abusive working

environment.

7. "Sexual misconduct" includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.
8. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. fear for their safety or the safety of others; or
 - b. suffer substantial emotional distress.

D. Other Definitions

1. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.
2. "Bodily injury" shall mean physical pain, illness, or any impairment of physical condition.
3. "Consent" is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.
 - a. Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.
 - b. Consent cannot be coerced or compelled by force, threat, deception, or intimidation.
 - c. Consent cannot be given by someone who is incapacitated or does not have the legal capacity to consent, as defined below in the definition of "incapacitated."
 - d. Consent cannot be assumed based on silence, the absence of "no" or "stop," the existence of a prior or current relationship, or prior sexual activity.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

4. "Complainant" means any individual who is alleged to be the victim of conduct that could constitute sexual misconduct. A Complainant may also be referred to as a "party."
5. "Crimes of Violence" are those offenses that involve force or threat of force, including murder and non-negligent manslaughter, rape, robbery, and aggravated assault.
6. "Force or threat of force" means (a) the use of physical force which overcomes the person's resistance or (b) the threat of physical force, express or implied, against the person or a third party that places the person in fear of death or in fear of serious personal injury to the person or a third party where the person reasonably believes that the actor has the present or future ability to execute the threat.

7. "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and requesting that the University investigate the allegation of sexual misconduct. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this Policy and will comply with the requirements of this Policy.

8. "Incapacitated" means an individual is unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, being asleep, unconscious or in any other state where the individual is unaware that sexual contact is occurring, or based on their age (pursuant to Nebraska law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation. Consent does not exist when the individual initiating sexual activity knew or should have known of the other individual's incapacitation.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

9. "May" is used in the permissive sense.

10. "Member of the University community" includes any individual who is a student, staff or faculty member, University official, or any other individual employed by, or acting on behalf of, the University. An individual's status in a particular situation shall be determined by the Investigator of Title IX Coordinator.

11. "Official with Authority" means an official of the University who has authority to institute corrective measures on behalf of the University.

12. "Private body parts" means the genital area, groin, inner thighs, buttocks, or breasts.

13. "Preponderance of the Evidence" is the standard of evidence the University uses to determine whether the Respondent violated this Policy. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that the Respondent violated this Policy

14. "Remedies" are measures designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same supportive measures that are already being provided to Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

15. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct. A Respondent may also be referred to as a "party."

16. "Serious personal injury" means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.

17. "Shall" is used in the imperative sense.

18. "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.
19. "Title IX Coordinator" is a person designated by the University to coordinate the University's effort to comply with its responsibilities under Title IX. The Title IX Coordinator oversees the University's gender equity work to ensure compliance with Title IX, including its policies and procedures, education/prevention efforts, and training. The Title IX Coordinator reviews information about sexual misconduct to identify and address any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) to the Title IX Coordinator.
20. "Past sexual behavior" means a person's sexual behavior other than when the sexual misconduct is alleged to have occurred.
21. "University" means University of Nebraska.

E. Awareness, Education, Prevention, and Training Programs

1. As required by federal statutes and administrative regulations, the Office of the President and each Chancellor shall publicize and conduct ongoing programs for new students and employees and other members of the University community to promote awareness of the problems caused by sexual misconduct and to help prevent and attempt to reduce the risk of the occurrence of sexual misconduct. These programs shall include instruction on safe and positive options for bystander intervention that may be carried out by individuals to prevent harm or intervene when there is a risk of sexual misconduct being inflicted on another person. Training shall be provided to all persons designated as campus security authorities and involved in responding to reports of sexual misconduct.
2. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution will receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
3. In addition to the training described above, Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process will receive the following training:
 - a. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will receive training on
 - i. The definition of sexual harassment,
 - ii. The scope of the University's education program or activity,

- iii. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable,
 - iv. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, and
 - b. Decision-makers will also receive training on
 - i. Any technology to be used at a live hearing and
 - ii. Issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.
 - c. Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- 4. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of sexual harassment.
- 5. The University will make these training materials publicly available on its website, or if the University does not maintain a website the University will make these materials available upon request for inspection by members of the public.

F. Reporting Sexual Misconduct

All individuals are expected to promptly report conduct that may violate the University's Sexual Misconduct Policy to the University. Although the University does not limit the time frame for reporting sexual misconduct to promote timely and effective review, the University strongly encourages individuals to report possible sexual misconduct within one hundred and eighty (180) calendar days of the last occurrence of the concerning conduct. A report made after one hundred and eighty (180) days may make it more difficult to gather relevant and reliable information.

In addition, all individuals are expected to report conduct that may also violate criminal law to both the Title IX Coordinator and the local law enforcement. These processes are not mutually exclusive and both may happen simultaneously or at different times.

1. Any University student, employee, or other individual who seeks to report may contact the:
 - a. Title IX Coordinator:
 - i. Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
 - b. University Police or Public Safety for assisting in filing a criminal complaint and preserving physical evidence; and/or
 - c. Local law enforcement to file a criminal complaint.
2. Additionally, reports may be made to the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 1-800-421-3481.

G. Confidentiality

The University shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual misconduct, any Complainant, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of Title IX, including conducting any investigation, hearing, or judicial proceeding arising thereunder. The University may be required to share information with other individuals in accordance with FERPA, Title IX, or other applicable law, including lawfully issued subpoenas in criminal, administrative, and civil matters.

H. Resources

1. The President and Chancellors shall disseminate information about University programs and resources available to assist persons who have been subjected to sexual misconduct and about agencies outside the University located throughout the state that provide related services.
2. In addition to identifying resources available to provide counseling, advocacy, and medical treatment, University sexual misconduct programs must provide instruction on the importance of preserving evidence as proof of sexual misconduct, and on the availability of protection orders and other remedies that may be afforded to persons who have been subjected to sexual misconduct.
3. A person who has or had been involved in a dating relationship, or who has or had a marital, shared residential, or familial relationship with the actor may obtain either a harassment or domestic protection order. Persons who have not been involved in a dating relationship may qualify for a harassment protection order. Violation of harassment or domestic protection orders issued by courts of this or another state or tribal courts can result in a violator's arrest and subject the violator to criminal penalties.
4. The Protection from Domestic Abuse Act makes the Nebraska Department of Health and Human Services (DHHS) responsible to provide victims of domestic abuse emergency services, support programs, limited medical help and legal assistance in obtaining a protection order.

I. Supportive Measures

The University will offer supportive measures to Complainants whether or not a Formal Complaint is filed. Supportive measures are available for both the Complainant and Respondent.

J. Administrative Leave and Emergency Removal

The University may remove a Respondent from the University's education program or activity on an emergency basis. The University may place a non-student employee Respondent on Administrative Leave or the equivalent during the pendency of the procedures. A Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

K. University Disciplinary Procedures

1. Investigations of allegations against students and employees will be addressed using the procedures implemented by the President and Chancellors.
2. The University will follow procedures before imposing any disciplinary sanctions or other actions that are not supportive measures against Respondent for sexual harassment in violation of Title IX. Nothing in this Policy prevents the University from removing a Respondent from the University's education program or activity on an emergency basis. Nothing in this Policy prevents the University from placing a non-student employee Respondent on Administrative Leave or the equivalent.
3. University internal investigations and any disciplinary or remedial actions are independent of any civil, criminal or external administrative investigation. The University may pursue an investigation, take appropriate remedial action and/or impose disciplinary sanctions against a member of the university community at the same time the individual is facing criminal charges for the same incident, even if the criminal prosecution is pending, has been dismissed, or the charges have been reduced.

L. Grievance Process for Formal Complaints

1. A Complainant may file, or a Title IX Coordinator may sign, a Formal Complaint against a Respondent requesting that the University investigate an allegation of sexual misconduct. Filing a Formal Complaint is the first step of a grievance process that determines whether the Respondent is responsible for violating the Policy. Unless a Formal Complaint is dismissed or resolved during one of the steps of the grievance process, the grievance process will include a preliminary review of the Formal Complaint, an investigation, a hearing, and the opportunity to challenge certain decisions through an appeal. Additionally, an informal resolution process may be available at any time prior to reaching a University determination regarding responsibility. If applicable, the University may initiate informal resolution or either party may request informal resolution.
2. If the Respondent is no longer a student, employee, or participant in any University-related program or activity at the time of the report, or if the conduct does not fall within the scope of the Policy, the Formal Complaint may be dismissed. The University will, however, help a Complainant identify reporting options outside the University and provide supportive measures.
3. A Respondent is presumed not responsible for the alleged conduct unless a determination regarding responsibility by a preponderance of the evidence is made at the conclusion of the grievance process by the decision maker(s).
4. Where a determination of responsibility for sexual misconduct has been made against the Respondent, the University must provide or give the Complainant remedies.
5. If a Respondent is found responsible for a violation, sanctions may be imposed. Institutional sanctions that may be imposed against students for sexual misconduct range from warning to expulsion. Institutional sanctions against employees range from warning to termination. Institutional sanctions against third parties range from loss of privileges to trespass exclusion orders.

M. Retaliation

No member of the University community may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for Student Code of Conduct violations that do not involve sex discrimination or sexual misconduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual misconduct, for the purpose of interfering with any right or privilege secured by this Policy, constitutes retaliation.

N. Record Keeping

1. The University will maintain for a period of seven years records of –
 - a. Each sexual misconduct investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required by the Policy, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
 - b. Any appeal and the result therefrom;
 - c. Any informal resolution and the result therefrom; and
 - d. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The University will make these training materials publicly available on its website.
2. For each response to sexual misconduct when the University has actual knowledge, as defined by federal law, the University will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual misconduct. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity.
3. If the University does not provide a Complainant with supportive measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

O. Amendments

1. The Board of Regents may amend this Policy at any time, in whole or in part. There may be times when unexpected issues arise that require prompt action or that involve errors or omissions in the Policy. Examples include a change in federal, state, or local law, the adoption of a new Campus or University policy, the repeal of an existing Campus or University policy, the discovery of a drafting error, or the failure to anticipate a particular situation or type of conduct.
2. If an unexpected issue arises, the Policy may be amended pursuant to the following procedure:

- a. First, the Provost of the University of Nebraska must approve the amendment.
 - b. Second, the General Counsel of the University of Nebraska must approve the amendment.
 - c. Third, the amendment must be reported to the Board of Regents at the next regularly scheduled meeting of the Board.
3. The Provost and the General Counsel may approve an amendment only if each of them separately determines that:
 - a. the content of the amendment is appropriate and reasonably necessary and
 - b. the subject matter of the amendment either requires prompt action or involves minor changes that correct errors or omissions in a manner consistent with the purpose and scope of the Policy. An amendment takes effect when both the Provost and the General Counsel have approved the amendment. The Board has the authority to rescind any such amendment when the amendment is reported to the Board.

P. Periodic Review

This Sexual Misconduct Policy will be reviewed at least every two (2) years. The Provost will initiate this review.

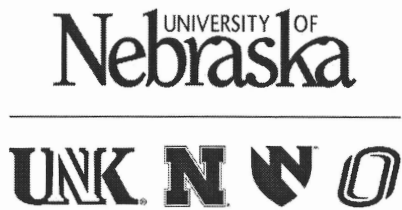
Reference:

BRUN, Minutes, 72, p. 36 (May 30, 2014).

BRUN, Minutes, 76, p. 28 (August 14, 2020).

▶▶▶ APPENDIX H

*University of Nebraska Executive Memorandum No. 38,
Procedures for Sexual Misconduct Reports Against Students*



Executive Memorandum No. 38

Procedures for Sexual Misconduct Reports against Students

Pursuant to Regents' Policy 2.1.8(B)(3), the President shall implement procedures to address the rights of all individuals involved in cases of sexual misconduct. Detailed in the Addendum attached hereto are the procedures to be followed in response to allegations of student sexual misconduct.

Dated this 14th day of August, 2020.

A handwritten signature in cursive script, appearing to read "Ted Carter".

Ted Carter, President

Reference: August 14, 2020

Response to Allegations of Student Sexual Misconduct

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Response to Allegations of Student Sexual Misconduct

A. Introduction

These Procedures supplement the University of Nebraska Sexual Misconduct Policy and describe the grievance process related to reports of sexual misconduct against students.

B. Prohibited Conduct Definitions

For purposes of addressing complaints of sexual misconduct against or by University students and employees, the following uniform definitions shall be used by the University.

1. “Dating violence” means violence committed by a person—
 - a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the persons involved in the relationship.
2. “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 who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to 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 acts under the domestic or family violence laws of the jurisdiction.

Domestic violence includes domestic assault. Under Nebraska law, a person commits domestic assault if the person (i) intentionally and knowingly causes bodily injury to their intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner.

Under Nebraska law an “intimate partner” means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship.

3. “Retaliation” means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Sexual Misconduct Policy.
4. “Sexual assault” means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - a. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - b. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim’s age or because of the victim’s temporary or permanent mental incapacity.
 - c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
5. “Sexual exploitation” includes, but is not limited to: prostituting another person; non-consensual visual or audio recording of sexual activity; non-consensual display or distribution of photos, images or information of an individual’s sexual activity or intimate body parts; non-consensual voyeurism; coercing someone against their will to engage in sexual activity, or; knowingly transmitting sexually transmitted disease (STD) without disclosing STD status.
6. “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:
 - a. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity;

- c. Sexual assault (see definition herein);
- d. Dating violence (see definition herein);
- e. Domestic violence (see definition herein); or
- f. Stalking (see definition herein).

To be considered sexual harassment for the purposes of Title IX, the conduct must meet the additional requirements of occurring in the University's education program or activity and against a person in the United States.

For employees, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual's employment and create an abusive working environment.

- 7. "Sexual misconduct" includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.
- 8. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - a. fear for their safety or the safety of others or
 - b. suffer substantial emotional distress.

C. Related Definitions

- 1. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.
- 2. "Bodily injury" shall mean physical pain, illness, or any impairment of physical condition.
- 3. "Confidentiality" means that the University will not disclose the names of individuals involved in sexual misconduct cases to others except on a need to know basis or as required by law. The University will instruct employees and students about the requirement not to disclose confidential information. Confidentiality is not the same as anonymity, where an individual is not named or personally

identified.

4. “Consent” is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.
 - a. Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.
 - b. Consent cannot be coerced or compelled by force, threat, deception, or intimidation.
 - c. Consent cannot be given by someone who is incapacitated or does not have the legal capacity to consent, as defined below in the definition of “incapacitated”.
 - d. Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

5. “Crimes of violence” are those offenses that involve force or threat of force, including murder and non-negligent manslaughter, rape, robbery, and aggravated assault.
6. “Education program or activity” includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
7. “Force or threat of force” means (a) the use of physical force which overcomes the person’s resistance or (b) the threat of physical force, express or implied, against the person or a third party that places the person in fear of death or in fear of serious personal injury to the person or a third party where the person reasonably believes that the actor has the present or future ability to execute the threat.
8. “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and requesting that the University investigate the allegation of sexual misconduct. As used in this paragraph, the phrase

“document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under the Sexual Misconduct Policy and will comply with the requirements of the Sexual Misconduct Policy.

9. “Incapacitated” means an individual is unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, being asleep, unconscious or in any other state where the individual is unaware that sexual contact is occurring, or based on their age (pursuant to Nebraska law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation. Consent does not exist when the individual initiating sexual activity knew or should have known of the other individual’s incapacitation.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

10. “In violation” means that it is more likely than not that a Respondent has committed one or more acts of sexual misconduct. In other words, a preponderance of the evidence standard must be used to find sexual misconduct.
11. “May” is used in the permissive sense.
12. “Not in violation” means that it is more likely than not that a Respondent did not commit one or more acts of sexual misconduct.
13. “Past sexual behavior” means a person’s sexual behavior other than when the sexual misconduct is alleged to have occurred.
14. “Private body parts” means the genital area, groin, inner thighs, buttocks, or breasts.
15. “Preponderance of the Evidence” is the standard of evidence the University uses to determine whether the Respondent violated the Sexual Misconduct Policy. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that the Respondent violated the Sexual Misconduct Policy.
16. “Relevant evidence” means evidence that has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.

17. “Remedies” are measures designed to restore or preserve equal access to the University’s education program or activity. Such remedies may include the same supportive measures that are already being provided to the Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
18. “Serious personal injury” means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
19. “Shall” is used in the imperative sense.
20. “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.
21. “Past sexual behavior” means a person’s sexual behavior other than when the sexual misconduct is alleged to have occurred.
22. “University” means University of Nebraska.
23. “University Day” means a weekday on which the campus offices are open. Check the academic calendar on the campus website to determine the days on which the campus offices are closed.

D. Roles

Individuals play a number of important roles within the University’s Sexual Misconduct investigation and adjudication process. The following are descriptions of each of those roles within the process.

1. “Advisor” means any individual who provides the Complainant or Respondent support, guidance, or advice and may accompany the Complainant or the

Respondent to any meeting or grievance proceeding, such as a meeting in the investigation or the Hearing. The Complainant and the Respondent may choose their advisor, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of the advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceeding. If a Complainant or the Respondent does not have an advisor present at a live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Other than to conduct cross-examination as described above, the parties' respective advisors may not speak on behalf of the parties during the hearing and may not directly participate in any aspect of the hearing. The Complainant or the Respondent, however, may consult with their respective advisors during a meeting or the hearing. The Hearing Board Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.

2. "Campus security authority" (CSA) is a University official charged with the duty to report incidents of sexual misconduct to the person in charge of Clery Act reporting. All officers of a university police department or a campus security department are campus security authorities, but there are other CSAs outside of those offices. The Office of the President and each Chancellor shall prepare and publicize a list of designated campus security authorities.
3. "Complainant" means any individual who is alleged to be the victim of conduct that could constitute sexual misconduct. A Complainant may also be referred to as a "party".
4. "Conduct Officer" is a University employee who has responsibilities related to student conduct and usually presents the University's information during a hearing.
5. "Decision-maker" is an individual who makes a determination as part of the Sexual Misconduct grievance process. There may be more one or more decision-maker(s) involved in any given proceeding, for example, a hearing or appeal. The decision-maker(s), will not be the same person(s) as the Title IX Coordinator or the Investigator(s) and will issue a written determination regarding responsibility. Decision-makers may include Hearing Officers, Appeals Officers, and Hearing Board Members.
6. "Hearing Board" is a subset of the University Conduct Board. The Hearing Board will composed of an odd number of three or more members, including one (1) student member.
7. "Hearing Facilitator" is a University official designated to coordinate a Hearing.

8. “Investigator” means a University official authorized to investigate of complaints of sexual misconduct.
9. “Member of the University community” includes any individual who is a student, staff or faculty member, University official, or any other individual employed by, or acting on behalf of, the University. An individual’s status in a particular situation shall be determined by the Investigator or Title IX Coordinator.
10. “Official with Authority” means an official of the University who has authority to institute corrective measures for sexual misconduct on behalf of the University. The following individuals are Officials with Authority: President, Chancellors; Provost/Vice Presidents and Vice Chancellors; and UNCA and Campus Title IX Coordinators.
11. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct. A Respondent may also be referred to as a “party”.
12. “Student” has the same meaning as used in the Student Code of Conduct. The term “student” includes all persons enrolled at the University, including online and non-degree seeking individuals. A student’s enrollment ends when the student graduates, withdraws from the University, or fails to register for classes for three (3) consecutive semesters, with summer term considered to be a semester, or no longer has a continuing student relationship with the University. Students who are accused of committing a violation of the Student Code of Conduct while they are enrolled at the University may still be held responsible for the violation even if they later withdraw from the University prior to a resolution of the alleged violation.
13. “Title IX Coordinator” is a person designated by the University to coordinate the University’s effort to comply with its responsibilities under Title IX. The Title IX Coordinator oversees the University’s gender equity work to ensure compliance with Title IX, including its policies and procedures, education/prevention efforts, and training. The Title IX Coordinator reviews information about sexual misconduct to identify and address any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) to the Title IX Coordinator.
14. “University Conduct Board” has the authority to hear and resolve charges that a student or a student organization violated the Standards of Academic Integrity and Responsible Conduct (“Standards”) and if the Board determines that a violation occurred, for determining the University’s response.

15. “University official” includes any individual employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. University officials who are designated as campus security authorities will report crimes, arrests, and disciplinary referrals to the person in charge of Clery Act reporting. Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules when they are acting within the scope of their counseling or professional responsibilities.
16. “University Presenter” is the person who presents the case on behalf of the University at the Hearing. This person may be, but is not required to be, the Investigator or the Title IX Coordinator.
17. “Witness” is a person believed to have information regarding an incident which may violate the Sexual Misconduct Policy, including but not limited to someone present when the incident occurred, someone the Complainant or Respondent communicated with about the incident, and/or someone who may have information relevant to the incident. Witness participation in the grievance process is voluntary. While the University encourages witnesses to cooperate with the grievance processes, the University cannot compel or require witnesses to participate.

E. Jurisdiction: Locations Where and Circumstances When the Procedures Apply

These Procedures apply to alleged sexual misconduct that occurs in the University’s education program or activities, on-campus, or off-campus as described in this section.

1. Education Program and Activities

Education program or activity includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

2. On-Campus

On-campus includes all University premises, including all University of Nebraska locations; physical campuses, including all adjacent streets and sidewalks, and any University affiliated programs; events or activities, including those located in other states or countries; and the use of any University electronic systems.

3. Off-Campus

Off-campus means any location that is not on-campus.

- a. These Procedures apply to conduct that occurs off-campus in the following situations:
 - i. The Student Code of Conduct states that it applies to conduct that occurs off-campus.
 - ii. The conduct occurs in or on the grounds of a University-approved housing unit.
 - iii. The conduct occurs at events or during travel authorized, funded, or sponsored by the University.
 - iv. The conduct occurs at events or during travel funded or sponsored by a student organization.
 - v. The conduct poses a risk to the health and safety of individuals and application of the Student Code of Conduct is reasonably necessary to educate the student about the risks of the conduct or to help the student avoid engaging in the conduct in the future.
 - vi. The conduct poses a serious risk to the health or safety of individuals and is of the type that the student could easily engage in on-campus.
 - vii. The conduct was intentional and caused, or attempted to cause, physical injury to a University employee or another student.
 - viii. The conduct could, or was intended to, cause harm on-campus.
 - ix. The Title IX Coordinator:
 - a) determines that the conduct in a particular matter distinctly and clearly implicates the University's interests;
 - b) prepares a written explanation of the interests and how the conduct implicates them; and
 - c) provides the written explanation to the student or student organization.
- b. The University must dismiss an allegation of sexual harassment under Title IX in a Formal Complaint if the conduct did not occur in the University's education program or activity or if the conduct did not occur against a person in the United States.

- c. Pursuant to Board of Regents By-Law 5.5, the Student Code of Conduct should not be applied as a matter of course to off-campus conduct simply because the conduct also violates federal, state, or local law.

F. Reporting Sexual Misconduct

1. Where to Report Sexual Misconduct

All individuals are expected to promptly report conduct that may violate the University's Sexual Misconduct Policy to the University. In addition, all individuals are expected to report conduct that may also violate criminal law to both the Title IX Coordinator and to local law enforcement. These processes are not mutually exclusive and both may happen simultaneous or at different times.

Any University student, employee, or other individual who seeks to report may contact the:

- Title IX Coordinator;
- University Police or Public Safety for assisting in filing a criminal complaint and preserving physical evidence; and/or
- Local law enforcement to file a criminal complaint.

The University will respond to reported allegations of sexual misconduct and may provide appropriate supportive measures to the Complainant, as described below, even if the Complainant does not wish to pursue a Formal Complaint. If an individual would like the University to respond to allegations of sexual misconduct, it is important that the individual report to the Title IX Coordinator. In some cases, an individual who may have experienced sexual misconduct may share information with another member of the University community. While the University encourages University community members with knowledge of potential violations of the sexual misconduct Policy to the Title IX Coordinator, the University will only have actual notice of sexual misconduct if an individual reports to an Official with Authority. The following individuals are Officials with Authority: President, Chancellors; Provost/Vice Presidents and Vice Chancellors; and UNCA and Campus Title IX Coordinators.

2. Reporting to the Title IX Coordinator

Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Title IX Coordinator Contact Information:

Meagan Counley
Title IX Coordinator
University of Nebraska-Lincoln
128 Canfield Administration Building
(402) 472-3417
mcounley2@unl.edu

Carmen Sirizzotti
Title IX Coordinator
University of Nebraska Medical Center
2010 Administrative Center
(402) 559-2710
csirizzotti@unmc.edu

Sarah Weil
Interim Title IX Coordinator
University of Nebraska at Omaha
211 Eppley Administration Building
(402) 554-2120
sweil@unomaha.edu

Mary Chinnock Petroski
Title IX Coordinator
University of Nebraska at Kearney
2113 Warner Hall
(308) 865-8655
petroskimj@unk.edu

Jennifer McConville
Title IX Coordinator
Nebraska College of Technical Agriculture
404 E 7th Street
(308) 367-5259
jmconville2@unl.edu

Drew Nielsen
Title IX Coordinator
University of Nebraska Central Administration
222 Varner Hall
(402) 554-3715
drewnielsen@unomaha.edu

- The University of Nebraska hotline is available for online reporting at <https://secure.ethicspoint.com/domain/media/en/gui/52126/index.html> or by phone at 844-348-9584.
- A person may also contact the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 1-800-421-3481.

3. Reporting to Law Enforcement

An individual who has experienced sexual misconduct has the right to choose whether to file a police report. The University encourages individuals to report incidents of sexual misconduct to University Police or local law enforcement. Filing a police report can result in the investigation of whether sexual violence or related crimes occurred and the prosecution of the perpetrator. Timely reporting to the police is an important factor in successful investigation and prosecution of crimes, including sexual violence.

The Title IX Coordinator or their designee provides information on contacting local and campus law enforcement and will assist an individual in doing so. However, the Title IX Coordinator or their designee will not compel an individual to go to law enforcement.

Contact Information for University Police or Public Safety:

University Police (UNL and UNCA)
300 N 17th Street
(402) 472-2222
unl.police@unl.edu

Campus Security (UNMC)
4215 Emile Street
(402) 559-5111
unmcsecoffice@unmc.edu

Department of Public Safety (UNO)
100 Eppley Administration Building
(402) 554-2648
unopublicsafety@unomaha.edu

Police Department (UNK)
Facilities Building, 2501 19th Avenue
(308) 865-8911
unkpd@unk.edu

Frontier County Sheriff (NCTA)
308 Center Ave N, Curtis, NE 69025
(308) 367-4411

4. What Happens When A Title IX Coordinator Receives A Report

Upon receiving a report of sexual misconduct, the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the availability of supportive measures. (Please see the Supportive Measures Section for more details). The Title IX Coordinator or their designee will:

- a. Discuss the availability of supportive measure;
- b. Consider the Complainant's wishes with respect to supportive measures;
- c. Inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint;
- d. Explain to the Complainant the process for filing a Formal Complaint against the Respondent; and
- e. If applicable, explain to the Complainant that if a Formal Complaint alleging sexual harassment under Title IX is dismissed the alleged sexual misconduct may be addressed under a different provision of the Student Code of Conduct using these Procedures.

Additionally, upon receiving a sexual misconduct report or complaint, the University will provide, or confirm that the Complainant has already received from the University, written information describing:

- a. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- b. How and to whom the alleged offense should be reported;
- c. Options about the involvement of law enforcement and campus authorities, including notification of the Complainant's option to—
 - i. Notify proper law enforcement authorities, including on-campus and local police;
 - ii. Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - iii. Decline to notify such authorities;

- d. Information about orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the University;
- e. Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for Complainants, both within the University and in the community; and
- f. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

A Complainant may go forward with one or more reporting options at the same time. The University’s investigation may need to be delayed temporarily by, or scheduled around, an ongoing criminal or external administrative investigation.

5. Anonymous Reports

Any individual may make a report of sexual misconduct to the University, and if preferred, may do so without disclosing one’s name. Depending on the level of information available about the incident or the individuals involved, the University’s ability to respond to an anonymous report may be limited.

6. Confidentiality, Privacy, and Sharing of Information

The University shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual misconduct, any Complainant, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of Title IX, including conducting any investigation, hearing, or judicial proceeding arising thereunder. The University may be required to share information with other individuals in accordance with FERPA, Title IX, or other applicable law, including lawfully issued subpoenas in criminal, administrative, and civil matters.

The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. The Complainant and the Respondent and their respective advisors are asked to keep private information that does not consist of “the allegations under investigation” (For example, evidence related to the allegations that has been collected and exchanged between the parties and their advisors during the investigation under or the Investigative Report summarizing relevant evidence sent to the parties and their advisors.

The Complainant and the Respondent and their respective advisors are asked to keep the information related to the investigation and resolution private, to the extent consistent with applicable law. Witnesses are asked to keep any information learned in an investigation meeting confidential, to the extent consistent with applicable law.

7. Time Frame for Reporting an Incident

Although the University does not limit the time frame for reporting sexual misconduct to promote timely and effective review, the University strongly encourages individuals to report possible sexual misconduct within one hundred and eighty (180) calendar days of the last occurrence of the concerning conduct. A report made after one hundred and eighty (180) days may make it more difficult to gather relevant and reliable information.

8. Amnesty for Reports of Sexual Misconduct

The University encourages reporting of sexual misconduct and seeks to remove barriers to making a report. The University recognizes that an individual who has been consuming unauthorized alcohol (including underage consumption) or using illegal drugs or unauthorized prescription drugs at the time of an incident may be hesitant to make a report due to potential consequences. To encourage reporting, and except as provided below, an individual who makes a good faith report of sexual misconduct and/or participates in an investigation will not be subject to disciplinary action for a policy violation related to consuming unauthorized alcohol or using illegal drugs or unauthorized prescription drugs. This policy provision may also apply to registered student organizations when a report of sexual misconduct is made that could reasonably result in the organization facing student conduct disciplinary action for a policy violation related to consuming unauthorized alcohol or using illegal drugs or unauthorized prescription drugs. This policy does not preclude or prevent action by law enforcement or other legal authorities.

G. Preservation of Evidence

Individuals involved in a report of sexual misconduct should preserve evidence to the extent possible, as it may assist the University or law enforcement in making factual determinations about the reported violence or misconduct, or might be helpful to a court's determination regarding the issuance of a Personal Protection Order. The University encourages individuals to go to the police or another resource in order to assist in the preservation of evidence.

H. Supportive Measures

The University will provide supportive measures to Complainants and Respondents. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. The following supportive measures may be made available to the Complainant and the Respondent based on the facts and circumstances of the individual case:

1. Transfer or re-assignment of living space within University residence halls;

2. Assistance from the University in completing the relocation if transferred or re-assigned;
3. Mutual restrictions on contact between the parties;
4. Cancelling a university housing contract and/or adjusting a student account balance for refund;
5. Coordinating course-related adjustments (e.g. excused absences, flexible attendance, revised deadlines, reschedules, substitutions, etc.);
6. Endorsing or authorizing a grade change (e.g. incomplete, pass/no pass);
7. Transferring between class sections;
8. Endorsing or authorizing a withdrawal after the deadline has passed with or without a refund of tuition and fees;
9. Alternative course completion options (e.g. substitutions, independent study, correspondence);
10. Arranging to complete a course or lectures via distance education methods with the assistance of technology;
11. Providing increased security at location or activities (e.g. accompaniment or escort, surveillance, monitoring);
12. Modifying work schedules, job responsibilities, supervision, or re-assignment to a different work site; and
13. Counseling at a campus clinic or center.

The University will maintain as confidential any supportive measures provided to the Complainant or the Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. Any supportive measures offered to either party cannot punish, discipline, or unreasonably burden the other party.

I. Emergency Removal

1. Overview
 - a. The University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University
 - i. undertakes an individualized safety and risk analysis;

- ii. determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal; and
 - iii. provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.
 - b. The emergency removal process may be initiated by the Title IX Coordinator.
 - c. Emergency removal may be undertaken in addition to implementing supportive measures designed to restore or preserve a Complainant's equal access to education.
 - d. Emergency removal does not preclude a Respondent from receiving supportive measures as appropriate.
 - e. The University has discretion to determine the appropriate scope and conditions of removal of the Respondent from the University's education program or activity. During an emergency removal, a Respondent may be denied access to any University premises, including classes, residence hall access, sporting events, and/or all other University programs, activities or privileges for which the Respondent might otherwise be eligible, as the Vice Chancellor responsible for student conduct or other designated University Official may determine to be appropriate to address an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct.
- 2. The Vice Chancellor responsible for student conduct or other designated University Official must provide the Respondent with a Notice of Emergency Removal. The Notice must be sent to the Respondent's e-mail address of record and must:
 - a. state the factual basis for the Respondent's emergency removal and explain why the Respondent's conduct or presence on campus presents an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct that emergency removal is necessary; merely reciting the language of the Code is insufficient;
 - b. state that the Respondent may challenge the decision immediately, in writing, following the removal;
 - c. state that the Respondent has a right to a meeting, in person or remotely, with the Vice Chancellor responsible for student conduct or other designated University Official within three (3) University Days after the emergency removal becomes effective to present information to show that

- the requirements for an emergency removal have not been satisfied and that the emergency removal should therefore be lifted;
- d. state the time, date, and place of the meeting with the Vice Chancellor responsible for student conduct or other designated University Official and state that the student may be accompanied by an advisor of their choosing, including an attorney, but that the student is responsible for any fees that the advisor may charge; and
 - e. state that after the expiration of the three (3)-day period, a student may seek to have the emergency removal lifted by making a Request for Reinstatement.
3. After the expiration of the three (3)-day period, a student who has been removed on an emergency basis may seek reinstatement by making a Request for Reinstatement (“the Request”) on the ground that:
 - a. the requirements for an emergency removal were not met when the student was removed on an emergency basis and are not currently met or
 - b. circumstances have changed such that the requirements for an emergency removal are no longer met.
 4. The Request must be in writing, state the reasons for request, and include the evidence that supports the Request. The Request must be sent to the Vice Chancellor responsible for student conduct or other designated University Official by e-mail or certified mail or may be hand-delivered to the Vice Chancellor’s office or the designated University Official’s Office.
 5. The Vice Chancellor responsible for student conduct or other designated University Official must make a decision on the Request as soon as reasonably practicable. Before making a decision, the Vice Chancellor responsible for student conduct or their designee has the discretion to seek additional information, to ask the Title IX Coordinator (in the event the Title IX Coordinator is not the designated University Official), an Investigator, or Conduct Officer to review and comment on the Request, or to schedule a meeting with the Respondent and their advisor.
 6. The fact that a student was removed on an emergency basis should not be taken into account by the Hearing Officer or Hearing Board in determining whether the student violated the Code, including the Sexual Misconduct Policy.
 7. If a Respondent who is removed on an emergency basis is ultimately found “not in violation” of the Student Code of Conduct, the Respondent may be allowed, at the reasonable discretion of the appropriate faculty member or instructor, to make up academic work missed while on emergency removal.

J. Grievance Process for Formal Complaints

The grievance process begins when a Complainant files, or a Title IX Coordinator signs, a Formal Complaint requesting that the University investigate an allegation of sexual misconduct. Filing a Formal Complaint is the first step of a grievance process that determines whether the Respondent is responsible for violating the Policy. Unless a Formal Complaint is dismissed or resolved during one of the steps of the grievance process, the grievance process will include a preliminary review of the Formal Complaint, an investigation, a hearing, and the opportunity for the parties to challenge certain decisions through an appeal. Additionally, an Informal Resolution process may be available at any time prior to reaching a University determination regarding responsibility. If applicable, the University may initiate Informal Resolution or either party may request Informal Resolution.

If the Respondent is no longer a student, employee, or participant in any University-related program or activity at the time of the report, or if the conduct does not fall within the scope of the Policy, the Formal Complaint may be dismissed. The University will, however, help a Complainant identify reporting options outside the University and provide supportive measures. A Respondent is presumed not responsible for the alleged conduct unless a determination regarding responsibility is made at the conclusion of the grievance process by the decision maker(s) based upon the preponderance of the evidence standard.

Individuals who knowingly or intentionally file a false formal complaint or provide false or misleading information during a grievance process may be subject to disciplinary action up to and including termination of employment or expulsion. Disciplinary action is not warranted where an individual provides information in good faith, even if the information is ultimately not substantiated. An individual provides information in good faith when that individual reasonably believes that the information they have provided is accurate.

1. Filing A Formal Complaint

- a. A Complainant may file a Formal Complaint against a Respondent requesting that the University investigate the allegation of sexual misconduct.
 - i. A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator
 - a) alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and
 - b) requesting that the University investigate the allegation of sexual misconduct.
 - ii. A “document filed by a Complainant” means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the University) that contains the

Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

- iii. At the time of filing a Formal Complaint, for the purposes of Title IX, a Complainant must be participating in or attempting to participate in the education program or activity of the University.
 - b. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator above.
2. Consolidation of Complaints
- a. The University may consolidate Formal Complaints as to allegations of sexual misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances.
 - b. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.
3. Notice of Allegations

Upon receipt of a Formal Complaint, the Title IX Coordinator or their designee will provide a written notice to the parties who are known.

The Notice of Allegations will include the following information:

- a. Notice of the University's Sexual Misconduct Policy and Procedures, and an explanation of the grievance process and Informal Resolution process.
- b. Notice of the allegations of the conduct potentially constituting sexual misconduct, including
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual misconduct;
 - iii. The date and location of the alleged incident, if known;
 - iv. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

- v. Information that the parties may have up to two advisors of their choice, who may be, but are not required to be, attorneys, and may inspect and review evidence;
- vi. Information related to any provision in the University's Student Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
- vii. Information related to the availability of supportive measures;
- viii. Information related to the availability of reasonable accommodations;
- ix. Prohibition of retaliation; and
- x. Notice of other potential Student Code of Conduct violations.

If, in the course of an investigation, if the University decides to investigate allegations about the Complainant or Respondent that are not included in the notice, the University will provide notice of the additional allegations to the parties whose identities are known.

4. Preliminary Review of Formal Complaint and Situation When A Formal Complaint Must or May Be Dismissed

When a Title IX Coordinator receives a Formal Complaint, the Title IX Coordinator or their designee will do a Preliminary Review of the Formal Complaint. The University will investigate the allegations in a Formal Complaint. However, there are certain circumstances when the University is either required to, or may, dismiss a Formal Complaint or an allegation within the Formal Complaint.

- a. The University will dismiss an allegation of sexual harassment under Title IX in a Formal Complaint under the following circumstances:
 - i. The conduct would not constitute sexual harassment as defined by the Sexual Misconduct Policy and Procedures, even if proved;
 - ii. The conduct did not occur in the University's education program or activity; or
 - iii. The conduct did not occur against a person in the United States.
- b. A dismissal of an allegation of sexual harassment under Title IX does not preclude action under another provision of the University's Student Code of Conduct.
- c. A Complainant not participating in or attempting to participate in the

education program or activity of the University at the time of the Formal Complaint does not preclude the Title IX Coordinator from signing the Formal Complaint or proceeding under another provision of the University's Student Code of Conduct.

- d. In the event the Title IX Coordinator or their designee determines another provision of the Student Code of Conduct may apply to the alleged sexual misconduct and it is appropriate to proceed, the Formal Complaint will be investigated, adjudicated, and resolved in accordance with the process set forth in these Procedures.
- e. The University may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
 - i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
 - ii. The Respondent is no longer enrolled or employed by the University; or
 - iii. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- f. Upon dismissal of any or all of the allegations in the Formal Complaint, the Title IX Coordinator must provide a Notice of the Dismissal to the parties within (7) days of the Title IX Coordinator's decision to dismiss any or all of the allegations.
- g. The Notice of Dismissal must be provided to the parties simultaneously. The Notice of Dismissal must:
 - i. Explain the reason(s) for dismissal;
 - ii. Explain information regarding the appeal rights of the parties; and
 - iii. Notify the parties of the ongoing investigation in circumstances where the alleged sexual misconduct may otherwise be subject to a different provision of the Student Code of Conduct and the grievance process will continue.
- h. Notice of dismissal must be provided even if the grievance process will continue because the Title IX Coordinator determines the alleged sexual harassment may otherwise be subject to a different provision in the Student Code of Conduct and the investigation and grievance process will continue.

Under these circumstances, the notice of dismissal must notify the parties of the ongoing investigation.

For example: If the alleged sexual misconduct occurred during a University sponsored event outside of the United States, the Title IX Coordinator must dismiss the Formal Complaint for the purposes of the Title IX sexual harassment Complaint. The Title IX Coordinator must send notice to the parties. However, the Title IX Coordinator may determine the alleged sexual misconduct falls under the off-campus jurisdiction of the Student Code of Conduct and may continue the investigation and grievance process.

5. Appeals of the Dismissal of a Formal Complaint

a. Overview

The Complainant and the Respondent may appeal the dismissal of allegations of sexual harassment under Title IX contained in a Formal Complaint. The Title IX Coordinator or their designee's dismissal of any non-Title IX allegations of sexual misconduct in a Formal Complaint or determination not to apply other provisions in the Student Code of Conduct are final and not subject to appeal. This appeal process provides both the Complainant and Respondent a reasonable, equal opportunity to submit a written statement in support of, or challenging, the dismissal.

The Appeals Officer will not be the same person as the decision-maker(s) who reached the determination regarding dismissal, the Investigator(s), or the Title IX Coordinator. The Appeals Officer will not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent and comply with the training requirements set forth in the Sexual Misconduct Policy.

b. Reasons for Appeal

Dismissal of allegations of sexual harassment under Title IX in a Formal Complaint may be appealed on the following reasons:

- i. A procedural irregularity that affected the outcome of the matter;
- ii. The discovery of new evidence that was not reasonably available at the time of the Dismissal and that could affect the outcome of the matter; or
- iii. The Title IX Coordinator or their designee or the Investigator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

c. Appeal Process

- i. The appeal must be in writing and delivered to the Appeals Officer appointed by the Chancellor or their designee within seven (7) University Days of the delivery of the Notice of Dismissal.
 - ii. An appeal must be in writing and specify the reason(s) for the appeal.
 - iii. If either party submits an appeal, the other party and the Title IX Coordinator will be provided with a copy of the appeal and both will be given seven (7) University Days to submit their respective written responses.
 - iv. The Appeals Officer may request additional information from the Title IX Coordinator or the parties at the Appeals Officer's discretion.
 - v. The Appeals Officer will review all of the information and determine whether to grant or deny the appeal.
 - a) The written decision will describe the result of the appeal and the rationale for the result.
 - b) If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration.
 - c) If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, the Appeals Officer may 1) affirm, in whole or in part, the decision on Dismissal, 2) overturn, in whole or in part, the decision on Dismissal, 3) or refer the Formal Complaint back to the Title IX Coordinator for further consideration or proceeding.
 - d) A final outcome on an appeal is not subject to further appeal.
 - vi. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances.
 - vii. The written determination will be provided simultaneously to the Complainant, the Respondent, and the Title IX Coordinator.
- d. Any non-Title IX alleged violations may continue to be investigated during the Appeal Process.

6. Investigation

The investigation process is conducted by the Title IX Coordinator or one or more Investigators. The University has the burden of gathering evidence sufficient to allow the Hearing Board to reach a determination regarding responsibility.

a. Meeting Notice

Prior to meeting with the Complainant or the Respondent, the Investigator will provide, written notice to the person being interviewed of the date, time, location, participants, and purpose all investigative interviews or other meetings, with sufficient time for the party to prepare to participate. In general, sufficient time will be at least five (5) University Days, however, a party may agree to meet sooner.

b. Advisors

The University will provide the parties with the same opportunities to have others present during any meeting or grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by up to two advisors of their choice, who may be, but are not required to be, attorneys, and not limit the choice or presence of advisors for either the Complainant or the Respondent in any meeting or grievance proceeding. However, the University may establish restrictions regarding the extent to which the advisors may participate in the proceedings, as long as the restrictions apply equally to both parties.

c. Gathering Evidence

The Investigator will meet separately with the Complainant and the Respondent. The Investigator will ask for all information relevant to the allegations. The parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. For both parties, this is an opportunity to present any information regarding the incident, including names of witnesses, the existence of documents, emails, text messages, or other recordings, or any other information the parties feel may be relevant. As part of the investigation, the Investigator may conduct additional investigative and witness interviews at the Investigator's discretion. The Investigator is responsible for contacting and interviewing relevant witnesses the Complainant identifies and witnesses the Respondent identifies, and any witnesses the Investigator deems necessary. The Investigator will review all available pertinent evidence. This may include reviewing student and/or personnel files and reviewing law enforcement documents or evidence. The Complainant and the Respondent may also submit supplemental information at any time during the investigation until the Investigator issues a final Investigative Report.

The Investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the

party, unless the University obtains that party's voluntary, written consent to do so for a grievance process under this section.

Additionally the Investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Examples of privileges include Lawyer-Client, Physician-Patient, Professional Counselor-Client; Spousal, Clergy, and Victim's Advocate.

In summary, as a general rule, the following information may not be used during the grievance process: Information protected by a legally recognized privilege unless the person holding such privilege has waived the privilege; evidence about a party's prior sexual history unless an exception applies; and any party's medical, psychological, and similar records unless the party has given voluntary, written consent. Additionally, party or witness statements that are not subjected to cross examination at a live hearing cannot be considered to make a determination.

d. Review of the Evidence

The Investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint. This includes evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the Investigative Report, the Investigator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least ten (10) University Days to submit a written response, which the Investigator will consider prior to completion of the Investigative Report. The University will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

e. Investigative Report

The Investigator will create an Investigative Report that fairly summarizes relevant evidence. At least ten (10) University Days prior to a hearing, or other time of determination regarding responsibility (whichever allows for a longer time period), the Investigator will send to each party and the party's advisor, if any, the Investigative Report in an electronic format or a hard copy, for their review and written response. Both parties will have the right to review each other's responses and the responses will be provided at the hearing.

General Provisions Concerning the Investigative Report

- i. The parties will have an equal opportunity to review the Investigative Report; if a party disagrees with an Investigator's

determination about relevance, the party can make that argument in the party's written response to the Investigative Report and to the Hearing Board at any hearing held; either way the Hearing Board is obligated to objectively evaluate all relevant evidence and the parties have the opportunity to argue about what is relevant (and about the persuasiveness of relevant evidence).

- ii. The Investigator may redact from the Investigative Report information that is not relevant, which is contained in documents or evidence that is relevant.
- iii. The Investigator may include facts and interview statements in the Investigative Report.

f. Case Resolution Timeline

Though the University strives to resolve all cases in a prompt and timely manner, the timeline varies based on the circumstances of the case. Additionally, the timeline for a case may be affected by breaks in the academic calendar; absence of a party, a party's advisor, or a witness; (including due to leave of absence); concurrent law enforcement activity; the need for language assistance; accommodation of disabilities; scope of the investigation; and unforeseen or exigent circumstances. The parties will be periodically updated on the status of their case. In cases where there is a simultaneous law enforcement investigation, the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University investigation will generally proceed with its investigation and resolution of a complaint during any law enforcement investigation.

The University will strive to conduct investigations of the allegations within ninety (90) University Days of receipt of the Formal Complaint. If the investigation will take a longer amount of time to complete, both parties must be informed in writing of the extension of the timeline. While the University will attempt to accommodate the schedules of parties and witnesses throughout the grievance process in order to provide parties with a meaningful opportunity to exercise the rights granted to parties under the Policy and Procedures, it is the University's obligation to meet its own designated time frames, and the grievance process can proceed to conclusion even in the absence of a party or witness.

7. Formal Hearings in Cases of Alleged Sexual Misconduct

a. Overview

After an investigation, the University will conduct a hearing to determine whether the Respondent is responsible for violating the Sexual Misconduct Policy. During the hearing, the Student Conduct Officer or their designee, the Complainant, and the Respondent will each have an opportunity to

- i. Discuss and explain their position;

- ii. Present evidence, including documents and witnesses; and
- iii. Have their advisor ask questions of other party and witnesses (e.g. cross-examination).

If a determination of responsibility for sexual misconduct is made against the Respondent, the decision-maker(s) will determine appropriate sanctions for Respondent and confirm that the University will provide remedies to the Complainant. A hearing must be held unless the case has been resolved pursuant to the Informal Resolution Section. The University will strive to conduct a hearing within thirty (30) University Days from the issuance of the investigation report.

b. Hearing Scheduling and Notice

When the Investigator sends the Investigative Report to the Respondent and the Complainant, the Title IX Coordinator or their designee will forward a copy of the Investigative Report to the Hearing Facilitator. The Hearing Facilitator will schedule a hearing date, time, and location and notify the parties of the same. The University will strive to complete a hearing within one (1) month from the issuance of the investigation report. (May be delayed due to Informal Resolution)

A Pre-hearing conference will be held at least two (2) University Days prior to the scheduled hearing. The University will provide written notice of the date, time, location, participants, and purpose of both the prehearing conference and of the hearing at least five (5) University Days prior to the prehearing conference.

c. Pre-Hearing Conference

The Respondent and the Complainant shall have the right to attend a Pre-Hearing Conference. The purpose of the Pre-Hearing Conference is to plan for the hearing, discuss the issues and facts that will be presented at the hearing, exchange information about witnesses likely to be called, answer procedural questions, and settle those matters which may be agreeably concluded. Generally, the Chair of the Hearing Board will preside over the Pre-Hearing Conference. During or prior to the Pre-Hearing Conference, the parties shall be informed of the names of the Hearing Board members.

i. Hearing Information Exchange Prior to the Pre-Hearing Conference

The Respondent, the Complainant, and the University Presenter shall have an opportunity to inspect documents and a list of witnesses prior to the hearing. The Hearing Board will receive a copy of the Investigative Report. If there are any additional documents, that the Respondent, the Complainant, or the University Presenter would like to offer at the hearing, this information should be provided at least two (2) University Days before the Pre-Hearing Conference. This information will be exchanged with all parties.

ii. Use of Past Sexual Behavior

During the Prehearing conference, the parties will be instructed about the use of past sexual behavior of the Complainant¹ or past sexual assault by the Respondent² as evidence at the hearing. In most situations, questions and evidence of the past sexual history of either the Respondent or the Complainant are not relevant and will not be admitted at the hearing except in very limited situations set forth below.

- a) such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or
 - b) if the questions and evidence concern specific incidents or the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- d. General Hearing Information
- i. At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
 - ii. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
 - iii. The Hearing Board is a subset of the University Conduct Board. It will be composed of an odd number of three or more members, including one (1) student member.
 - iv. Any real or perceived conflict of interest or bias between a member of the Hearing Board and the Respondent or the Complainant must be brought to the attention of the Hearing Facilitator or Chair of the Hearing Board no less than two (2) University Days in advance of the hearing.
 - v. The Hearing Board shall select its own Chair with all members possessing voting privileges.
 - vi. The Respondent and the Complainant have the right to be present for the hearing. If the Respondent is a student organization, then one

¹ See Neb. Rev. Stat. § 27-412 (2016) (Relevance of person's alleged past sexual behavior or alleged sexual predisposition).

² See Neb. Rev. Stat. § 27-415 (2016) (Evidence of crimes of sexual assault in civil cases).

- of its officers has the right to be present for the hearing. The hearing is closed to the public.
- vii. The Respondent may not be found to be responsible for sexual misconduct solely because the Respondent is not present at the Hearing.
 - viii. In such cases when a Respondent fails to appear before the Hearing Board, a plea of “not in violation” shall be entered on the Respondent’s behalf and the hearing may proceed as scheduled. In this situation, the University will provide an advisor to conduct cross-examination of the Complainant and witnesses.
 - ix. In hearings involving more than one Respondent, the Chair of the Hearing Board, in their discretion, may permit the hearings concerning each Respondent to be conducted separately.
 - x. The Respondent(s), the Complainant, and the University Presenter shall have the right to hear all evidence, present evidence, testify, and to hear and question witnesses.
 - xi. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Examples of privileges under law include Lawyer-Client, Physician-Patient, Professional Counselor-Client; Spousal, Clergy, and Victim’s Advocate.
 - xii. The role of the Complainant’s and the Respondent’s advisor of choice is limited to providing advice to the party and conducting cross-examination of witnesses. The role of a University appointed advisor is limited to conducting cross-examination. Advisors must fulfill their role in a manner which does not disturb Conduct proceedings. If an advisor fails to act in accordance with these guidelines, they may be barred from participation in the Conduct proceedings and the hearing may be continued.
 - xiii. The Hearing Board may seek advice from the University’s Counsel throughout the hearing process on questions of law and procedure. However, the members of the Hearing Board are responsible for making their own factual conclusions.
 - xiv. The Hearing Board can hear any allegations of any other violations of the Student Code of Conduct in addition to allegations of sexual misconduct that are directly related to the alleged sexual

misconduct. If the Hearing Board determines other provisions of the Student Code of Conduct were violated, they may impose proper sanctions.

- xv. No process implemented under this Sexual Misconduct Procedure shall be open to the public. The Complainant and the Respondent are entitled to the same opportunities to have others present during a disciplinary proceeding subject to conditions established by the Sexual Misconduct Policy and these Procedures, the Title IX Coordinator, and the Hearing Board. Witnesses may be sequestered and attendance at hearings may be restricted to the Complainant, the Respondent and their respective advisors.
- xvi. The Investigative Report may include recommended findings or conclusions as to whether Respondent violated the University's Student Code of Conduct in the Investigative Report. However, the Hearing Board is under an independent obligation to objectively evaluate relevant evidence, and thus cannot simply defer to recommendations made by the Investigator in the Investigative Report.
- xvii. If the Investigative Report includes general findings of credibility, the Hearing Board cannot interpret the Investigator's finding of credibility as a finding of responsibility.
- xviii. The determination of the merits of each case shall be made using a preponderance of the evidence standard.
- xix. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest upon the University. A Respondent is presumed to be not responsible for the alleged misconduct until proven otherwise.

e. The Hearing Procedures

- i. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspections and review upon request.
- ii. At the beginning of the hearing, the Chair of the Hearing Board should state for the record:
 - a) the date, time, and place and
 - b) their name and role as the Chair of the Hearing Board.

- iii. The Chair should:
 - a) have the other members of the Hearing Board identify themselves and
 - b) state whether there is a quorum. If there is not a quorum, then the hearing must be rescheduled unless all parties waive on the recording any objection to the lack of a quorum.
 - iv. The Chair should then identify the other persons present, ask the University Presenter to read the alleged violation(s), and ask the Respondent if the Respondent admits to the alleged violation(s).
 - v. The Chair must conduct the hearing in a manner that facilitates the presentation of relevant evidence by the Complainant, the Respondent, and the University Presenter. The Complainant, the Respondent, and the University Presenter have the right to call witnesses, including expert witnesses, and present their respective cases. The members of the Hearing Board may ask questions to clarify what the witness said or to elicit more detailed information.
 - vi. The Chair of the Hearing Officer has the discretion to:
 - a) allow the parties to make opening statements, closing statements, or both, with reasonable time limits;
 - b) allow witnesses to testify by videoconferencing technology;
 - c) require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify; and
 - d) schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.
 - vii. The University Presenter will present evidence first, followed by the Complainant, and then the Respondent. Courtroom rules of evidence do not apply.
 - viii. The presentation of evidence may include calling witnesses who have relevant information. A party may question the witness they call in support of their position.
- f. Questioning of Parties and Witnesses During the Hearing

- i. The Chair will permit each party's advisor to ask the other party and any witnesses called by another party all relevant questions and follow-up questions, including those challenging credibility ("cross-examination").
- ii. Such cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the Chair to otherwise restrict the extent to which advisors may participate in the proceedings.
- iii. Before a Complainant, a Respondent, or a witness answers a cross-examination or other question, the Chair will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- iv. Additionally the Chair will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- v. As a general rule, the following information may not be used during the grievance process: Information protected by a legally recognized privilege unless the person holding such privilege has waived the privilege; evidence about a Complainant's prior sexual history unless an exception applies; any party's medical, psychological, and similar records unless the party has given voluntary, written consent; and, party or witness statements that have not been subjected to cross examination at a live hearing.
- vi. The Chair will explain to the party proposing the questions any decision to exclude a question as not relevant.
- vii. If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- viii. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or

if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

- ix. If a party or a witness does not submit to cross-examination at the live hearing, the Hearing Board will not rely on any statement of that party or witness in reaching a determination regarding responsibility.
- x. The Hearing Board cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing, or decision not to answer questions or otherwise not participate in the live hearing.
- xi. Other than to conduct cross-examination as described above, the parties' respective advisors may not speak on behalf of the parties during the hearing and may not directly participate in any aspect of the hearing. The Complainant or the Respondent, however, may consult with their respective advisors during the hearing. The Hearing Board Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.
- xii. At the conclusion of the hearing, the Hearing Board must go into closed session to deliberate and make its decision based solely upon the evidence introduced and received at the hearing. The decision must be made by a majority vote.
- xiii. A Respondent is presumed to be not responsible. The determination of the merits of the case shall be made using the preponderance of the evidenced standard.

e. Determination

Within seven (7) University Days following the conclusion of formal hearing proceedings, the presiding Hearing Board Chair shall inform the Respondent, the Complainant, the University Presenter, and the Title IX Coordinator in writing, of its findings and if relevant, any sanction(s). Please see the section on sanctions below.

The findings must include the following information.

1. Identification of the allegations potentially constituting sexual misconduct;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the

- parties, interviews with parties and witnesses, methods used to gather evidence; and hearings held;
3. Finding of fact supporting the determination;
 4. Conclusions regarding the application of the University's Student Code of Conduct to the facts;
 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Hearing Board imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
 6. The University's procedures and permissible bases for the Complainant and Respondent to appeal.

The Respondent and the Complainant have the right to be notified of the decision rendered. Any initial, interim, and final decision to resolve disciplinary matters must include a statement of any University sanctions imposed together with the rationale for the decision.

If a timely appeal is filed within seven (7) University Days of the decision being delivered to the parties, the Record of the Hearing, including the determination, will be provided to the Appeals Officer. The Record of the Hearing consists of the information, documents, and recordings related to the hearing such as the notice of the Hearing, documents related to the Pre-Hearing Conference, Investigative Report, evidence submitted by the Complainant, the Respondent, and the University Presenter, audio or audiovisual recording, transcript if any, determination, etc.

8. Appeals of Hearing Board Determination after Formal Hearing

i. Overview

The Complainant and the Respondent may appeal a decision reached after a formal hearing for seven (7) University Days after the decision is delivered to the parties. This appeal process provides both the Complainant and Respondent a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the Hearing.

The Appeals Officer will not be the same person as the decision-maker(s) that reached the determination regarding dismissal, the Investigator(s), or the Title IX Coordinator. The Appeals Officer will not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent and comply with the training requirements set forth in the Sexual Misconduct Policy.

ii. Reasons for Appeal

A determination may be appealed for the following reasons:

- a) A procedural irregularity that affected the outcome of the matter;
- b) The discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c) The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
- d) The sanction(s) imposed were arbitrary and capricious or an abuse of discretion; or
- e) A finding of fact in the determination is clearly erroneous and does not have factual support in the record and affected the outcome of the matter.

iii. Appeal Process

1. The appeal must be in writing and delivered to the Appeals Officer appointed by the Chancellor or their designee within seven (7) University Days of the delivery of the Notice of Dismissal.
2. An appeal must be in writing and specify the reason(s) for the appeal.
3. If either party submits an appeal, the other party and the University Presenter and/or the Title IX Coordinator will be provided with a copy of the appeal and will be given seven (7) University Days to submit their respective written responses.
4. The Appeals Officer may request additional information from the University Presenter and/or the Title IX Coordinator or the parties at the Appeal's Officer discretion.
5. The Appeals Officer will review all of the information and determine whether to grant or deny the appeal.
 - a. The written decision will describe the result of the appeal and the rationale for the result.

- b. If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration.
 - c. If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, in the written decision, the Appeals Officer may 1) affirm, in whole or in part, the decision on responsibility, 2) overturn, in whole or in part, the decision on responsibility, 3) affirm, overturn, or adjust the decision on disciplinary sanctions, or 4) remand the matter to remedy procedural errors or consider new evidence.
 - d. The determination of the Appeals Officer is final and not subject to further appeal.
6. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances.
 7. The written determination will be provided simultaneously to the Complainant, Respondent, University Presenter, and Title IX Coordinator.

K. Sanctions

If a Respondent or student organization is found to be responsible for a violation of the Sexual Misconduct Policy, the University's response may involve requirements designed to educate the student about the risks of the conduct, to assist the student in refraining from the conduct in the future, or to protect others. The University's response may also involve sanctions to the student or the student organization for engaging in the conduct and to deter the student or student organization from engaging in the conduct in the future. If the Hearing Board determines the Respondent is responsible for a violation of the Sexual Misconduct Policy, it may consider the Respondent's academic and disciplinary history in determining the appropriate sanction.

Responsive action is intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the University's educational mission and legal obligations. Responsive action may include disciplinary, rehabilitative (including educational), restorative, and monitoring components.

The University's response may include one (1) or more of the following:

1. Written Warning

- a. This is a warning by a Hearing Officer or the Hearing Board that the Respondent committed a violation of the Standards and that future violations may result in a harsher response.
 - b. The warning may also include advice on steps that the Respondent may take to avoid future violations.
2. Probation for a specified period of time
- a. Probation may include conditions that must be satisfied.
 - b. The conditions must be reasonably related to the violation or the reasons for the violation.
 - i. Examples of conditions for Respondents include the completion of educational programs and behavioral evaluations.
 - ii. Examples of conditions for student organizations include completing educational programs and adopting policies and procedures to minimize the risk of the wrongful conduct occurring in the future. Other examples include not engaging in specified recruitment practices holding specified events, or participating in specified events.
 - c. The failure to satisfy a condition of probation may be treated as an independent violation of the Standards of Responsible Conduct.
 - d. A violation of the Student Code of Conduct while a student or student organization is on probation may result in a more severe response to the new violation than if the new violation was considered in isolation.
3. Expulsion from University Housing
- a. The Respondent is permanently barred from living in or being present on the premises of any University residence hall or housing unit.
4. Suspension from University Housing
- a. The Respondent may not live in or be present on the premises of any University residence hall or housing unit for a specified period of time.
 - b. Conditions may be imposed on the Respondent returning at the end of the specified period, but any such conditions must be reasonably related to the reasons for the suspension.

5. Mandatory Relocation
 - a. The student is required to move to a different room, University residence hall, or housing unit.
6. Loss of Privileges for a Specified Period of Time
 - a. Loss of a privilege to engage in any activity or experience not required to satisfy graduation requirements, including but not limited to:
 - i. Prohibition or limitation on the use of University electronic resources such as, internet access, email access, computers, or tablets;
 - ii. Prohibition or limitation on the use of University media resources, such as communal televisions, projectors, etc.;
 - iii. Prohibition or limitation on the use of University wellness/recreation center equipment;
 - iv. Prohibition or limitation on on-campus dining;
 - v. Prohibition or limitation on use of on-campus transportation;
 - vi. Prohibition or limitation on use of University purchasing cards or accounts;
 - vii. Prohibition or limitation on use of University keys and/or card access.
 - viii. Prohibition or limitation on the use of personal media devices; and
 - ix. Restriction on access to campus.
7. Restitution
 - a. Requiring the student to return to the owner money or property that the student wrongfully took.
 - b. Requiring the student to pay the owner for property destroyed or damaged.
8. Performance of Service to the University Community
 - a. The service must be reasonable in type and duration.

- b. When possible, the service should be designed to make amends for the violation, to educate the student about the harmful consequences of the violation, or to allow the student to develop their academic or professional skills.
9. Completion of Educational Programs, Assignments, or Behavioral Evaluations that are reasonably related to the violation
 - a. These may include, but are not limited to, sexual harassment education and/or training programs, anger management programs, completing presentations or written assignments, substance abuse evaluations, and other such programs and evaluations that are designed to help the student identify and address factors that may have contributed to the violation. Students may be responsible for the costs or fees associated with any such programs or evaluations.
10. Employment Restrictions
 - a. Prohibition or limitation on University student employment.
11. Revocation of Admission and/or Degree
 - a. Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of the Standards in obtaining the degree, or for other serious violations committed by a student prior to graduation that may have resulted in suspension or expulsion.
12. Withholding Degree
 - a. The University may permanently withhold awarding of a degree or withhold the award of a degree pending the completion of Disciplinary Procedures, including the completion of all University responses imposed.
13. No Contact
 - a. A No Contact order may prohibit, but is not limited to, the following:
 - i. Approaching one (1) or more specified individuals at any time;
 - ii. Calling one (1) or more specified individuals at any time;
 - iii. Sending via email or by any other means, any communication to one (1) or more specified individuals at any time; and
 - iv. Contacting or communicating with one (1) or more specified individuals through a third-party.

- b. If the student subject to the No Contact order believes contact with one (1) or more of the specified individuals is necessary, any such contact must be made through the Student Conduct Office or with the expressed permission of a Conduct Officer.
14. Loss of Status as a Recognized Student Organization
 - a. The loss may be permanent or for a specified period of time.
 - b. Conditions may be imposed on the organization for regaining its status at the end of the specified period, including the condition that the members comply with the Code of Conduct during the specified period.
15. Suspension for a Specified Period
 - a. Suspension is a temporary separation from the University of Nebraska.
 - b. During the suspension period, the student is precluded from registration, class attendance or participation, and residence on campus.
 - c. During the suspension period the student is prohibited from entering University property, functions, events, and activities without prior written approval of the Vice Chancellor responsible for student conduct or their designee. The University response may be enforced with a trespass action as necessary.
 - d. A notation will be made on the student's transcript but will be removed after the suspension period ends.
 - e. Conditions, including the reapplication for admission, may be imposed on the student returning at the end of the specified period, but any such conditions must be reasonably related to the reasons for the suspension.
16. Expulsion
 - a. Expulsion is a permanent separation from the University of Nebraska.
 - b. An expelled student is precluded from registration, class attendance or participation, and residence on campus.
 - c. An expelled student is prohibited from entering University property, functions, events, and activities without prior written approval of the Vice Chancellor responsible for student conduct or their designee. This University response may be enforced with a trespass action as necessary.

- d. A notation will be made on the student's transcript.

Additional Provisions Related to Sanctions:

1. If there is a dispute about whether a student or a student organization complied with any of the conditions imposed as part of the response to a violation, the dispute will be resolved through the Title IX Coordinator or as a Student Conduct matter.
 - a. The factors relevant to the determination of the appropriate response(s) include, among others;
 - b. the nature and seriousness of the conduct;
 - c. the harm that the conduct caused or might have caused;
 - d. the student's academic progress or experience;
 - e. the student or student organization's acceptance of responsibility for the conduct;
 - f. the student or student organization's efforts to conceal or avoid responsibility for the conduct;
 - g. the student or student organization's explanations for the conduct;
 - h. the student or student organization's prior record of violations; and
 - i. the interests of the University, and the imposition of any sanctions pursuant to procedures other than those authorized by this Code (for example, sanctions imposed by a faculty member or by civil authorities).
2. Other than University Expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential disciplinary record.
3. After graduation, and upon application to the Conduct Officer, the student's confidential disciplinary record may be expunged of disciplinary actions other than University Suspension or University Expulsion.
4. Cases involving the imposition of sanctions other than University Suspension or University Expulsion shall be expunged from the student's confidential record seven (7) years after graduation, final disposition of the case, or as otherwise authorized or required by law.

L. Remedies for Complainant

1. Where a determination of responsibility for sexual misconduct has been made against the Respondent, the University must provide or give the Complainant remedies. Remedies must be designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same supportive measures that are already being provided to the Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
2. The Title IX Coordinator is responsible for effective implementation of any remedies.
3. Where the final determination has indicated that remedies will be provided, the Complainant can then communicate separately with the Title IX Coordinator to discuss what remedies are appropriately designed to preserve or restore the Complainant's equal access to education.
4. Remedies that do not directly affect the Respondent must not be disclosed to the Respondent

M. Informal Resolution

1. Overview

At any time prior to reaching a determination regarding responsibility, the University may facilitate an Informal Resolution process, such as mediation, that does not involve a full investigation and adjudication. The University will not require the parties to participate in an Informal Resolution process and may not offer an Informal Resolution process unless a Formal Complaint is filed. Additionally, the University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual misconduct. The University will not offer or facilitate an Informal Resolution process to resolve allegations that an employee engaged in sexual misconduct against or sexually harassed a student.

The Informal Resolution process is facilitated by the Title IX Coordinator or their designee. The parties to any Informal Resolution process will not be required to deal directly with one another without the University's involvement.

An Informal Resolution may include the range of supportive measures described above, as well as targeted and/or broad-based training and educational programming for relevant individuals and groups and/or any other remedy. For example, both parties may agree that the permanent application of supportive measures (e.g. no contact agreement) may be sufficient to resolve the Formal Complaint. An Informal Resolution process may also include a remedies-based process, which allows both parties to come to a mutual agreement regarding the resolution of the Formal Complaint.

Once an Informal Resolution process is complete, both parties will be notified simultaneously/contemporaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution. The Informal Resolution process does not conclude with a University finding; the Respondent is not found to be “responsible” or “not responsible” of a Policy violation. However, the parties may negotiate the extent to which a Respondent may agree or concede responsibility for alleged misconduct.

Any party may request that the Informal Resolution process be terminated at any time, in which case the grievance process would proceed. The University may, at its discretion, also terminate the Informal Resolution Process at any time. In addition, while the results of the Informal Resolution process cannot be appealed, any party can withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint.

2. General Provisions Related to Informal Resolution

- a. At the beginning of the Informal Resolution process, the University will:
 - i. Provide to the parties a written notice disclosing:
 - a) the allegations,
 - b) the requirements of the Informal Resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint, and
 - c) any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared
 - ii. Obtain the parties’ voluntary, written consent to the Informal Resolution process; and
- b. The University will provide the parties timely access to any information that will be used during the Informal Resolution process.
- c. Any statements, admissions, or other statements made by the Complainant or Respondent during the Informal Resolution process may not be used as evidence if the matter proceeds to a Formal Hearing.

- d. The Title IX Coordinator or their designee must approve the terms of any Informal Resolution.
- e. The Respondent may be subject to discipline for potential violations of policies in addition to the Sexual Misconduct Policy outside of the Informal Resolution Process. However, the Informal Resolution process may also address other potential violations of policies in addition to the Sexual Misconduct Policy.
- f. Informal Resolution procedures may be discontinued at the request of any party or terminated by the Title IX Coordinator or their designee.
- g. If the University and parties do not reach an agreement to resolve the Formal Complaint through the Informal Resolution process, the grievance process will be resumed with respect to the Formal Complaint, including investigation and adjudication and any Formal Hearing.

N. Retaliation

No member of the University community may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Sexual Misconduct Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for Student Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy, constitutes retaliation.

O. Periodic Review

This Sexual Misconduct Procedures will be reviewed at least every two (2) years. The Provost will initiate this review.

P. Effective Date

These Procedures apply to reports of sexual misconduct received by the Title IX Coordinator on or after August 14, 2020, except that definitions from the Policy in place at the time the alleged prohibited conduct occurred will be used to make the decision on responsibility.

▶▶▶ **APPENDIX I**

***University of Nebraska Executive Memorandum No. 39,
Procedures for Sexual Misconduct Reports Against Employees***



Executive Memorandum No. 39

Procedures for Sexual Misconduct Reports against Employees

Pursuant to Regents' Policy 2.1.8(B)(3), the President shall implement procedures to address the rights of all individuals involved in cases of sexual misconduct. Detailed in the Addendum attached hereto are the procedures to be followed in response to allegations of employee sexual misconduct.

Dated this 14th day of August, 2020.

A handwritten signature in cursive script, reading "Ted Carter".

Ted Carter, President

Reference: August 14, 2020

Response to Allegations of Employee Sexual Misconduct

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Response to Allegations of Employee Sexual Misconduct

A. Introduction

These Procedures supplement the University of Nebraska Sexual Misconduct Policy and describe the grievance process related to reports of sexual misconduct against employees. Employee as used in the Procedures includes all University faculty, staff, and other personnel within the categories defined by §§ 3.1.1 through 3.1.3 of the *Bylaws of the Board of Regents of the University of Nebraska* whether full or part time. When the Respondent is both a student and an employee, the Title IX Coordinator or their designee will determine whether the Student or Employee Sexual Misconduct Procedures (and/or the adjudication process from both) apply based upon the facts and circumstances, such as whether the Respondent's status as a student or an employee predominates in the context of the Prohibited Conduct. If the Respondent is found responsible for violating the Sexual Misconduct Policy, the sanctions may affect both their status as a student and employee.

B. Prohibited Conduct Definitions

For purposes of addressing complaints of sexual misconduct against or by University students and employees, the following uniform definitions shall be used by the University.

1. "Dating violence" means violence committed by a person—
 - a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the persons involved in the relationship.
2. "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 who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to 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 acts under the domestic or family violence laws of the jurisdiction.

Domestic violence includes domestic assault. Under Nebraska law, a person commits domestic assault if the person (i) intentionally and knowingly causes bodily injury to their intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner.

Under Nebraska law an “intimate partner” means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship.

3. “Retaliation” means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Sexual Misconduct Policy.
4. “Sexual assault” means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - a. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - b. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim’s age or because of the victim’s temporary or permanent mental incapacity.
 - c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
5. “Sexual exploitation” includes, but is not limited to: prostituting another person; non-consensual visual or audio recording of sexual activity; non-consensual display or distribution of photos, images or information of an individual’s sexual activity or intimate body parts; non-consensual voyeurism; coercing someone against their will to engage in sexual activity, or; knowingly transmitting sexually transmitted disease (STD) without disclosing STD status.
6. “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- a. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
- c. Sexual assault (see definition herein);
- d. Dating violence (see definition herein);
- e. Domestic violence (see definition herein); or
- f. Stalking (see definition herein).

To be considered sexual harassment for the purposes of Title IX, the conduct must meet the additional requirements of occurring in the University's education program or activity and against a person in the United States.

For employees, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual's employment and create an abusive working environment.

7. "Sexual misconduct" includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.
8. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - a. fear for their safety or the safety of others; or
 - b. suffer substantial emotional distress.

C. Related Definitions

1. “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the University’s Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.
2. “Bodily injury” shall mean physical pain, illness, or any impairment of physical condition.
3. “Confidentiality” means that the University will not disclose the names of individuals involved in sexual misconduct cases to others except on a need to know basis or as required by law. The University will instruct employees and students about the requirement not to disclose confidential information. Confidentiality is not the same as anonymity, where an individual is not named or personally identified.
4. “Consent” is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.
 - a. Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.
 - b. Consent cannot be coerced or compelled by force, threat, deception, or intimidation.
 - c. Consent cannot be given by someone who is incapacitated or does not have the legal capacity to consent, as defined below in the definition of “incapacitated”.
 - d. Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.
5. “Crimes of violence” are those offenses that involve force or threat of force, including murder and non-negligent manslaughter, rape, robbery, and aggravated assault.

6. “Education program or activity” includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
7. “Force or threat of force” means (a) the use of physical force which overcomes the person’s resistance or (b) the threat of physical force, express or implied, against the person or a third party that places the person in fear of death or in fear of serious personal injury to the person or a third party where the person reasonably believes that the actor has the present or future ability to execute the threat.
8. “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and requesting that the University investigate the allegation of sexual misconduct. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under the Sexual Misconduct Policy and will comply with the requirements of the Sexual Misconduct Policy.
9. “Incapacitated” means an individual is unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, being asleep, unconscious or in any other state where the individual is unaware that sexual contact is occurring, or based on their age (pursuant to Nebraska law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation. Consent does not exist when the individual initiating sexual activity knew or should have known of the other individual’s incapacitation.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.
10. “In violation” means that it is more likely than not that a Respondent has committed one or more acts of sexual misconduct. In other words, a preponderance of the evidence standard must be used to find sexual misconduct.
11. “May” is used in the permissive sense.
12. “Not in violation” means that it is more likely than not that a Respondent did not commit one or more acts of sexual misconduct.

13. “Past sexual behavior” means a person’s sexual behavior other than when the sexual misconduct is alleged to have occurred.
14. “Private body parts” means the genital area, groin, inner thighs, buttocks, or breasts.
15. “Preponderance of the Evidence” is the standard of evidence the University uses to determine whether the Respondent violated the Sexual Misconduct Policy. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that the Respondent violated the Sexual Misconduct Policy.
16. “Relevant evidence” means evidence that has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.
17. “Remedies” are measures designed to restore or preserve equal access to the University’s education program or activity. Such remedies may include the same supportive measures that are already being provided to Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
18. “Serious personal injury” means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
19. “Shall” is used in the imperative sense.
20. “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.
21. “University” means University of Nebraska.

22. “University Day” means a weekday on which the campus offices are open. Check the academic calendar on the campus website to determine the days on which the campus offices are closed.

D. Roles

Individuals play a number of important roles within the University’s Sexual Misconduct investigation and adjudication process. The following are descriptions of each of those roles within the process.

1. “Advisor” means any individual who provides the Complainant or Respondent support, guidance, or advice and may accompany the Complainant or the Respondent to any meeting or grievance proceeding, such as a meeting in the investigation or the Hearing. The Complainant and the Respondent may choose their advisor, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of the advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceeding. If a Complainant or Respondent does not have an advisor present at a live hearing, the University will provide without fee or charge to that party, an advisor of the University’s choice who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Other than to conduct cross-examination as described above, the parties’ respective advisors may not speak on behalf of the parties during the hearing and may not directly participate in any aspect of the hearing. The Complainant or Respondent, however, may consult with their respective advisors during a meeting or the hearing. The Hearing Board Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.

2. “Campus security authority” (CSA) is a University official charged with the duty to report incidents of sexual misconduct to the person in charge of Clery Act reporting. All officers of a university police department or a campus security department are campus security authorities, but there are other CSAs outside of those offices. The Office of the President and each Chancellor shall prepare and publicize a list of designated campus security authorities.
3. “Complainant” means any individual who is alleged to be the victim of conduct that could constitute sexual misconduct. A Complainant may also be referred to as a “party”.
4. “Decision-maker” is an individual who makes a determination as part of the Sexual Misconduct grievance process. There may be more one or more decision-maker(s) involved in any given proceeding, for example, a hearing or appeal. The decision-

maker(s) will not be the same person(s) as the Title IX Coordinator or the Investigator(s) and will issue a written determination regarding responsibility. Decision-makers may include Hearing Officers, Appeals Officers, and Hearing Board Members.

5. “Hearing Board” is a group of individuals who may preside over a Hearing. The Hearing Board must be composed of an odd number of three or more members. Hearing Board members may include student, staff, and/or faculty as appropriate.
6. “Hearing Officer” is an individual Hearing Officer who may preside over a Hearing.
7. “Hearing Facilitator” is a University official designated to coordinate a Hearing.
8. “Investigator” means a University official authorized to investigate of complaints of sexual misconduct.
9. “Member of the University community” includes any individual who is a student, staff or faculty member, University official, or any other individual employed by, or acting on behalf of, the University. An individual’s status in a particular situation shall be determined by the Investigator or Title IX Coordinator.
10. “Official with Authority” means an official of the University who has authority to institute corrective measures for sexual misconduct on behalf of the University. The following individuals are Officials with Authority: President, Chancellors; Provost/Vice Presidents and Vice Chancellors; and UNCA and Campus Title IX Coordinators.
11. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct. A Respondent may also be referred to as a “party”.
12. “Student” has the same meaning as used in the Student Code of Conduct. The term “student” includes all persons enrolled at the University, including online and non-degree seeking individuals. A student’s enrollment ends when the student graduates, withdraws from the University, or fails to register for classes for three (3) consecutive semesters, with summer term considered to be a semester, or no longer has a continuing student relationship with the University. Students who are accused of committing a violation of the Student Code of Conduct while they are enrolled at the University may still be held responsible for the violation even if they later withdraw from the University prior to a resolution of the alleged violation.
13. “Title IX Coordinator” is a person designated by the University to coordinate the University’s effort to comply with its responsibilities under Title IX. The Title IX Coordinator oversees the University’s gender equity work to ensure compliance with Title IX, including its policies and procedures, education/prevention efforts,

and training. The Title IX Coordinator reviews information about sexual misconduct to identify and address any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) to the Title IX Coordinator.

14. “University official” includes any individual employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. University officials who are designated as campus security authorities will report crimes, arrests, and disciplinary referrals to the person in charge of Clery Act reporting. Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules when they are acting within the scope of their counseling or professional responsibilities.
15. “University Presenter” is the person who presents the case on behalf of the University at the Hearing. This person may be, but is not required to be, the Investigator or the Title IX Coordinator.
16. “Witness” is a person believed to have information regarding an incident which may violate the Sexual Misconduct Policy, including but not limited to someone present when the incident occurred, someone the Complainant or Respondent communicated with about the incident, and/or someone who may have information relevant to the incident. Witness participation in the grievance process is voluntary. While the University encourages witnesses to cooperate with the grievance processes, the University cannot compel or require witnesses to participate.

E. Jurisdiction: Locations Where and Circumstances When the Procedures Apply

These Procedures apply to alleged sexual misconduct that occurs in the University’s education program or activities. Education program or activity includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

The University’s jurisdiction under the Procedures will continue to extend to conduct that occurs outside the context of the University employment or education program or activity where the Title IX Coordinator or their designee determines that action is necessary 1) in order to protect the health or safety of members of the University community, 2) there are effects of the conduct that interfere with a person’s ability to participate in an education program or activity, including employment, 3) if the conduct is related to an employee’s performance or their capacity to perform their work responsibilities, or 4) if the conduct occurs when the faculty or staff member is serving in the role of a University employee.

The University must dismiss an allegation of sexual harassment under Title IX in a Formal Complaint if the conduct did not occur in the University's education program or activity or if the conduct did not occur against a person in the United States.

F. Reporting Sexual Misconduct

1. Where to Report Sexual Misconduct

All individuals are expected to promptly report conduct that may violate the University's Sexual Misconduct Policy to the University. In addition, all individuals are expected to report conduct that may also violate criminal law to both the Title IX Coordinator and to local law enforcement. These processes are not mutually exclusive and both may happen simultaneous or at different times.

Any University student, employee, or other individual who seeks to report may contact the:

- Title IX Coordinator
- University Police or Public Safety for assisting in filing a criminal complaint and preserving physical evidence; and/or
- Local law enforcement to file a criminal complaint.

The University will respond to reported allegations of sexual misconduct and may provide appropriate supportive measures to the Complainant, as described below, even if the Complainant does not wish to pursue a Formal Complaint. If an individual would like the University to respond to allegations of sexual misconduct, it is important that the individual report to the Title IX Coordinator. In some cases, an individual who may have experienced sexual misconduct may share information with another member of the University community. While the University expects University community members with knowledge of potential violations of the sexual misconduct Policy to report to the Title IX Coordinator, the University will only have actual notice of sexual misconduct if an individual reports to an Official with Authority. The following individuals are Officials with Authority: President, Chancellors; Provost/Vice Presidents and Vice Chancellors; and UNCA and Campus Title IX Coordinators.

2. Reporting to the Title IX Coordinator

Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Title IX Coordinator Contact Information:

Meagan Counley
Title IX Coordinator
University of Nebraska-Lincoln
128 Canfield Administration Building
(402) 472-3417
mcounley2@unl.edu

Carmen Sirizzotti
Title IX Coordinator
University of Nebraska Medical Center
2010 Administrative Center
(402) 559-2710
csirizzotti@unmc.edu

Sarah Weil
Interim Title IX Coordinator
University of Nebraska at Omaha
211 Eppley Administration Building
(402) 554-2120
sweil@unomaha.edu

Mary Chinnock Petroski
Title IX Coordinator
University of Nebraska at Kearney
2113 Warner Hall
(308) 865-8655
petroskimj@unk.edu

Jennifer McConville
Title IX Coordinator
Nebraska College of Technical Agriculture
404 E 7th Street
(308) 367-5259
jmconville2@unl.edu

Drew Nielsen
Title IX Coordinator
University of Nebraska Central Administration
222 Varner Hall
(402) 554-3715
drewnielsen@unomaha.edu

- The University of Nebraska hotline is available for online reporting at <https://secure.ethicspoint.com/domain/media/en/gui/52126/index.html> or by phone at 844-348-9584.
- A person may also contact the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 1-800- 421-3481.

3. Reporting to Law Enforcement

An individual who has experienced sexual misconduct has the right to choose whether to file a police report. The University encourages individuals to report incidents of sexual misconduct to University Police or local law enforcement. Filing a police report can result in the investigation of whether sexual violence or related crimes occurred and the prosecution of the perpetrator. Timely reporting to the police is an important factor in successful investigation and prosecution of crimes, including sexual violence.

The Title IX Coordinator or their designee provides information on contacting local and campus law enforcement and will assist an individual in doing so. However, the Title IX Coordinator or their designee will not compel an individual to go to law enforcement.

Contact Information for University Police or Public Safety:

University Police (UNL and UNCA)
300 N 17th Street
(402) 472-2222
unl.police@unl.edu

Campus Security (UNMC)
4215 Emile Street
(402) 559-5111
unmcsecoffice@unmc.edu

Department of Public Safety (UNO)
100 Eppley Administration Building
(402) 554-2648
unopublicsafety@unomaha.edu

Police Department (UNK)
Facilities Building, 2501 19th Avenue
(308) 865-8911
unkpd@unk.edu

Frontier County Sheriff (NCTA)
308 Center Ave N, Curtis, NE 69025
(308) 367-4411

4. What Happens When A Title IX Coordinator Receives A Report

Upon receiving a report of sexual misconduct, the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the availability of supportive measures. (Please see the Supportive Measures Section for more details). The Title IX Coordinator or their designee will:

- a. Discuss the availability of supportive measure;
- b. Consider the Complainant's wishes with respect to supportive measures,
- c. Inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint;
- d. Explain to the Complainant the process for filing a Formal Complaint against the Respondent; and
- e. If applicable, explain to the Complainant that if a Formal Complaint alleging sexual harassment under Title IX is dismissed the alleged sexual misconduct may be addressed under a different provision of the Sexual Misconduct Policy using these Procedures.

Additionally, upon receiving a sexual misconduct report or complaint, the University will provide, or confirm that the Complainant has already received from the University, written information describing:

- a. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- b. How and to whom the alleged offense should be reported;
- c. Options about the involvement of law enforcement and campus authorities, including notification of the Complainant's option to—
 - i. Notify proper law enforcement authorities, including on-campus and local police;
 - ii. Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - iii. Decline to notify such authorities;

- d. Information about orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the University;
- e. Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for Complainants, both within the University and in the community; and
- f. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

A Complainant may go forward with one or more reporting options at the same time. The University’s investigation may need to be delayed temporarily by, or scheduled around, an ongoing criminal or external administrative investigation.

5. Anonymous Reports

Any individual may make a report of sexual misconduct to the University, and if preferred, may do so without disclosing one’s name. Depending on the level of information available about the incident or the individuals involved, the University’s ability to respond to an anonymous report may be limited.

6. Confidentiality, Privacy, and Sharing of Information

The University shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual misconduct, any Complainant, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of Title IX, including conducting any investigation, hearing, or judicial proceeding arising thereunder. The University may be required to share information with other individuals in accordance with FERPA, Title IX, or other applicable law, including lawfully issued subpoenas in criminal, administrative, and civil matters.

The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. The Complainant and the Respondent and their respective advisors are asked to keep private information that does not consist of “the allegations under investigation” (For example, evidence related to the allegations that has been collected and exchanged between the parties and their advisors during the investigation under or the Investigative Report summarizing relevant evidence sent to the parties and their advisors.

The Complainant and the Respondent and their respective advisors are asked to keep the information related to the investigation and resolution private, to the extent consistent with applicable law. Witnesses are asked to keep any information learned in an investigation meeting confidential, to the extent consistent with applicable law.

7. Time Frame for Reporting an Incident

Although the University does not limit the time frame for reporting sexual misconduct to promote timely and effective review, the University strongly encourages individuals to report possible sexual misconduct within one hundred and eighty (180) calendar days of the last occurrence of the concerning conduct. A report made after one hundred and eighty (180) days may make it more difficult to gather relevant and reliable information.

8. Amnesty for Reports of Sexual Misconduct

The University encourages reporting of sexual misconduct and seeks to remove barriers to making a report. The University recognizes that an individual who has been consuming unauthorized alcohol (including underage consumption) or using illegal drugs or unauthorized prescription drugs at the time of an incident may be hesitant to make a report due to potential consequences. To encourage reporting, and except as provided below, an individual who makes a good faith report of sexual misconduct and/or participates in an investigation will not be subject to disciplinary action for a policy violation related to consuming unauthorized alcohol or using illegal drugs or unauthorized prescription drugs. This policy provision may also apply to registered student organizations when a report of sexual misconduct is made that could reasonably result in the organization facing student conduct disciplinary action for a policy violation related to consuming unauthorized alcohol or using illegal drugs or unauthorized prescription drugs. This policy does not preclude or prevent action by law enforcement or other legal authorities.

G. Preservation of Evidence

Individuals involved in a report of sexual misconduct should preserve evidence to the extent possible, as it may assist the University or law enforcement in making factual determinations about the reported violence or misconduct, or might be helpful to a court's determination regarding the issuance of a Personal Protection Order. The University encourages individuals to go to the police or another resource in order to assist in the preservation of evidence.

H. Supportive Measures

The University will provide supportive measures to Complainants and Respondents. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. The following supportive measures may be made available to the Complainant and the Respondent based on the facts and circumstances of the individual case:

1. Transfer or re-assignment of living space within University residence halls;

2. Assistance from the University in completing the relocation if transferred or re-assigned;
3. Mutual restrictions on contact between the parties;
4. Cancelling a university housing contract and/or adjusting a student account balance for refund;
5. Coordinating course-related adjustments (e.g. excused absences, flexible attendance, revised deadlines, reschedules, substitutions, etc.);
6. Endorsing or authorizing a grade change (e.g. incomplete, pass/no pass);
7. Transferring between class sections;
8. Endorsing or authorizing a withdrawal after the deadline has passed with or without a refund of tuition and fees;
9. Alternative course completion options (e.g. substitutions, independent study, correspondence);
10. Arranging to complete a course or lectures via distance education methods with the assistance of technology;
11. Providing increased security at location or activities (e.g. accompaniment or escort, surveillance, monitoring);
12. Modifying work schedules, job responsibilities, supervision, or re-assignment to a different work site; and
13. Counseling at a campus clinic or center.

The University will maintain as confidential any supportive measures provided to the Complainant or the Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. Any supportive measures offered to either party cannot punish, discipline, or unreasonably burden the other party.

I. Administrative Leave and Emergency Removal

1. Administrative Leave

The University may place a non-student employee Respondent on Administrative Leave or the equivalent during the pendency of the Procedures. A Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Placing a student-employee Respondent on administrative

leave with pay may be permissible as a supportive measure for a Complainant (for instance, to maintain the Complainant's equal educational access and/or to protect the Complainant's safety or deter sexual harassment) as long as that action meets the conditions that a supportive measure is not punitive, disciplinary, or unreasonably burdensome to the Respondent.

2. Emergency Removal

The University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University 1) undertakes an individualized safety and risk analysis, 2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal, and 3) provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

J. Grievance Process for Formal Complaints

The grievance process begins when a Complainant files, or a Title IX Coordinator signs, a Formal Complaint requesting that the University investigate an allegation of sexual misconduct. Filing a Formal Complaint is the first step of a grievance process that determines whether the Respondent is responsible for violating the Policy. Unless a Formal Complaint is dismissed or resolved during one of the steps of the grievance process, the grievance process will include a preliminary review of the Formal Complaint, an investigation, a hearing, and the opportunity for the parties to challenge certain decisions through an appeal. Additionally, an Informal Resolution process may be available at any time prior to reaching a University determination regarding responsibility. If applicable, the University may initiate Informal Resolution or either party may request Informal Resolution.

If the Respondent is no longer a student, employee, or participant in any University-related program or activity at the time of the report, or if the conduct does not fall within the scope of the Policy, the Formal Complaint may be dismissed. The University will, however, help a Complainant identify reporting options outside the University and provide supportive measures. A Respondent is presumed not responsible for the alleged conduct unless a determination regarding responsibility is made at the conclusion of the grievance process by the decision maker(s) based upon the preponderance of the evidence standard.

Individuals who knowingly or intentionally file a false formal complaint or provide false or misleading information during a grievance process may be subject to disciplinary action up to and including termination of employment or expulsion. Disciplinary action is not warranted where an individual provides information in good faith, even if the information is ultimately not substantiated. An individual provides information in good faith when that individual reasonably believes that the information they have provided is accurate.

1. Filing A Formal Complaint

- a. A Complainant may file a Formal Complaint against a Respondent requesting that the University investigate the allegation of sexual misconduct.
 - i. A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator
 - a) alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and
 - b) requesting that the University investigate the allegation of sexual misconduct.
 - ii. A “document filed by a Complainant” means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.
 - iii. At the time of filing a Formal Complaint, for the purposes of Title IX, a Complainant must be participating in or attempting to participate in the education program or activity of the University.
 - b. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator above.
2. Consolidation of Complaints
 - a. The University may consolidate Formal Complaints as to allegations of sexual misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances.
 - b. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

3. Notice of Allegations

Upon receipt of a Formal Complaint, the Title IX Coordinator or their designee will provide a written notice to the parties who are known.

The Notice of Allegations will include the following information:

- a. Notice of the University's Sexual Misconduct Policy and Procedures, and an explanation of the grievance process and Informal Resolution process.
- b. Notice of the allegations of the conduct potentially constituting sexual misconduct, including
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual misconduct;
 - iii. The date and location of the alleged incident, if known;
 - iv. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - v. Information that the parties may have up to two advisors of their choice, who may be, but are not required to be, attorneys, and may inspect and review evidence;
 - vi. Notice of any policy provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
 - vii. Information related to the availability of supportive measures;
 - viii. Information related to the availability of reasonable accommodations; and
 - ix. Prohibition of retaliation.

If, in the course of an investigation, if the University decides to investigate allegations about the Complainant or the Respondent that are not included in the notice, the University will provide notice of the additional allegations to the parties whose identities are known.

4. Preliminary Review of Formal Complaint and Situation When A Formal Complaint Must or May Be Dismissed

When a Title IX Coordinator receives a Formal Complaint, the Title IX Coordinator or their designee will do a Preliminary Review of the Formal Complaint. The University will investigate the allegations in a Formal Complaint. However, there are certain circumstances when the University is either required to, or may, dismiss a Formal Complaint or an allegation within the Formal Complaint.

- a. The University will dismiss an allegation of sexual harassment under Title IX in a Formal Complaint under the following circumstances:

- i. The conduct would not constitute sexual harassment as defined by the Sexual Misconduct Policy and Procedures, even if proved;
 - ii. The conduct did not occur in the University's education program or activity;
 - iii. The conduct did not occur against a person in the United States.
- b. A dismissal of an allegation of sexual harassment under Title IX does not preclude action under another provision of the Sexual Misconduct Policy.
- c. A Complainant not participating in or attempting to participate in the education program or activity of the University at the time of the Formal Complaint does not preclude the Title IX Coordinator from signing the Formal Complaint or proceeding under provision of the Sexual Misconduct Policy, such as the broader definition of sexual harassment (e.g. Title VII).
- d. In the event the Title IX Coordinator or their designee determines another provision of the Sexual Misconduct Policy may apply to the alleged sexual misconduct and it is appropriate to proceed, the Formal Complaint will be investigated, adjudicated, and resolved in accordance with the process set forth in these Procedures.
- e. The University may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
 - i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
 - ii. The Respondent is no longer enrolled or employed by the University; or
 - iii. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- f. Upon dismissal of any or all of the allegations in the Formal Complaint, the Title IX Coordinator must provide a Notice of the Dismissal to the parties within (7) days of the Title IX Coordinator's decision to dismiss any or all of the allegations.
- g. The Notice of Dismissal must be provided to the parties simultaneously. The Notice of Dismiss must:
 - i. Explain the reason(s) for dismissal;

- ii. Explain information regarding the appeal rights of the parties; and
 - iii. Notify the parties of the ongoing investigation in circumstances where the alleged sexual misconduct may otherwise be subject to a different provision of the Sexual Misconduct Policy and the grievance process will continue.
- h. Notice of dismissal must be provided even if the grievance process will continue because the Title IX Coordinator determines the alleged sexual harassment may otherwise be subject to a different provision in the Sexual Misconduct Policy and the investigation and grievance process will continue. Under these circumstances the notice of dismissal must notify the parties of the ongoing investigation.

For example: If the alleged sexual misconduct occurred during a University sponsored event outside of the United States, the Title IX Coordinator must dismiss the Formal Complaint for the purposes of the Title IX sexual harassment Complaint. The Title IX Coordinator must send notice to the parties. However, the Title IX Coordinator may determine the alleged sexual misconduct falls within the University's jurisdiction as provided in Section E above and may continue the investigation and grievance process.

5. Appeals of the Dismissal of a Formal Complaint

a. Overview

The Complainant and the Respondent may appeal the dismissal of allegations of sexual harassment under Title IX contained in a Formal Complaint. The Title IX Coordinator or their designee's dismissal of any non-Title IX allegations of sexual misconduct in a Formal Complaint or determination not to apply other provisions of the Sexual Misconduct Policy are final and not subject to appeal. This appeal process provides both the Complainant and the Respondent a reasonable, equal opportunity to submit a written statement in support of, or challenging, the dismissal.

The Appeals Officer will not be the same person as the decision-maker(s) who reached the determination regarding dismissal, the Investigator(s), or the Title IX Coordinator. The Appeals Officer will not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent and comply with the training requirements set forth in the Sexual Misconduct Policy.

b. Reasons for Appeal

Dismissal of allegations of sexual harassment under Title IX in a Formal Complaint may be appealed on the following reasons:

- i. A procedural irregularity that affected the outcome of the matter;

- ii. The discovery of new evidence that was not reasonably available at the time of the Dismissal and that could affect the outcome of the matter; or
- iii. The Title IX Coordinator or their designee or the Investigator had a conflict of interest or bias for or against the Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

c. Appeal Process

- i. The appeal must be in writing and delivered to the Appeals Officer appointed by the Chancellor or their designee within seven (7) University Days of the delivery of the Notice of Dismissal.
- ii. An appeal must be in writing and specify the reason(s) for the appeal.
- iii. If either party submits an appeal, the other party and the Title IX Coordinator will be provided with a copy of the appeal and both will be given seven (7) University Days to submit their respective written responses.
- iv. The Appeals Officer may request additional information from the Title IX Coordinator or the parties at the Appeals Officer's discretion.
- v. The Appeals Officer will review all of the information and determine whether to grant or deny the appeal.
 - a) The written decision will describe the result of the appeal and the rationale for the result.
 - b) If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration.
 - c) If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, the Appeals Officer may 1) affirm, in whole or in part, the decision on Dismissal, 2) overturn, in whole or in part, the decision on Dismissal, 3) or refer the Formal Complaint back to the Title IX Coordinator for further consideration or proceeding.

- d) A final outcome on an appeal is not subject to further appeal.
- vi. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances.
- vii. The written determination will be provided simultaneously to the Complainant, Respondent, and Title IX Coordinator.
- d. Any non-Title IX alleged violations may continue to be investigated during the Appeal Process.

6. Investigation

The investigation process is conducted by the Title IX Coordinator or one or more Investigators. The University has the burden of gathering evidence sufficient to allow the Hearing Officer to reach a determination regarding responsibility.

a. Meeting Notice

Prior to meeting with the Complainant or the Respondent, the Investigator will provide, written notice to the person being interviewed of the date, time, location, participants, and purpose all investigative interviews or other meetings, with sufficient time for the party to prepare to participate. In general, sufficient time will be at least five (5) University Days, however, a party may agree to meet sooner.

b. Advisors

The University will provide the parties with the same opportunities to have others present during any meeting or grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by up to two advisors of their choice, who may be, but are not required to be, attorneys, and not limit the choice or presence of advisors for either the Complainant or the Respondent in any meeting or grievance proceeding. However, the University may establish restrictions regarding the extent to which the advisors may participate in the proceedings, as long as the restrictions apply equally to both parties.

c. Gathering Evidence

The Investigator will meet separately with the Complainant and the Respondent. The Investigator will ask for all information relevant to the allegations. The parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. For both parties, this is an opportunity to present any information regarding the incident, including names of witnesses, the existence of documents, emails, text messages, or other recordings, or any other information the parties feel may be relevant. As part of the

investigation, the Investigator may conduct additional investigative and witness interviews at the Investigator's discretion. The Investigator is responsible for contacting and interviewing relevant witnesses the Complainant identifies and witnesses the Respondent identifies, and any witnesses the Investigator deems necessary. The Investigator will review all available pertinent evidence. This may include reviewing student and/or personnel files and reviewing law enforcement documents or evidence. The Complainant and the Respondent may also submit supplemental information at any time during the investigation until the Investigator issues a final Investigative Report.

The Investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a grievance process under this section.

Additionally the Investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Examples of privileges include Lawyer-Client, Physician-Patient, Professional Counselor-Client; Spousal, Clergy, and Victim's Advocate.

In summary, as a general rule, the following information may not be used during the grievance process: Information protected by a legally recognized privilege unless the person holding such privilege has waived the privilege; evidence about a party's prior sexual history unless an exception applies; and any party's medical, psychological, and similar records unless the party has given voluntary, written consent. Additionally, party or witness statements that are not subjected to cross examination at a live hearing cannot be considered to make a determination.

d. Review of the Evidence

The Investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint. This includes evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the Investigative Report, the Investigator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least ten (10) University Days to submit a written response, which the Investigator will consider prior to completion of the Investigative Report. The University will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

e. Investigative Report

The Investigator will create an Investigative Report that fairly summarizes relevant evidence. At least ten (10) University Days prior to a hearing, or other time of determination regarding responsibility (whichever allows for a longer time period), the Investigator will send to each party and the party's advisor, if any, the Investigative Report in an electronic format or a hard copy, for their review and written response. Both parties will have the right to review each other's responses and the responses will be provided at the hearing.

General Provisions Concerning the Investigative Report

- i. The parties will have an equal opportunity to review the Investigative Report; if a party disagrees with an Investigator's determination about relevance, the party can make that argument in the party's written response to the Investigative Report and to the Hearing Officer at any hearing held; either way the Hearing Officer is obligated to objectively evaluate all relevant evidence and the parties have the opportunity to argue about what is relevant (and about the persuasiveness of relevant evidence).
- ii. The Investigator may redact from the Investigative Report information that is not relevant, which is contained in documents or evidence that is relevant.
- iii. The Investigator may include facts and interview statements in the Investigative Report.

f. Case Resolution Timeline

Though the University strives to resolve all cases in a prompt and timely manner, the timeline varies based on the circumstances of the case. Additionally, the timeline for a case may be affected by breaks in the academic calendar; absence of a party, a party's advisor, or a witness; (including due to leave of absence); concurrent law enforcement activity; the need for language assistance; accommodation of disabilities; scope of the investigation; and unforeseen or exigent circumstances. The parties will be periodically updated on the status of their case. In cases where there is a simultaneous law enforcement investigation, the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University investigation will generally proceed with its investigation and resolution of a complaint during any law enforcement investigation.

The University will strive to conduct investigations of the allegations within ninety (90) University Days of receipt of the Formal Complaint. If the investigation will take a longer amount of time to complete, both parties must be informed in writing of the extension of the timeline. While the University will attempt to accommodate the schedules of parties and witnesses throughout the grievance process in order to provide parties with a meaningful opportunity to exercise the rights granted to parties under the Policy and Procedures, it is the University's

obligation to meet its own designated time frames, and the grievance process can proceed to conclusion even in the absence of a party or witness.

7. Formal Hearings in Cases of Alleged Sexual Misconduct

a. Overview

After an investigation, the University will conduct a hearing to determine whether the Respondent is responsible for violating the Sexual Misconduct Policy. During the hearing, the University Presenter or their designee, the Complainant, and the Respondent will each have an opportunity to

1. Discuss and explain their position;
2. Present evidence, including documents and witnesses; and
3. Have their advisor ask questions of other party and witnesses (e.g. cross-examination).

If a determination of responsibility for sexual misconduct is made against the Respondent, the decision-maker(s) will determine appropriate sanctions for Respondent and confirm that the University will provide remedies to the Complainant. A hearing must be held unless the case has been resolved pursuant to the Informal Resolution Section. The University will strive to conduct a hearing within thirty (30) University Days from the issuance of the investigation report.

b. Hearing Scheduling and Notice

When the Investigator sends the Investigative Report to the Respondent and the Complainant, the Title IX Coordinator or their designee will forward a copy of the Investigative Report to the Hearing Facilitator. The Hearing Facilitator will schedule a hearing date, time, and location and notify the parties of the same. The University will strive to complete a hearing within one (1) month from the issuance of the investigation report. (May be delayed due to Informal Resolution)

A Pre-hearing conference will be held at least two (2) University Days prior to the scheduled hearing. The University will provide written notice of the date, time, location, participants, and purpose of both the prehearing conference and of the hearing at least five (5) University Days prior to the prehearing conference.

c. Pre-Hearing Conference

The Respondent and the Complainant shall have the right to attend a Pre-Hearing Conference. The purpose of the Pre-Hearing Conference is to plan for the hearing, discuss the issues and facts that will be presented at the hearing, exchange information about witnesses likely to be called, answer procedural questions, and settle those matters which may be agreeably concluded. Generally, the Hearing Officer or the Chair of the Hearing Board will preside over the Pre-Hearing Conference. During or prior to the Pre-Hearing Conference, the parties shall be informed of the names of the Hearing Officer and/or other Hearing Board members.

i. Hearing Information Exchange Prior to the Pre-Hearing Conference

The Respondent, the Complainant, and the University Presenter shall have an opportunity to inspect documents and a list of witnesses prior to the hearing. The Hearing Officer or Hearing Board will receive a copy of the Investigative Report. If there are any additional documents, that the Respondent, the Complainant, or the University Presenter would like to offer at the hearing, this information should be provided at least two (2) University Days before the Pre-Hearing Conference. This information will be exchanged with all parties.

ii. Use of Past Sexual Behavior

During the Prehearing conference, the parties will be instructed about the use of past sexual behavior of the Complainant¹ or past sexual assault by the Respondent² as evidence at the hearing. In most situations, questions and evidence of the past sexual history of either the Respondent or the Complainant are not relevant and will not be admitted at the hearing except in very limited situations set forth below.

- a) such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or
- b) if the questions and evidence concern specific incidents or the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

d. General Hearing Information

- i. At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

¹ See Neb. Rev. Stat. § 27-412 (2016) (Relevance of person's alleged past sexual behavior or alleged sexual predisposition).

² See Neb. Rev. Stat. § 27-415 (2016) (Evidence of crimes of sexual assault in civil cases).

- ii. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- iii. Any real or perceived conflict of interest or bias between the Hearing Officer or a Hearing Board member and the Respondent or the Complainant must be brought to the attention of the Hearing Facilitator, Hearing Officer, or Chair of the Hearing Board no less than two (2) University Days in advance of the hearing.
- iv. The Hearing Board shall select its own Chair with all members possessing voting privileges.
- v. The Respondent and the Complainant have the right to be present for the hearing. The hearing is closed to the public.
- vi. The Respondent may not be found to be responsible for sexual misconduct solely because the Respondent is not present at the Hearing.
- vii. In such cases when a Respondent fails to appear before the Hearing Officer or Hearing Board, a plea of “not in violation” shall be entered on the Respondent’s behalf and the hearing may proceed as scheduled. In this situation, the University will provide an advisor to conduct cross-examination of the Complainant and witnesses.
- viii. In hearings involving more than one Respondent, the presiding Hearing Officer or Chair of the Hearing Board, in their discretion, may permit the hearings concerning each Respondent to be conducted separately.
- ix. The Respondent(s), the Complainant, and the University Presenter shall have the right to hear all evidence, present evidence, testify, and to hear and question witnesses.
- x. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Examples of privileges under law include Lawyer-Client, Physician-Patient, Professional Counselor-Client; Spousal, Clergy, and Victim’s Advocate.
- xi. The role of the Complainant’s and the Respondent’s advisor of choice is limited to providing advice to the party and conducting cross-examination of witnesses. The role of a University appointed

advisor is limited to conducting cross-examination. Advisors must fulfill their role in a manner which does not disturb Conduct proceedings. If an advisor fails to act in accordance with these guidelines, they may be barred from participation in the Conduct proceedings and the hearing may be continued.

- xii. The Hearing Officer or the Hearing Board may seek advice from the University's Counsel throughout the hearing process on questions of law and procedure. However, the Hearing Officer and Hearing Board are responsible for making their own factual conclusions.
 - xiii. No process implemented under this Sexual Misconduct Procedure shall be open to the public. The Complainant and the Respondent are entitled to the same opportunities to have others present during a disciplinary proceeding subject to conditions established by the Sexual Misconduct Policy and these Procedures, the Title IX Coordinator, and the Hearing Officer or Hearing Board. Witnesses may be sequestered and attendance at hearings may be restricted to the Complainant, the Respondent, and their respective advisors.
 - xiv. The Investigative Report may include recommended findings or conclusions as to whether Respondent violated the University's Sexual Misconduct Policy in the Investigative Report. However, the Hearing Officer or Hearing Board is under an independent obligation to objectively evaluate relevant evidence, and thus cannot simply defer to recommendations made by the Investigator in the Investigative Report.
 - xv. If the Investigative Report includes general findings of credibility, the Hearing Officer or Hearing Board cannot interpret the Investigator's finding of credibility as a finding of responsibility.
 - xvi. The determination of the merits of each case shall be made using a preponderance of the evidence standard.
 - xvii. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest upon the University. A Respondent is presumed to be not responsible for the alleged misconduct until proven otherwise.
- e. The Hearing Procedures
- i. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspections and review upon request.

- ii. At the beginning of the hearing, the Hearing Officer or Chair of the Hearing Board should state for the record:
 - a) the date, time, and place and
 - b) their name and role as the Hearing Officer or Chair of the Hearing Board.
- iii. If the hearing is before a Hearing Board, the Chair should:
 - a) have the other members of the Hearing Board identify themselves and
 - b) state whether there is a quorum. If there is not a quorum, then the hearing must be rescheduled unless all parties waive on the recording any objection to the lack of a quorum.
- iv. The Hearing Officer or Chair of the Hearing Board should then identify the other persons present, ask the University Presenter to read the alleged violation(s), and ask the Respondent if the Respondent admits to the alleged violation(s).
- v. The Hearing Officer or Chair of the Hearing Board must conduct the hearing in a manner that facilitates the presentation of relevant evidence by the Complainant, the Respondent, and the University Presenter. The Complainant, the Respondent, and the University Presenter have the right to call witnesses, including expert witnesses, and present their respective cases. The Hearing Officer or the members of the Hearing Board may ask questions to clarify what the witness said or to elicit more detailed information.
- vi. The Hearing Officer or Chair of the Hearing Board has the discretion to:
 - a) allow the parties to make opening statements, closing statements, or both, with reasonable time limits;
 - b) allow witnesses to testify by videoconferencing technology;
 - c) require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify; and

- d) schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.
- vii. The University Presenter will present evidence first, followed by the Complainant, and then the Respondent. Courtroom rules of evidence do not apply.
- viii. The presentation of evidence may include calling witnesses who have relevant information. A party may question the witness they call in support of their position.
- f. Questioning of Parties and Witnesses During the Hearing
 - i. The Hearing Officer or Chair will permit each party's advisor to ask the other party and any witnesses called by another party all relevant questions and follow-up questions, including those challenging credibility ("cross-examination").
 - ii. Such cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the Hearing Officer or Chair to otherwise restrict the extent to which advisors may participate in the proceedings.
 - iii. Before a Complainant, a Respondent, or a witness answers a cross-examination or other question, the Hearing Officer or Chair will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
 - iv. Additionally the Hearing Officer or Chair will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
 - v. As a general rule, the following information may not be used during the grievance process: Information protected by a legally recognized privilege unless the person holding such privilege has waived the privilege; evidence about a Complainant's prior sexual history unless an exception applies; any party's medical, psychological, and similar records unless the party has given voluntary, written consent; and, party or witness statements that have not been subjected to cross examination at a live hearing.

- vi. The Hearing Officer or Chair will explain to the party proposing the questions any decision to exclude a question as not relevant.
- vii. If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- viii. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- ix. If a party or a witness does not submit to cross-examination at the live hearing, the Hearing Officer or Hearing Board will not rely on any statement of that party or witness in reaching a determination regarding responsibility.
- x. The Hearing Officer or Hearing Board cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing, or decision not to answer questions or otherwise not participate in the live hearing.
- xi. Other than to conduct cross-examination as described above, the parties' respective advisors may not speak on behalf of the parties during the hearing and may not directly participate in any aspect of the hearing. The Complainant or the Respondent, however, may consult with their respective advisors during the hearing. The Hearing Officer or Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.
- xii. At the conclusion of the hearing, the Hearing Officer or Hearing Board must deliberate and make a decision based solely upon the evidence introduced and received at the hearing. The decision must be made by a majority vote.
- xiii. A Respondent is presumed to be not responsible. The determination of the merits of the case shall be made using the preponderance of the evidenced standard.

g. Determination

Within seven (7) University Days following the conclusion of formal hearing proceedings, the Hearing Officer or Chair shall inform the Respondent, the Complainant, the University Presenter, and the Title IX Coordinator in writing, of their findings and of any recommended sanction(s), if applicable.

The findings must include the following information.

- i. Identification of the allegations potentially constituting sexual misconduct
- ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, methods used to gather evidence; and hearings held;
- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of the Sexual Misconduct Policy to the facts;
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any recommended disciplinary sanctions the Hearing Officer or Hearing Board recommends be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
- vi. The University's procedures and permissible bases for the Complainant and Respondent to appeal.

The Respondent and the Complainant have the right to be notified of the decision rendered. Any initial, interim, and final decision to resolve disciplinary matters must include a statement of any University sanctions imposed together with the rationale for the decision.

h. Record of Hearing to Appeals Officer or Appropriate University Officials

If a timely appeal is filed within seven (7) University Days of the decision being delivered to the parties, the Record of the Hearing, including the determination, will be provided to the Appeals Officer.

If no appeal is filed within seven (7) University Days, the Record of the Hearing will be provided to the appropriate supervisor, unit head, Vice Chancellor or other relevant administrator responsible for appropriate employment action consistent with the Hearing Officer or Hearing

Board's findings and recommendations, in accordance with applicable employment laws, policies, practices, and agreements.

The Record of the Hearing consists of the information, documents, and recordings related to the hearing such as the notice of the Hearing, documents related to the Pre-Hearing Conference, Investigative Report, evidence submitted by the Complainant, the Respondent, and the University Presenter, audio or audiovisual recording, transcript if any, determination, etc.

8. Appeals of Hearing Officer Determination after Formal Hearing

i. Overview

The Complainant and the Respondent may appeal a decision reached after a formal hearing for seven (7) University Days after the decision is delivered to the parties. This appeal process provides both the Complainant and Respondent a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the Hearing.

The Appeals Officer will not be the same person as the decision-maker(s) that reached the determination regarding dismissal, the Investigator(s), or the Title IX Coordinator. The Appeals Officer will not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent and comply with the training requirements set forth in the Sexual Misconduct Policy.

ii. Reasons for Appeal

A determination may be appealed for the following reasons:

- a) A procedural irregularity that affected the outcome of the matter;
- b) The discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c) The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
- d) The sanction(s) imposed were arbitrary and capricious or an abuse of discretion; or
- e) A finding of fact in the determination is clearly erroneous

and does not have factual support in the record and affected the outcome of the matter

iii. Appeal Process

- a) The appeal must be in writing and delivered to the Appeals Officer appointed by the Chancellor or their designee within seven (7) University Days of the delivery of the Notice of Dismissal.
- b) An appeal must be in writing and specify the reason(s) for the appeal.
- c) If either party submits an appeal, the other party and the University Presenter and/or the Title IX Coordinator will be provided with a copy of the appeal and will be given seven (7) University Days to submit their respective written responses.
- d) The Appeals Officer may request additional information from the University Presenter and/or the Title IX Coordinator or the parties at the Appeal Officer's discretion.
- e) The Appeals Officer will review all of the information and determine whether to grant or deny the appeal.
 - 1) The written decision will describe the result of the appeal and the rationale for the result.
 - 2) If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration.
 - 3) If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, in the written decision, the Appeals Officer may 1) affirm, in whole or in part, the decision on responsibility, 2) overturn, in whole or in part, the decision on responsibility, 3) affirm, overturn, or adjust the decision on disciplinary sanctions, or 4) remand the matter to remedy procedural errors or consider new evidence.

- 4) The determination of the Appeals Officer is final and not subject to further appeal.
- f) The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances.
- g) The written determination will be provided simultaneously to the Complainant, Respondent, University Presenter, and Title IX Coordinator.
- h) The Record of the Hearing will be provided to the appropriate supervisor, unit head, Vice Chancellor or other relevant administrator responsible for appropriate employment action in accordance with applicable employment laws, policies, practices, and agreements.

K. Sanctions

Responsive action is intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the University's educational mission and legal obligations. Responsive action may include disciplinary, rehabilitative (including educational), restorative, and monitoring components.

The types of sanctions that are possible as the result of a sexual misconduct disciplinary proceeding are:

1. coaching or education;
2. mentoring;
3. verbal warning;
4. written warning;
5. changes to work duties or location;
6. probation or transfer of position
7. completion of mandatory conditions;
8. suspension without pay;
9. nonrenewal or non-reappointment;

10. loss of rank or position;
11. denial of salary increase;
12. activity termination;
13. demotion in rank or pay;
14. termination of employment; and
15. ban on University re-employment.

Sanctions may be imposed in combination with one another.

The following factors among others, may be considered in determining the appropriate disciplinary sanctions or other responsive actions to address a decision of responsibility for prohibited conduct:

1. the severity, persistence, or pervasiveness of the prohibited conduct;
2. the nature of the prohibited conduct;
3. whether the prohibited conduct threatened physical safety;
4. any incidents of prior misconduct by a Respondent, including the Respondent's disciplinary history, at the University or elsewhere;
5. the impact of the prohibited conduct on other members of the University community;
6. an assessment of a Respondent's potential for development, including whether the Respondent has accepted responsibility for the prohibited conduct;
7. the maintenance of a safe, nondiscriminatory, and respectful work and learning environment; and
8. any other mitigating, aggravating, or compelling factors.

L. Remedies for Complainant

1. Where a determination of responsibility for sexual misconduct has been made against the Respondent, the University must provide or give the Complainant remedies. Remedies must be designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same supportive measures that are already being provided to the Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
2. The Title IX Coordinator is responsible for effective implementation of any remedies.
3. Where the final determination has indicated that remedies will be provided, the Complainant can then communicate separately with the Title IX Coordinator to discuss what remedies are appropriately designed to preserve or restore the Complainant's equal access to education.
4. Remedies that do not directly affect the Respondent must not be disclosed to the Respondent

M. Informal Resolution

1. Overview

At any time prior to reaching a determination regarding responsibility, the University may facilitate an Informal Resolution process, such as mediation, that does not involve a full investigation and adjudication. The University will not require the parties to participate in an Informal Resolution process and may not offer an Informal Resolution process unless a Formal Complaint is filed. Additionally, the University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual misconduct. The University will not offer or facilitate an Informal Resolution process to resolve allegations that an employee engaged in sexual misconduct against or sexually harassed a student.

The Informal Resolution process is facilitated by the Title IX Coordinator or their designee. The parties to any Informal Resolution process will not be required to deal directly with one another without the University's involvement.

An Informal Resolution may include the range of supportive measures described above, as well as targeted and/or broad-based training and educational programming for relevant individuals and groups and/or any other remedy. For example, both parties may agree that the permanent application of supportive measures (e.g. no contact agreement) may be sufficient to resolve the Formal Complaint. An Informal Resolution process may also include a remedies-based process, which allows both parties to come to a mutual agreement regarding the resolution of the Formal Complaint.

Once an Informal Resolution process is complete, both parties will be notified simultaneously/contemporaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution. The Informal Resolution process does not conclude with a University finding; the Respondent is not found to be “responsible” or “not responsible” of a Policy violation. However, the parties may negotiate the extent to which a Respondent may agree or concede responsibility for alleged misconduct.

Any party may request that the Informal Resolution process be terminated at any time, in which case the grievance process would proceed. The University may, at its discretion, also terminate the Informal Resolution Process at any time. In addition, while the results of the Informal Resolution process cannot be appealed, any party can withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint.

2. General Provisions Related to Informal Resolution

- a. At the beginning of the Informal Resolution process, the University will:
 - i. Provide to the parties a written notice disclosing:
 - a) the allegations;
 - b) the requirements of the Informal Resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint; and
 - c) any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared.
 - ii. Obtain the parties’ voluntary, written consent to the Informal Resolution process.
- b. The University will provide the parties timely access to any information that will be used during the Informal Resolution process.
- c. Any statements, admissions, or other statements made by the Complainant or Respondent during the Informal Resolution process may not be used as evidence if the matter proceeds to a Formal Hearing.

- d. The Title IX Coordinator or their designee and the administrator who oversees the Respondent or the Respondent's department or unit (e.g. the Respondent's supervisor) must approve the terms of any Informal Resolution.
- e. The Respondent may be subject to discipline for potential violations of policies in addition to the Sexual Misconduct Policy outside of the Informal Resolution Process. However, the Informal Resolution process may also address other potential violations of policies in addition to the Sexual Misconduct Policy.
- f. Informal Resolution procedures may be discontinued at the request of any party or terminated by the Title IX Coordinator or their designee.
- g. If the University and parties do not reach an agreement to resolve the Formal Complaint through the Informal Resolution process, the grievance process will be resumed with respect to the Formal Complaint, including investigation and adjudication and any Formal Hearing.

N. Retaliation

No member of the University community may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Sexual Misconduct Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for alleged employee misconduct or Sexual Misconduct Policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy, constitutes retaliation.

O. Periodic Review

This Sexual Misconduct Procedures will be reviewed at least every two (2) years. The Provost will initiate this review.

P. Effective Date

These Procedures apply to reports of sexual misconduct received by the Title IX Coordinator on or after August 14, 2020, except that definitions from the Policy in place at the time the alleged prohibited conduct occurred will be used to make the decision on responsibility.

▶▶▶ **APPENDIX J**

UNL Collaborative on Sexual Misconduct Committee Report



UNL'S COLLABORATIVE
on Sexual Misconduct ***COMMITTEE REPORT:***

**A Roadmap for Creating
and Maintaining a Caring
Campus Community**

October 5th, 2020



COLLABORATIVE SEXUAL MISCONDUCT COMMITTEES

Role	Name	Workgroup
Co-Chair	Connie Boehm Director; Big Red Resilience & Well-being	Prevention & Education
Co-Chair	David Hansen Professor; Psychology	
Member	Mikayla Algeo Student; Communication Studies	
Member	Tammy Beck Associate Dean; College of Business	
Member	Ryan Fette Education & Outreach Coordinator; Office of Institutional Equity and Compliance	
Member	Kyla Gorji Director; Human Resources/Employee Assistance Program (EAP)	
Member	Josh Haby Graduate Student; Psychology	
Member	Emily Johnson President; ASUN	
Member	Jeanne Keyser Assistant Director; Residence Life	
Member	Kelli King Assistant Vice Chancellor; Student Affairs	
Member	Alice Mitwaruciu Counselor: Counseling & Psychological Services	
Member	Lyn Seiser Pastor; Association of Campus Religious Workers (ACReW)	
Member	Eli Soell Student; Interfraternity Council (IFC)/Panhellenic Council	
Member	Paul Springer Chair, Child Youth & Family Studies; College of Education & Human Sciences	
Member	Pat Tetreault Director: LGBTQA+ & Women's Center	
Co-Chair	Kara Brandt Associate Director; Center for Advocacy, Response, and Education (CARE)	Intervention
Co-Chair	Shari Stenberg Professor; Faculty Senate/English	
Member	Mehmet Can Vuran Susan J. Rosowski Professor; Faculty Senate/Computer Science	
Member	Sammi Cowger Director of PEO Programs; Athletics	
Member	David DiLillo Professor; Psychology	
Member	Sara Gervais Associate Professor; Psychology	

Role	Name	Workgroup
Member	Kevin Hanrahan Associate Professor; Faculty Senate President/Music	Intervention
Member	Alyssa Jones Student; PREVENT	
Member	Lexie Karkazis Student; Panhellenic	
Member	Joshua Keller Graduate Student; Nutrition & Health Sciences	
Member	Hassan Ramzah Chief of Police; University Police	
Member	Beverly Russell Associate Director; Center for Transformative Teaching	
Member	Leigh Theideman Director; Office of Fraternity and Sorority Life	
Member	Kelsey Yadon Career Advisor; Explore Center/University Career Services	
Co-Chair	Lisa Kort-Butler Associate Professor; Sociology	
Co-Chair	Jake Johnson Assistant Vice Chancellor; Student Affairs	
Member	Marco Barker Vice Chancellor; Office of Diversity and Inclusion	
Member	Lorna Dawes Associate Professor; Faculty Senate/Libraries	
Member	Sam Goodin Director; Services for Students with Disabilities	
Member	Michael Mass Compliance/Accreditation Manager; University Police	
Member	LJ McElravy Associate Dean; Graduate Studies	
Member	Patrice McMahon Professor; Honors	
Member	Amanda Metcalf Assistant to the Dean; UAAD	
Member	Roni Miller Student; ASUN	
Member	Marne Nelson Associate Director; Education Abroad	
Member	Brit Otte Clinical Manager; University Health Center	
Member	Carmen Paniagua Delta Xi Nu chapter president; MGC/NPHC	
Member	Marc Pearce Associate Dean; College of Law	
Member	Eli Sherman Student; PREVENT	

STUDENT COMMITTEE

Workgroup 1: Prevention & Education		
Co-Chair	Emily Camp	Psychological Studies in Education
Co-Chair	Emily Johnson	Political Science, Spanish, Global Studies
Member	Jennifer Barrett	Political Science
Member	Zoe Keese	Mathematics
Member	Abigail Long	Mathematics
Member	Alyssa Patil	English
Member	Falah Rashoka	Nutrition & Health Sciences
Member	Rebecca Rockefeller	Geography
Member	Andromede Uwase	Integrated Science
Member	Chelsey Wisheart	Psychology, Communication Studies
Workgroup 2: Intervention		
Co-Chair	Lexie Karkazis	Computer Science
Co-Chair	Cassidy Spradlin	Psychological Studies in Education
Member	Austin Gaines	Political Science, Communication Studies
Member	Samara Hillmer	Criminology & Criminal Justice
Member	Shyla Kallhoff	Educational Administration
Member	Unyoh Mbilain	Global Studies
Member	Mallorie Sckerl	Psychology, English
Member	Luz Sotelo	Mechanical Engineering, Applied Mechanics
Member	Jessica Stump	Political Science
Member	Megan Willburn	Political Science, English
Workgroup 3: Policies, Procedures, & Practices		
Co-Chair	Sarah O'Neill	Law
Co-Chair	Roni Miller	Spanish, Political Science
Member	Daniela Asplin	English, Spanish
Member	Danielle Berger	Natural Resource Sciences
Member	Hannah Cass	Economics
Member	Meyri Ibrahim	Political Science
Member	Mar Lee	English, Global Studies
Member	Abigail Lim	Journalism
Member	Zoe McDonald	English
Member	Alec Miller	Psychology

UNL'S COLLABORATIVE ON SEXUAL MISCONDUCT EXECUTIVE SUMMARY SEPTEMBER 2020

SEXUAL MISCONDUCT POLICIES, PROCEDURES, AND PRACTICES AT UNL

1. Create a Chancellor's Commission on Sexual Misconduct.
2. Remove gendered policy language.
3. Adopt affirmative consent policy.
4. Revisit policy timeframes for investigation and adjudication.
5. Make explicit the right to reasonable accommodations for disabilities.
6. Include an amnesty-like policy provision.
7. Permit restorative justice practices as options for resolution.
8. Expand and identify who may serve as a formal hearing decision maker.
9. Ensure live hearings physically separate the parties and rely on equitable audio-visual technology that facilitates cross-party communication.
10. Clarify that no contact orders are discretionary, not mandatory.
11. Temporary suspensions should provide for an immediate opportunity to contest the imposition of the suspension.
12. Ensure equity with regard to University-provided advisors and support persons.
13. Extend the application of conduct policies to address sexual misconduct that occurs during University programs off-campus and abroad.
14. Provide an annual Title IX report that will be accessible on the IEC website.

SEXUAL MISCONDUCT PREVENTION, EDUCATION, AND INTERVENTION AT UNL

15. Conduct a campus-wide sexual misconduct needs assessment and biennial climate surveys.
16. Require annual sexual misconduct training for all incoming students.
17. Require annual training for all incoming staff and faculty that is tied to annual performance evaluations for all staff and faculty.
18. Require a syllabus statement on sexual misconduct.
19. All employment letters should indicate an employee's status as an expected reporter.
20. Trauma-informed training on sexual misconduct should be required for key campus offices, programs, and organizations.
21. Resources for claimants, respondents, and faculty, instructors, and staff should be developed in collaboration with the Chancellor's Commission on Sexual Misconduct, Office of Student Affairs, and the IEC Office.
22. The Chancellor's Commission on Sexual Misconduct should engage in ongoing assessment and evaluation of sexual misconduct reporting and responses.

UNIVERSITY OF NEBRASKA–LINCOLN'S COLLABORATIVE ON SEXUAL MISCONDUCT COMMITTEE

“The University of Nebraska–Lincoln (UNL) is committed to preventing sexual misconduct, responding when it occurs, and supporting any person who has been subjected to sexual misconduct. The Collaborative is a campus-wide coalition charged with the role of expanding efforts to improve education, training, and policy development to address sexual misconduct.” – Campus-Wide Collaborative on Sexual Misconduct (n.d., sexualmisconduct.unl.edu)

The University of Nebraska–Lincoln has a long history of supporting anti-violence work on campus. Efforts go back to the establishment of the Women’s Center in 1971. PREVENT, a Recognized Student Organization, was established in 1998 to include a focus on sexual assault and relationship violence prevention and eventually advocacy. Campus events like “Week Without Violence,” “Take Back the Night,” and “Not on My Campus” were sponsored by the Office of Student Affairs and organized through the Women’s Center.

UNL took additional steps to address sexual and gender-based misconduct with the creation of the Center for Advocacy, Response and Education (CARE) in 2019. CARE offers two full-time advocates, increasing the availability of support services and is providing ongoing, comprehensive prevention awareness programs for students. Additional efforts included:

- Developing the “Use Your Voice” initiative, an [awareness campaign](#) to promote resources, reporting and a supportive campus climate.
- Creating a dedicated [sexual misconduct resource website](#).
- Implementing a new [bystander intervention program](#).
- Increased staffing in the Title IX office.

We envision a university community that is free from sexual misconduct including sexual violence and harassment of any kind. We seek to improve and sustain a culture of health and wellness in relationships, and promote a commitment to the welfare of others, protection of rights, and support all fundamental fairness and due process.

Despite our efforts, there is more work to do to make our campus a safe and trauma-informed community. In fall 2019, Chancellor Green established the Campus-Wide Collaborative on Sexual Misconduct and charged the Collaborative to study and critically examine UNL’s policies, procedures, and practices regarding reporting and responding to sexual misconduct, with a focus on preventing sexual misconduct and meeting the needs

of people who have experienced it. The Collaborative structure is delineated here:

sexualmisconduct.unl.edu/collaborative-structure.

Three committees were established, with parallel student committees that were vetted through ASUN. The three committees are: (1) prevention and education; (2) intervention; and (3) policies and procedures. All graduate and undergraduate students were invited via a campus-wide call for applications to participate in the Collaborative. The final Collaborative Committee consisted of 75 faculty, staff, and undergraduate and graduate students, who worked tirelessly in their subcommittees to provide summaries, reports, and recommendations to the Collaborative chair, Dr. Susan Swearer. Due to COVID-19 and campus shutdown, the due dates for the reports were moved to August 1, 2020, and then moved up to June 2020, due to the new Department of Education regulations. Dr. Swearer spent July 2020 compiling the subcommittee reports into one, final report that was disseminated to the entire Collaborative for comment, edited, and delivered to Chancellor Green by the end of September 2020.

The collaborative report consists of an Executive Summary, this main report, and two appendices that include research and best practices for responding to sexual misconduct (Appendix A) and a social-ecological model and logic model for prevention and intervention in sexual misconduct (Appendix B).

Concurrently during the work of the Collaborative, the Department of Education released new Title IX regulations and the subcommittees' work was guided by these guidelines. Several Collaborative members were also members of the NU Title IX Regulation Committee that met during July and August 2020 to help revise Nebraska's policies and procedures based on the Department of Education's new regulations, which mandated that all universities are in compliance by August 14, 2020. We recognize that the NU Systems Policies and Procedures were approved by the Board of Regents on Friday, August 14, 2020. These are the policies and procedures that must be followed according to federal and state law, but also include decisions that are at individual universities' discretion under the new regulations.

The Collaborative's goals are to provide guidance and recommendations to the Chancellor in order to maintain and sustain a safe, transparent, and trauma-informed approach to responding to sexual misconduct.

Sexual misconduct and violence are societal problems that must be addressed through collaborative efforts of offices and communities across campus and in multiple ways including, but not limited to, education, prevention, policy, and climate assessment. The

Collaborative recommendations will be successful if they result in more transparent administrative knowledge (e.g., reporting processes and legal options) and personal knowledge of healthy and consensual relationships among UNL faculty, staff, and students. Our recommendations will additionally be successful if no single group has the responsibility of being a sole resource for students seeking to report an incident or receive confidential mental health resources.

This report covers analyses and recommendations across the three substantive areas of (1) policies and procedures; (2) prevention and education; and (3) intervention. It is the hope of the Collaborative that we will have an on-campus and Zoom report-out session with Chancellor Green in October 2020.

SEXUAL MISCONDUCT POLICIES, PROCEDURES, AND PRACTICES AT UNL

All universities and colleges within the University of Nebraska system (NU) must adhere to the Board of Regents Policy on Procedures for Sexual Misconduct Reports against Students (RP 2.1.8; nebraska.edu/regents/bylaws-policies-and-rules). That being said, the Collaborative encourages Chancellor Green to consider our suggestions for how UNL can be a leader in best practices in responding to sexual misconduct. To that end, we provide the following analyses and recommendations.

The Collaborative is recommending that the Chancellor establish a **Chancellor's Commission on Sexual Misconduct with a Student Advisory Board** to guide, integrate and refine practices that have proven effective in strengthening campus responses to sexual misconduct. The Commission will (1) identify and analyze all existing reporting streams for sexual misconduct outside of Title IX; and (2) establish alternative reporting streams to address any form of sexual misconduct that will fall through the gaps (e.g., to report a sexual assault committed by a student in non-university owned housing); and (3) monitor recommendations put in place and accountability for following policy and best practices. This Commission would operate as an advisory group to the Chancellor, Vice Chancellor for Student Affairs, and the Associate to the Chancellor for Institutional Equity and Compliance and would include representation from students, faculty, and staff with appointed terms (i.e., 3-year). Several members of the Commission should have research and/or clinical expertise in sexual misconduct, harassment, assault, and policy.

RECOMMENDATIONS FOR POLICIES, PROCEDURES, AND PROPOSED NEW POLICIES

The new Title IX regulations have narrowed what constitutes sexual harassment actionable by Title IX procedures. This means that sexual harassment experienced by UNL students, staff, and faculty may need to be addressed by a different reporting mechanism. The new DOE recommendations indicate institutions can address sexual harassment under other codes of conduct.

1. Neutralize policy language

Policy language should eliminate references to the gender binary and use the gender-neutral pronoun “their.” It should also substitute the terms “complainant” and “respondent” with “reporting party” and “responding party.” These terms were preferred by a majority of the committee after considering other options such as “claimant,” “actor,” “aggrieved,” “accused,” and others. Though the Department of Education’s recently released regulations use and define the term “complainant,” and “respondent,” the Collaborative is interested in using “reporting party” and “responding party” while offering a consistent definition with the Department of Education and the Board of Regents policy language. The Collaborative would defer to the judgment of General Counsel on whether this is an advisable approach.

2. Strengthen the definition of consent and implement evidence-based training

The emphasis in the current definition of “consent” is on how to determine when consent is absent. It fails to offer guidance on how a person can convey consent, and it also does not capture important elements of consent, such as consent can change from act to act within a single encounter and that it cannot be inferred or implied for future instances of sexual contact or activity. A more robust definition of consent can serve as the foundation for more effective education about consent. For example, there is often a power imbalance between perpetrators and victims (i.e., between faculty/staff and students), in which case consent is compromised. This power imbalance needs to be addressed in UNL’s policies and procedures.

We recommend that the Office of Institutional Equity and Compliance use affirmative definitions of consent in the process of evaluating evidence in sexual misconduct cases, taking into account elements of verbal sexual coercion. Sexual coercion can be used to pressure verbal consent out of an unwilling participant. With the rise of the “Yes Means Yes” conception of consent standards, research regarding the inadequacies of “No Means No” standards has come further to the forefront of society. With dangers of passive acquiescence or sexual coercion to contend with, Title IX must consider the impact of

sexual coercion to elicit verbal consent from an unwilling sexual participant. This is most important for the mitigation of revictimization as previous sexual assault victims are often the most likely to make verbal concessions in order to avoid the possibility of more aggressive tactics.

There are many and varied difficulties that may cause individuals to misunderstand effective consent procedure. From sexual scripts to common power dynamics, from lack of situational understanding to consideration of consent as a singular occurrence, these types of definitional and operational misunderstandings among students will unintentionally result in greater victimization. The greater number of individuals who are aware of these elements of flirtatious and sexual interactions, the more UNL can mitigate victimizing sexual scenarios. Trainings should address:

- Cultural phenomena (i.e., gender norms, traditional heterosexual power dynamics, and sexual scripts) can influence individuals to provide verbal consent to unwanted sexual experiences. The most vulnerable to this type of sexual assault include previous sexual assault victims who may concede verbally in order to avoid more aggressive tactics and more swiftly remove themselves from the situation
- The impact of implementing affirmative consent standards on campus suggests that simply informing students about the meaning of these standards does not suffice. Instead, individuals need to both understand the meaning and intention behind affirmative consent standards as well as considering situational examples regarding the manner in which to implement affirmative consent.
- The concept of consent should be taught, not as a single event, but as an important element throughout a sexual encounter. In order to prevent the victimization of either party in a sexual encounter, requesting and providing verbal affirmative consent before initiating each new sex act should be established as a best practice.

3. Revisit the policy timeframes

Careful attention should be given to the language that describes increments of time in the policy. The Department of Education's proposed rules include the following guidance:

Include reasonably prompt timeframes for conclusion of the grievance process, including reasonably prompt timeframes for filing and resolving appeals if the recipient offers an appeal, and a process that allows for the temporary delay of the grievance process or the limited extension of timeframes for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of the parties or witnesses, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

It may be most appropriate to articulate a set of aspirational timeframes for each phase of the resolution process (reporting, investigating, adjudicating, appealing). It should be made clear to the parties that any timeframe is best considered an aspiration or an aim of the University that is diligently pursued by its investigators and staff but may be unattainable given contextual factors that vary with each reported incident. Identifying confounding or complicating factors for students can help them understand why an aspirational timeframe cannot be met.

As an anchor for establishing timeframes for each phase, the Collaborative believes that sixty (60) University days could be reasonable and fair. The Collaborative recommends the overall timeframe should be subdivided for each phase of the process, accounting for requirements within the federal regulations (e.g. parties must have at least 10 days to review evidence prior to the completion of an investigative report). Policy should also set a minimum expectation for regular communication with the parties about the progress of the investigation. A brief, weekly status update to the parties from the investigator about the investigation seems advisable.

It is also recommended that these aims or aspirations be re-visited annually with a review of available data to guide revisions to the aspirations so they are grounded in realistic expectations. This incremental recalibration of timeframes will help administrators convey reasonable and realistic expectations to the parties. Given the University's use of Maxient, data can be obtained to determine an average timeframe from receipt of a "formal complaint" to the time the investigation is "Closed." During 2018-19 the average number of days from report to closure was 99.82 calendar days. For 2019-20 the same figure was 27.95 calendar days. The difference between these two dates is likely the result of internal processing guidelines on when an investigator can close the file and send it for review to the Title IX Coordinator. During 2018-19, the case was kept open while the Title IX Coordinator reviewed the file even though the investigator had completed their work.

4. Make explicit the right to reasonable accommodations for disabilities

It is not clear within the policy that parties with existing disabilities could have those accommodated during the resolution process. Inserting language that identifies this as a right seems most appropriate to the Committee. Policy drafters should carefully confer with the University's Section 504/ADA Coordinator to ensure the language is consistent with Civil Rights Statutes and regulations.

5. Include an amnesty-like provision

A policy provision that shields reporting parties from punishment for non-sexual misconduct that may have occurred concurrently with the alleged sexual misconduct is likely to improve reporting of sexual violence victimization. For example, substance use is often an element of alleged sexual misconduct in college settings. Those who may have been using illegal drugs or misusing alcohol are deterred from reporting because they fear their violation of campus policy will lead to punishment. The same provision should shield responding parties from additional charges of misconduct unless a substance was intentionally introduced by the responding party to facilitate sexual misconduct. In addition, if the allegations of sexual misconduct are not supported by the preponderance of the evidence, responding parties should not face punishment for substance use or alcohol misuse if they admitted to such during the investigation and adjudication. Additionally, given changes to the student code of conduct regarding COVID-19 restrictions, we recommend amnesty in those situations as well (i.e., attending a large party). It is important to communicate that relief may be afforded to bystanders who intervene on behalf of the parties to address concerns related to sexual misconduct.

6. Permit restorative justice practices as options for resolution

The proposed federal rules from the Department of Education indicate that “informal resolution” should be available to the parties on a voluntary basis [see § 106.45(6)]. The University of Michigan has been successful in achieving mutually-agreeable outcomes for the parties through “adaptable conflict resolution.” The method for resolving reported allegations can be adapted using many modalities. One such practice has been the use of “shuttle negotiations” between the parties and their advisors without requiring face-to-face mediations with a third-party neutral.

The policy should integrate a section or provision on the use of “adaptable” or “informal” resolutions once the report has been received and the responding party has been notified of the allegations. The provision should be consistent with federal regulations, but offer greater explanations regarding the available modalities or methods for arriving at a resolution without the need for a formal hearing. If none of the adaptable resolution methods produce an agreeable outcome, a formal hearing is available to the parties.

Alternative forms of reconciliation, listed on the IEC website, rather than a formal hearing, should be provided, such as mediation, restitution, and sex offender rehabilitation. The grievance process for Title IX cases should be transparent with clear written instructions provided in a handout and online as to how to submit a complaint to the appropriate federal regulatory body (DOE, DOJ, etc.).¹

7. Expand who may serve as formal hearing decision-maker

In the past, a combination of policy provisions has resulted in all student-on-student sexual misconduct being adjudicated by a panel of three (3) members of the University Conduct Board. These members are trained on Title IX, but are not deeply familiar with issues related to evidence, cross-examination, and formal procedures that are used by courts to manage witness, party, and advisor participation. As such, their instincts around nuanced interpretations of procedural fairness do not always make them well-prepared to handle exceedingly complex or difficult cases. For this reason, the University should have the flexibility to refer such cases to external decision-makers like retired judges, practicing attorneys, mediators, or arbitrators. This is particularly needed because the Department of Education now requires cross examination conducted by a party's advisors.

The process for selecting and training decision-makers should be clearly outlined and publicly available. Additionally, an explanation of the process for declaring a conflict of interest, contesting a decision-maker, and replacing a decision-maker should be defined and available. The Collaborative recommends that UNL establish a pool of external decision-makers who receive on-going Title IX and trauma-informed training and establish term limits.

As an additional mechanism for reducing the cost of hiring professional decision-makers, it may be advisable to encourage the University of Nebraska System to employ, internally, a legal professional (e.g. a special hearing master, administrative law judge, etc.) to serve as hearing decision-maker. Those cases that are more complex, present multiple issues, or involve highly-visible campus figures could be heard at the system level, and the cost could be shared among all four campuses.

Finally, doing so will bring consistency and parity for students when compared with faculty and staff who have been accused of sexual misconduct. In those cases, external decision-makers have been contracted to serve as a hearing decision-maker.

8. Ensure live hearings physically separate the parties and rely on audio-visual technology that facilitates cross-party communication

Michigan State University elected to hold all of its sexual misconduct hearings using online meeting software with the parties. MSU has reported good success notwithstanding an occasional complaint about limitations in confrontation rights. The parties and their advisors would be on campus in separate rooms that are adequately fitted with technology (e.g. video cameras, microphones, computers, etc.). The decision-maker

and witnesses would report to a hearing room. Advanced thought should be given to identifying suitable spaces on campus that can accommodate this recommendation. It may even be advisable to create spaces that allow for this arrangement. In terms of equity, both parties will present their cases remotely so that one party does not have an advantage of being in-person, while the other party is remote.

9. Clarify that no contact orders are discretionary, not mandatory

An interim protective measure in cases of reported sexual misconduct is a “No Contact” directive. The language in the Student Code of Conduct about how these directives are issued has led some parties to believe that they will be automatically instituted. The relevant provision reads “directives are to be issued in writing to persons involved in any alleged sexual misconduct promptly after the University receives notice of a complaint.” This language could be read to suggest “No Contact Directives” will be automatic upon reporting. However, this does not happen in practice for good reason. Issuing a no contact order requires communicating with a responding party the expectations of the directive, and that could have adverse consequences for the reporting party in circumstances of dating/domestic violence or stalking. Sometimes those situations require careful response to ensure a reporting party is not exposed to further harm. Sometimes a no contact order is not advisable, so the language should clarify that the imposition of No Contact Directives is discretionary. New language may be: “No Contact directives, if requested and appropriate, are to be issued in writing to persons involved in any alleged sexual misconduct...” No contact orders should be clearly described and documented with the reporting parties. When no contact orders are issued, they should be enforced without fear of retaliation, which involves improved training for students, faculty, and staff. It should be documented which campus spaces are included if a no contact directive is issued.

10. Temporary suspensions should provide for an immediate opportunity to contest the imposition of the suspension

The University has the authority to place a student on temporary suspension under limited circumstances. However, when a temporary suspension is imposed a responding party should be afforded the opportunity to challenge the factual basis upon which that temporary suspension is predicated. If not given a meaningful opportunity to be heard on the merits of the temporary suspension shortly after its imposition, the University may deprive a student of procedural due process if the temporary suspension extends on for a substantial amount of time before a formal hearing is held to decide the veracity of sexual misconduct allegations.

In practice, this opportunity has been afforded to responding parties, but the policy language should be clear that such an opportunity exists as a right protected by the policy.

11. Ensure equity, in so far as it is possible, with regard to University-provided advisors

The Federal Regulations require the University to supply an advisor to parties to facilitate cross examination on their behalf when they are unable to provide an advisor on their own. This requirement may create inequities for those parties who lack the means to secure an advisor of comparable competence to an opposing party's advisor. The Collaborative recommends, for example, that the University engage the College of Law to address the potential for this eventuality. For example, this could mean that the College of Law could use its clinical programs to prepare a group of advisors who could be called upon to function in this capacity. Perhaps even emeritus faculty could be included in the group. Should the university pursue partnership with the College of Law, it should be clear that any report involving students, faculty, or staff from that College would necessitate external advisors, unless such an advisor is selected by a party.

Advisors

We recommend UNL create a pool of trained Title IX advisors available for students who do not have access to an advisor with necessary legal knowledge, or whose advisors do not appear at a hearing.

The pool, available to the reporting party and responding party, should include ten to twelve members of diverse identities (e.g., gender, race/ethnicity).

Membership and selection process should be published on the IEC website. Students should be provided a list of considerations for choosing an advisor. For example, see:

<https://www.umsystem.edu/ums/dei/titleix/faqs#46>

<https://investigations.uoregon.edu/advisors-and-role-advisors#9>

Advisors should be trained by the Title IX Coordinator/IEC for familiarity with the investigation process, Title IX proceedings, appropriate questioning (e.g., questions that would and would not be considered relevant, rape shield protections, rules of decorum for asking questions), and student support resources. Advisors should be vetted by a panel, such as Collaborative members, (students, staff, and faculty), the Title IX Coordinator, and the Chancellor. Advisors could be recruited from the following groups (with emphasis on those with more applicable experience):

1. UNL Civil Law Clinic. Students could potentially receive class credit for participation
2. UNL College of Law professors
3. Community attorneys
4. Other campus/community individuals with appropriate legal knowledge

The number of advising hours provided to individuals will depend on the type of resolution sought, and should be communicated upfront.

Support Person

We recommend parties be allowed one **support person** through the Title IX process in addition to an advisor. This person would not participate in the cross-examination process but would serve as an additional support person. The support person could be a victim advocate, friend, or family member.

- Another option would be to work with the Nebraska Bar to identify a group of attorneys who may be willing to undergo training on the University's procedures to function in the capacity of advisors to reporting and responding parties.
- The College of Law could be utilized to ensure equitable advisors are available for parties involved. The college's clinical programs could be used to prepare a group of advisors who could be called upon to function in this capacity. Emeritus faculty could be included in the group if they so wish. Additional efforts should be made to work with the local bar association to identify a group of attorneys who may be willing to undergo training on the University's procedures to function in the capacity—pro bono—as well.

For Claimant (i.e., Reporting Party): IEC should provide information for and offer a connection with a CARE advocate during the initial contact (i.e., show a short, supportive, introductory video by CARE).

For Respondent (i.e., Responding Party): IEC should provide a parallel resource for respondents with information on their support options available.

12. Extend the application of conduct policies to address sexual misconduct that occurs during University programs and activities abroad

The Collaborative believes the University should extend its policies prohibiting sexual misconduct to instances that occur while on university-sponsored student travel abroad. The Collaborative understands that Title IX requires such cases to be dismissed, but that the University may act under the auspices of its other Conduct policies. The only difference would be an acknowledgement that the location of the alleged offense was outside of the United States and must be dismissed under Title IX but will be pursued

under the Code of Student Conduct or other similar policy (e.g., a general sexual misconduct policy that address both Title IX and non-Title IX infractions). The members of the Collaborative were aware that the procedural safeguards would likely need to be the same for these circumstances to position the University successfully in the event of litigation.

13. Create a policy working group within the Chancellor’s Commission on Sexual Misconduct

Pursuant to RP 2.1.8. P, (Periodic Review), that states, “This sexual misconduct policy will be reviewed at least every two (2) years,” this policy working group will (1) identify and analyze all existing reporting streams for sexual misconduct outside of Title IX; and (2) establish alternative reporting streams to address any form of sexual misconduct that will fall through the gaps (e.g., to report a sexual assault committed by a student in non-university owned housing). This group should include representative faculty, staff, students, and at least one person with research expertise in sexual violence.

A. New Policy: Required Educational Programming for the Campus Community

Implicit bias training and trauma-informed practices should be incorporated into all versions of required faculty and staff training with an emphasis on where to direct students to proper resources. UNL will enforce attendance of training for all (faculty, staff, and instructors) by individual departments holding their faculty and staff accountable for training completion via the annual review process.

1. Students

The University of Nebraska has created an online educational program that is accessible to all students, faculty, and staff. All campus members are expected to complete the education when they are new to campus. However, completion rates are not what they should be. Students on the Working Group were very adamant about creating this as a requirement, and pointed to other peers in the Big 10 Athletic Conference who had placed a requirement on all campus members. For this reason, the Chancellor should amend Policy Memorandum 2015-06 to require that all incoming students (first-year, transfer, first-year law college, first-year graduate, etc.) complete an educational training program on sexual misconduct before the first day of class for their first semester at the University of Nebraska-Lincoln.

All incoming students must complete one session of a half-day (4-7 hours) in-person, peer-led sexual misconduct workshop. The training at a minimum should meet the requirements of the Clery Act as amended by the Violence Against

Women Act of 2014, incorporate greater content about affirmative consent, and incorporate best practices for prevention education. In-person, face-to-face education is preferable to online education. However, both options should be available to students to satisfy the requirement and follow trauma-informed practices. This recommendation should be prioritized for implementation in the 2021-2022 year.

All workshops will be held prior to incoming students' first day of class. Students starting school in the Fall, Spring, or Summer semesters will have three date options (preferably a Saturday in August, January, and May).

Peer leaders for the workshop will include trained volunteers (possibly recruited from relevant campus stakeholders such as PREVENT, ASUN, NSE, this collaborative, etc.) representing a diverse population of UNL students (undergraduate, graduate, in-state, out-of-state, etc.).

Attendance could be enforced by placing a hold on registration for next semester's classes until completion.

Content of the inclusive, culturally-informed, and trauma-informed training should include, as appropriate for the student audience:

1. Bystander intervention²
2. Affirmative consent education
3. Healthy relationships (of all types)
4. Sexual health
5. Campus resources, including CARE and CAPS as confidential sources
6. Title IX process (including expected and mandatory reporting procedures)
7. Review of University Sexual Misconduct policies

Trainings should be tailored to meet the needs of specific student populations, including undergraduates, graduate, and professional students.

2. *Faculty and staff*

Like new students, all new faculty and staff should be required to complete training on sexual misconduct within the first month of employment and should be renewed every three years. The Chancellor's Policy Memorandum 2015-06 could be a vehicle for promulgating this policy. An independent policy could be adopted by the Faculty Senate, UAAD, and UNOPA. Additionally, the Committee recommends ongoing training for all faculty and staff.

Faculty and staff training should be offered as an in-person and online training to facilitate ease of completion. Accountability for completion should be held by departments, and department executive officers (DEOs) should be held to account for the number of employees that have complied with the requirement. All faculty and staff should be required to complete the training on three-year basis or when new policies are developed, and at least 90 percent of department employees should have current training in any given year.

To assure faculty participation, the Collaborative recommends that the faculty fellows' program in the Office of Academic Affairs be used to facilitate trainings for departments that request in-person trainings. Faculty believe that a format and model exists based on free speech trainings that occurred during the 2017-18 academic year and can be expanded to include sexual misconduct training.

3. *Title IX Office Coordinator and Employees*

All Title IX staff should be up-to-date on research literature involving sexual misconduct with an understanding of best practices for a trauma-informed responses through annual professional development training, conducted by experts at UNL and/or outside organizations that specializes in such training. Title IX staff should document their training through a continuing education process that will be part of their annual evaluations.

4. *University Police and University Health Center Employees*

All University Police and University Health Center employees should attend in-person training overseen by the Collaborative and IEC, renewed every three years or when new policies are developed, in line with other university trainings.

5. *CARE Employees*

Continuing education should be of utmost importance to CARE office employees to remain updated on best practices, in conjunction with the Title IX Office and the Collaborative.

B. New Policy: Required syllabus statement

One powerful way to convey the importance of eliminating sexual misconduct on campus is to require a brief statement on course syllabi that address the following: (1) whether or not the instructor for the course is expected to report, (2) how to contact a confidential reporting source, and (3) how to report for the purposes of engaging the University's response framework (non-confidential reporting sources).

The mandatory language should include a link to the website with centralized information in addition to the information from the CARE office. It can mimic the mental health

resource mandatory wording and should detail what is considered to be sexual misconduct at UNL.

An example statement might be: “The University of Nebraska–Lincoln is committed to fostering a campus environment where violence and sexual misconduct is not tolerated. If you have experienced violence or sexual misconduct including sexual assault, sexual harassment, dating violence, partner violence, or stalking, confidential resources are available through the Center for Advocacy, Response, & Education (CARE) if you are seeking support or would like to explore your reporting options.”

C. New Policy: Employment offer letters should indicate one’s status as a responsible or an expected reporter.

Human resources and department HR managers should include a statement in letters of offer indicating whether or not the position for which they are hiring is a responsible or an expected reporter and what being an expected reporter means. The statement should also indicate that continued employment in the position is predicated on completing required training on sexual misconduct and Title IX.

Human resource personnel should also include the same information regarding an employee’s status as a Campus Security Authority under the Clery Act. The training for these two statuses should be complementary and educate the employee on how to differentiate between the reporting requirements of the two laws.

SEXUAL MISCONDUCT PREVENTION, EDUCATION, AND INTERVENTION AT UNL

Previous external and internal reports have guided the Collaborative’s recommendations. They are summarized below (see A-C).

A. National College Health Assessment (NCHA)

The American College Health Association–National College Health Assessment (NCHA) is a nationally recognized research survey that assists higher education institutions in collecting data about students’ health habits, behaviors, and perceptions including personal safety and violence. Three prevention and education team members skilled in data analysis examined data from Nebraska’s National College Health Assessment to create a profile of sexual misconduct prevalence rates on UNL’s campus. This analysis helped guide our recommendations by providing insights into prevalence rates and informing prevention and education recommendations.

Behavior (Past 12 Months) ^a	% “Yes” ^b	At 25,332 ^c Students
Survivors—reported “yes” for any of the behaviors	18.9% (590 of 3,117)	4,788
Intimate Partner Violence	12.2% (379 of 3,117)	3,091
Sexual Assault by a Non-Partner	5.0% (155 of 3,093)	1,267
Sexual Assault	5.9% (150 of 2,501)	1,494
Stalking	2.4% (74 of 3,101)	6,080
Sexual harassment	7.0% (217 of 3,093)	1,773

Data from the National College Health Assessment, collected by the American College Health Association at UNL in November 2019.

^a The assessment asked specifically about behaviors occurring only in the 12 months prior to the survey.

^b Participants did not have to respond to all items. Numbers in parentheses are the number of individuals who indicated they had experienced a particular behavior, followed by the number of participants who answered the item(s) involved with the behavior.

^c The Fall 2019 headcount enrollment was 25,332. If the sample of students represents the student body, this would be the number of students expected to have experienced the listed behavior.

Characteristic	Response Option		% Reporting “Yes”	
Status in School	1st Year Undergraduate	(441)	17.5%	(77)
	2nd Year Undergraduate	(311)	23.8%	(74)
	3rd Year Undergraduate	(318)	21.4%	(68)
	4th Year Undergraduate	(277)	23.5%	(65)
	5th+ Year Undergraduate	(101)	19.8%	(20)
	<i>All Undergraduate</i>	<i>(1,448)</i>	<i>21.0%</i>	<i>(304)</i>
	Master’s Student	(678)	17.8%	(121)
	Doctoral Student	(933)	16.6%	(155)
	<i>All Graduate</i>	<i>(1,611)</i>	<i>17.1%</i>	<i>(276)</i>
	Non-Degree Seeking	(12)	8.3%	(1)
	Other	(30)	20.0%	(6)
	<i>Total</i>	<i>(3,10)</i>	<i>18.9%</i>	<i>(587)</i>

The rates were similar for all students, but undergraduates reported experiencing sexual misconduct at higher rates (21.0%) than graduate students (17.1%).

B. ASUN’s Student Leadership Summit

The Association of Students of the University of Nebraska (ASUN) held its 2nd Annual Student Leadership Summit on Tuesday, November 19th, 2019 from 7:00pm-8:30pm in the City Campus Union. Student leaders attended four breakout sessions. Facilitators addressed topics: sexual misconduct; mental health; diversity, inclusion, and equity; and environmental sustainability.

Professional staff from the Center for Advocacy, Response, and Education (CARE) and the Women’s Center along with two ASUN officers led the discussion for sexual misconduct.

Over 20 questions stimulated conversations with the nearly 30 leaders. Highlights from the discussion included:

- Concern that sexual assault was more prevalent in the fraternity and sorority life system than among the general student body.
- Concern that international students do not get enough information about expectations regarding sexual behaviors in the US.
- Training for faculty and staff on how to respond to disclosures of sexual misconduct and resources are lacking.
- Training for students needs to be ongoing and peer-led, with faculty/staff support.

C. Big 10 Benchmark Study

Highlights from the Big 10 benchmark study were:

1. Focus on having students lead efforts
2. Mandatory training for first year students and refresher courses every year after
3. Bystander education training
4. Campus-wide coalition
5. Big 10 institutions should work together and support each other as no one has all the answers
6. Focus on consent and healthy relationships

RECOMMENDATIONS FOR SEXUAL MISCONDUCT EDUCATION AND INTERVENTION

When sexual misconduct occurs, effective intervention much be informed by best practices in psychological science. Effective intervention includes defining consent and addressing reporting processes and trauma-informed best practices in intervention. Recommendations for education and intervention are described below.

1. Conduct a Needs Assessment

A needs assessment is an important tool in planning and developing a coordinated response to sexual misconduct prevention. Needs assessments clearly identify the need and demand, conduct a review of existing and related services, identify barriers to prevention, gather information to refocus and enhance current prevention efforts, and stimulate more responsive services by involving users and community stakeholders. This needs assessment should include both qualitative and quantitative data collection methods and should be conducted in collaboration with experts in these methodologies. Included in the Needs Assessment will be a glossary of terms, including, “trauma-informed,” “ally,” “climate survey,” “bystander,” “sexual assault,” etc. While this Collaborative report provides some initial work on

a needs assessment, we are recommending that UNL conduct an extensive needs assessment in 2020-2021.

2. Promote and Support Campus-Wide Training and Education

- Enhance mandatory education around sexual misconduct. Consider it a requirement for registration for new students and for the annual evaluation process for faculty and staff. Consider it to be annually for students and every-other-year for faculty and staff.
- Develop stand-alone website for sexual misconduct.
 - o Link to campus, community, and national resources.
 - o Reduce the number of clicks to get to the information.
 - o Make it easy to follow the reporting process.
 - o Access website quickly with a Google search.
 - o Place resource information on the main page under the student tab of UNL’s website.
 - o Position safe campus website similar to the TIPS website at the bottom of each page.
- Recognize the special needs of International Students and LGBTQA+ students and transform education for these populations.
- Reduce barriers to reporting for all students including reducing stigma and language barriers, concerns about confidentiality, and concerns about not being believed.
- Provide mandatory bystander education for all students, faculty, and staff.
- Develop and implement an Ally training for men.
- Promote the definition of affirmative consent.
- Normalize the conversation about sexual violence by covering the campus with fliers and stickers about resources. Include a QPR code on fliers and stickers.
- Provide all faculty and staff with clear guidance on what action they are expected to take upon learning of emergency situations and dangerous situations which are likely to recur, regardless of expected reporting status. The message that should be promoted is “we expect you to report because it advances our shared interest in preventing and remedying the negative effects of violence at the University.”
- Provide annual mandatory training on sexual misconduct for all faculty and staff in addition to individuals who are Campus Security Authorities under the Clery Act and who are designated as “Officials with Authority” under Title IX.
- Provide additional training for interested students, faculty, and staff on prevention strategies for various forms of sexual misconduct.
 - o Include prevention strategies for individuals and groups.
 - o Incorporate how to report incidents to authorities (IEC, UPD, individuals with responsibility for a space or program), as appropriate.
 - o Increase awareness of campus and community confidential resources (CARE, CAPS, EAP, Voices of Hope, RAINN).

- Provide campus community members with tools to avoid perpetrating sexual misconduct.
- Ensure that Title IX Officials with Authority recognize all forms of sexual misconduct, including knowing how to report incidents, and understanding their duties to do so.
- Provide students, faculty and staff with clear guidance on how to handle emergency situations and dangerous situations, which are likely to recur.

3. Develop Ongoing Evaluations of Sexual Misconduct

- Develop and distribute an annual campus climate survey to better understand student, faculty, and staff perception of UNL's climate regarding sexual misconduct; how the institution responds to sexual misconduct; and whether and how often they have experienced sexual misconduct. We recommend a climate survey be conducted every- other-year. We recommend that the climate survey be conducted in collaboration with faculty with relevant research expertise.
 - Consider using a firm or an independent survey unit (i.e., BOSR) that specializes in administering a pre-existing and accepted climate surveys. The firm should also be familiar with best practices in prevention and response to sexual misconduct.
 - Work with institutional and local experts to develop solutions based on the analysis and recommendations provided by the firm conducting the survey.
 - Repeat assessment on a cyclical basis, every two years, according to LB 534.
 - Use data to improve prevention and response efforts.
 - ARC3 is currently developing a climate survey for faculty and staff and are looking for schools to pilot it. We recommend that UNL pilots this survey for faculty and staff.

4. Enhance Leadership and Collaboration

- Provide many opportunities for students to be involved including a robust peer education program, policy development, and promotional materials development.
- As previously mentioned, continue the sexual misconduct collaborative with faculty, staff and students. Encourage monthly meetings that look at the data and respond to university challenges.
- Revisit the agreement with the Lancaster County and City of Lincoln Sexual Assault Response Team (SART) that includes representation from CARE, UPD, Friendship Home, Voices of Hope, the LPD Victim Witness Assistance Office, and County Prosecutor.
- Ensure adequate staffing in prevention and education efforts across all colleges. Colleges should have staff dedicated to prevention/education and victim advocacy.
- Establish a culture of continued support through writing grants to address prevention and education including local, regional, and national grant opportunities.

5. Integrate Training across the Campus Community

- UNL should increase training on both bystander intervention and affirmative consent

for all members of the campus community. We recommend incorporating these trainings into the freshman year Husker Dialogues experience; including them as part of the annual Registered Student Organization (RSO) training that usually covers NvolveU, and revamping the faculty/staff Firefly training to include an in-person component. Additional trainings should be required for Residence Assistants, ASUN members, Office of Fraternity and Sorority Life groups, RSO leaders

- Peer-to-peer education can be promoted by providing opportunities for students to be trained on leading informational sessions to their peers and allow professors and student groups to request training for orientation, classes, and organization meetings. See UNL REACH training as a model for implementation. (<https://preventsuicide.unl.edu/reach-training-0>).

6. Recommendations for the Office of Institutional Equity and Compliance Practices

- All relevant employees involved in the Title IX process should be trained in trauma informed care and restorative practices as an option for informal resolutions. As soon as someone files a complaint, a CARE Advocate will be offered to meet with them immediately to go over their options should they choose to accept this service. In the event a CARE Advocate is not immediately available, we recommend CARE create a video to show at the time someone files a complaint. A CARE Advocate should follow up with a phone call within 24 hours. If the reporting party does not feel comfortable with an internal advocate, a list of community advocates will be provided.
- Having an advocate support the individual when they first make a statement to IEC will show them they are supported by the University. We want them to be aware of CARE in order to go over their choices, know that they have a voice, and can trust someone who will be confidential.
- As previously mentioned the Title IX coordinator will draft syllabus language that professors must include in their syllabus.
- Produce and publicly distribute an annual report, from UNL's IEC office in response to reports of sexual misconduct. The Title IX website should include all relevant information to involved parties, including information about CARE advocates and Student Legal Services. This website should be kept up-to-date and be easily accessible to students, faculty, and staff.
- UNL should invest in bathroom stickers (possibly with funds from ASUN Student Government) that includes the Title IX website and what Title IX does.

7. Alternative Grounds for Appeal

New Title IX regulations allow for the following bases for appeal: procedural irregularity, newly discovered evidence, or bias or conflict of interest on the part of the Title IX Coordinator, investigator, or decision-maker. We recommend UNL expand the bases a party has to appeal a decision to include the following:

- The administrative action does not match the level of the policy violation.
- There was a clear error in the factual finding for which the administrative action was taken.
- Provided evidence was not considered in the final decision (adapted from UNL Student Code of Conduct).

- If there is a question of whether the investigation and hearing process were conducted in conformity with procedures required by the policy. Please note that a deviation from procedures is not a basis for sustaining an appeal unless significant prejudice results.

8. Recommendations to Clarify Reporting Roles, Processes, and Options

- Develop a clear description of avenues (including and beyond Title IX) for reporting, investigating, hearing, and appealing cases of sexual misconduct and share widely with students, faculty, and administrators.
- Provide consistent, renewable training for all university employees and other members of the campus community (e.g., students) on the mandatory reporting policy. This training must include a clear description of each employee role (i.e., Confidential, Expected Reporter, Discloser-Directed). For employees, this training should be renewed every two to three years or whenever the employee's category changes. This training must also include best practices for responding to a sexual misconduct disclosure regardless of one's reporting status, including easy-to-access digital tools for employee perusal.
- Require Institutional Equity & Compliance, (in collaboration with campus stakeholders) to create, maintain, and distribute online and printed guides for (a) Officials with Authority (defined by the new DoE regulations), (b) Completely Confidential (i.e., mental health practitioners, legal counsel), and (c) Discloser-Directed Employees (i.e., employees who are not officials with authority nor completely confidential) that clearly outline how these employees should respond to a disclosure, including the information they must share about their reporting duties, the information they must provide about confidential resources, and the steps they must take to properly report.
 - o **Mandatory Reporters:** The university is required to designate certain employees who are responsible for reporting incidents of sexual misconduct to the Title IX Coordinator (and possibly another Official with Authority) for the purpose of conducting an investigation into the situation. Sexual misconduct includes sexual harassment, dating violence, domestic violence, stalking and sexual assault. Not all university employees are designated as Mandatory Reporters. Most UNL faculty and staff members are not Mandatory Reporters. Only those individuals identified by title on this webpage are Mandatory Reporters. Note: The university should include a complete list of Mandatory Reporters on a website that is available to the public and easy to locate. This list should be updated regularly as needed. Faculty and staff should be notified and should go through training when their Mandatory Reporters status changes (e.g., a faculty member becomes a chair).
 - o **Confidential Employees:** There are certain employees on campus who one can talk to in near complete confidence. These individuals have no responsibility to take action, report to law enforcement, or report to the university the information that is shared with them, so long as the individual is acting in their role as counselor, advocate, medical provider, or attorney at the time one's concerns are shared (note: an exception to this rule is that confidential employees must also follow state reporting laws, e.g. reporting child abuse). These employees have the same obligations as the Discloser-Directed Employees in terms of responding in a supportive manner and offering

information about resources and options to report (see below), but their professional obligations and/or commitment to confidentiality provide an additional layer of confidentiality for those who desire it. Confidential employees have a professional commitment and/or legal privilege that may enable them to successfully oppose an application for a court order seeking disclosure of communications. Confidential employees will inform the discloser that if they share their concerns only with a confidential employee, the university will not conduct an investigation unless the discloser takes further action to inform campus authorities of their concerns, or the university learns about their situation from another source. Note: the university should complete a list of all confidential employees and publish this list on a website that is available to the public and easy to locate. This list should be updated regularly as needed. This list should include (but is not limited to) CAPS counselors, student legal services, Psychological Consultation Center (PCC), Counseling and School Psychology Clinic, UNL Employee Assistance Program employees, UNL Athletics psychologists and doctors, and CARE advocates, interns, and employees.

- o Discloser-Directed Employees: All employees who are not designated as (a) Officials with Authority, (b) Mandatory Reporters, or (c) Confidential Employees are designated as (d) Discloser-Directed Employees. When these employees receive a disclosure of sexual misconduct, they are required to (1) listen and respond in a respectful, supportive manner, which includes avoiding victim blaming language and being sensitive to their needs without being judgmental, paternalistic, discriminatory, or retaliatory; (2) provide information about reporting options; (3) ask if the person who disclosed wants to make a report to the Title IX Coordinator and respect their decision; (4) provide information about confidential resources that can offer more extensive support; and (5) ask if the person who disclosed wants you to help them connect with a confidential resource and respect their decision. These employees will only report the information shared to the Title IX Coordinator when the person who disclosed requests that the information be reported (unless someone is in imminent risk of serious harm or a minor). While Discloser-Directed Employees are required to provide information and resources, they do not have the ability to address the sexual misconduct or to implement corrective measures in response to a disclosure.

9. Recommendations to Ensure Equity in Title IX Processes and Proceedings

- Provide formal training and regular compliance checks for use of trauma informed approaches by Title IX investigators and decision-makers. This could be provided by internal experts like CARE, faculty researchers, and/or external consultants.
- Provide clear definitions of reporting roles. We respectfully request that our language recommending different categories of reporters be added—we have adapted it with new policy language.
- Provide consistent, renewable training for all university employees and other members of the campus community (e.g., students) on the mandatory reporting policy. This training must include a clear description of each reporting role. For employees, this training should be renewed every two to three years or whenever the employee category changes (e.g., an employee becomes a chair and moves from

a Discloser-Directed employee to a responsible employee category). This training must also include best practices for responding to a sexual misconduct disclosure regardless of one's reporting status, including easy-to-access digital tools for employee perusal.

- Require all investigators, hearing officers, and decision makers engage in implicit bias and anti-oppression training that addresses race, gender, sexual identity, and socioeconomic status.

UNL's Collaborative on Sexual Misconduct sincerely hopes that this report provides a roadmap for creating and maintaining a caring campus community where all voices are heard, respected, and validated.

Respectfully Submitted,

*The University of Nebraska-Lincoln's Campus-Wide Collaborative on Sexual Misconduct
Committee*

ADOPTION OF BEST PRACTICES FOR RESPONDING TO SEXUAL MISCONDUCT

The CORE Blueprint documents emphasize the value of policies and procedures that institute best practices for campus responses to sexual misconduct. The Committee identified several practices for UNL to adopt, including: creating a Chancellor’s commission for sexual misconduct; a reporting culture that supports connection to CARE advocates; special training for key campus populations; enhanced web and multi-media resources; developing resources for responding parties; developing resources for faculty and staff.

A. Create a Chancellor’s Commission on Sexual Misconduct that includes student members

According to the CORE Toolkit, a “campus leadership team” plays an important role in continuing efforts to shape policies, culture, and climate about sexual misconduct. Comprised of stakeholders from the campus community, including survivors of sexual assault, the role of a campus leadership team is to facilitate and coordinate the University’s efforts. Fortunately, UNL has existing models for such a team, the three Chancellor’s Commissions. The creation of a specific Commission on sexual misconduct signals that sexual misconduct is an issue of ongoing concern on campus, that campus leaders take seriously the task of preventing and addressing sexual misconduct, and that administration is open to conversations and advice about best practices for those tasks.

Like the existing commissions, we recommend the new Commission to comprise councils representing faculty, staff, and students, including representatives from CARE, the Title IX Office, University Police, Big Red Resilience & Well-Being, the Women’s Center, the LGBTQA+ Center, faculty, as well as student representatives at the undergraduate, graduate, and professional levels. Additionally, a group of students at the undergraduate, graduate, and professional levels will serve on the Student Advisory Board, which will be selected through an open application process housed in ASUN. The major role of the Chancellor’s Commission is to provide continuing coordination and consultation for campus sexual misconduct programs and policies, reporting directly to the Chancellor. Tasks of the new commission should include (but may not be limited to):

1. Advising the University on current best practices in addressing campus sexual misconduct.
2. Routinely reviewing university policies in light of federal and state guidelines and best practices, making recommendations to the Chancellor as appropriate
3. Monitoring and coordinating prevention, intervention, and training programs across units
4. Gathering and reviewing data or reports regarding campus climate

B. Reporting culture should emphasize initial connection with a CARE advocate

Through our conversations, committee members heard that reporting parties had very inconsistent experiences within the Title IX process and that there was a lack of clarity about the role of Title IX officers. The University’s CARE Advocates are best equipped to support reporting parties, provide information about options, connect them with the Title IX office, and support them in navigating that process. This does not mean access to the Title IX office is restricted. In keeping with federal guidelines, the Title IX office remains responsible for publicizing how to access their office. Rather, communications (e.g., website, literature, training) should emphasize what the CARE office does and the role of advocates as confidential

resources.

Given the shifts in the federal policy, the university community in general should be informed who is a mandatory reporter and who is a confidential resource. Under current policy, CARE advocates and health care providers are confidential, while a select group of others are expected to report allegations of sexual misconduct.

An accessible website attached to CARE should show the different methods and resources for reporting with included statements from other resource points, such as BRRWB, UHC, etc. Specifically, the website should include a reporting flow chart to increase the purpose and overall transparency of the Title IX Office detailing reporting options, supplemented by detailed descriptions of each step of the process. The website should also detail the list of mandatory reporters, peer support groups and RSO's (such as Dear UNL), and have pertinent information from the Student Code of Conduct.

Students should be directed to the CARE office as a first point of contact in the reporting process to learn about reporting options and support resources. Parties, upon their first interaction with the Title IX office, should be shown a video explaining the role of the CARE office and be presented with the opportunity to meet with an advocate before continuing forward in the reporting process. Title IX should inform survivors of their ability to make accommodations/modification requests, the types of requests they can make, and how to make requests. All requests for accommodations/modifications must be communicated to the necessary parties via the Title IX office, regardless of reporting status, status of the investigation, and/or finding of the investigation.

C. Special training for key campus populations

The committee's review of UNL policies indicated variability in the nature and extent of training about responding to reports of sexual misconduct. Best practices indicate that training should occur when a person enters a new role and occur on an annual basis for individuals continuing in their roles. Crucially, all training should be trauma-informed and outline specific roles, responsibilities, and procedural steps for responding to reports of sexual misconduct. Training should be appropriately tailored to the specific needs of campus offices, programs, and organizations, including:

1. Title IX Staff, CARE Staff, Heath Center personnel, and UNLPD
2. Faculty & Staff Leaders of Co-Curricular Programs
 - a. Leaders of faculty-led programs abroad
 - b. Alternative spring break coordinators
 - c. Registered student organization advisors
 - d. Sport club coaches
 - e. Athletic coaches and trainers
 - f. Fine and Performing Arts staff
3. Residence Hall Staff & Fraternity and Sorority Life Housing Directors
4. New Student Enrollment Guides
5. Academic Advisors
6. Campus Religious Workers (ACReW)
7. Education Abroad Office staff

8. Volunteers working in student outreach and peer education groups.

Uplift support groups, such as PREVENT and the CARE Office, through potential exploration of additional funding, such as through the Pepsi Student Endowment to increase service capacity.

9. Sexual Health Ambassadors, in conjunction with the Women's Center, Health Center, and CARE, should be created to perform classroom and on-campus outreach about healthy sexual relationships, pass out information pamphlets, and offer other sexual health resources!

Academic accommodations must be made for students involved in the Title IX process, with their consent. If the student consents, Title IX must notify the faculty discreetly to ask for academic accommodations.

10. Accommodations could include changing to a different course section, offering remote instruction by recording lectures, giving the student an Incomplete with the ability to finish the work for the course in the future, and assigning alternate, equivalent assignments.

11. There should be a zero tolerance policy for advisor retaliation, particularly regarding funding, for graduate students.

12. Survivors should have an option to guarantee assistantship and post-doctoral funding should they lose their existing funding after reporting.

D. Title IX Office

Increase visibility of statistics with easily accessible yearly Clery reports on the Title IX website that includes relevant information from University Police year-end reports. In addition, we recommend that the IEC office produces and disseminates an annual report that includes Title IX data from the preceding academic year.

More comprehensive, accurate, and easily accessible information should be detailed on the Title IX website, including: (1) an updated staff directory with pictures and accurate contact information of all Title IX staff and office locations; (2) the protocol for filing reports and exactly what every step entails for all reporting and support seeking processes. This information should be clearly detailed, in-depth, and easily accessible; (3) information about the length of the process should be clearly stated; (4) detailed, annotated step-by-step mock cases should be available online for survivors; (5) there should be an easily accessible FAQ that includes statistics for all types of reporting, which includes the number and types of reports, outcome of investigations, sanctions, length of investigation, number of appeals, and outcome of appeals.

The Collaborative recognizes that the federal regulations requirements state that the investigative report is to be released to the parties and their advisors before it is finalized. Section 34 CFR 106.45(b)(5)(vi) includes the statement "evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the [University] does not intend to rely..." By Federal law, the investigator is going to have to provide all information gathered.

Parties should be provided with clear, written instructions about how to receive copies of recordings, transcripts, or evidence related to proceedings. The Title IX office must provide a clear and detailed written statement about the limitations of evidence that can/will be provided and reasoning why.

The Investigator will create an Investigative Report that fairly summarizes relevant evidence. At least ten (10) University Days prior to a hearing, or other time of determination regarding responsibility (whichever allows for a longer time period), the Investigator will send to each party and the party's advisor, if any, the Investigative Report in an electronic format or a hard copy, for their review and written response. Both parties will have the right to review each other's responses and the responses will be provided at the hearing.

Ensure live hearings physically separate the parties and rely on audio-visual technology that facilitates cross-party communication. The appeals process should be made equally as transparent and understandable for all parties.

E. User-friendly multimedia resources to aid policy interpretation and understanding

Through our conversations and members' own exploration of the UNL website, the committee noticed many areas of improvement that would expand the university community's access to information about sexual misconduct prevention and reporting procedures. Improvements and regular updates to the website also facilitates transparency and consistency in the reporting and investigation process. In addition, a visible and regularly updated digital presence provides a broad platform to UNL's communicate climate and culture goals regarding sexual misconduct.

1. Centralized web page accessible from the UNL Home page
2. Visually attractive infographics that present policy and procedures in digestible form (e.g., flowchart)
3. Multimedia explanations
 - a. Short videos (YouTube Channels for Title IX, Student Conduct, and CARE)
 - b. Mediated PowerPoints or Presentations
4. Specific information regarding who is a mandatory reporter and who is a confidential resource.
5. Specific sections dedicated to the CARE office and its role.
6. Specific sections dedicated to the Title IX office and its role, and training materials in use (in compliance with the May 2020 federal policy).

F. Develop resources for responding parties

In keeping with the spirit of the May 2020 federal policy, the committee suggested the need for responding parties to have contact with a process advisor or resource coordinator, perhaps in conjunction with BIT team as appropriate.

G. Develop resources for faculty, instructors, and staff to deliver to students in need of support

Similar to the required training and syllabus statements, faculty, instructors, and staff should have access to up-to-date resources to provide students in need of support. In particular, information should include: links to the UNL centralized webpage on sexual misconduct, how to contact a confidential report source (e.g., CARE staff), a health care provider (e.g., University Health Center), and a mental health care provider (e.g., CAPS). Hard copies should be made available to all academic departments and units.

APPENDIX B: SOCIAL-ECOLOGICAL MODEL FOR PREVENTION AND INTERVENTION IN SEXUAL MISCONDUCT

Sexual violence is a major and serious public health problem on college campuses in the United States that negatively affects the well-being of individuals every year at notably high rates (Dills, Fowler, & Payne, 2016; Fisher, Cullen, & Turner, 2000). In fact, according to Mellins and colleagues (2017), 22% of students report experiencing at least one incident of sexual assault since entering college, with women and gender non-conforming students disclosing the highest rates; though, 6% of men also claimed to experience sexual assault. According to the Bureau of Justice Statistics, approximately 21% of undergraduate women revealed they had been sexually assaulted since entering college (Krebs, 2016). These prevalence rates for sexual violence against women on college campuses match rates of earlier studies where between 15% to 31% of women reported experiencing sexual violence victimization (Fedina, Holmes, & Backes, 2018). Thus, sexual assault on college campuses in the United States is a pervasive public health crisis.

Studies indicate that sexual violence on universities impact the health, risk behaviors, academic performance, and perceived safety of individuals on college campuses. Short and long-term consequences of campus-based sexual violence induce problems such as eating disorders, post-traumatic stress disorder, depression, anxiety, and suicidal ideation (Black et al., 2011; Campbell, Dworkin, and Cabral, 2009; Gidycz, Orchowski, King, & Rich, 2008). Physical injuries, sexually transmitted infections, and chronic illness have also been reported to result from such violence (Campbell, Self, & Ahrens, 2003; Fisher, Cullen, & Turner, 2006). Individuals who experience sexual assault may engage in binge drinking, abuse drugs, have lower academic achievement, drop classes more often, and withdraw from institutions (Combs, Jordan, & Smith, 2014). Given the challenging health, behavioral, and academic outcomes, sexual assault negatively impacts campus safety; to improve the well-being of students on college campuses, sexual violence needs to be prevented.

PREVIOUS SOLUTIONS

LEGAL RESPONSES

College campuses attempted to solve the problem of sexual violence through legal and preventive efforts. Legal strategies stem back to the early 1970s, when an increasing amount of literature suggested that the population of women being victimized was growing; a series of federal government legislative measures were released to reduce the prevalence of sexual violence on campuses across the United States (Gray, Hassija, & Steinmetz, 2017). In 1972, Title IX was developed to federally prohibit sex-based discrimination in any program or activity that receives federal funding (Gray et al., 2017). This discrimination on the basis of sex can include sexual harassment, rape, and sexual assault; if sexual harassment or assault are discovered within university programs and activities, the university can be held legally responsible (Gray et al., 2017). The Clery Act of 1990 intersects with Title IX, and functions like a bill of rights for sexual assault survivors by holding the university accountable for notifying survivors of counseling resources, the option to report, providing accommodations, and notification of the outcome of disciplinary proceedings; it also requires all institutions of higher education that participate in federal financial aid programs to maintain and report on campus crime (Gray et al., 2017). The Violence Against Women Act (VAWA) of 1994 and Campus Sexual Assault Victim's Bill of Rights mandate that federally funded educational institutions address sexual assault problems by developing and implementing prevention programs and sexual assault response policies (Tani, 2017). The Campus Sexual Violence Elimination Act (SaVE) is a federal

policy requiring all federally funded universities to implement bystander intervention programs for staff and students, where the goals focus on helping others at risk and preventing sexual victimization before perpetration occurs (Gray et al., 2017). Following a U.S. Department of Justice study released in 2007 which demonstrated that 20% of women will experience sexual assault from the time they set foot on campus to the time they leave, the Department of Education (DOE) and Office of Civil Rights (OCR) released a “Dear Colleague Letter” (2011); this letter reminded institutions of higher education of their responsibility to respond to sexual assault in a timely manner; failure to comply would create a hostile student environment and may result in loss of federal funding (Tani, 2017). These judicial-driven strategies to reduce sexual violence on college campuses indicate that protecting victims from violence is a political and institutional imperative.

CURRENT SOLUTIONS

PUBLIC HEALTH RESPONSES

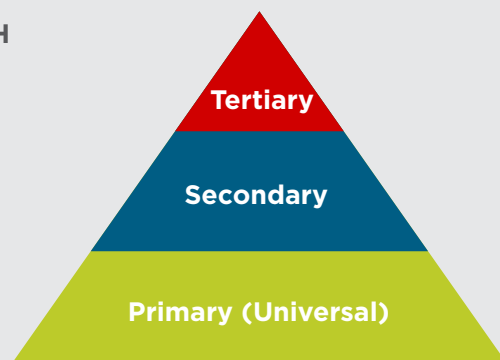
Prevention programs based on public health strategies were developed to address campus sexual violence given its role as a public health concern. In fact, the Centers for Disease Control encourages institutions of higher education to address sexual violence via public health methodology (Cox, Ortega, Cook-Craig, & Conway, 2010; DeGue et al., 2012). The public health model has four basic steps:

1. Define and monitor the problem
2. Identify risk and protective factors
3. Develop and test prevention strategies
4. Implement successful programs broadly (Krug, Mercy, Dahlberg, & Zwi, 2002).

Prevention and intervention, which aim to improve health-related concerns may be enacted at the three levels based on when to prevent (ideally) and to intervene: primary, secondary, and tertiary.

- **Primary prevention** of sexual violence takes place before sexual violence has occurred to prevent initial perpetration or victimization;
- **Secondary interventions** respond immediately after sexual violence has occurred to deal with the short-term consequences of violence

PUBLIC HEALTH PYRAMID



Provide Intervention for those affected

Programs targeted at families in need to alleviate identified problems and prevent escalation

Programs targeted at entire population in order to provide support and education before problems occur

- **Tertiary preventions** are *long-term responses after sexual violence has occurred* to deal with the lasting consequences (CDC, 2004).

Different strategies are used depending on who the intervention targets.

- **Universal interventions** are approaches aimed at groups or the general population regardless of individual risk for sexual violence perpetration or victimization.
- **Selected interventions** are approaches aimed at those who are thought to have a heightened risk for sexual violence perpetration or victimization
- **Indicated interventions** are approaches aimed at those who already perpetrated sexual violence or have been victimized.

Each type of prevention has unique advantages and disadvantages. However, the type of preventative measure that should be selected depends on who is at risk; if everyone is at equal risk, a universal prevention is appropriate; if a specific group has been identified as high risk, then a selected prevention is more appropriate (CDC, 2004; Krug et al., 2002; Powell, 1999).

The social-ecological model of prevention supports the notion that sexual violence is a complex issue and results from multiple influences on human behaviors. This model is commonly used to identify varying levels of influences on an individual such as a person's biology/individual factors, relational influences, organizational and community influences, and the larger society:

- Individual influences
- Peer influences
- Community Influences
- Societal Influences



RISK FACTORS

The CDC argues that strategies should be focused on reducing the number of sexual perpetrators in order to prevent placing the burden for preventing sexual violence on potential victims (DeGue et al., 2012). Thus, designing effective interventions from a public health lens requires understanding the risk and protective factors associated with sexual violence perpetration. Krug and colleagues (2002) describe several factors related to perpetration of sexual violence including specific groups, pornography use, substance use, social norms, emotion regulation, attitudes, and a history of childhood sexual abuse. Groups with a large all-male identification (e.g., military, athletes, and fraternities), and freshman and sophomore students are more likely to perpetrate sexual violence (Harway & Steel, 2015; Spencer & Bryant, 2000); individuals who frequently use pornography and substances may also be more at risk for sexual violence perpetration (Harway & Steel, 2015; Spencer & Bryant, 2000). Students with emotion regulation challenges like low self-control may be at higher risk, as are students who hold attitudes reflecting traditional gender stereotypes and rape supportive attitudes (Basille, Espelage, River, McMahon, & Simon, 2009; Franklin, Bouffard, & Pratt, 2012). Yet, there are also important protective factors that may buffer risk of violence perpetration like emotional health and connectedness, achievement, coming from a family that was high in reasoning to resolve conflicts, and empathy (Tharp et al., 2013). In order to develop strategies to prevent sexual violence on college campuses specifically, prevention programs

should be developed to target malleable risk and protective factors associated with sexual violence perpetration.

PREVENTION PROGRAMS

Several primary universal prevention programs for addressing sexual violence on college campuses have been developed and evaluated with little evidence of effectiveness. One program has received promising support called “Bringing in the Bystander” (Gray et al., 2017; Banyard, Moynihan, Plante, 2007) which can decrease rape supportive attitudes and increase bystander behavior. Another program often used across campuses is the “GreenDot” bystander intervention by Coker and colleagues (2011) which may increase bystander behavior and decrease self-reported violence perpetration. Other bystander based and universal prevention approaches have historically been initiated across colleges and universities for the past thirty years such as “One Act” (Alegria-Flores et al., 2017), “InterACT” (Gray et al., 2017), “Take Care” (Kleinsasser and colleagues, 2015), “Peer education theater” (McMahon, Postmus, Warrener, Koenick, 2014), Sharrp Consent 101 (Borges, Banyard, and Moynihan, 2008), and “Acquaintance Rape Prevention Program” (Pinzone-Glover, Gidycz, Jacobs, 1998), to name a few. However, these programs do not demonstrate changes in reported sexual violence perpetration or victimization according to a systematic review conducted by DeGue and colleagues (2014).

While evidence suggests that some groups are at a higher risk of sexual violence perpetration, only a handful of programs have responded to the call that prevention programs on college campuses should target specific high risk groups such as men (Abbey, 2005; Crooks, Goodall, Hughes, & Baker, 2007; Foubert, 2000; Katz, 2006; Kilmartin & Berkowitz, 2001; Rich, Utley, Janke, & Moldoveanu, 2010; Rozee & Koss, 2001; Smith & Welchans, 2000). Some primary selected prevention programs target women, as they are at a higher risk of victimization; yet, doing so may be inappropriately targeting the solution to the problem. Examples of primary selected programs include the Women’s Program, Real Consent, The Men’s Program, The Men’s project, and videos targeting empathy, attitudes, and education (DeGue et al., 2014). Yet, many of these programs have a null or inconsistent effect on sexual violence behavior, and some primary selected interventions are potentially harmful for sexually violent behavioral outcomes (DeGue et al., 2014). As a matter of fact, some primary selected programs which target men (i.e., videos targeting empathy, attitudes, and education) revealed a marginally significant increase in sexually violent behavior for the intervention group. At follow-up, high risk men in the intervention groups had a significant increase in sexually violent behavior when compared to the control group (DeGue et al., 2014). While prevention programs may improve knowledge related to sexual violence and decrease rape-supportive attitudes and beliefs among participants, few demonstrate reductions in sexually violent perpetrator behavior. Universities often have limited resources; thus, targeting at-risk groups in prevention is often more cost effective than universal strategies. However, rigorous research and programs are needed to eliminate the problem of sexual violence on college campuses (CDC, 2004).

Universities may benefit from broadening their prevention approach to be positively oriented and comprehensive. According to the principles of effective prevention programming (Nation et al., 2003), effective prevention programs emphasize building positive, respectful relationships; they also teach conflict resolution and communication skills; additionally, they address multiple components demonstrated to impact a variety of college student problems (Hamby & Grych, 2013). For instance, evidence describes many direct links between discrimination and interpersonal violence which may impact students on college campuses; this evidence suggests the importance of understanding how intersectionality contributes to all kinds of interpersonal violence perpetration (i.e., psychological, physical, and sexual) on college campuses (Sugarman et al., 2018). The disproportionate rates of sexual and

interpersonal violence victimization among students from minority populations (LGBTQ [lesbian, gay, bisexual, transgender, queer], students with disabilities, racial, and ethnic minorities) highlight the need for inclusive and culturally specific responses to victims, as well as prevention programs which tackle the intersectionality and interconnectedness of multiple forms of violence (Fedina, Holmes, & Backes, 2018). For instance, there are often prevention programs that separately address bullying, cyber-bullying, dating violence, and sexual violence; yet, these programs are often offered independently of one another (Hamby & Grych, 2013). Additional research has called for evidence-based preventive interventions to focus on individuals who commit discriminatory acts, or “hate-motivated aggression” (Sugarman et al., 2018). If a prevention program were to address the interconnections between different violence types (e.g., psychological, physical, sexual, discrimination), it may lead to a more effective prevention strategy that actually reduces the number of interpersonal violence victims on college campuses (Hamby & Grych, 2013). Utilizing a **comprehensive interpersonal violence prevention approach may best impact diverse forms of student dangers if they target the multiple components of violence through a positive, relationship-oriented approach** (Hamby & Grych, 2013; Nation et al., 2003).

SOCIAL-ECOLOGICAL LOGIC MODEL FOR PREVENTING AND RESPONDING TO SEXUAL MISCONDUCT

INDIVIDUAL

The individual level of sexual assault prevention seeks to implement an educational infrastructure that ensures all members of the campus community understand concepts of consent and intervention, in turn increasing the likelihood that each individual will prevent sexual misconduct from occurring at UNL.

1. Inputs
 - a. Regularly collect qualitative feedback from faculty, staff, and stakeholder student groups, including:
 - International students, athletes, sororities, fraternities, OASIS, DEAR UNL, LGBTQ+, Disability Club, RHA.
 - b. Conduct an annual quantitative survey of all students regarding baseline data on prevalence of sexual violence.
 - c. Utilize Clery Report data in all campus planning.
 - d. Conduct comprehensive campus climate survey of all students regarding baseline data on the prevalence of campus safety (evidence-based, comprehensive survey information available upon request from CDC).
2. Activities
 - a. Campus-wide bystander intervention training (evidence-informed, culturally sensitive, multi-session; e.g., Bringing in the Bystander).
 - b. Healthy Relationships course for incoming freshman and sophomores.
 - c. Documenting program progress and making it accessible in multiple formats, including:
 - Online, in written publications, in dorms, in academic buildings.

3. Outputs
 - a. Number of students engaged in bystander intervention.
 - b. Number of students engaged in Healthy Relationship skills course.
 - c. Clery Report data on reporting.
 - d. Survey data.
4. Outcomes
 - a. Increased bystander readiness, intentions, and behaviors.
 - b. Increased social and emotional learning skills.
 - c. Increased perceptions and understanding of social norms.
 - d. Increased diffusion skills.
 - e. Increased perception of school safety.
5. Impact
 - a. Reductions in sexual violence.
 - b. Reductions in dating violence.
 - c. Reductions in bullying.
 - d. Reductions in alcohol use.
 - e. Safer campus and downtown community.

PEER/PARTNER

The peer/partner prevention level identifies opportunities for implementing prevention-focused education in common campus power structures. It seeks to utilize members of the campus community to train other members of the campus community.

1. Inputs
 - a. Dorm and RA training focused on trauma-informed response and risk reduction.
 - Clarify RA's role as both students and university employees.
 - Heavily emphasize bystander intervention in the dorm setting: Dorm lobbies are often the last point of intervention before a critical situation.
 - Utilize dorm bathrooms, common spaces, and mailboxes as opportunities to provide reporting information.
 - b. Sexual misconduct education within the Greek system:
 - Train peer leaders within each chapter to serve as educators and supports who can provide resources to survivors.
 - Engage Greek leadership in campus-wide prevention events, such as Red Zone programming and the End Rape on Campus march.
 - c. Athletics:
 - Train coaching and athletic training staff in intervention and trauma-informed response.

- Increase access to impartial third-party reporting staff within the athletics department to ensure student athletes have reporting access outside of biased department structures.
2. Activities
 - a. Dorm-based intervention that reinforces positive norms and skills related to bystander behavior and healthy sexuality (e.g., keep doing videos on bystander behavior).
 - b. Greek Life intervention.
 - c. Coach implemented intervention for addressing hyper-masculine peer forms that support or facilitate sexual violence. (e.g., Coaching Boys into Men).
 3. Outputs
 - a. Number of athletes, military, Greek members engaged in selected intervention.
 - b. Number of dorms engaged in positive norms and social skills.
 4. Outcomes
 - a. Decreased hostile environments.
 - b. Increased awareness of consent within athletics, military, and Greek members.
 5. Impact
 - a. Reductions in sexual violence.
 - b. Reductions in dating violence.
 - c. Reductions in bullying.
 - d. Reductions in alcohol use.
 - e. Safer campus and downtown community.

COMMUNITY

The community level of sexual assault prevention aims to deliver a campus-wide education infrastructure that increases prevention efforts across all levels of the campus community, ranging from administration to students.

1. Inputs
 - a. Identify relevant administration leaders and maintain contact with students on the UNL Collaborative on Sexual Misconduct and the Chancellor's Commission on the Status of Women
 - b. Identify social media platforms to deliver messaging in addition to relevant telehealth providers
 - c. Develop map for identifying hot spots on campus.
 - d. Find relevant information for faculty and staff related to mandatory reporting, trauma-informed disclosure response, and syllabi resources
2. Activities
 - a. Administration

- Train Campus Leadership on a Community of Safety and Respect.
 - Continue practices of engaging all campus members in establishing sexual misconduct reduction planning, including the UNL Collaborative on Sexual Misconduct and the Chancellor's Commission on the Status of Women
- b. Online Presence:
- Social media marketing campaign campus-wide to address norms related to sexual violence. (e.g., Poster and University Radio program)
 - Maintain transparent, online databases of all resources available to campus community members.
 - Utilize tele-health and tele-counseling opportunities to connect survivors with support services
- c. Hot-spot mapping to identify and monitor unsafe areas on campus.
- d. Faculty and Staff:
- Ensure faculty and staff fully understand their responsibilities as mandatory reporters.
 - Train faculty and staff members in trauma-informed sexual misconduct response.
 - Encourage faculty members to utilize syllabi and Canvas resources for education and promoting resources.
3. Outputs
- a. Number of campus leaders who complete training each year.
 - b. Number of youth engaged on social media platforms using related hashtags.
 - c. Number of hotspots mapped.
 - d. Consistent, empathetic response to survivors across faculty and staff in all departments and campus entities.
4. Outcomes
- a. Increased awareness.
 - b. Increased understanding of sexual violence.
 - c. Increased ease in locating accurate, up-to-date information on sexual misconduct.
5. Impact
- a. Reductions in sexual violence.
 - b. Reductions in dating violence.
 - c. Reductions in bullying.
 - d. Reductions in alcohol use.
 - e. Safer campus and downtown community.
 - f. Greater understanding of legal requirements at all levels of campus community.
 - g. Increasing culture of trust through trauma-informed response.

SOCIETY

Though our prevention recommendations are primarily aimed at preventing sexual misconduct within the University of Nebraska–Lincoln community, UNL students, faculty, and staff members engage with entities beyond the boundaries of campus. With this in mind, the societal level of prevention seeks to identify opportunities for prevention and education in the broader community in which UNL exists.

1. Inputs
 - a. Identify schools in the Lincoln Public Schools, Omaha Public Schools and other UNL-feeding high school districts.
 - b. Co-develop BASICS program with sexual consent training component with faculty who have knowledge of sexual violence in the field of psychology and related fields
 - c. Identify staff to lead BASICS program with sexual consent training component.
 - d. Regularly collect city-wide survey data on alcohol use (i.e., such data may already be gathered regularly; utilize what's been made available through relevant entities like the sociology department, SBSRC, MERC, and potentially others).
 - e. Regularly collect city-wide survey data on law enforcement and support.
 - f. Identify bars and Uber drivers especially popular among undergraduate students (i.e., Iguanas, the Railyard, Fat Toad, Brothers, the Rail, the Bar).
 - g. Develop mailings and strategies to communicate with student's parents around subjects like sexual misconduct, alcohol use, and safety.
2. Activities
 - a. Partner with Lincoln Public Schools, Omaha Public Schools, and other primary UNL-feeding high school districts to ensure future students have a baseline knowledge of sex education and consent before coming to campus.
 - b. Facilitate campus initiatives to support and enforce alcohol policy efforts (e.g., other federally funded universities, like the University of Missouri-Columbia, have used the BASICS program to support students who have violated alcohol policies on campus).
 - c. Strengthen and support alcohol-use enforcement policies on and off campus.
 - d. Partner with Uber drivers and local bars to address the problem of alcohol use and sexual violence.
 - e. Host conversations and disseminate information on consent and sexual misconduct prevention to students' parents during orientation events and post-commitment deadline mailings.
 - Help students and parents to better understand how age of majority policies and power of attorney affect students' ability to seek and receive support.
3. Outputs
 - a. A prevention webpage with clear information related to all levels of the intervention strategies (e.g., inputs, activities, outputs, outcomes, and impact at the individual, peer/partner, community, and society level); includes additional information related to:

- Schools that have been partnered with.
 - BASICS program.
 - Survey data.
 - Partnerships with bars.
 - All other policy information should be clearly and succinctly stated on said webpage and other platforms.
- b. Number of students referred to BASICS, number of students who completed BASICS, qualitative report of BASICS.
 - c. Number of Uber drivers and bars reported.
 - d. Number of parents engaged in mailings.
4. Outcomes
- a. Decreased alcohol use across campus.
 - b. Decreased alcohol violations on campus.
 - c. Increased awareness of consent, even prior to students setting foot on campus.
 - d. Increased trust in enforcement and response.
 - e. Increased society trust and safety.
5. Impact
- a. Reductions in sexual violence.
 - b. Reductions in dating violence.
 - c. Reductions in bullying.
 - d. Reductions in alcohol use.
 - e. Safer campus and downtown community.



***IN OUR GRIT,
OUR GLORY***



▶▶▶ **APPENDIX K**

UNK Annual Campus Security and Fire Report

Annual Campus Security and Fire Report

2020



Safety and security information for the University of Nebraska-Kearney, including crime & fire statistics for the 2019 calendar year, and the information required by the Drug-Free Schools and Communities Act of 1989. This information was submitted to the U.S. Department of Education according to law.

The University of Nebraska at Kearney is responsive to University issues that support a diverse work and academic environment. The University of Nebraska at Kearney does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status and/or political affiliation in its programs, activities or employment. This policy is applicable to all University administered programs including educational programs, financial aid, admission policies and employment policies. UNK is an Affirmative Action Equal Opportunity employer. Veterans or persons with disabilities are encouraged to apply. The University affirms a policy of equal education and employment opportunities, affirmative action in employment and nondiscrimination in providing services to the public. University employees, students and others associated with the University who have not received the benefits of these policies, are encouraged to contact the Chief Compliance Officer/ADA Coordinator.

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Annual Campus Security and Fire Safety Report and Clery Act Overview

The University of Nebraska-Kearney Police Department (UNKPD) has responsibility for the preparation and distribution of the University of Nebraska-Kearney's (UNK) Annual Campus Security and Fire Safety Report (ASR). This is reviewed and updated annually as one cohesive document per the requirements of federal law known as the Clery Act. To ensure the ASR is accurate and comprehensive, the UNKPD uses its own records as well as sends out formal requests for crime statistics and a request for other necessary information to Campus Security Authorities (see description below). Requests are also made to any applicable law enforcement agencies that have jurisdiction over Clery Act geography (while statistical requests are made, the agencies are not required to provide their statistics and so not all do; all viable statistics that are received are included in the crime numbers provided later in this report. The data is compiled and reviewed to ensure that no duplication takes place and that things are appropriately categorized. All records concerning the completion of the ASR (crime reports, daily incident logs, referrals for disciplinary action, copies of timely warnings, etc.) are maintained by the UNKPD.

The ASR is completed and posted by October 1st of each year (with exception to the 2020 report that covers 2019; it is due December 31, 2020.) The ASR is compiled and prepared by the Clery Coordinator position held within the UNKPD. The ASR and other crime prevention, safety and reporting information can be found on the UNKPD website:

https://www.unk.edu/bf/files/p_and_p_linked_files/clery.pdf

In accordance with the Student Right to Know and Campus Security Act of 1990, 20 U.S.C. Section 1092 the University of Nebraska at Kearney annually direct e-mails all currently enrolled students and current employees notifying them of the Annual Campus Security and Fire Safety Report. Copies of the report can also be obtained at the UNK Police Department office in the Facilities Building at 2501 19th Avenue or by calling (308) 865-8911. A link to this report is located on the employment web page and the student admissions web page. Upon request, applicants for enrollment or employment will also be given a hard copy of this report.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) is the landmark federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The "Clery Act" is named in memory of 19-year-old Lehigh University freshman Jeanne Ann Clery who was raped and murdered while asleep in her residence hall room on April 5, 1986. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Act is enforced by the United States Department of Education.

Among other things, the Clery Act requires colleges and universities to:

Disclose "statistics" concerning the occurrence of certain criminal offenses reported to local law enforcement agencies or any official of the institution who is the CSA, which means that CSAs are required to relay the type of crime reported and its location to UNKPD for statistical purposes and to determine if there is an ongoing threat to the campus community. This does not mean that law enforcement must be involved or charges filed, as this is up to the victim, and no names will be provided by the CSA without prior approval of the reporting party. Crimes may be reported to any CSA.

Creation of an Annual Security Report (ASR) – a compilation of information including updated policies, updated statistics (including crimes) for the last three years and additional requirements defined by the Department of Education.

Publish an Annual Security Report (ASR) – by October 1st (with exception to the 2020 report that covers 2019; it is due December 31, 2020), documenting three calendar years of select campus crime statistics, including security policies, procedures and information on the basic rights guaranteed to victims of sexual assault, domestic violence, dating violence and stalking. The law requires that schools notify and make the report available to all current students, current employees, prospective students and prospective employees and will also provide a copy upon request. Schools may comply with this requirement via the internet as long as required recipients are notified and have been provided exact information regarding the on-line location of the report.

Maintain a public crime log – Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time and general location of each crime" and its disposition, if known. Incidents must be entered into the log within two business days. The log should be accessible to the public during normal business hours; remain open for sixty (60) days and, subsequently, made available within two business days upon request.

Disclose and provide to the U.S. Department of Education, crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities, including Greek housing and remote classrooms.

The statistics must be gathered from campus police or security, local law enforcement and other school officials who have "significant responsibility for student and campus activities," (Campus Security Authority) (CSA). The Clery Act requires reporting of crimes in seven major categories, some with significant sub-categories and conditions:

1. Criminal Homicide
 - a. Murder & Non-negligent manslaughter
 - b. Negligent manslaughter
2. Sex Offenses
 - a. Rape
 - b. Fondling
 - c. Incest
 - d. Statutory Rape
3. Robbery
4. Aggravated Assault
5. Burglary
6. Motor Vehicle Theft
7. Arson

Hate crimes must be reported by category of prejudice, including race, gender, religion, national origin, sexual orientation, gender identity, ethnicity and/or disability. In addition to the above-noted crimes, if the crime committed is classified as a hate crime, statistics are required for the following four additional crime categories:

1. Larceny/Theft
2. Simple Assault
3. Intimidation
4. Destruction/Damage/Vandalism of Property

The statistics for the following incidents must be reported in addition to those above:

1. Domestic Violence
2. Dating Violence
3. Stalking

Institutions are required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):

1. Liquor Law Violations
2. Drug Law Violations
3. Illegal Weapons Possession

Issue timely warnings about Clery Act crimes that pose a serious or ongoing threat to students and employees – Institutions must provide timely warnings in a manner likely to reach all members of the campus community. Timely warnings are limited to those crimes and incidents an institution is required to report and include in its ASR. There are differences between what constitutes a timely warning and an emergency notification; however, both systems are in place to safeguard students and campus employees.

Devise an emergency response, notification and testing policy – Institutions are required to inform the campus community about a “significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.” An emergency response expands the definition of timely warning as it includes both *Clery Act crimes* and other types of emergencies (i.e., a fire or infectious disease outbreak). Colleges and universities with and without on-campus residential facilities must have emergency response and evacuation procedures in place. Institutions are mandated to disclose a summary of these procedures in their ASR. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test.

Compile and report fire data to the federal government and publish an annual fire safety report – Similar to the ASR and the current crime log, institutions with on-campus housing must report fires that occur in on-campus housing, generate both an annual fire report and maintain a fire log that is accessible to the public. If specifically identified as such, the fire report can be combined with the annual crime report, and the fire log can be combined with the crime log (UNK combines the reports and logs).

Enact policies and procedures to handle reports of missing students – This requirement is intended to minimize delays and confusion during the initial stages of a missing student investigation. Institutions must designate one or more positions or organizations to which reports of a student living in on-campus housing can be filed if it’s believed that a student has been missing for 24-hours.

Campus Security Authority (CSA) – if someone has significant responsibility for student and campus activities, he or she is a campus security authority. This is to include, but not limited to, the Chancellor, Senior Vice Chancellor of Academic/Student Affairs, Dean of Student Affairs, Police Officers, Community Service Officers, Student Conduct Officer, Residence Life staff, Student Activities staff, Director of Counseling and Student Health, Part-time Victim Advocate, Athletics, Human Resources, Ombudsperson, Title IX Specialist and student organization advisors. Other officials may be identified by additional policy generated by the Chancellor or his/her designee as deemed necessary and the university will maintain, revise and disseminate procedures as required to effectuate this legislation. Professional mental health, pastoral and other licensed counselors (when functioning in that capacity) are not considered campus security authorities. However, all members of the university community including the above listed are encouraged to report crimes or criminal activity utilizing the CSA Reporting form, by directly contacting the UNK Police Department or anonymously at the University’s “Silent Witness” web page http://www.unk.edu/offices/police/police_services/unk_silent_witness.php .

This gives employees and students the ability to report a crime voluntarily and confidentially. Further, professional mental health, and other licensed counselors are encouraged to let their clients know their options for reporting such crimes.

Student Code of Conduct – The University of Nebraska at Kearney (UNK) is a community of scholars that values the freedoms of inquiry and expression. The Student Code of Conduct is intended to present a clear statement of student rights and responsibilities and to set forth the procedures established by the University of Nebraska at Kearney to protect those rights and address the abdication of those responsibilities. The Student Code of Conduct describes the types of acts that are not acceptable in an academic community, as well as the general processes used to address those acts.

The UNK Student Code of Conduct procedures act as an educationally-based fact-finding process, not a court of law. Its proceedings are not civil or criminal trials. The hearings are not adversarial proceedings but rather inquiries conducted by the Conduct Officer and/or Board. Students do not relinquish their rights or shed their responsibilities as citizens by becoming members of the University community. Students must also be aware that, as citizens, they are subject to all federal and state laws in addition to all University regulations governing student conduct and responsibilities.

Law Enforcement on campus – The UNK Police Department, which has 8 full-time and 1 part-time certified officers having full police and arrest powers, one full-time Community Service Officer and one part-time Community Service Officer (CSO) that are in charge of coordinating all campus safety and security measures. UNK Police Department officers enforce University regulations and laws of the State of Nebraska on the University of Nebraska Kearney campus. These men and women complete courses of certification at the Nebraska State Law Enforcement Training Center and are commissioned by the State of Nebraska as Special Deputy Sheriffs. They undergo continuous training to upgrade and maintain their professional skills as law enforcement officers.

The UNKPD also employs one full-time Community Service Officer and one part-time Community Service Officer (CSO) whose primary purpose is to provide security on campus. CSOs do not have arrest powers (non-commissioned); however, they do undergo training in the areas of security, life safety, and the handling of situations with which they may be confronted. CSOs patrol the buildings and surrounding areas, maintaining constant radio contact with the UNKPD officers, requesting officer assistance when necessary.

UNK Police Department officers enforce University regulations, laws of the State of Nebraska within their jurisdiction which includes all university-owned, leased or controlled property and the streets adjoining and adjacent to the university and also support the Kearney Police Department.

Maintain a public crime log – Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time and general location of each crime" and its disposition, if known. Incidents must be entered into the log within two business days. The log should be accessible to the public during normal business hours; remain open for sixty (60) days and, subsequently, made available within two business days upon request.

UNK Police Department officers are responsible for a full range of public safety services, including investigations, medical emergencies, fire emergencies, traffic accidents, enforcement of state and local laws and all other incidents requiring police assistance to include arresting necessary persons.

UNK Police Department officers conduct foot, bicycle and motorized patrol of campus 24-hours a day, 365-days a year. UNK Police Department works closely with the Kearney Police Department, the Buffalo County Sheriff's Office and the Nebraska State Patrol. Although there are no written memoranda of understandings between these agencies, all agencies actively assist each other as needed. Incidences that cross jurisdictions or require additional personnel or equipment beyond the University's abilities will be conducted jointly with another agency. The Kearney Police Department also responds to any off-campus incident involving student activities within the city limits. UNKPD will assist them upon their request. University police officers have direct radio communication with both the Kearney Police Department and the Buffalo County Sheriff's Department and are part of the Buffalo County 911 Emergency Center, as they dispatch for the university.

A request is sent annually for information from KPD, BCSO and NSP to see if any crimes were responded to in our geographical area. In addition, a letter is sent requesting KPD, BCSO and NSP's assistance in notifying UNKPD immediately if they become aware of a situation that is a significant emergency or danger, that may pose an immediate or ongoing threat to the health and safety of students and/or employees on campus. We request information from KPD, BCSO and NSP for any crimes that occur at locations for non-campus functions where student activities are held.

To report a crime UNKPD can be contacted by telephone, in person, or by e-mail:

1. **Phone:** Contact UNKPD at 308-865-8911
2. **Email:** unkpd@unk.edu
3. **Emergency:** If it is an emergency, simply dial 911. All law enforcement agencies in Buffalo County work from the same dispatch system. If dialing 911, the call will automatically be dispatched to the agency having primary jurisdiction.
4. **In person:** Stop in the UNKPD, located at 2501 19th Avenue, or if you see an UNKPD officer in a vehicle, on foot, bicycle, get their attention and they will assist you.
5. **"Silent Witness" web page:** for voluntary and confidential reporting, submit a "Silent Witness" form at http://www.unk.edu/offices/police/police_services/unk_silent_witness.php.

Upon receipt of a call, UNK Police Officers are dispatched to the site of the complaint to investigate the situation. They prepare and submit incident reports for use by the UNK authorities, other law enforcement agencies, and city, county, state or federal prosecutors. All incident reports involving UNK students or reports that occur in the residence halls are forwarded to the Student Conduct Officer and/or the Office of Residence Life for review and potential disciplinary action. Incidents of sexual misconduct are forwarded to the University Title IX Coordinator.

Reporting will assist the university in taking steps to ensure the safety of yourself and others. With such information, the university can also keep accurate records of the number of incidents occurring on University property, determine where there is a pattern of crime and alert the campus community to potential dangers.

Every month, the UNKPD provides its Uniform Crime Report to the Nebraska Crime Commission as required for inclusion of crime statistics that is published by the Federal Bureau of Investigation.

The University strongly encourages accurate and prompt reporting of all crimes to the UNKPD. The crime may, and should, be reported to local law enforcement agencies (Kearney Police Department, Buffalo County Sheriff and/or Nebraska State Patrol) if the incident occurred off campus. If unable to make the report, it is desired that someone else (witness, family member, etc.) who is aware of the incident does the reporting to ensure that the police are aware of the situation. Law enforcement will provide safety planning and should be notified, even if the incident is reported to other entities, internal or external, to the University. Victims and witnesses have the right to report any crime to law enforcement.

Not everyone may want to report crimes and/or press charges. It is the right of victims, no matter what the crime, to not report the crime to the UPD, a CSA, or any other authority if this is his/her wish. However, it is important for the safety of campus, as well as for the community as a whole, that any crime is reported so that appropriate measures can be taken (timely warnings, more police patrols, etc.). In addition, reporting helps ensure that the statistics publicized by the University are accurate. The University allows victims and witnesses to provide crime information on a voluntary, confidential basis if so desired.

Crime Statistics

The following criminal offenses were reported to the University police, designated Campus Security Authority or to local law enforcement agencies for university owned, leased or controlled property and the public property immediately adjacent to the main campus. To view a map of UNK campus you can go to this link: <http://www.unk.edu/about/fastfacts/maps-directions.php> . All years reflect a 12-month calendar year. The definitions for these crime categories are taken from the FBI's Uniform Crime Reporting Program and the Violence Against Women Act (VAWA).

A hate crime is: A crime that manifests evidence that the victim was intentionally selected because of the perpetrator's bias in a belief whether actual or perceived of the victim's race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability.

From time to time, an agency will receive a complaint that is determined, through investigation, to be false or baseless. In other words, no crime occurred. If the investigation shows no crime occurred, nor was attempted, the complaint is counted as an unfounded crime. Only after a thorough investigation is completed by the UNK Police Department, the Director of the UNK Police Department or his/her designee can classify a complaint as an unfounded crime.

Incidents shown in the "On-Campus Residential" category are also included in the statistics shown in the "On Campus" category.

In 2019, 2018 and 2017, the University Study Abroad program held classes and stayed at the Park Lodge Hotel located at Galway Ireland. In 2019, 2018 and 2017, statistics were not included as the information provided was for regions rather than specific locations and was not detailed enough for these purposes. In 2019, we did not receive responses from the Tahlequah Police Department, the Little Rock Police Department and the Mayetta Police Department.

Type of Crime	Year	On-Campus	On-Campus Residential	Non-Campus	Public Property	Unfounded Crimes	Hate Crimes
Criminal Homicide:							
Murder/Non-negligent Manslaughter	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
Manslaughter By Negligence	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
*Sex Offenses:							
Rape	2019	2	1	0	0	1	0
	2018	2	2	0	0	0	0
	2017	1	1	0	0	0	0
Fondling	2019	1	0	0	0	0	0
	2018	2	2	0	0	0	0
	2017	0	0	0	0	0	0
Incest	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
Statutory rape	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
Robbery	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	1	0	0	0	0	0
Aggravated Assault	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
Burglary	2019	3	2	0	0	0	0
	2018	2	2	0	0	0	0
	2017	2	2	0	0	0	0
Motor Vehicle Theft	2019	0	0	1	0	0	0
	2018	0	0	0	0	0	0
	2017	1	0	0	0	0	0
**Arson	2019	1	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0

Type of Crime	Year	On-Campus	On-Campus Residential	Non-Campus	Public Property	Unfounded Crimes	Hate Crimes
Violence Against Women Act (VAWA):							
**Dating Violence	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
**Domestic Violence	2019	1	1	0	0	0	0
	2018	0	0	0	0	0	0
	2017	2	2	0	0	0	0
**Stalking	2019	3	2	0	0	0	0
	2018	2	2	0	0	0	0
	2017	3	1	0	0	0	0
Liquor Law Violations:							0
Arrest	2019	18	15	0	2	0	0
	2018	13	13	0	0	0	0
	2017	67	60	0	9	0	0
Disciplinary Referrals	2019	15	14	0	0	0	0
	2018	16	10	1	0	0	0
	2017	29	29	0	0	0	0
Drug Related Violations:							
Arrest	2019	7	3	0	1	0	0
	2018	8	8	0	2	0	0
	2017	2	1	4	10	0	0
Disciplinary Referrals	2019	6	6	0	0	0	0
	2018	7	7	0	0	0	0
	2017	2	2	0	0	0	0
Weapons Law Violation:							
Arrest	2019	0	0	0	0	0	0
	2018	0	0	0	0	0	0
	2017	1	0	0	0	0	0
Disciplinary Referrals	2019	0	0	0	0	0	0
	2018	1	0	0	0	0	0
	2017	0	0	0	0	0	0
**Vandalism	2019	2	2	0	0	0	2
	2018	0	0	0	0	0	0
	2017	2	2	0	0	0	2

*If a homicide occurred during the commission of a sex offense, both the sex offense and homicide will appear in the statistics.

**These crimes are non-hierarchical, meaning they are reported separately; the crime may have occurred in conjunction with one of the above-noted crimes

Reported Hate Crimes

Hate crimes on campus:

2019 – Two (2) vandalism based on sexual orientation was reported.

2018 – No hate crimes were reported.

2017 – Two (2) vandalisms based on sexual orientation; one (1) intimidation based on race.

Hate crimes in on-campus housing:

2019 – Two (2) vandalism based on sexual orientation was reported.

2018 – No hate crimes were reported.

2017 – Two (2) vandalisms based on sexual orientation; one (1) intimidation based on race.

Hate crimes non-campus:

2019 – No hate crimes were reported.

2018 – No hate crimes were reported.

2017 – No hate crimes were reported.

Hate crimes on public property:

2019 – No hate crimes were reported.

2018 – No hate crimes were reported.

2017 – No hate crimes were reported.

Unfounded Crimes

Unfounded crimes on campus:

2019 – One (1) unfounded crime was reported.

2018 – No unfounded crimes.

2017 – No unfounded crimes.

University Notification

UNK believes that dissemination of information is the key to educating our community about the occurrence of crime on campus. Efforts are made to advise members of the campus community on a timely basis about university crime and crime-related problems. These efforts include the following:

1. Annual Report - An annual report of crime-related information is compiled. An e-mail is sent to university members telling them where/how to access the report.
2. Uniform Crime Report - UNK Police Department monthly submits crime statistics to the Uniform Crime Report that is published annually by the Federal Bureau of Investigation. The yearly report provides detailed statistical information and is available at public libraries.

3. Daily Crime and Fire Log - UNK Police Department document a daily crime log and fire log that details the date, time, general location, description of the crimes or fires and a disposition of the complaint that occurred in their patrol district. The log **does not** include names or specific locations, such as residence hall room numbers. This log is updated within 2-business days of the initial report being taken or any new information being obtained. However, if there is clear convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur. This log is available to the general public at the UNK Police Department Office located in the Facilities Building, at 2501 19th Avenue Kearney, NE and is maintained for a minimum of 60-days. Requests for crime log information in excess of the 60-day period will be honored within 2-business days.
4. UNK Alert - Is a notification system that allows the university to notify campus community members of a campus threat. Messages can be sent by e-mail, text message and phone. They can also be posted to the University website, Twitter and Facebook pages.

The release of information to the public shall be in compliance with all federal, state and local laws.

Timely Warnings

1. PURPOSE – Timely Warnings are issued by the University of Nebraska Kearney Police Department (UNKPD), or their designee and are used to notify the campus community in a timely manner of specific crimes that occur within the University Clery geographic area that pose a serious or continued threat to the campus community members. This notification is intended to aid in the prevention of future crimes and allow community members and visitors to take steps to aid in their own safety. Timely Warnings withhold the victim’s Personal Identifying Information. In order to disseminate emergency information to the larger community. Contact Buffalo county dispatch for them to utilize their alert system.

It is further the policy of this department to maintain compliance with applicable features of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

2. DEFINITIONS -

- A. Campus Security Authority: A Campus Security Authority (CSA) is any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. This includes anyone with security responsibility or anyone who has a significant responsibility for student and campus activities, including but not limited to, the following:
 - Chancellor
 - Senior Vice Chancellor of Academic/ Student Affairs
 - Dean- Student Affairs
 - Police Officers
 - Community Service Officers
 - Student Conduct
 - Housing Director, Resident Assistants, and Residential Life Specialist
 - Student Activities staff
 - Student Health Care
 - Athletics Director and Coaches
 - Human Resources
 - Ombudsperson
 - Title IX Specialist
 - Student Organization Advisors
 - Part-time Victim’s Advocate
- B. The Clery Act requires reporting of crimes in seven major categories, some with significant sub-categories and conditions:
 - A. Criminal Homicide
 - i. Murder & Non-negligent Manslaughter
 - ii. Manslaughter by Negligence
 - B. Sex Offenses
 - i. Rape
 - ii. Fondling
 - iii. Incest
 - iv. Statutory Rape
 - C. Robbery

- D. Aggravated Assault
 - E. Burglary
 - F. Motor Vehicle Theft
 - G. Arson
- C. Hate crimes must be reported by category of prejudice, including race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, and/or disability. In addition to the above-noted crimes, if the crime committed is classified as a hate crime, statistics are required for the following four additional crime categories:
- a. Larceny/Theft
 - b. Simple Assault
 - c. Intimidation
 - d. Destruction/Damage/Vandalism of Property
- D. The statistics for the following incidents must be reported in addition to those above:
- a. Domestic Violence
 - b. Dating Violence
 - c. Stalking
- E. Institutions are required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):
- a. Liquor Law Violations
 - b. Drug Law Violations
 - c. Illegal Weapons Possession
- F. Clery Geographic Area -
- a. Campus – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes. This includes residence halls and any building or property that is within or reasonably contiguous and owned by the institution but controlled by another person, is frequently used by students and supports the institutional purposes (such as food or retail vendors).
 - b. Non-campus building or property – Any building or property owned or controlled by a student organization that is officially recognized by the institution or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes. It is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.
 - c. Public Property – All public property, including thoroughfares, streets, sidewalks or parking facilities that is within the campus or immediately adjacent to and accessible from the campus.
- G. Pastoral Counselor -
A person who is associated with a religious order or denomination and is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

H. Professional Counselor -

A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution but are under contract to provide counseling at the institution.

3. POLICY STATEMENT -

The University of Nebraska at Kearney, in compliance with Clery Act – 20 USC 1092, will notify the campus community of Clery-specified crimes reported to UNKPD occurring in Clery geographic areas that represent a serious or continued threat to students and employees, by providing timely warnings.

4. PROCEDURES -

- A. Campus Security Authorities (CSA's) are required to notify UNKPD any time that they believe an incident has occurred that may be a Clery reportable crime within the predetermined Clery geographic areas. Due to the confidential nature of their job responsibilities, Pastoral or Professional Counselors are exempt from reporting to the police.
- B. UNKPD can be notified by calling 308-865-8911 or 911.
- C. Local law enforcement agencies also have been asked to notify UNKPD if they become aware of a situation that warrants a notice.
- D. If this emergency is a serious health matter, he or she should contact Student Health and Counseling at 308-865-8218, or 911.
- E. A timely warning must be issued for any Clery reportable crime that occurs in any Clery geographic areas and which poses a serious or continuing threat to the campus community.
- F. A timely warning may be issued for other incidents as deemed necessary by UNKPD taking into consideration the seriousness of the threat, its likelihood to continue to be a threat to the community, and the frequency of the incidents.
- G. The UNKPD Supervisor or the designee is responsible for making the decision whether a timely warning will be issued. He or she can do this in consultation with other University and city departments if needed.
- H. When assessing if a notification is necessitated, officers will determine if the incident was a Clery crime, if the incident happened on Clery geographic area and if there is a serious or continuing threat to the campus.

5. Determining Whether a Continued Threat Exists -

Whether a reported crime constitutes a continuing threat must be decided on a case-by-case basis in light of all the facts surrounding a crime. This includes factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

6. Determine who will receive the Notification -

1. Notification shall be sent to the appropriate segment or segments of the University that will be directly impacted by the incident. This will be determined by the agency confirming the facts of the incident.
2. In order to disseminate emergency information to a larger community (other than UNK) we would contact the Buffalo County dispatch for them to utilize their alert system.

7. Timely Warning Notice Content -

- A. The timely warning must contain sufficient information about the nature of the threat in order to allow members of the campus community to take action to protect themselves. The timely warning should include information that would promote safety and that would aid in the prevention of similar crimes.
- B. A timely warning may include but is not limited to the following, unless issuing any of this information would risk compromising law enforcement efforts:
 - a. Date and time of the incident;
 - b. A brief description of the incident;
 - c. Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips);
 - d. Suspect description(s) when deemed appropriate and if there is sufficient detail (the description of subjects in a case will only be included in a timely warning if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, they will not be included in the notification);
 - e. UNKPD contact information.
 - f. These warnings will withhold the names of the victims associated with any crimes;
 - g. Unless exigent circumstances exist, UNKPD will draft correspondence containing the proposed timely warning and forward it to UNK Communications and Marketing for review. At that point, it will be reviewed and then forwarded on for distribution. If exigent circumstances exist, the notification will be sent without the review process.

8. Timing of the Timely Warning -

- A. Although federal regulations provide no clear guidelines on the length of time between the receipt of a crime report and the dissemination of timely warnings, the University will take no more time than necessary to analyze the threat, determine the need for the notice and disseminate the timely warning. Due to necessity, a timely warning may be issued with few facts and then updated as more information is provided, if needed.
- B. Unless exigent circumstances exist, the UNKPD Director or designee, the Communications and Community Relations office and other departments as deemed necessary will determine the content of any follow-up messages and will use some or all of the below distribution methods to communicate updated information about the threat to the University community. This does not preclude UNKPD personnel from issuing follow-up messages independently if the nature of the emergency changes and continues to pose a threat to the university community.

9. Distribution -

- A. The timely warning must be distributed in a manner reasonably likely to reach the entire campus community as well as visitors.
- B. Depending on the circumstances any of the following methods, or combination thereof, may be used, including but not limited to:
 - i. UNK Alert which utilizes any or all of the following: e-mails, text-messages (SMS), phone calls, a post to Facebook, Twitter and the UNK website home page
 - ii. Campus-wide Announce e-mail to employees
 - iii. Campus-wide Announce or Student Bulletin e-mail to students
 - iv. Voice Over Fire Alarm system
 - v. News release or media statement

10. This policy is not applicable if a notification is sent out under the Immediate Notification Policy.

11. System Testing -

- A. The UNK Alert system is tested a minimum of once a semester by the EOT, unless it has already been activated for a real event prior to the scheduled drill.
- B. The Voice Over Fire Alarm Speaker system is tested annually.
- C. Any issues or concerns discovered during testing or during issuance of any message will be immediately addressed.

Immediate Notification Policy

1. PURPOSE -

Immediate Notifications are issued by the University of Nebraska Kearney Police Department (UNKPD), or their designee and are used to notify the campus community and visitors immediately upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors on campus.

It is further the policy of this department to maintain compliance with applicable features of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

2. DEFINITIONS -

A. Significant Emergency or Dangerous Situation – Any situation which encompasses an imminent or impending threat to the campus. This could include:

1. Serious criminal incidents
2. Active shooter/ armed intruder
3. Hostage/barricade incident
4. Civil unrest or rioting
5. Suspicious package, bomb or explosives confirmation
6. Severe structural damage or fire
7. Serious health outbreaks
8. Biological threat
9. Terrorist incidents
10. Approaching tornado, or extreme weather conditions
11. Gas leak

B. Responsible Authorities – Those persons who are receiving, responding to, or investigating the possibility of a significant emergency or dangerous situation.

C. Clery Geographic Area -

1. Campus – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes. This includes residence halls and any building or property that is within or reasonably contiguous and owned by the institution but controlled by another person, is frequently used by students and supports the institutional purposes (such as food or retail vendors).

2. Non-campus building or property – Any building or property owned or controlled by a student organization that is officially recognized by the institution or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes. It is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

3. Public Property – All public property, including thoroughfares, streets, sidewalks or parking facilities that is within the campus or immediately adjacent to and accessible from the campus.

4. Pastoral Counselor -

A person who is associated with a religious order or denomination and is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

5. Professional Counselor -

A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution but are under contract to provide counseling at the institution.

3. POLICY -

Per the Higher Education Opportunity Act, the University of Nebraska Kearney will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors on campus.

This notification is intended to allow community members to take steps to aid in their own safety. The university will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system. However, if issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

4. PROCEDURES -

A. How to Report –

1. Campus Security Authorities (CSA's) are required to notify UNKPD any time that they believe an incident has occurred that may be a Clery reportable crime within the predetermined Clery geographic areas. Due to the confidential nature of their job responsibilities, Pastoral or Professional Counselors are exempt from reporting to the police.
2. UNKPD can be notified by calling 308-865-8911 or 911.
3. Local law enforcement agencies also have been asked to notify UNKPD if they become aware of a situation that warrants a notice.
4. If this emergency is a serious health matter, (serious health out-break of illness), he / she should contact Student Health and Counseling at 308-865-8218 or 911.
5. An Immediate Notification may be issued for other incidents as deemed necessary by UNKPD taking into consideration the seriousness of the threat, its likelihood to continue to be a threat to the community, and the frequency of the incidents.
6. The UNKPD Supervisor or the designee is responsible for making the decision whether an Immediate Notification will be issued. He or she can do this in consultation with other University and city departments if needed.

- B. Process to Confirm -
 1. Once a report has been received, UNK Police Department or UNK Student Health and Counseling will, without delay, gather the necessary facts through investigations or through collaboration with other departments to determine if a threat exists as described above.
 2. During this process, UNK Student Health and Counseling will notify UNK Police Department of the investigation.

- C. Determine who will Receive the Notification -
 1. Notification shall be sent to the appropriate segment or segments of the University that will be directly impacted by the incident. This will be determined by the agency confirming the facts of the incident.
 2. In order to disseminate emergency information to a larger community (other than UNK) we would contact the Buffalo County dispatch for them to utilize their alert system.

- D. Determine the Content of the Message -
 1. Once facts are present to show there is a significant emergency or dangerous situation involving the immediate threat to the campus community, the agency confirming these facts will draft the content of the message.
 2. This notification will warn people in the affected area of the emergency and list any precautionary steps to take, if known.
 3. This notification will withhold the names of the victims associated with any emergency.
 4. Unless exigent circumstances exist, the Department of Communications and Marketing will determine the content of any follow-up messages with the assistance, as needed, from the Incident Commander, responding agencies and collaborating agencies. Any follow-up message will use some or all of the distribution systems available to the university.

- F. Determine how it will be Sent -
 1. Based on the above determination, the emergency and who is affected, UNKPD or their assisting agency will determine what modes of communication will be used.

 2. The methods of communication below may be utilized in the event of an Immediate Notification, including but not limited to:
 - a. UNK Alert which utilizes any or all of the following: e-mails, text-messages (SMS), phone calls, a post to Facebook, Twitter and the UNK website home page
 - b. Campus-wide Announce e-mail to employees
 - c. Campus-wide Announce or Student Bulletin e-mail to students
 - d. Voice Over Fire Alarm system
 - e. News release or media statement
 - f. Text messages
 - g. Social Media
 - h. Manual posting of notices

- G. Initiation of the System and any Follow Up Messages -
1. For immediacy, the initial message will be sent by UNKPD.
 2. If other departments are available at the time of the incident UNKPD may request assistance in sending the message. Other departments who have access and the ability to send the Immediate Notification message are:
 - a. Communications and Marketing
 - b. Emergency Planning and Management
 - c. Risk Management
 3. Unless exigent circumstances exist, the Department of Communications and Marketing will determine the content of any follow-up messages with the assistance, as needed, from the Incident Commander, responding agencies and collaborating agencies. Any follow-up message will use some or all of the distribution systems available to the University. There should always be a second follow-up message sent.
 4. If this policy is utilized the Timely Warning policy is not relevant. Federal law specifies that “an institution that follows its Immediate Notification procedure is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.
 5. EXTERNAL NOTIFICATIONS -
All external notifications will be handled by Communications and Marketing unless external media was used in the initial notification. Communications and Marketing will be the contact department for all external media unless otherwise determined through the Incident Command Process.
 6. SYSTEM TESTING -
 - a. The UNK Alert system is tested a minimum of once a semester by the UNK Police Department unless it is activated for a real event prior to the scheduled drill.
 - b. The Voice over Fire Alarm Speaker system is tested annually.
 - c. Any issues or concerns discovered during testing or during issuance of any message will be immediately addressed.

Emergency Response Procedures

UNK has an Emergency Operation Team (EOT), which has plans in place to deal with emergency situations on the University of Nebraska at Kearney campus. This plan is designed to provide guidance to the University's responders and the campus community applicable to all emergencies. It has identified functional responsibilities of various organizations and offices within the University.

To view the Emergency Operation Plan or request a copy, contact UNKPD at (308) 865-8911 or at 2501 19th Avenue or go to: <http://www.unk.edu/about/files/emergency-operations-plan.pdf>

All new employees were given a copy of the Emergency Procedures. Posters of Emergency Procedures are also placed on public bulletin boards in academic buildings.

Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees, the University will immediately notify the campus community of the situation.

The EOT designs and implements exercises and trainings throughout the year to test the University's emergency operations plans. These exercises are conducted for both the University as a whole and for single departments or areas. This committee also oversees annual evacuation drills for academic buildings and residence halls. For these drills, occupants are made aware of a date range the drill will be held but not the time. Building evacuation plans are reviewed, updated and sent out at this same time. These drills are documented and any issues of concern are forwarded to the proper department to be addressed.

In 2019 some of the exercises and/or trainings the University conducted or participated in were:

- Evacuation Drills
- Residential Halls
 - **Antelope:** Antelope Hall evacuation drill was completed on September 5th, 2019. The start time was 3:38 pm and the end time was 3:42pm. Residents in the building left in a calm and orderly fashion. All other fire equipment was in proper working order. An estimated 100-125 people evacuated the building.
 - **CTE:** CTE evacuation was completed on September 5th, 2019. (Was not a scheduled drill but occurred just before scheduled time.) The start time was 2:58 pm and the end time was 3:04 pm. Evacuation personnel walked floors. Residents in the building did leave in a calm and orderly fashion. All fire equipment appeared to be operational. An estimated 100-125 people evacuated the building
 - **CTW:** CTW evacuation drill was completed on September 5th, 2019. The start time was 3:12 pm and the end time was 3:17 pm. Evacuation personnel cleared floors. Residents in the building left in a calm and orderly fashion. Desk worker grabbed the evacuation folder. All fire equipment appeared to be operational. An estimated 175-200 evacuated the building.

- **Mantor:** Mantor evacuation drill was conducted on September 5th, 2019. The start time was 3:59 pm and the end time was 4:04 pm. Evacuation personnel cleared floors. Residents in the building left in a calm and orderly fashion; however, had some confusion with Randall Hall occupants, the alarms were activated during the same time period. RA's did a good job directing residents to the location. Emergency personnel had their student roster accounting for people. HD Apartment does not have strobe or siren. Work order submitted. An estimated 175-200 people evacuated the building.
- **Men's:** Men's Hall evacuation drill was completed on September 5th, 2019. The start time was 3:50 pm and the end time was 3:54 pm. All emergency personnel were present and did clear the building effectively. All fire safety equipment was in proper working standards. An estimated 100 people evacuated the building.
- **Nester North:** Nester North evacuation drill was completed on September 5th, 2019. The start time was 3:26 pm and the end time was 3:31 pm. Building occupants did leave the building in a calm, orderly and timely manner; however, had to be directed to where their evacuation site was located. An estimated 100-125 people evacuated the building.
- **Nester South:** Nester South's evacuation drill was completed on September 5th, 2019. The start time was 3:26pm and the end time was 3:31 pm. Subjects left the building in a calm and orderly fashion but did not go to their evacuation point and had to be directed to the point. All fire safety equipment worked properly. An estimated 100-125 people evacuated the building.
- **Randall:** Randall's evacuation drill was completed on September 5th, 2019. The start time was 3:59 pm and the end time was 4:04 pm. Evacuation personnel did clear all building floors appropriately and occupants evacuated in a calm, orderly and timely manner. Emergency personnel had their roster. Occupants had some confusion with the Mantor Hall occupants, the both alarms were activated during the same time period. All fire safety equipment worked properly. An estimated 175-200 people evacuated the building.
- **URN:** URN evacuation drill was completed on September 5th, 2019. The start time was 4:11 pm and the end time was 4:15 pm. Residents in the building left in a calm and orderly fashion. Emergency personnel did not have their student roster. All fire safety equipment worked properly. An estimated 75-100 people evacuated the building.
- **URS:** URS evacuation drill was completed on September 5th, 2019. The start time was 4:22 pm and the end time was 4:27 pm. Residents in the building left in a calm and orderly fashion. Emergency personnel had their student roster. All fire safety equipment worked properly. An estimated 75-100 people evacuated the building.
- **Village Flats:** Village Flats evacuation drill was completed on September 5th, 2019. The start time was 4:33 pm and the end time was 4:39 pm. Residents left in a calm and orderly fashion; however, once outside did not move far enough from the building. All fire safety equipment worked properly. An estimated 100-125 people evacuated the building.

Academic Buildings

- **Bruner Hall:** Bruner Hall evacuation drill was conducted on September 6th, 2019. The start time was 8:33 am and the end time was 8:38 am. Evacuation personnel cleared all floors and told people to leave the building. Building occupants did leave in a calm and orderly fashion. Occupants all went to their proper evacuation sites. All fire equipment appeared to be operational. An estimated 150-175 people evacuated the building.
- **Central Utilities Plant:** The Central Utilities Plant conducted their evacuation drill on September 10th, 2019. There were 5 people in the building. All occupants went to their designated evacuation point. All fire alarm equipment worked properly. The alarms sounded loudly, and the outside alarms also worked. Alarm was activated at 10:03 am and ended at 10:05 am.
- **College of Education:** College of Education evacuation drill was conducted September 5th, 2019. The start time was 8:29 am and the end time was 8:33 am. Evacuation personnel acted very quickly walking all floors. They further knocked on doors and told people to leave the building. Building occupants did leave in a calm and orderly fashion and reported to the proper evacuation site. All fire equipment appeared to be operational. An estimated 200-250 people evacuated the building.
- **Communications:** Communications evacuation drill was conducted on September 5th, 2019. The start time was approximately 9:24 am and the end time was 9:30 am. Evacuation personnel walked floors. Building occupants did leave in a calm and orderly fashion and reported to the proper evacuation site. All fire equipment appeared to be operational. An estimated 15 people evacuated the building.
- **Conrad Hall:** Conrad Hall evacuation drill was conducted on September 5th, 2019. The start time was 2:55 pm and the end time was 2:59 pm. Evacuation personnel checked the building prior to evacuating and occupants did go their designated site. All fire equipment appeared to be operational. An estimated 20 people evacuated the building.
- **Cope Stadium:** Cope Stadium conducted their evacuation drill on September 10th, 2019. There were 0 building occupants. The alarms in the building worked properly and are extremely loud. There are no audible alarms on the first floor except for the lobby and there are only strobes in the restrooms. The alarms were activated at 10:15 am and deactivated at 10:19 am.
- **Copeland:** Copeland Hall evacuation drill was completed on September 3rd, 2019. The start time was 8:42 am and the end time was 8:46 am. Evacuation personnel walked the floors and building occupants did leave in a calm and orderly fashion. Building occupants made it to their evacuation site after emergency personnel directed people to move towards the evacuation points. All fire equipment appeared to be operational. The screw was stripped in the pull station closest the fire panel. A work order was submitted. An estimated 175-200 evacuated the building.

- **Cushing:** The Cushing evacuation drill was conducted on September 10th, 2019. The start time was 8:30 am and the end time was 8:34 am. Building occupants did leave in a calm and orderly fashion and reported to the proper evacuation sites. All fire equipment appeared to be operational. An estimated 150 people evacuated the building.
- **Facilities:** The Facilities Building conducted their evacuation drill on September 5th, 2019. There were approximately 15 people in the building and all occupants left in a timely manner. The start time was 9:51 am and the end time was 9:53 am. All areas were checked, and all fire equipment worked.
- **Fine Arts:** Fine Arts evacuation drill was completed on September 10th, 2019. The start time was 8:46 am and the end time was 8:50 am. Evacuation personnel walked all floors. Building occupants did leave in a calm and orderly fashion. All fire equipment appeared to be operational. An estimated 100 people evacuated the building.
- **Frank House:** The Frank House evacuation drill was conducted on September 5th, 2019. There was 1 person in the building. The building was checked and cleared in a timely manner. After checking the building, the occupant went to the designated evacuation point. All fire equipment worked properly. Alarms were activated at 1:40 pm ended at 1:44 pm.
- **General Services Building:** The General Services Building conducted their evacuation drill on September 5th, 2019. There were approximately 10 people in the building and all occupants left in a timely manner. The start time was 9:45 am and the end time was 9:48 am. The building was checked and cleared in a timely manner. All fire equipment worked properly.
- **Health Science Education Complex:** Health Science Education Complex evacuation drill was completed on September 5th, 2019. The start time was 9:09 am and the end time was 9:13 am. Evacuation personnel walked all floors areas. Building occupants did leave in a calm and orderly fashion. All fire equipment appeared to be in operational status. An estimated 175-200 people evacuated the building.
- **Health and Sports Center:** Health and Sports Center evacuation drill was conducted on September 10th, 2019. The start time was 8:30 am and the end time was 8:34 am. Evacuation personnel acted very quickly walking all floors. They further knocked on doors and told people to leave the building. Building occupants did leave in a calm and orderly fashion. All fire equipment appeared to be operational. An estimated 150 people evacuated the building.
- **Library:** Library evacuation drill was completed on September 3rd, 2019. The start time was 09:06 am and the end time was 09:10 am. All fire equipment was in proper working order. An estimated 150 people evacuated the building.
- **MSAB:** MSAB evacuation drill was completed on September 3rd, 2019. The start time was 8:54 am and the end time was 8:58 am. Evacuation personnel acted very quickly walking all floors. Building occupants did leave in a calm and orderly fashion and reported to their evacuation site. All fire equipment appeared to be operational. An estimated 75 people evacuated the building.

- **Nebraskan Student Union:** Nebraskan Student Union evacuation drill was completed on September 6th, 2019. The start time was 10:10 am and the end time was 10:14 pm. Evacuation personnel walked all floors notifying building occupants to leave. Building occupants did leave in a calm and orderly fashion. An estimated 250 people evacuated the building.
- **Ockinga:** Ockinga evacuation drill was conducted on September 5th, 2019. The start time was 9:39 am and the end time was 9:41 am. Building occupants did leave in a calm and orderly fashion and reported to the proper evacuation site. All fire equipment appeared to be operational. An estimated 25 person evacuated the building.
- **Otto Olsen:** Otto Olsen evacuation drill was completed on September 10th, 2019. The start time was 9:02 am and the end time was 9:06 am. Evacuation personnel walked all floors. Building occupants did leave in a calm and orderly fashion. Fire door near first floor men's room did not close completely. All other fire equipment appeared to be operational. An estimated 75 people evacuated the building.
- **Thomas:** Thomas Hall evacuation drill was conducted on September 3rd, 2019. The start time was 9:32 am and the end time was 9:36 am. Emergency personnel did walk the floors. Building occupants did leave in a calm and orderly fashion. All fire equipment appeared to be operational. An estimated 250-300 people evacuated the building.
- **Warner:** Warner Hall evacuation drill was completed on September 3rd, 2019. The start time was 8:29 am and the end time was 8:34 am. Evacuation personnel acted quickly walking all floors. Building occupants did leave in a calm and orderly fashion. All fire equipment appeared to be operational. The pull station nearest the fire panel has a Phillips head screw; where the rest of the building has a hex head screw. Fire doors on SE corner did not close completely. Email received approximately 1 hour after alarm. A work order was submitted. An estimated 150-200 people evacuated the building.
- **West Center:** West Center evacuation drill was conducted on September 5th, 2019. The start time was 8:48 am and the end time was 8:54 am. Evacuation personnel worked quickly to clear all building floors. Building occupants left in a calm and timely manner. During the drill we found all emergency equipment worked properly; however, there are no horns or strobes near the basement custodial office, again. Another work order has been submitted. A total of approximately 250-300 people evacuated the building.
- **West Heating Plant:** West Heating Plant evacuation drill was completed on September 5th, 2019. The start time was 1:48 pm and the end time was 1:51 pm. There were 0 people in the building. All fire alarm equipment worked properly.

No Drills Conducted

- **Martin:** Martin is unoccupied at this time and used as storage. No drill was conducted.
- **Nebraska Safety Center:** This building does not have a fire system. The plans were updated and Nebraska Safety Center trained all employees on these plans. No drill was conducted.
- **North Field House:** This building does have a fire system but does not have any pull stations or way to manually activate the alarm. The building was walked through and the alarm box was viewed that it was operational. No drill was conducted.

- Time frame is announced
- During evacuation drills, building alarms are activated and all subjects are to leave the building and go to the building's predetermined evacuation sites. Evaluators assess the overall building plan, if the emergency personnel know their roles and if the emergency fire equipment is working properly.
- Tornado Drill
 - Announced prior to drill
 - Drill held: March 27, 2019, 10:15 a.m.
 - This is the same day as the Statewide Tornado Drill. We use this day to educate the campus about the University Emergency Operation Plan and shelter locations.
- Severe Weather Awareness Week
 - Announced prior
 - March 25 – 29, 2019
 - Used to train on what to do in various severe weather situations.
 - Posts regarding information sent out via social media every afternoon.
- RA Fire Drill
 - Announced prior
 - August 16, 2019, 11:30 a.m.
 - Used to train RA's what their role would be in an emergency.
- UNK Alert Tests
 - Announced prior for tests; however, can also be actual alerts.
 - Tested on January 21, 2019, 10:00 p.m. and February 22, 2019, 1:45 p.m. and March 13, 2019, 3:45 p.m. and April 10, 2019, 3:10 p.m. and November 25, 2019, 4:45 p.m.
- EOT Advisory Tabletop with new members
 - Used to inform EOT Advisory of procedures.
 - November 19, 2019, 1:00 p.m.
- EOT Advisory Tabletop with new members
 - Used to inform EOT Advisory of procedures
 - November 19, 2019, 1:00 p.m.
- Kearney Community Full Scale Active Shooter Exercise
 - Full scale drill held January 24, 2019, 6 hours
- Kearney area flooding EOC activation – Kearney area flooding
 - UNK EOC activated July 9, 2019 at 11:22 a.m.
 - Daily meetings around 10:00 a.m. regarding updates until July 18, 2019
- UNK Active Shooter Full Scale Exercise
 - August 12, 2019 – start-up meeting

- Trainings
 - April 23, 2019 – Support in the Aftermath of Crisis Webinar
 - May 23, 2019 – WPS/GETS Webinar
 - June 12-13, 2019 – Knowledge Center ICS training
 - June 25, 2019 – Risk Management Seminar
 - November 1, 2019 – MGT-462 Community Planning for Economic Recovery
 - November 19, 2019 – EOT Advisory training on UNK Alert, WPS/GETS and Continuity
- Other
 - Meetings with UNL, UNO, and UNMC Emergency Managers
April 3, 2019 and April 18, 2019
 - Attended the South Central Nebraska Emergency Management meeting on Communities Organizations Active in Disaster (COAD) meetings September 17, 2019 and November 7, 2019

University of Nebraska Kearney Shelter-In-Place Plan

1. Purpose -
 - A. To provide for the timely and orderly process to shelter in place all or part of the University of Nebraska at Kearney campus when it is determined that such action is the most effective means available for protecting the population.
2. Definitions of Shelter-In-Place -
 - A. The action of seeking immediate shelter indoors following the announcement of an emergency situation.
3. Responsibilities -
 - A. EOT Emergency Coordinator -
Oversee the dissemination of internal information related to the emergency. Including: activating UNK Alert to notify the campus that they should shelter in place; coordinate support activities, work with outside entities and manage resources for the response; serve as a liaison between the University administrative group, the EOC, the Incident Commander and the city EOC.
 - B. Incident Commander -
Responsible for the overall control of the incident. Identify the emergency and make decisions as to whether or not to shelter-in-place.
 - C. Building Emergency Coordinator -
Implement shelter-in-place procedures after receiving official notification. Keep occupants calm and informed regarding reason for shelter-in-place and possible duration. Provide notification and status updates to Incident Commander. Restore building to normal function following an all-clear.
 - D. UNK Police Department -
Responsible to coordinate security for the affected area(s).
 - E. Facilities -
Responsible for managing all HVAC systems to preserve life safety, the building and its contents, generator operations, lead and advise the EOC and the Incident Command for all HAZMAT events and assist in securing University buildings occupied by Facilities staff. Facilities will assist in determining any damage to campus property and the ability of the University to occupy/utilize them.
 - F. Student Health and Counseling -
Available for telephone triage regarding health issues.

- G. Human Resources -
Responsible for advising the EOC on any employee information needed. Afterwards, Human Resources would advise the campus community on payroll matters for the affected time, coordinate and provide EAP services and handle the need for any altered work schedules for the future of recruitment to replace any employees.
 - H. Residential Life -
Responsible for communicating shelter-in-place plans to all residents and locking residence hall doors.
 - I. University Relations -
Responsible for the dissemination of external information related to the emergency and evacuation, maintain and post an emergency webpage, and monitor and control rumors both internally and externally.
 - J. Information Technology Services -
Responsible for maintaining network and application service to include SAP, PeopleSoft and integrated applications, e-mail, and the University web page as long as possible. Arrange for activation of the alternate hosting site for the UNK web pages if needed. Establish Internet connectivity for Incident Command and EOC. Secure and shut down network equipment when it becomes imperative.
 - K. Academic Affairs -
Responsible for advising the EOC of sensitive functions or areas of campus that may need special response consideration such as animal labs or radioactive/hazmat materials. After the initial sheltering is concluded, Academic Affairs will advise the EOC on COOP (Continuity of Operation Plan) matters.
 - L. Student Affairs -
Coordinate all student response efforts.
 - M. Disabilities Services -
Coordinate and execute preplanning for emergency situations with students registered with a disability.
 - N. Business Services -
Responsible for activating the emergency alert system for the University cable television. Assist in establishing telecommunications services for the Incident Command and the Emergency Operation Center.
 - O. Buffalo County Emergency Manager -
 1. Responsible for advising the UNK Emergency Management Coordinator on city decisions, coordinate support activities and manage resources.
 - P. American Red Cross -
 1. Responsible for coordinating mass care activities including registration, lodging and feeding individuals who were off campus when the shelter-in-place was declared and now cannot access their homes. This effort will be supported by the Salvation Army and other service organizations.
4. Concept of Operation
- A. Shelter-In-Place Order -
 1. Shelter-in-place orders will be made by the Chancellor of the University or his/her designee or by the direction of the City of Kearney.
 2. In situations where rapid deployment of shelter-in-place is critical to ensure the continued health and safety of the community, the on-scene command has authority to order the shelter-in-place.

- B. Shelter-In-Place Decision Consideration -
 - 1. When deciding whether to shelter-in-place, care must be exercised by decision-makers to ensure that a directed shelter-in-place will not place the affected population into a more dangerous situation than posed by the primary hazard or alternative response actions. When making this decision the following considerations should be addressed:
 - a. Weather conditions
 - b. How quickly the different responses can be implemented
 - c. How safely the different responses can be implemented
 - d. Availability of alternative shelters
- C. Shelter-In-Place Area Definition -
 - 1. The definition of the area to be sheltered will be determined by those officials recommending or ordering the shelter-in-place based on the advice of appropriate advisory agencies.
 - 2. Public Notification.
 - 3. Shelter-In-Place Warning -
 - a. All possible warning modes will be utilized to direct the affected population to shelter-in-place. This includes the use of UNK Alert System to notify individuals by phone, e-mail and text message. The University will also post information on the University web page and television scrolling, if possible. Whenever possible, the university building evacuation personnel will walk through the building, going door to door to notify occupants.
- D. Public Information -
 - 1. UNK Communications and Marketing will ensure that emergency information is disseminated to the media in a timely manner. Instructions to the public and situation updates will be issued as the information becomes available.
- E. Building Emergency Personnel
- F. For the purpose of this plan, Emergency Personnel and their alternates are regular employees who have been selected to ensure that building sheltering is carried out as planned. Building emergency personnel and their alternates shall be selected by the Building Supervisor among building occupants and on a voluntary basis. For the identification of your building's emergency personnel refer to your building evacuation plan.
- G. Following is a list of building emergency personnel and their corresponding duties.
- H. PLEASE NOTE: Assigned duties are to be carried out only if you are **not** putting yourself in danger or risking your personal safety.
 - 1. Work Area Representative -
 - a. Maintain a current list of employees, including part time and student employees and their work schedule.
 - b. Instruct area occupants to shelter-in-place when notified of an emergency.
 - c. Assist and/or direct occupants with limited mobility to their safe rooms
 - d. Check off co-workers who have sheltered-in-place.
 - e. Report emergency situations and missing persons to the Emergency Coordinator.
 - f. Transmit the All-Clear signal to building occupants.

2. Floor Monitor -
 - a. Check all rooms, corridors and restrooms on assigned floors to ensure building occupants have been notified of the shelter-in-place order.
 - b. Make sure windows, doors and fire doors on enclosed stairways and exits are closed.
 - c. Assist and/or direct occupants with limited mobility to their safe rooms.
 - d. Report emergency situations and missing persons to the Emergency Coordinator.
 - e. Transmit the All-Clear signal to building occupants.
 3. Emergency Coordinator -
 - a. Secure and lock all exterior doors as needed.
 - b. Collect information on building occupants from Floor Monitors and Work Area Reps.
 - c. Report information to first responders or the UNK EOC on occupants needing assistance or those who may be missing.
 - d. Relay information and updates to building occupants about the situation as they become available.
 - e. Transmit the All-Clear signal to Floor Monitors and Work Area Reps.
 - f. Supply the EOT with necessary information and assist them with any necessary debriefings.
- I. Procedures
1. Upon notification of sheltering in place, emergency personnel will complete the job tasks listed above. It is the responsibility of all building occupants to follow any emergency directions and immediately proceed to a safe location within the building. Faculty are responsible for dismissing their classes and relaying all emergency directions to their students. University employees and students are responsible for relaying all emergency directions to their visitors/customers.
 2. Contract workers will be made familiar with the procedure outlined herein and are expected to shelter upon notification.
 3. Designated essential personnel needed to continue or shut down critical operations while a shelter-in-place is underway are responsible for recognizing and/or determining when to abandon the operation and shelter themselves.
- J. Sheltering Instructions by Types
1. If sheltering for a tornado, go to the predetermined tornado shelter in your building.
 2. If you are sheltering due to a civil disturbance/Hostage/Active shooter situation:
 - a. Lock and barricade doors.
 - b. Turn off lights, close the blinds and block any windows.
 - c. Turn off or silence anything that makes noise radios, cell phones and computers.
 - d. Keep yourself and occupants calm, quiet and out of sight. Take adequate cover/protection i.e. concrete walls, thick desks, filing cabinet (cover may protect you from bullets).
 - e. As quietly as possible have one person call 911. Give detailed information about the situation.
 - f. Stay alert and adjust your plan as the situation changes.

3. If you are sheltering due to hazardous materials, harmful contaminants or weather conditions.
 - a. Close and lock all windows, exterior doors and any other opening to the outside.
 - b. Close window shades, blinds or curtains.
 - c. If possible, seal gaps around doors and windows.
 - d. Select an interior room above the ground floor, with the fewest windows or vents. Avoid overcrowding and avoid rooms with mechanical equipment.
 - e. Close the interior door to the room you are sheltering in.
 - f. Shut down all experiments.
 - g. Consider having a room with a standard landline phone available in case radios or cell phones systems fail during the emergency.
 - h. Anyone showing obvious symptoms of exposure to a contaminant must be separated from others. They should wash/shower with soap and water and place contaminated clothing in a sealed bag if possible.

K. Disability Procedures

1. Any person unable to shelter-in-place or who needs assistance with sheltering-in-place should inform a building occupant or a floor monitor. Move to an interior room. If it is unsafe to do so, remain in your office/classroom/residence.
2. Supervisory personnel and course instructors are responsible for identifying and escorting to safety individuals with disabilities located in their offices/classrooms, if possible.
 - a. Access Control
 - i. If possible building emergency personnel will lock all building outside doors to limit access to the building when necessary.
 - b. Re-Entry
 - i. Remain indoors until “All Clear” message is received and then follow any directions given. If needed Facilities will inspect university buildings and property to ensure they are able to be utilized after a shelter-in-place event.

Evacuation Procedures

Building Evacuation -

At the sound of the Emergency Alarm, it is the responsibility of all building occupants to evacuate immediately and proceed to predetermined assembly points, away from the building.

Building occupants are also responsible for ensuring that their visitors/customers follow the evacuation procedure described herein, and leave the building along with all other occupants.

Faculty are responsible for dismissing their classes and directing students to leave the building by the nearest exit upon hearing the alarm or being notified of an emergency.

Essential personnel designated to continue or shut down critical operations while an evacuation is underway are responsible for determining when to abandon the operation and evacuate themselves.

Contract workers will be made familiar with the procedure outlined herein and are expected to leave the building when the alarm sounds.

Evacuation Instructions –

Whenever you hear the building alarm or are informed of a general building emergency:

- Do not panic or ignore the alarm.
- Dismiss classes in session and leave the building in an orderly fashion immediately.
- Do not go back to your office or classroom area for any reason.
- Do not use the elevators.
- Follow the quickest evacuation route from where you are currently located.
- Proceed to the designated emergency assembly point for your area. If the designated assembly point/area is unsafe or blocked due to the emergency, proceed to the alternate assembly point.
- Report to your Work Area Rep or Instructor at the assembly point to be checked off as having evacuated safely. In addition, report any knowledge you may have of missing persons.
- Return to the building only after emergency officials or building monitors give the all-clear signal. (The silencing of the alarm does not mean the emergency is over.)

Any person unable to evacuate or needs assistance should proceed to the nearest stairwell. If it is unsafe to do so, remain in your office/classroom/residence. Emergency evacuation personnel will check stairwells and ensure emergency response and rescue personnel are notified if someone has taken refuge there.

- Supervisory personnel and course instructors are responsible for identifying and escorting individuals with disabilities that are located in their offices/classrooms to safety, if possible. If they are not able to evacuate the individual, they need to at least get them to a stairwell and notify rescue personnel.

- If you are on a building floor WITHOUT an exit that goes directly to the outside and you hear a fire alarm or are informed of an evacuation:
 - Go to a stairwell immediately.
 - Inform and/or ask someone, a building occupant or a floor monitor in particular, to alert the first arriving emergency responders of your presence and location.
 - Call 911 to ensure rescue personnel are notified of your location and your need for assistance in order to evacuate.
 - Provide operator with your exact location, building name, floor and room number(s).
 - Give the phone number you are calling from.
 - If possible, remain by phone. The officers on the phone have radio contact with officers at scene and will keep you informed of the situation. (The information you provide to the emergency operator will be relayed to emergency and rescue personnel arriving at the scene, who will assist in your safe evacuation, if circumstances warrant.)

Campus Evacuation –

Responsibility for issuing an evacuation order rests with the Chancellor, his/her designee or by direction of the City of Kearney. When there is an immediate need to protect lives and provide for public safety, the on-scene commander can make the decision to evacuate. Individual responsibility should be taken by all faculty, staff, students and guests to ensure their own safety.

Public Notification -

Persons to be evacuated should be given as much warning time as possible. On slow moving events, pre-evacuation notice will be given to affected residents. All warning modes will be utilized to direct the affected population to evacuate campus. This will include use of the UNK Alert system to notify individuals by phone, e-mail and text message. The University will also post information on the University website and UNK's primary social media channels. Wherever possible, the University building evacuation plans will be implemented and work-area reps and floor monitors will walk through buildings going door-to-door to notify occupants.

Communications and Marketing will ensure emergency and evacuation information is disseminated to the news media on a timely basis. Instructions to the public such as traffic routes to be followed, location(s) of temporary reception centers and situation updates will be issued as information becomes available.

Movement -

It is anticipated that the primary evacuation mode will be in private vehicle. Evacuation routes will be selected by law enforcement officials at the time the evacuation decision is made. If at all possible, two-way traffic will be maintained on all evacuation routes to allow continued access for emergency vehicles. Movement instructions will be part of the warning and subsequent public information releases.

Transportation -

The Incident Commander will determine the need for special transportation, coordinate the use of transportation resources to support the evacuation and announce convenient centralized locations as assembly areas. There could be cases where elderly, infirm or persons with a disability in the evacuation area will not be able to get to the assembly point or would need a special type of transportation. Provisions will be made for vehicles to transport these individuals. The public will be instructed how to notify EOC of any special transportation problems. The Plambeck Early Childhood Education Center will take priority when assessing transportation needs.

Access Control -

During times of evacuation, University buildings will be locked down. In certain situations, buildings will be pinned so that only authorized emergency personnel have access. A perimeter would be established and enforced by the UNK Police Department. An access pass system would be established.

Re-entry -

The re-entry decision and order will be made by the Chancellor or his/her designee after the threat has passed and the evacuated area has been inspected by all necessary safety personnel.

Firearms and Weapons Policy

Possession of firearms, explosives, destructive devices, dangerous chemicals, fireworks or any other item defined by Nebraska state statutes (Chapter 28, Article 12) as a deadly weapon are **prohibited** on property controlled by the University of Nebraska at Kearney, in University vehicles and at events sponsored by the University. This prohibition applies to all members of the general public, students and University employees, except University employees who are specifically so authorized as part of their job responsibilities and authorized law enforcement personnel performing official duties. Exceptions to this policy may only be authorized by the Vice Chancellor for Business and Finance or his/ her designee. Any person violating this policy is subject to University discipline up to and including expulsion/termination and/or may be charged with the appropriate criminal offense.

The possession of concealed weapons on property controlled by the University of Nebraska is prohibited (State statute 69-2441). This ban applies to University of Nebraska vehicles and events sponsored by the University. This prohibition applies to all members of the general public, students, and University employees, except University employees who are specifically authorized to carry concealed weapons as part of their job responsibilities and authorized law enforcement personnel performing official duties.

For the purpose of this policy, the term “property controlled by the University of Nebraska” shall mean and include all property owned by the University, all property leased by or licensed to the University and all fraternity houses, sorority houses or other student housing facilities recognized by the University.

DRUG AND ALCOHOL ABUSE PREVENTION UPDATE

A. STANDARDS OF CONDUCT FOR EMPLOYEES AND STUDENTS REGARDING ALCOHOL AND DRUGS (BOARD OF REGENTS POLICY 2.1.5) Last Revised: July 15, 2019

The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws. Officers of the University are to cooperate with State and Federal agencies in the prevention of drug abuse. In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988, 41 U.S.C. § 701, and the Drug Free Schools and Communities Act of 1989, 20 U.S.C. § 1145g, the University has formulated standards of conduct for both its employees and its students which prohibit the following acts:

1. use, possession, manufacture, distribution, or sale of illegal drugs or drug paraphernalia on University premises or while on University business or at University activities, or in University supplied vehicles either during or after working hours;
2. unauthorized use, possession, manufacture, distribution, or sale of a controlled substance as defined by the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., or Nebraska Drug Control Laws, Neb. Rev. Stat. §§ 28-401 et seq., on University premises, or while engaged on University business or at University activities or in University supplied vehicles, either during or after working hours;
3. unauthorized use, manufacture, distribution, possession, or sale of alcohol on University premises or while on University business, or at University activities, or in University-supplied vehicles, either during or after working hours;
4. storing in a locker, desk, vehicle, or other place on University owned or occupied premises any unauthorized controlled substances, drug paraphernalia, or alcohol;
5. use of alcohol off University premises that adversely affects an employee's or student's work or academic performance, or an employee's or student's safety or the safety of others;
6. possession, use, manufacture, distribution, or sale of illegal drugs off University premises that adversely affects the employee's work performance or the student's academic performance, or an employee's or student's safety or the safety of others;
7. violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution or sale of alcohol, controlled substances, or drug paraphernalia;
8. in the case of employees, failure to notify an employee's supervisor of an employee's arrest or conviction under any criminal drug statute as a result of a violation of law which occurs at the University of Nebraska workplace.

[The Standards of Conduct were approved by the Regents in 1990. See Board of Regents of the University of Nebraska, *Minutes*, Vol. 55, p. 204 (October 12, 1990) and Vol. 56, p. 149 (September 6, 1991).]

B. DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER FEDERAL, STATE, OR LOCAL LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL

The information on the following pages summarizes selected provisions of Federal, State, and local laws that provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol.

1. Federal Penalties and Sanctions for Illegal Possession of Controlled Substances

21 U.S.C. § 844(a)

First Conviction: Up to 1-year imprisonment and fine of at least \$1,000 or both. After one prior drug conviction: At least 15 days in prison, not to exceed 2 years, and a fine of at least \$2,500. After 2 or more prior drug convictions: at least 90 days in prison, not to exceed 3 years, and a fine of at least \$5,000.

21 U.S.C. §§ 853(a) and 881(a)

Forfeiture of tangible and intangible personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment. Forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for use, to transport or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances.

21 U.S.C. § 844a

Civil fine of up to \$10,000 for each violation of 21 U.S.C. § 844 involving controlled substances listed in 21 U.S.C. § 841(b)(1)(A).

21 U.S.C. § 862

Denial of Federal benefits, such as financial aid grants, contracts, student loans, and professional and commercial licenses, for individuals convicted of distributing controlled substances (drug trafficking). The denial can last up to 5 years for the first conviction and up to 10 years for the second conviction. Those who have three or more convictions will be permanently ineligible for all Federal benefits.

18 U.S.C. § 922(g)

Ineligible to receive or possess a firearm or ammunition.

Miscellaneous

Authority to revoke certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., is vested with the officials of individual Federal agencies.

The United States Drug Enforcement Administration publishes information that summarizes trafficking penalties under Federal law for various drugs. The information is available at www.dea.gov/sites/default/files/drug_of_abuse.pdf. Note: These are only Federal penalties and sanctions. Additional *State* penalties and sanctions may apply.

2. State Penalties and Sanctions for Illegal Possession of Controlled Substances

The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. In addition, other Nebraska State laws establish penalties for various drug-related offenses as summarized below. Charts 1 and 2 summarize the sanctions under Nebraska law for possession or distribution of various drugs.

Crimes Involving Minors:

Any person 18 years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver or dispense a controlled substance or a counterfeit controlled substance (i) to a person (under the age of 18 years); (ii) in, on, or within 1,000 feet of a school, college, university, or playground; or (iii) within 100 feet of a youth center, public swimming pool, or video arcade shall be punished more severely. The law also provides for an enhanced penalty for anyone 18 years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. *See* Neb. Rev. Stat. § 28-416(4)(a) and (5)(a) (Cum. Supp. 2018).

Persons under the age of eighteen (18) who violate the drug laws may be subject to additional sentencing provisions found in Neb. Rev. Stat. § 28-416(18) and (19) (C), these include impounding licenses or permits issued under the Motor Vehicle Operator's License Act, completion of community service, and attending drug education classes.

Probation Conditions:

Any person convicted of a drug law violation, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse. Neb. Rev. Stat. § 28-416 (14) (Cum. Supp. 2018).

Tax Provisions:

Anyone who possesses or sells the following amounts of controlled substances or imitation controlled substances must pay the appropriate taxes to the Nebraska Department of Revenue and have the stamps attached to the controlled substances. Marijuana is not included in the definition of "controlled substances" here but is also taxed, as follows:

Illegal marijuana is taxed at \$100 for each ounce or portion of an ounce. Neb. Rev. Stat. § 77-4303 (Reissue 2018).

Any controlled substance that is sold by weight or volume (i.e., cocaine, crack, methamphetamine, etc.) is taxed at \$150 for each gram or portion of a gram. Neb. Rev. Stat. § 77-4303 (Reissue 2018).

Any controlled substance that is not sold by weight (i.e., LSD, Quaaludes, methamphetamine in tablets, PCP, etc.) is taxed at \$500 for each 50 dosage units or portion thereof. Neb. Rev. Stat. § 77-4303 (Reissue 2018).

Failure to have the proper tax stamps attached to the controlled substance is a Class IV felony, with a criminal penalty of up to a 2-year imprisonment and 12-month post-release supervision or a \$10,000 fine or both. Neb. Rev. Stat. § 28-105(1) (Cum.Supp. 2018) *available at* <http://nebraskalegislature.gov/laws>; Neb. Rev. Stat. §§ 77-4309 (Reissue 2018).

Property Forfeiture:

Property used to manufacture, sell, or deliver controlled substances can be seized and forfeited to the State. Property subject to forfeiture may include cash, cars, boats, and airplanes, as well as drug paraphernalia, books, records, and research, including formulas, microfilm, tapes, and data. Neb. Rev. Stat. § 28-431 (Reissue 2016).

Being Under the Influence of Any Controlled Substance for Unauthorized Purpose:

It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner. In a prosecution, the State need not prove that the accused was under the influence of a specific controlled substance, only that the accused manifested symptoms or reactions caused by the use of any controlled substance. Neb. Rev. Stat. § 28-417(1)(g) (Reissue 2016).

Drug Paraphernalia Offenses:

It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Cum. Supp. 2018). Individuals who make a good faith request for emergency medical assistance in response to their drug overdose or when assisting another person may experience limited immunity from drug possession and paraphernalia charges if they meet certain requirements, such as requesting medical assistance as soon as the drug overdose is apparent and remaining on the scene and cooperating with medical assistance or law enforcement personnel. Neb. Rev. Stat. § 28-441(3) (Cum. Supp. 2018); Neb. Rev. Stat. § 28-472 (Cum. Supp. 2018).

"Drug paraphernalia" is defined to include such things as hypodermic syringes, needles, pipes, bongs, roach clips, and other items used, intended for use, or designed for use with controlled substances. Neb. Rev. Stat. § 28-439 (Reissue 2016).

It is unlawful to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances in which one should reasonably know, that it will be used to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. This section does not apply to pharmacists, pharmacist interns, pharmacy technicians, and pharmacy clerks who sell hypodermic syringes or needles for the prevention of the spread of infectious diseases. Neb. Rev. Stat. § 28-442 (Cum. Supp. 2018).

It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under the age of 18 who is at least three years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 2016).

A violation of Neb. Rev. Stat. § 28-441 (use or possession of drug paraphernalia) is an infraction and is punishable on the first offense by a fine of up to a maximum of \$100; a second offense within two years of the first is punishable by a fine between \$100 and \$300; a third offense within two years of the second is punishable by a fine between \$200 and \$500. Neb. Rev. Stat. §§ 28-441 and 29-436 (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-442 (delivery or manufacture of drug paraphernalia), which is a Class II misdemeanor, is up to a 6-month imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 28-442 (Cum. Supp. 2018) and § 28-106(1) (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-443 (delivery of drug paraphernalia to a minor), a Class I misdemeanor, is imprisonment for up to one year or a \$1,000 fine or both. Neb. Rev. Stat. § 28-443 (Reissue 2016) and § 28-106(1) (Reissue 2016).

Imitation Controlled Substances:

It is a violation of Nebraska law to knowingly or intentionally manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 2016). "Imitation controlled substance" is a substance that is not a controlled substance or controlled substance analogue, but which is represented to be an illicit controlled substance or controlled substance analogue. Neb. Rev. Stat. § 28-401(29) (Cum. Supp. 2018). The first violation of this law is a Class III misdemeanor and the penalty may be a 3-month imprisonment or a \$500 fine or both. A second offense violation of this law is a Class II misdemeanor and the penalty may be imprisonment for up to six months or a \$1,000 fine or both. Neb. Rev. Stat. § 28-445 (Reissue 2016) and § 28-106(1) (Reissue 2016).

Controlled Substance Analogues:

For purposes of Nebraska's Uniform Controlled Substance Act, controlled substance analogues (often called "designer drugs") are treated as controlled substances. Such an analogue is defined as (i) substantially similar in chemical structure to the chemical structure of a controlled substance or (ii) having a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401(30)(a) (Cum. Supp. 2018).

3. State Law Penalties and Sanctions for Selected Alcohol Offenses

Minor In Possession:

It is against the law for a person under the age of 21 years to sell, dispense, consume, or possess alcohol. Neb. Rev. Stat. § 53-180.02 (Reissue 2010). In general, unless an exception applies, any person under the age of 21 years violating this law is guilty of a Class III misdemeanor; additional consequences may apply if the person is 18 years of age or younger. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Cum. Supp. 2018); § 28-106(1) (Reissue 2016). Penalties for violation of this law may include one or more of the following: the impoundment of the offender's license for thirty days or more; the requirement to attend an alcohol education class; the requirement to complete twenty hours or more of community service; submission to an alcohol assessment by a licensed counselor; imprisonment of up to three months; and/or a \$500 fine;. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Cum. Supp. 2018); § 28-106(1) (Reissue 2016).

The law provides immunity from minor in possession alcohol charges when someone underage is in need of medical assistance. A penalty may not be imposed on a person who otherwise violated the law if the person (i) made a good faith request for emergency medical assistance in response to the possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent; (ii) Made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 53-180.05(4) and § 53-181(3) (Cum. Supp. 2018).

Procuring Alcohol:

It is a violation of Nebraska law to sell, furnish, give away, exchange, deliver, or permit the sale, gift, or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Cum. Supp. 2018). Violation of this law is generally punishable by not more than a one-year imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Cum. Supp. 2018) and § 28-106(1) (Reissue 2016). However, if alcohol is knowingly and intentionally provided to a minor and the minor's consumption of the alcohol or impaired condition attributed to the alcohol leads to the serious bodily injury or death of any person, the person who provided the alcohol shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days' imprisonment. The penalty for a Class IIIA felony is a 3-year imprisonment and 18-month post release supervision or a \$10,000 fine or both and a minimum of a 9-month post-release supervision if imprisonment is imposed. See Neb. Rev. Stat. § 53-180.05(2) (Cum. Supp. 2018) and Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2018) available at <http://nebraskalegislature.gov/laws>.

Consumption on Public Property:

It is a violation of Nebraska law for any person to consume alcoholic liquors upon property owned or controlled by the State or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such properties. Neb. Rev. Stat. § 53-186 (Cum. Supp. 2018). A violation of this statute is punishable on the first offense by a fine of up to \$100; a second offense within two years of the first is punishable by a fine between \$100 and \$300; a third offense within two years of the second is punishable by a fine between \$200 and \$500. Neb. Rev. Stat. § 53-186 (Cum. Supp. 2018) and § 29-436 (Reissue 2016).

Driving While Intoxicated:

Operating or being in physical control of a vehicle while under the influence of alcoholic liquors or drugs is a violation of Nebraska law when such person has a concentration of eight-hundredths (.08) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath. Neb. Rev. Stat. § 60-6,196 (Reissue 2010).

Violation of this law is punishable on first offense by seven to 60 days of imprisonment and a \$500 fine. Neb. Rev. Stat. § 60-6,197.03 (Cum. Supp. 2018) and § 28-106(1) (Reissue 2016). In addition, an offender's driver's license is revoked for 6 months and the offender is ordered not to drive any motor vehicle for any purpose for a like period. Neb. Rev. Stat. § 60-6,197.03(1) (Cum. Supp. 2018). Suspended sentence or probation includes a mandatory requirement that probation or suspension be conditioned on an order that the offender will not drive any motor vehicle for any purpose for 60 days and pay a \$500 fine. Neb. Rev. Stat. § 60-6,197.03(1) (Cum. Supp. 2018).

Penalties for a second conviction include a \$500 fine and a maximum of a 6-month imprisonment, with no less than a mandatory 30-day imprisonment. Neb. Rev. Stat. § 60-6,197.03 (Cum. Supp. 2018) and § 28-106(1) (Reissue 2016). As part of the judgment of conviction, the offender's operator's license is revoked for 18 months. Neb. Rev. Stat. § 60-6,197.03(3) (Cum. Supp. 2018). If an offender is placed on probation or the sentence is suspended, a mandatory condition is that the offender must not drive any motor vehicle for any purpose for a period of 18 months. Neb. Rev. Stat. § 60-6,197.03(3) (Cum. Supp. 2018). In addition, the probation order shall include as one of its conditions the payment of a \$500 fine and confinement in the city or county jail for 10 days or the imposition of not less than 240 hours of community service. Neb. Rev. Stat. § 60-6,197.03(3) (Cum. Supp. 2018).

Penalties for a third conviction include a \$1,000 fine and a maximum of a one-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15 years. Neb. Rev. Stat. § 28-106(1) (Reissue 2016) and Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp. 2018). If an offender is placed on probation, or the sentence is suspended, a mandatory condition is that the offender's operator's license shall be revoked for a period of at least 2 years but not more than 15 years. Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp. 2018). In addition, the probation order shall include the payment of a \$1,000 fine and as one of its conditions confinement in the city or county jail for 30 days. Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp. 2018).

Fourth convictions are a Class IIIA felony. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2018). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least 180 days imprisoned in a city or county jail or an adult correctional facility. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2018). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2018). In addition, the probation order shall include as one of its conditions a \$2,000 fine and confinement in the city or county jail for no less than 90 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 90 days after release. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2018).

Fifth and subsequent convictions are a Class IIA felony. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2018). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least two years' in prison. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2018). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2018). In addition, the probation order shall include as one of its conditions a \$2,000 fine and confinement in the city or county jail for 180 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 180 days after release. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2018).

Persons with a higher concentration of alcohol, fifteen-hundredths (.15) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath on a first conviction and subsequent conviction, are subject to even stiffer penalties. Neb. Rev. Stat. § 60-6,197.03(2), (5), (6), (8) and (10) (Cum. Supp. 2018). Where a person has three prior convictions and then has another conviction involving this higher alcohol concentration, he or she shall be guilty of a Class IIA felony with a minimum sentence of one year of imprisonment, and has his or her license revoked for a period of 15 years. Neb. Rev. Stat. § 60-6,197.03(8) (Cum. Supp. 2018). In addition, any probation order shall be applied as previously indicated under Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2018).

Persons convicted of a DWI violation may be ordered to have an ignition interlock device installed at their expense on each motor vehicle operated by the convicted person during the period of revocation. Neb. Rev. Stat. §§ 60-6,197.03 and 60-6,211.05 (Cum. Supp. 2018). DWI convictions also have an impact on the ability of a person to obtain both automobile and life insurance coverage.

Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol, e.g. "open container" laws.

C. DESCRIPTION OF HEALTH RISKS ASSOCIATED WITH USE OF ILLICIT DRUGS AND ABUSE OF ALCOHOL

Serious health risks are associated with the use of illicit drugs and alcohol. The National Institute on Drug Abuse states that most drugs of abuse can alter a person's thinking and judgment, leading to health risks, including addiction, drugged driving and infectious disease. Most drugs could potentially harm an unborn baby; pregnancy-related issues are listed for drugs where there is enough scientific evidence to connect the drug use to specific negative effects. The following are some important facts to know regarding alcohol and drugs.

1. Alcohol: Below are key points the National Institute on Alcohol Abuse and Alcoholism provides regarding alcohol's effects on the body at <https://www.niaaa.nih.gov>. Drinking too much – on a single occasion or over time – can take a serious toll on your health. Here's how alcohol can affect your body:

- **Brain:** Alcohol interferes with the brain's communication pathways and can affect the way the brain looks and works. These disruptions can change mood and behavior and make it harder to think clearly and move with coordination.

- Heart: Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including cardiomyopathy – stretching and drooping of heart muscle; arrhythmias – irregular heart beat; stroke; and high blood pressure.
- Liver: Heavy drinking takes a toll on the liver and can lead to a variety of problems and liver inflammations including steatosis, or fatty liver; alcoholic hepatitis; fibrosis; and cirrhosis.
- Pancreas: Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.
- Cancer: Based on extensive reviews of research studies, there is a strong scientific consensus of an association between alcohol drinking and several types of cancer. In its Report on Carcinogens, the National Toxicology Program of the US Department of Health and Human Services lists consumption of alcoholic beverages as a known human carcinogen. The research evidence indicates that the more alcohol a person drinks—particularly the more alcohol a person drinks regularly over time—the higher his or her risk of developing an alcohol-associated cancer. Based on data from 2009, an estimated 3.5 percent of all cancer deaths in the United States (about 19,500 deaths) were alcohol related. Clear patterns have emerged between alcohol consumption and the development of the following types of cancer: head and neck cancer; esophageal cancer; liver cancer; breast cancer; and colorectal cancer.
- Immune System: Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body’s ability to ward off infections – even up to 24 hours after getting drunk.

2. Drugs: With drugs, it has been shown that while initial use may have been voluntary, drugs of abuse alter gene expression and brain circuitry, which affects human behavior and becomes an addiction. Once addiction develops, the brain changes interfere with one’s ability to make voluntary decisions, leading to compulsive drug craving, seeking and use. The long-term use of drugs can be far reaching and affect cardiovascular disease, stroke, cancer, HIV/AIDS, hepatitis, and lung disease. Drugs use has respiratory, gastrointestinal and musculoskeletal effects, and can damage kidneys, the liver, the brain and lead to premature death. In addition, the changes that occur in the brain through long-term drug use can lead to paranoia, depression, aggression, and hallucinations. These issues affect not only the individual, but loved ones, fellow students, and the public in general.

The health risks of alcohol and substances abuse are more thoroughly described by the National Institute on Drug Abuse through charts and information available at <http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.¹

¹ Last visited on July 15, 2019.

D. ASSISTANCE, UNIVERSITY SANCTIONS, AND OTHER INFORMATION

Assistance:

Employees and students needing help in dealing with drug or alcohol problems are encouraged to make voluntary use of their campus Employee Assistance Programs and Student Counseling Centers. The Employee Assistance Programs and Student Counseling Centers can help by offering the following services:

- Objectively assessing the situation and referring employees or students to the proper resources.
- Supplying short-term personal counseling and problem solving.
- Providing education and training to supervisors on how to intervene with troubled employees.

University Sanctions:

In the event a faculty or staff member violates this policy or is convicted of unlawful manufacture, distribution, dispensation, possession or use of controlled substances or alcohol on University property or as part of any University activity, the University will take appropriate action.

For Administrators, staff, and faculty not included in the UNK or UNO collective bargaining units, one or more of the following actions may be taken:

- Referral to the Faculty/Employee Assistance Program for evaluation and assessment to determine the appropriate treatment for rehabilitation;
- Participation in a drug rehabilitation program;
- Disciplinary action, up to and including termination of employment and referral for prosecution.

For faculty included in the UNK or UNO collective bargaining units, conviction of drug law offenses may be considered adequate cause for imposition of the disciplinary process provided in the Collective Bargaining Agreement. Violation of this policy may also be considered adequate for imposition of the disciplinary process and referral for prosecution.

As required by 41 U.S.C. § 8102(1), part of the Drug-Free Workplace Act of 1988, faculty and staff involved in the performance of federal contracts or grants must notify their supervisor within five days if they are convicted of any criminal drug statute as a result of violation of the law that occurs at the workplace. The term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of the Federal or State criminal drug statutes. The supervisor will immediately notify the Academic Affairs Office when faculty members are affected or the Human Resources Office when staff members are affected. The University, in turn, will notify the applicable granting or contracting agency or agencies of the conviction within ten days after receiving notice of an employee's criminal drug statute conviction.

Review:

Biennially, the University will review its Substance Abuse Policy/Program to determine its effectiveness and to ensure that the sanctions required for violations of the policy are consistently enforced.

FEDERAL TRAFFICKING PENALTIES—

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	

PENALTIES

Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV)	1 gram	
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

FEDERAL TRAFFICKING PENALTIES—MARIJUANA—

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants; 1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

CHART 1
SANCTIONS UNDER NEBRASKA LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ANABOLIC STEROIDS,
MARIJUANA, AND HASHISH OR OTHER SUBSTANCES CONTAINING TETRAHYDROCANNABINOLS

Drug	Quantity	Penalty for "simple" possession	Penalty for manufacture, distribution, delivery, dispensation, or possession with intent to manufacture, distribute, deliver or dispense
Anabolic Steroids ¹ Schedule III(d)	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision (with 9-month minimum post-release supervision if imprisoned) or \$10,000 fine, or both. Class IV felony.	Up to 20 years imprisonment; Class IIA felony.
Hashish or Concentrated Cannabis ² Schedule I(c)(16)	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision (with 9-month minimum post-release supervision if imprisoned) or \$10,000 fine, or both. Class IV felony.	Up to 20 years imprisonment; Class IIA felony.
Marijuana ³ Schedule I(c)(7) Or Synthetically Produced Cannabinoids ⁴ Schedule I (c)(25)	Any detectable amount up to 1 ounce	1st offense - \$300 fine and possible assignment to controlled substances course. Infraction. 2nd offense - \$400 fine and up to five days imprisonment. Class IV misdemeanor. 3rd and subsequent offenses - \$500 fine and imprisonment not to exceed 7 days. Class IIIA misdemeanor.	Up to 20 years imprisonment; Class IIA felony.
	More than 1 ounce but less than 1 pound	Up to 3 months imprisonment or \$500 fine or both. Class III misdemeanor.	
	More than one pound	Up to 2 years imprisonment and 12 months post-release supervision (with 9-month minimum post-release supervision if imprisoned) or \$10,000 fine, or both. Class IV felony.	

¹ "Anabolic steroid means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids), that promotes muscle growth and includes any controlled substance in Schedule III(d) of section 28-405. Anabolic steroid does not include any anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and has been approved by the Secretary of Health and Human Services for such administration, but if any person prescribes, dispenses, or distributes such a steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subdivision" Neb. Rev. Stat. § 28-401 (31) (Cum. Supp. 2018).

² "Hashish or concentrated cannabis means (a) the separated resin, whether crude or purified, obtained from a plant of the genus cannabis or (b) any material, preparation, mixture, compound, or other substance which contains ten percent or more by weight of tetrahydrocannabinols. When resins extracted from industrial hemp as defined in section 2-5701 are in the possession of a person as authorized under section 2-5701, they are not considered hashish or concentrated cannabis for purposes of the Uniform Controlled Substances Act." Neb. Rev. Stat. § 28-401(27) (Cum. Supp. 2018).

³ "Marijuana" is defined at Neb. Rev. Stat. § 28-401(13) (Cum. Supp. 2018).

⁴ Nomenclature for these cannabinoids is not internationally recognized and may change; so as long as the chemical structure of a drug fits into this drug's enumerated categories, it shall be included. See Neb. Rev. Stat. § 28-405, Schedule I (c)(25) (Cum. Supp. 2018).

Last reviewed July 2019

CHART 2
SANCTIONS UNDER NEBRASKA LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS

Drug¹	Quantity	Penalty for "simple" possession	Penalty for manufacture, distribution, delivery, dispensation, possession with intent to manufacture, distribute, deliver or dispense
Methamphetamine "Meth" or "Speed" Schedule II(c)(3)	Any detectable amount up to 10 grams	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
	At least 10 grams but less than 28 grams		Not less than 3 years imprisonment and not more than 50 years imprisonment. Class ID felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class IC felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class IB felony.
Heroin Schedule I(b)(11)	Any detectable amount up to 10 grams	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
	At least 10 grams but less than 28 grams		Not less than 3 years imprisonment and not more than 50 years imprisonment. Class ID felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class IC felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class IB felony.
Cocaine or Base Cocaine "Crack Cocaine" Schedule II(a)(4)	Any detectable amount up to 10 grams	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
	At least 10 grams but less than 28 grams		Not less than 3 years imprisonment and not more than 50 years imprisonment. Class ID felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class IC felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class IB felony.
Phencyclidine "PCP" or "Angel Dust" Schedule II(d)(4)	Any detectable amount	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
Lysergic Acid Diethylamide "LSD" Schedule I(c)(6)	Any detectable amount	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Up to 4 years imprisonment and 9-24 months post-release supervision or \$25,000 fine or both. Class III felony.
Fentanyl "China White" Schedule II(b)(5)	Any detectable amount	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
"Exceptionally Hazardous Drugs" ³	Any detectable amount	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
Schedule I/II/III drugs not classified as "Exceptionally Hazardous Drugs"	Any detectable amount	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Up to 20 years imprisonment. Class IIA felony.
Any Controlled Substances classified in Schedule IV or V	Any detectable amount	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Up to 3 years imprisonment and 9-18 months post-release supervision or \$10,000 or both. Class IIIA felony.

¹ Outlined in Neb. Rev. Stat. § 28-416 (Cum. Supp. 2018).

² All references are to the controlled substances schedules enumerated in Neb. Rev. Stat. § 28-405 (Cum. Supp. 2018).

³ "Exceptionally Hazardous Drug" is defined in the Uniform Controlled Substances Act, Neb. Rev. Stat. § 28-401 (28) (Cum. Supp. 2018).

CHART 3: COMMONLY ABUSED DRUGS AND HEALTH RISKS

Source: National Institute on Drug Abuse, <http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>

Alcohol	
Possible Health Effects	Drinking too much – on a single occasion or over time – can take a serious toll on your health. According to the National Institute on Alcohol Abuse and Alcoholism, alcohol can interfere with the healthy functioning of various parts of your body and cause problems with your brain, heart, liver, pancreas, and immune system. It may increase your risk of developing certain cancers such as mouth, esophagus, throat, liver, and/or breast. Alcohol can disrupt fetal development at any stage during a pregnancy. Drinking during pregnancy can cause brain damage, leading to a range of developmental, cognitive, and behavioral problems, which can appear at any time during childhood. Fetal Alcohol Spectrum Disorders (FASD) is the umbrella term for the different diagnoses. Combining alcohol with many of the drugs listed below increases the negative health risks associated with the drugs.
Ayahuasca	
Street Name	Aya, Yagé, Hoasca
Commercial Name	None
Common Forms	Brewed as tea
Common Ways Taken	Swallowed as tea
DEA Schedule	DMT is Schedule I, but plants containing it are not controlled
Possible Health Effects: <u>Short-Term:</u> Strong hallucinations including perceptions of otherworldly imagery, altered visual and auditory perceptions; increased blood pressure; vomiting. <u>Long-Term:</u> Possible changes to the serotonergic and immune system, although more research is needed. <u>Other Health-Related Issues:</u> Unknown	

Central Nervous System Depressants		Possible Health Effects: <u>Short Term:</u> Drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing. <u>Long-Term:</u> Unknown <u>Other Health-Related Issues:</u> Sleep medications are sometimes used as date rape drugs. Risk of HIV, hepatitis, and other infectious diseases from shared needles.
Street Name	Barbs, phennies, red birds, reds, tooies, yellow jackets, yellows	
Commercial Name	Barbiturates: pentobarbital (Nembutal®)	
Common Forms	Pill, capsule, liquid	
Common Ways Taken	Swallowed, injected	
DEA Schedule	Schedule II, III, or IV	
Central Nervous System Depressants (continued)		
Street Name	Candy, downers, sleeping pills, tranks	
Commercial Name	Benzodiazepines: alprazolam (Xanax®), chlorodiazepoxide (Librium®), diazepam (Valium®), lorazepam (Ativan®), triazolam (Halcion®)	
Common Forms	Pill, capsule, liquid	
Common Ways Taken	Swallowed, snorted	
DEA Schedule	Schedule IV	
Central Nervous System Depressants (continued)		
Street Name	Forget-me pill, Mexican valium, R2, roche, roofies, roofinol, rope, rophies	
Commercial Name	Sleep Medications: eszopiclone (Lunesta®), zaleplon (Sonata®), zolpidem (Ambien®)	
Common Forms	Pill, capsule, liquid	
Common Ways Taken	Swallowed, snorted	
DEA Schedule	Schedule IV	

Cocaine		<p>Possible Health Effects: <u>Short-Term:</u> Narrowed blood vessels; enlarged pupils; increased body temperature, heart rate, and blood pressure; headache; abdominal pain and nausea; euphoria; increased energy, alertness; insomnia, restlessness; anxiety; erratic and violent behavior, panic attacks, paranoia, psychosis; heart rhythm problems, heart attack; stroke, seizure, coma. <u>Long-Term:</u> Loss of sense of smell, nosebleeds, nasal damage and trouble swallowing from snorting; infection and death of bowel tissue from decreased blood flow; poor nutrition and weight loss from decreased appetite. <u>Other Health-Related Issues:</u> Pregnancy: premature delivery, low birth weight, neonatal abstinence syndrome. Risk of HIV, hepatitis, and other infectious diseases from shared needles.</p>
Street Name	Blow, Bump, C, Candy, Charlie, Coke, Crack, Flake, Rock, Snow, Toot	
Commercial Name	Cocaine hydrochloride topical solution (anesthetic rarely used in medical procedures)	
Common Forms	White powder, whitish rock crystal	
Common Ways Taken	Snorted, smoked, injected	
DEA Schedule	Schedule II	
DMT		<p>Possible Health Effects: <u>Short-Term:</u> Intense visual hallucinations, depersonalization, auditory distortions, and an altered perception of time and body image, usually resolving in 30-45 minutes or less. Physical effects include hypertension, increased heart rate, agitation, seizures, dilated pupils, involuntary rapid eye movements, dizziness, incoordination. <u>Long-Term:</u> Unknown <u>Other Health-Related Issues:</u> At high doses, coma and respiratory arrest have occurred.</p>
Street Name	DMT, Dimitri	
Commercial Name	None	
Common Forms	White or yellow crystalline powder	
Common Ways Taken	Smoked, injected	
DEA Schedule	Schedule I	
GHB		<p>Possible Health Effects: <u>Short-Term:</u> Euphoria, drowsiness, decreased anxiety, confusion, memory loss, hallucinations, excited and aggressive behavior, nausea, vomiting, unconsciousness, seizures, slowed heart rate and breathing, lower body temperatures, coma, death. Long-Term: Unknown. <u>Other Health-Related Issues:</u> Sometimes used as a date rape drug.</p>
Street Name	G, Georgia Home Boy, Goop, Grievous Bodily Harm, Liquid Ecstasy, Liquid X, Soap, Scoop	
Commercial Name	Gamma-hydroxybutyrate or sodium oxybate (Xyrem®)	
Common Forms	Colorless liquid, white powder	
Common Ways Taken	Swallowed (often combined with alcohol or other beverages)	
DEA Schedule	Schedule I	

Last Updated June 13, 2017

Hallucinogens and dissociative drugs		Possible Health Effects: <u>Short-Term:</u> Disrupt a person's ability to think and communicate rationally, or even recognize reality; some results in bizarre or dangerous behavior; some cause emotions to swing wildly and real-world sensations to appear unreal; feel out of control; feeling of disconnection from body or environment. <u>Long-Term:</u> Associated with psychotic-like episodes long after a person has taken the drug; respiratory depression; heart rate abnormalities; withdrawal syndrome.
Street Name	Acid, Angel Dust, and Vitamin K	
Commercial Name	None	
Common Forms	Varies by type. <i>See hallucinogens - LSD, Psilocybin, DMT, & Ayahuasca; See also dissociative drugs – PCP, ketamine, dextromethorphan, and Salvia</i>	
Common Ways Taken	Varies by type. <i>See hallucinogens - LSD, Psilocybin, DMT, & Ayahuasca; See also dissociative drugs – PCP, ketamine, dextromethorphan, and Salvia</i>	
DEA Schedule	Schedule I	

Heroin		Possible Health Effects: <u>Short-Term:</u> Euphoria; warm flushing of skin; dry mouth; heavy feeling in the hands and feet; clouded thinking; alternate wakeful and drowsy states; itching; nausea; vomiting; slowed breathing and heart rate. <u>Long-Term:</u> Collapsed veins; abscesses (swollen tissue with pus); infection of the lining and valves in the heart; constipation and stomach cramps; liver or kidney disease; pneumonia. <u>Other Health-Related Issues:</u> Pregnancy: miscarriage, low birth weight, neonatal abstinence syndrome. Risk of HIV, hepatitis, and other infectious diseases from shared needles. Dangerous slowdown of heart rate and breathing, coma, death. Restlessness, muscle and bone pain, insomnia, diarrhea, vomiting, cold flashes with goose bumps ("cold turkey"), leg movements.
Street Name	Brown sugar, China White, Dope, H, Horse, Junk, Skag, Skunk, Smack, White Horse With OTC cold medicine and antihistamine: Cheese	
Commercial Name	None	
Common Forms	White or brownish powder, or black sticky substance known as "black tar heroin"	
Common Ways Taken	Injected, smoked, snorted	
DEA Schedule	Schedule I	

Inhalants		Possible Health Effects: <u>Short-Term:</u> Confusion; nausea; slurred speech; lack of coordination; euphoria; dizziness; drowsiness; disinhibition, lightheadedness, hallucinations/delusions; headaches; sudden sniffing death due to heart failure (from butane, propane, and other chemicals in aerosols); death from asphyxiation, suffocation, convulsions or seizures, coma, or choking. Nitrites: enlarged blood vessels enhanced sexual pleasure, increased heart rate, brief sensation of heat and excitement, dizziness, headache. <u>Long-Term:</u> Liver and kidney damage; bone marrow damage; limb spasms due to nerve damage; brain damage from lack of oxygen that can cause problems with thinking,
Street Name	Poppers, snappers, whippets, laughing gas	
Commercial Name	Various	
Common Forms	Paint thinners or removers, degreasers, dry-cleaning fluids, gasoline, lighter fluids, correction fluids, permanent markers, electronics cleaners and freeze sprays, glue, spray paint, hair or deodorant sprays, fabric protector sprays, aerosol computer cleaning products, vegetable oil sprays, butane lighters, propane tanks, whipped cream aerosol containers, refrigerant gases, ether, chloroform, halothane, nitrous oxide	

Common Ways Taken	Inhaled through the nose or mouth	movement, vision, and hearing. Nitrates: increased risk of pneumonia. Other Health-Related Issues: Pregnancy: low birth weight, bone problems, delayed behavioral development due to brain problems, altered metabolism and body composition.
DEA Schedule	Not scheduled.	

Ketamine		Possible Health Effects: <u>Short-Term:</u> Problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion and problems speaking; loss of memory; problems moving, to the point of being immobile; raised blood pressure; unconsciousness; slowed breathing that can lead to death. <u>Long-Term:</u> Problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion and problems speaking; loss of memory; problems moving, to the point of being immobile; raised blood pressure; unconsciousness; slowed breathing that can lead to death. Other Health-Related Issues: Sometimes used as a date rape drug. Risk of HIV, hepatitis, and other infectious diseases from shared needles.
Street Name	Cat Valium, K, Special K, Vitamin K	
Commercial Name	Ketalar®	
Common Forms	Liquid, white powder	
Common Ways Taken	Injected, snorted, smoked (powder added to tobacco or marijuana cigarettes), swallowed	
DEA Schedule	Schedule III	

Khat		Possible Health Effects: <u>Short-Term:</u> Euphoria, increased alertness and arousal, increased blood pressure and heart rate, depression, inability to concentrate, irritability, loss of appetite, insomnia. <u>Long-Term:</u> Tooth decay and gum disease; gastrointestinal disorders such as constipation, ulcers, stomach inflammation, and increased risk of upper gastrointestinal tumors; cardiovascular disorders such as irregular heartbeat, decreased blood flow, and heart attack. In rare cases associated with heavy use: psychotic reactions such as fear, anxiety, grandiose delusions (fantastical beliefs that one has superior qualities such as fame, power and wealth), hallucinations, and paranoia. Other Health-Related Issues: Un known
Street Name	Abyssinian Tea, African Salad, Catha, Chat, Kat, Oat	
Commercial Name	None	
Common Forms	Fresh or dried leaves	
Common Ways Taken	Chewed, brewed as tea	
DEA Schedule	Cathinone is a Schedule I drug, making khat use illegal, but the khat plant is not controlled	

Kratom		Possible Health Effects: <u>Short-Term:</u> Sensitivity to sunburn, nausea, itching, sweating, dry mouth, constipation, increased urination, loss of appetite; Increased energy, sociability, alertness with low doses; Sedation, euphoria, decreased pain with high doses.
Street Name	Herbal Speedball, Biak-biak, Ketum, Kahuam, Ithang, Thom	
Commercial Name	None	
Common Forms	Fresh or dried leaves, powder, liquid, gum	

Common Ways Taken	Chewed (whole leaves); eaten (mixed in food or brewed as tea); occasionally smoked	Long-Term: Anorexia, weight loss, insomnia, skin darkening, dry mouth, frequent urination, constipation; hallucinations with long-term use at high doses in some users. <u>Other Health-Related Issues:</u> Unknown
DEA Schedule	Not scheduled.	

LSD		Possible Health Effects: <u>Short-Term:</u> Rapid emotional swings; distortion of a person's ability to recognize reality, think rationally, or communicate with others; raised blood pressure, heart rate, body temperature; dizziness and insomnia; loss of appetite; dry mouth; sweating; numbness; weakness; tremors; enlarged pupils. <u>Long-Term:</u> Frightening flashbacks (called Hallucinogen Persisting Perception Disorder [HPPD]); ongoing visual disturbances, disorganized thinking, paranoia, and mood swings. <u>Other Health-Related Issues:</u> Unknown
Street Name	Acid, Blotter, Blue Heaven, Cubes, Microdot, Yellow Sunshine	
Commercial Name	None	
Common Forms	Tablet; capsule; clear liquid; small, decorated squares of absorbent paper that liquid has been added to	
Common Ways Taken	Swallowed, absorbed through mouth tissues (paper squares)	
DEA Schedule	Schedule I	

Marijuana (Cannabis)		Possible Health Effects: <u>Short-Term:</u> Enhanced sensory perception and euphoria followed by drowsiness/relaxation; slowed reaction time; problems with balance and coordination; increased heart rate and appetite; problems with learning and memory; hallucinations; anxiety; panic attacks; psychosis. <u>Long-Term:</u> Mental health problems, chronic cough, frequent respiratory infections. <u>Other Health-Related Issues:</u> Youth: possible loss of IQ points when repeated use begins in adolescence. Pregnancy: babies born with problems with attention, memory, and problem solving. Irritability, trouble sleeping, decreased appetite, anxiety.
Street Name	Blunt, Bud, Dope, Ganja, Grass, Green, Herb, Joint, Mary Jane, Pot, Reefer, Sinsemilla, Skunk, Smoke, Trees, Weed; Hashish: Boom, Gangster, Hash, Hemp	
Commercial Name	Various brand names in states where the sale of marijuana is legal	
Common Forms	Greenish-gray mixture of dried, shredded leaves, stems, seeds, and/or flowers; resin (hashish) or sticky, black liquid (hash oil)	
Common Ways Taken	Smoked, eaten (mixed in food or brewed as tea)	
DEA Schedule	Schedule I	

MDMA (Ecstasy/Molly)		Possible Health Effects: <u>Short-Term:</u> Lowered inhibition; enhanced sensory perception; confusion; depression; sleep problems; anxiety; increased heart rate and blood pressure; muscle tension; teeth clenching; nausea; blurred vision; faintness; chills or sweating; sharp rise in body temperature leading to liver,
Street Name	Adam, Clarity, Eve, Lover's Speed, Peace, Uppers	
Commercial Name	None	
Common Forms	Colorful tablets with imprinted logos, capsules, powder, liquid	
Common Ways Taken	Swallowed, snorted	

DEA Schedule	Schedule I	kidney, or heart failure and death. <u>Long-Term:</u> Long-lasting confusion, depression, problems with attention, memory, and sleep; increased anxiety, impulsiveness, aggression; loss of appetite; less interest in sex. <u>Other Health-Related Issues:</u> Unknown. May increase risk of cell and organ damage. Fatigue, loss of appetite, depression, trouble concentrating.
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Mescaline (Peyote)		Possible Health Effects: <u>Short-Term:</u> Enhanced perception and feeling; hallucinations; euphoria; anxiety; increased body temperature, heart rate, blood pressure; sweating; problems with movement <u>Long-Term:</u> Unknown. <u>Other Health-Related Issues:</u> Unknown.
Street Name	Buttons, Cactus, Mesc	
Commercial Name	None	
Common Forms	Fresh or dried buttons, capsule	
Common Ways Taken	Swallowed (chewed or soaked in water and drunk)	
DEA Schedule	Schedule I	

Methamphetamine		Possible Health Effects: <u>Short-Term:</u> Increased wakefulness and physical activity; decreased appetite; increased breathing, heart rate, blood pressure, temperature; irregular heartbeat. <u>Long-Term:</u> Anxiety, confusion, insomnia, mood problems, violent behavior, paranoia, hallucinations, delusions, weight loss, severe dental problems ("meth mouth"), intense itching leading to skin sores from scratching. <u>Other Health-Related Issues:</u> Pregnancy: premature delivery; separation of the placenta from the uterus; low birth weight; lethargy; heart and brain problems. Risk of HIV, hepatitis, and other infectious diseases from shared needles. When combined with alcohol, it masks the depressant effect of alcohol, increasing risk of alcohol overdose; may increase blood pressure and jitters. Withdrawal symptoms include depression, anxiety, and tiredness.
Street Name	Crank, Chalk, Crystal, Fire, Glass, Go Fast, Ice, Meth, Speed	
Commercial Name	Desoxyn®	
Common Forms	White powder or pill; crystal meth looks like pieces of glass or shiny blue-white "rocks" of different sizes	
Common Ways Taken	Swallowed, snorted, smoked, injected	
DEA Schedule	Schedule II	

Over-the-counter Cough/Cold Medicines (Dextromethorphan or DMX)		Possible Health Effects: <u>Short-Term:</u> Euphoria; slurred speech; increased heart rate, blood pressure, temperature; numbness; dizziness; nausea; vomiting; confusion; paranoia; altered visual perceptions; problems with movement; buildup of excess acid in body
Street Name	Robotripping, Robo, Triple C	
Commercial Name	Various (many brand names include "DM")	
Common Forms	Syrup, capsule	
Common Ways Taken	Swallowed	

DEA Schedule	Not scheduled	
PCP		<p>Possible Health Effects: <u>Short-Term:</u> Delusions, hallucination, paranoia, problems thinking, sense of distance from one’s environment, anxiety. Slight increase in breathing rate; increased blood pressure and heart rate; shallow breathing; face redness & sweating; numbness of the hands or feet; problems with movement in low doses. Lowered blood pressure, pulse rate, breathing rate; nausea; vomiting; blurred vision; flicking up and down of the eyes; drooling; loss of balance; dizziness; violence; suicidal thoughts; seizures, coma, & death with high doses. <u>Long-Term:</u> Memory loss, problems with speech and thinking, depression, weight loss, anxiety. <u>Other Health-Related Issues:</u> PCP has been linked to self-injury. Risk of HIV, hepatitis, and other infectious diseases from shared needles. Increased risk of coma. Headaches, sweating.</p>
Street Name	Angel Dust, Boat, Hog, Love Boat, Peace Pill	
Commercial Name	None	
Common Forms	White or colored powder, tablet, or capsule; clear liquid	
Common Ways Taken	Injected, snorted, swallowed, smoked (powder added to mint, parsley, oregano, or marijuana)	
DEA Schedule	Schedule I, II	
Prescription Opioids		<p>Possible Health Effects: <u>Short-Term:</u> Pain relief, drowsiness, nausea, constipation, euphoria, confusion, slowed breathing, death. <u>Long-Term:</u> Unknown. <u>Other Health-Related Issues:</u> Pregnancy: Miscarriage, low birth weight, neonatal abstinence syndrome. Older adults: higher risk of accidental misuse or abuse because many older adults have multiple prescriptions, increasing the risk of drug-drug interactions, and breakdown of drugs slows with age; also, many older adults are treated with prescription medications for pain. Risk of HIV, hepatitis, and other infectious diseases from shared needles. In combination with alcohol, dangerous slowing of heart rate and breathing leading to coma and death. Withdrawal symptoms include restlessness, muscle and bone pain, insomnia, diarrhea, vomiting, cold flashes and other symptoms</p>
Street Name	Captain Cody, Cody, Lean, Schoolboy, Sizzurp, Purple Drank with glutethimide: Doors & Fours, Loads, Pancakes and Syrup	
Commercial Name	Codeine (various brand names)	
Common Forms	Tablet, capsule, liquid	
Common Ways Taken	Injected, swallowed (often mixed with soda and flavorings)	
DEA Schedule	Schedule II, III, V	
Prescription Opioids (continued)		
Street Name	Apache, China Girl, China White, Dance Fever, Friend, Goodfella, Jackpot, Murder 8, Tango and Cash, TN	
Commercial Name	Fentanyl (Actiq®, Duragesic®, Sublimaze®)	
Common Forms	Lozenge, sublingual tablet, film, buccal tablet	
Common Ways Taken	Injected, smoked, snorted	
DEA Schedule	Schedule II	
Prescription Opioids (continued)		<p>Possible Health Effects: <i>See Prescription Opioids, page 4</i></p>
Street Name	Vike, Watson-387	
Commercial Name	Hydrocodone or dihydrocodeinone (Vicodin®, Lortab®, Lorcet®, and others)	
Common Forms	Capsule, liquid, tablet	

Common Ways Taken	Swallowed, snorted, injected
DEA Schedule	Schedule II
Prescription Opioids (continued)	
Street Name	D, Dillies, Footballs, Juice, Smack
Commercial Name	Hydromorphone (Dilaudid®)
Common Forms	Liquid, suppository
Common Ways Taken	Injected, rectal
DEA Schedule	Schedule II
Prescription Opioids (continued)	
Street Name	Demmys, Pain Killer
Commercial Name	Meperidine (Demerol®)
Common Forms	Tablet, liquid
Common Ways Taken	Swallowed, snorted, injected
DEA Schedule	Schedule II
Prescription Opioids (continued)	
Street Name	Amidone, Fizzies with MDMA: Chocolate Chip Cookies
Commercial Name	Methadone (Dolophine®, Methadose®)
Common Forms	Tablet, dispersible tablet, liquid
Common Ways Taken	Swallowed, injected
DEA Schedule	Schedule II
Prescription Opioids (continued)	
Street Name	M, Miss Emma, Monkey, White Stuff
Commercial Name	Morphine (Duramorph®, Roxanol®)
Common Forms	Tablet, liquid, capsule, suppository
Common Ways Taken	Injected, swallowed, smoked
DEA Schedule	Schedule II, III
Prescription Opioids (continued)	
Street Name	O.C., Oxycet, Oxycotton, Oxy, Hillbilly Heroin, Percs
Commercial Name	Oxycodone (OxyContin®, Percodan®, Percocet®, and others)
Common Forms	Capsule, liquid, tablet
Common Ways Taken	Swallowed, snorted, injected
DEA Schedule	Schedule II
Prescription Opioids (continued)	
Street Name	Biscuits, Blue Heaven, Blues, Mrs. O, O Bomb, Octagons, Stop Signs
Commercial Name	Oxymorphone (Opana®)
Common Forms	Tablet
Common Ways Taken	Swallowed, snorted, injected
DEA Schedule	Schedule II

Prescription Sedatives		Possible Health Effects: <u>Short-Term:</u> Drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing. <u>Long-Term:</u> Unknown. <u>Other Health-Related Issues:</u> Sleep medications are sometimes used as date rape drugs. Risk of HIV, hepatitis, and other infectious diseases from shared needles. In combination with alcohol, sedatives further slows heart rate and breathing, which can lead to death. Withdrawal symptoms should be discussed with a doctor, but can lead to seizures.
Street Name	Barbs, Phennies, Red Birds, Reds, Tooies, Yellow Jackets, Yellows	
Commercial Name	Barbiturates: pentobarbital (Nembutal®), phenobarbital (Luminal®)	
Common Forms	Pill, capsule, liquid	
Common Ways Taken	Swallowed, injected	
DEA Schedule	Schedule II, III, IV	
Prescription Sedatives (continued)		
Street Name	Candy, Downers, Sleeping Pills, Tranks	
Commercial Name	Benzodiazepines: alprazolam (Xanax®), chlorodiazepoxide (Limbitrol®), diazepam (Valium®), lorazepam (Ativan®), triazolam (Halicon®)	
Common Forms	Pill, capsule, liquid	
Common Ways Taken	Swallowed, injected	
DEA Schedule	Schedule IV	
Prescription Sedatives (continued)		
Street Name	Forget-me Pill, Mexican Valium, R2, Roche, Roofies, Roofinol, Rope, Rophies	
Commercial Name	Sleep Medications: Eszopiclone (Lunesta®), zaleplon (Sonata®), zolpidem (Ambien®)	
Common Forms	Pill, capsule, liquid	
Common Ways Taken	Swallowed, injected	
DEA Schedule	Schedule IV	

Prescription Stimulants		Possible Health Effects: <u>Short-Term:</u> Increased alertness, attention, energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages. High doses: dangerously high body temperature and irregular heartbeat; heart failure; seizures. <u>Long-Term:</u> Heart problems, psychosis, anger, paranoia. <u>Other Health-Related Issues:</u> Risk of HIV, hepatitis, and other infectious diseases from shared needles. Masks the depressant action of alcohol, increasing risk of alcohol overdose; may increase blood pressure and jitters. Withdrawal symptoms include depression, tiredness, and sleep problems.
Street Name	Bennies, Black Beauties, Crosses, Hearts, LA Turnaround, Speed, Truck Drivers, Uppers	
Commercial Name	Amphetamine (Adderall®, Benzedrine®)	
Common Forms	Tablet, capsule	
Common Ways Taken	Swallowed, snorted, smoked, injected	
DEA Schedule	Schedule II	
Prescription Stimulants (continued)		
Street Name	JIF, MPH, R-ball, Skippy, The Smart Drug, Vitamin R	
Commercial Name	Methylphenidate (Concerta®, Ritalin®)	
Common Form	Liquid, tablet, chewable tablet, capsule	
Common Ways Taken	Swallowed, snorted, smoked, injected, chewed	
DEA Schedule	Schedule II	

Psilocybin		Possible Health Effects: <u>Short-Term:</u> Hallucinations, altered perception of time, inability to tell fantasy from reality, panic, muscle relaxation or weakness, problems with movement, enlarged pupils, nausea, vomiting, drowsiness. <u>Long-Term:</u> Risk of flashbacks and memory problems. <u>Other Health-Related Issues:</u> Risk of poisoning if a poisonous mushroom is accidentally used. In combination with alcohol, may decrease the perceived effects of alcohol.
Street Name	Little Smoke, Magic Mushrooms, Purple Passion, Shrooms	
Commercial Name	None	
Common Forms	Fresh or dried mushrooms with long, slender stems topped by caps with dark gills	
Common Ways Taken	Swallowed (eaten, brewed as tea, or added to other foods)	
DEA Schedule	Schedule I	

Rohypnol® (Flunitrazepam)		Possible Health Effects: <u>Short-Term:</u> Drowsiness, sedation, sleep; amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgment; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate. <u>Long-Term:</u> Unknown. <u>Other Health-Related Issues:</u> Unknown. In combination with alcohol, severe sedation, unconsciousness and slowed heart rate and breathing, which can lead to death. Withdrawal symptoms include headache, muscle pain, extreme anxiety, tension, restlessness, confusion, irritability, numbness, tingling of hands or feet, hallucinations, delirium, convulsions, seizures or shock.
Street Name	Circles, Date Rape Drug, Forget Pill, Forget-Me Pill, La Rocha, Lunch Money, Mexican Valium, Mind Eraser, Pingus, R2, Reynolds, Rib, Roach, Roach 2, Roaches, Roachies, Roopies, Rochas Dos, Roofies, Rope, Rophies, Row-Shay, Ruffies, Trip-and-Fall, Wolfies	
Commercial Name	Flunitrazepam, Rohypnol®	
Common Forms	Tablet	
Common Ways Taken	Swallowed (as a pill or as dissolved in a drink), snorted	
DEA Schedule	Schedule IV; Rohypnol® is not approved for medical use in the United States; it is available as a prescription sleep aid in other countries	

Salvia		Possible Health Effects: <u>Short-Term:</u> Short-lived but intense hallucinations; altered visual perception, mood, body sensations; mood swings, feelings of detachment from one's body; sweating. <u>Long-Term:</u> Unknown. <u>Other Health-Related Issues:</u> Unknown.
Street Name	Magic mint, Maria Pastora, Sally-D, Shepherdess's Herb, Diviner's Sage	
Commercial Name	Sold legally in most states as Salvia divinorum	
Common Forms	Fresh or dried leaves	
Common Ways Taken	Smoked, chewed, or brewed as tea	
DEA Schedule	Not Scheduled (but labeled drug of concern by DEA and illegal in some states)	

Steroids (Anabolic)		Possible Health Effects: <u>Short-Term:</u> Headache, acne, fluid retention (especially in the hands and feet), oily skin, yellowing of the skin and whites of the eyes, infection at the injection site. <u>Long-Term:</u> Kidney damage or failure; liver damage; high blood pressure, enlarged heart, or changes in cholesterol leading to increased risk of stroke or heart attack, even in young people; aggression; extreme mood swings; anger ("Roid rage"); paranoid jealousy; extreme irritability; delusions; impaired judgment. <u>Other Health-Related Issues:</u> Males: shrunken testicles, lowered sperm count, infertility, baldness, development of breasts, increased risk for prostate cancer. Females: facial hair, male-pattern baldness, menstrual cycle changes, enlargement of the clitoris, deepened voice. Adolescents: stunted growth. Risk of HIV, hepatitis, and other infectious diseases from shared needles. Increased risk of violent behavior.
Street Name	Juice, Gym Candy, Pumpers, Roids	
Commercial Name	Nandrolone (Oxandrin®), oxandrolone (Anadrol®), oxymetholone (Winstrol®), stanozolol (Durabolin®), testosterone cypionate (Depo-testosterone®)	
Common Forms	Tablet, capsule, liquid drops, gel, cream, patch, injectable solution	
Common Ways Taken	Injected, swallowed, applied to skin	
DEA Schedule	Schedule III	

Synthetic Cannabinoids ("K2" / "Spice")		Possible Health Effects: <u>Short-Term:</u> Increased heart rate; vomiting; agitation; confusion; hallucinations, anxiety, paranoia; increased blood pressure and reduced blood supply to the heart; heart attack. <u>Long-Term:</u> Unknown. <u>Other Health-Related Issues:</u> Use of synthetic cannabinoids has led to an increase in emergency room visits in certain areas.
Street Name	K2, Spice, Black Mamba, Bliss, Bombay Blue, Fake Weed, Fire, Genie, Moon Rocks, Skunk, Smacked, Yucatan, Zohai	
Commercial Name	None	
Common Forms	Dried, shredded plant material that looks like potpourri and is sometimes sold as "incense"	
Common Ways Taken	Smoked, swallowed (brewed as tea)	
DEA Schedule	Schedule I	

Bath Salts (Synthetic Cathinones)		Possible Health Effects: <u>Short-Term:</u> Increased heart rate and blood pressure; euphoria; increased sociability and sex drive; paranoia, agitation, and hallucinations; psychotic and violent behavior; nosebleeds; sweating; nausea, vomiting; insomnia; irritability; dizziness; depression; suicidal thoughts; panic attacks; reduced motor control; cloudy thinking. <u>Long-Term:</u> Breakdown of skeletal muscle tissue; kidney failure; death. <u>Other Health-Related Issues:</u> Risk of HIV, hepatitis, and other infectious diseases from shared needles.
Street Name	Bloom, Cloud Nine, Cosmic Blast, Ivory Wave, Lunar Wave, Scarface, Vanilla Sky, White Lightning	
Commercial Name	None	
Common Forms	White or brown crystalline powder sold in small plastic or foil packages labeled "not for human consumption" and sometimes sold as jewelry cleaner; tablet, capsule, liquid	
Common Ways Taken	Swallowed, snorted, or injected	
DEA Schedule	Schedule I Some formulations have been banned by the DEA	

Tobacco		Possible Health Effects: <u>Short-term:</u> Increased blood pressure, breathing, and heart rate. <u>Long-Term:</u> Greatly increased risk of cancer, especially lung cancer when smoked and oral cancers when chewed; chronic bronchitis; emphysema; heart disease; leukemia; cataracts; pneumonia. <u>Other Health-Related Issues:</u> Pregnancy: miscarriage, low birth weight, premature delivery and stillbirth, and learning and behavior problems.
Street Name	None	
Commercial Name	Multiple brand names	
Common Forms	Cigarettes, cigars, bidis, hookahs, smokeless tobacco (snuff, spit tobacco, chew)	
Common Ways Taken	Smoked, snorted, chewed, vaporized	
DEA Schedule	Not Scheduled	

University of Nebraska at Kearney Conduct Sanction Guidelines

Violation	1st Violation	2nd Violation	3rd Violation
Alcohol	Warning & 3rd Millennium Online Course	Probation, Referral to Counseling for Alcohol Assessment & Educational Sanction	Refer to Assistant Dean/ Conduct Board
Drugs/ Controlled Substances	Warning & 3rd Millennium Online Course	Probation, Referral to Counseling for Assessment & Educational Sanction	Refer to Assistant Dean/ Conduct Board
Smoking/ Tobacco	Warning & Restitution (if applicable)	Probation, Restitution & Educational Sanction	Refer to Assistant Dean/ Conduct Board
Theft	Warning/ Probation, Educational Sanction & Restitution	Probation, Educational Sanction & Restitution/ Refer to Assistant Dean/ Conduct Board	Refer to Assistant Dean/ Conduct Board
Damage	Warning/ Probation & Restitution	Warning/ Probation & Restitution or Refer to Assistant Dean	Warning/ Probation & Restitution or Refer to Assistant Dean
Disorderly Conduct	Warning/ Probation & Educational Sanction	Warning/ Probation & Educational Sanction or Refer to Assistant Dean	Refer to Assistant Dean/ Conduct Board
False Reports/ Fire Safety	Probation, Fine & Educational Sanction	Probation, Fine & Educational Sanction/ Refer to Assistant Dean/ Conduct Board	Refer to Assistant Dean/ Conduct Board
Residence Hall Violation(s)	Warning & Restitution and/or Educational Sanction	Warning/Probation & Restitution and/or Educational Sanction	Probation, Restitution and/or Educational Sanction or Refer to Assistant Dean/ Conduct Board
Weapons/ Firearms	Refer to Assistant Dean/ Conduct Board	Refer to Assistant Dean/ Conduct Board	Refer to Assistant Dean/ Conduct Board
Failure to Complete Assigned Sanction(s)	Warning & Hold on Student Account	Warning/ Probation & Hold on Student Account	Probation & Hold on Student Account or Refer to Assistant Dean

All recommended sanctions listed in the “University of Nebraska at Kearney Conduct Sanction Guidelines “ should be considered the minimum sanction(s) for a student held “in violation” of the Student Code of Conduct. Should a violation occur that is particularly egregious stronger and/or more sanctions may be imposed by the conduct hearing officer. All cases that may involve a potential suspension, expulsion and/or a large restitution must be referred to the Student Conduct Board. More information about the Student Conduct Board can be found in the Student Code of Conduct. (<https://www.unk.edu/offices/reslife/ documents/university-of-nebraska-at-kearney-student-code-of-conduct.pdf>)

All questions related to sanctioning should be referred to the Assistant Dean for Student Affairs.

The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws.

Missing Persons Policy

The purpose of this policy is to provide guidelines regarding the handling of any residential student who is believed to be missing. This policy applies to all students of University Housing. This policy is a direct result of the passing of the Higher Education Act of 2008.

This policy contains the official notification procedures of the University of Nebraska Kearney for missing students who reside in on-campus housing, in accordance with the requirements of the Higher Education Opportunity Act (HEOA). This policy is intended to promote the safety and welfare of members of the University community through compliance with the HEOA.

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she must immediately notify the University of Nebraska Kearney Police Department (UNKPD) at (308) 865-8911. The UNKPD will make all appropriate notifications, determined by the circumstances of each individual case. UNKPD will generate a missing person report and keep a copy for themselves, or in their absence, forward to KPD. Following is an investigation.

In addition to registering an emergency contact, students may also designate a confidential missing person contact to be notified in the event that the student is determined to be missing that only authorized campus officials and law enforcement officers in the furtherance of a missing persons investigation may access. University administration will utilize the confidential missing person contact when a student has been missing for less than 24-hours.

If the confidential missing person contact cannot be reached, does not know the location of the missing person, or more than 24-hours have passed, regardless of whether a confidential contact person has been registered by the student, the UNKPD will notify the student's emergency contact and enter the missing person on NCIS and NCIC in order for law enforcement officials throughout Nebraska and the United States to be aware of the circumstances. For missing students who are under the age of 18 and not emancipated, a parent or legal guardian must be notified of the situation, in accordance with HEOA.

The procedures outlined above may be implemented in less than 24-hours after a student has been determined missing if circumstances warrant a faster implementation.

Students will be given the opportunity to designate an individual or individuals to be contacted by the University no more than 24-hours after the time the student is determined to be missing in accordance with the procedures set forth below. This individual will further be updated as to the progress of the investigation into the missing person. This designated emergency contact will remain in effect until changed or revoked by the student.

1. PROCEDURE

A. Students Living on Campus will be given the opportunity during the time of move-in to designate an individual or individuals to be contacted by the University no more than 24-hours after the time the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student. This information will be maintained in the Housing Office.

Students enrolled at UNK but do not live on campus will be able to identify a confidential contact person or persons who will be notified within 24-hours in the event that a determination is made by one of the UNK Police Department that the student is missing through MyBlue.

B. In the event a student who is under the age of 18 and is not emancipated is determined to be missing pursuant to the procedures set forth below, the University is required to notify a custodial parent or guardian, in addition to the student's designated contact, no more than 24-hours after the student is determined to be missing in accordance with the procedures set forth below.

C. Official notification procedures for missing students:

1. Any individual who believes a residential student may be missing must notify either the Office of Residence Life at 308-865-8519, 2615 11th Avenue, Conrad Hall or UNKPD at 308-865-8911, 2501 19th Avenue as soon as possible.
2. If an individual who lives off campus is believed to be missing, the reporting person will be immediately referred to their local police department. All University departments will work with these agencies to assist them in their investigation.
3. The Office of Residence Life and UNKPD will work together to gather all essential information about the residential student to determine the validity and credibility of the report. UNKPD will gather all essential information about the resident from the reporting person and from the resident's acquaintances. Appropriate campus staff will be notified to aid in the search for the resident.
4. If the above actions are unsuccessful in locating the student or it is apparent immediately that the student is a missing person (e.g.,witnessed abduction) UNKPD will report the missing person to the National Crime Information Center of the Department of Justice and contact the appropriate law enforcement agency to report the student as a missing person and request their assistance as the lead investigating agency on the case.
5. No later than 24-hours after determining that a residential student is missing, the Office of Residence Life will notify the emergency contact for the students. In addition, the parent/guardian for the students under the age of 18 will be contacted.
6. The University's Administrative and Emergency Operation Teams will also be notified at this time. The lead investigating agency will be the contact point for the release of any information pertaining to the case. This agency may consult with Communications and Marketing. All inquiries to the University regarding the missing student's case, or information provided to any individual about a missing student, shall be referred to the UNKPD, who shall refer such inquiries and information to the lead investigating agency.

UNK SEXUAL MISCONDUCT POLICY AND PROCEDURES

1. STATEMENT OF POLICY

- A. Beginning with the University of Nebraska charter in 1869, Nebraska law has provided that no person shall be deprived of the privileges of this institution because of sex. Discrimination on the basis of sex is also prohibited by federal law. The University of Nebraska has programs to promote awareness of and to help prevent domestic violence, dating violence, sexual assault, and stalking and to assist members of the university community who are affected by such behavior. Rape, acquaintance rape, domestic violence, dating violence, sexual assault, sexual harassment and stalking are against the law and are unacceptable behaviors under University of Nebraska policy. These unacceptable behaviors are hereafter referred to as “sexual misconduct”. Sexual misconduct is conduct in violation of the University policy and state and federal law that the University will take action to eliminate, prevent and redress once the University has notice that sexual misconduct has occurred.
- B. The President and Chancellor shall implement procedures to address the rights of all individuals involved in cases of alleged sexual misconduct. This policy applies to all University of Nebraska employees and students regardless of sexual orientation or gender identity and to all programs and activities under the jurisdiction of the University of Nebraska. The University may respond to complaints of sexual misconduct whether they are alleged to have occurred on or off University premises and to complaints of misconduct committed by third parties who are not employees or students.

2. AWARENESS, EDUCATION, PREVENTION AND TRAINING PROGRAMS

- A. As required by federal statutes and administrative regulations, the Office of the President and each Chancellor shall publicize and conduct ongoing programs for new students and employees and other members of the University community to promote awareness of the problems caused by sexual misconduct and to help prevent and attempt to reduce the risk of the occurrence of sexual misconduct. These programs shall include instruction on safe and positive options for bystander intervention that may be carried out by individuals to prevent harm or intervene when there is a risk of sexual misconduct being inflicted on another person. Training shall be provided to all persons designated as campus security authorities and those involved in responding to charges of sexual misconduct (dating violence, domestic violence, sexual assault, stalking and consent.)

3. ASSISTANCE TO PERSONS SUBJECTED TO SEXUAL MISCONDUCT

- A. Persons subjected to sexual misconduct may be helped—sometimes anonymously—whether or not a complaint of any kind is filed. Changes in academic, living, transportation, and working situations may be made available on a confidential basis by the University as remedies to protect persons, complainants, or witnesses. These options must be provided if requested and reasonably available, regardless of whether or not the person chooses to report to campus police or local law enforcement. The President and Chancellor shall disseminate information about university programs and resources available to assist persons who have been subjected to sexual misconduct and about agencies outside the university located throughout the state that provide related services. In addition to identifying resources available to provide counseling and medical treatment, university sexual misconduct programs must provide instruction on the importance of preserving evidence as proof of sexual misconduct and on the availability of protection orders and other remedies that may be afforded to persons who have been subjected to sexual misconduct. Preservation of evidence is required of all parties. Concealment or destruction of evidence is prohibited under university rules and the law.
- B. Under the Clery Act, institutions must provide victims of dating violence, domestic violence, sexual assault, and stalking with information in writing about options for, available assistance in, and how to request changes to academic, living, transportation, and working accommodations, as well as other protective measures. These options must be provided if requested and reasonably available, regardless of whether or not the person chooses to report to campus police or local law enforcement.
- C. A person who has or had been involved in a dating relationship or who has, or had, a marital, shared residential or familial relationship with the actor may obtain either a harassment or domestic protection order. Persons who have not been involved in a dating relationship may qualify for a harassment protection order. Violation of harassment or domestic protection orders issued by courts of this or another state or tribal courts can result in a violator's arrest and subject the violator to criminal penalties.
- D. The Protection from Domestic Abuse Act makes the Nebraska Department of Health and Human Services (DHHS) responsible to provide victims of domestic abuse emergency services, support programs, limited medical help and legal assistance in obtaining a protection order.

4. COMPLAINTS, REPORTING AND INVESTIGATION PROCESS

- A. A person subjected to sexual misconduct may be helped whether or not a complaint or report of any kind is filed. Changes in academic, living, transportation and working situations may be made available by the University as remedies to protect persons, complainants or witnesses. There are several avenues potentially available to make a report or formal complaint of sexual misconduct. A report of sexual misconduct could be made to the University, a civil suit could be filed against the actor responsible for the sexual misconduct, a criminal charge could be filed as a result of a law enforcement investigation, and/or an administrative complaint can be made to the United States Department of Education, Office of Civil Rights (OCR). A person may also choose not to make a report or take any further action.

Complaints to the University

- A. Students, employees and third parties may complain of violations of the University policy against sexual misconduct. Complaints of sexual misconduct can be made to Campus Security Authorities (CSAs), Investigators, Human Resources or Student Affairs Officers and Title IX Specialist. Information on how to file complaints will be publicized by the President and Chancellors.
- B. The University will protect the privacy of the parties involved in a sexual misconduct case to the extent possible under the law. In some situations, including those in which disciplinary action is a possible outcome, the law may require disclosure to respondents.
- C. The University may be required by law to investigate complaints of sexual misconduct, but that investigation may be limited by the information provided by the Complainant and the Complainant's willingness to pursue a formal complaint.
- D. If the Complainant wishes to avoid revealing his or her identity, the University will make every reasonable effort to abide by Complainant's wishes to remain anonymous; however, the University is required to balance such a request with interest in protecting the safety of other members of the community.
 - 1. Factors that will be considered in determining whether to disclose a report of sexual misconduct, a complaint, or the identity of the Complainant to a Respondent include: the seriousness of the alleged conduct; the Complainant's age; whether there have been other complaints about the same individual and the Respondent's rights to receive information about the allegations.
- E. If the University proceeds with an investigation or other response to the Report of sexual misconduct, then the Investigator will notify the Complainant before the Respondent is contacted. Retaliation against the Complainant or a third party in an attempt to prevent or otherwise obstruct the reporting or remediation of sexual misconduct is prohibited. The Complainant and others contacted during the course of an investigation should be notified of the University's anti-retaliation policy.

Handling of Confidential Reports

- A. If the Complainant would like to remain anonymous, the Investigator will:
 - 1. Explain that the University endeavors to investigate the allegations as presented without revealing the Complainant's identity, but that the University cannot ensure complete confidentiality and it may be limited in its ability to take disciplinary action if the Complainant desires to remain anonymous;
 - 2. Advise the Complainant that the University has an obligation to investigate and document allegations of sexual misconduct, to include general information about reports of criminal sexual misconduct in annual security report statistics which do not identify either the person claiming to have been subject to criminal sexual misconduct or the actor alleged to have committed criminal sexual misconduct;
 - 3. To the extent practicable, provide resources and internally manage the Complainant's situation, as the University would if the Complainant did not request anonymity; and
 - 4. Ask the Complainant to acknowledge and sign a document confirming that s/he has requested anonymity and that may mean that the University is unable to take disciplinary action against the Respondent.

Investigation by University

- A. The University will investigate and act upon information that is provided to it about allegations of sexual misconduct.
- B. The University is committed to the following when investigating sexual misconduct complaints:
 - 1. Assigning investigators who receive annual training on the issues related to domestic violence, dating violence, sexual assault, sexual harassment and stalking and how to conduct an investigation that protects the safety of persons involved;
 - 2. Basing findings on the greater weight of the evidence standard;
 - 3. Treating all parties fairly and equally;
 - 4. Notifying all parties that the investigation will be impartial, prompt and equitable for the entire process to the final result; and
 - 5. Providing all parties an opportunity to be heard.

University Disciplinary Procedures

- A. Investigations of allegations against students will be handled using the Response to Allegations of Student Sexual Misconduct disciplinary procedures.
- B. University internal investigations and any disciplinary or remedial actions are independent of any civil, criminal or external administrative investigation. The University may pursue an investigation, take appropriate remedial action and/or impose disciplinary sanctions against a member of the university community at the same time the actor is facing criminal charges for the same incident, even if the criminal prosecution is pending, has been dismissed, if the charges have been reduced.
- C. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

5. POSSIBLE SANCTIONS AFTER SEXUAL MISCONDUCT FINDING

- A. Institutional sanctions that may be imposed against students for sexual misconduct range from warning to expulsion. Sanctions against students may be imposed by the Student Affairs Officer, Conduct Officer or Conduct Board. Institutional sanctions against employees range from warning to termination. Institutional sanctions against employees will be recommended by the Investigator to the person or persons authorized to impose employee sanctions. Institutional sanctions against third parties range from loss of privileges to trespass exclusion orders. Notice of the outcome and procedures for disciplinary action in cases of a sexual misconduct complaint must be provided to both complainant and respondent.

6. DEFINITIONS

For purposes of addressing complaints of sexual misconduct against or by University students and employees, the following uniform definitions shall be used by the University.

- A. “Actor” means a person accused of sexual misconduct.
- B. “Advisor” means any person, including legal counsel, who assists the Respondent, Complainant or Investigator during a Conduct proceeding.
- C. “Bodily injury” shall mean physical pain, illness, or any impairment of physical condition.
- D. “Campus security authority” (CSA) is a University official charged with the duty to report incidents of sexual misconduct to the person in charge of Clery Act reporting. All officers of a university police department or a campus security department are campus security authorities, but there are other CSAs outside of those offices. The Office of the President and each Chancellor shall prepare and publicize a list of designated campus security authorities.
- E. “Complainant” means any individual who comes forward to complain of sexual misconduct against or by a member of the University community or a third party.
- F. “Confidentiality” means that the University will not disclose the names of individuals involved in sexual misconduct cases to others except on a need to know basis or as required by law. The University will instruct employees and students about the requirement not to disclose confidential information. Confidentiality is not the same as anonymity, where an individual is not named or personally identified.
- G. “Consent” means agreement, approval, or permission as to some act or purpose, given voluntarily by a competent person. Nebraska law states “without consent” means:
 - (1) (i) The person was compelled to submit due to the use of force or threat of force or coercion, or (ii) the person expressed a lack of consent through words, or (iii) the person expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor;

(2) The person need only resist, either verbally or physically, so as to make the person's refusal to consent genuine and real and so as to reasonably make known to the actor the person's refusal to consent; and

(3) A person need not resist verbally or physically where it would be useless or futile to do so.

(4) In the above text, the word “person” means the individual against whom a wrongful act was allegedly committed, and the word “actor” is the individual alleged to have committed a wrongful act. When the actor knew or should have known that a person was mentally or physically incapable of resisting or understanding the nature of his or her conduct, there is no consent. A person may be incapacitated due to intoxication, mental illness or deficiency or by physical illness or disability to the extent that personal decision-making is impossible. Surprise may also prevent resistance, as where a person is grabbed from behind.

There are some persons who the law presumes are incapable of consenting to sexual contact or penetration by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

- H. “Dating violence” is included within the definition of “domestic assault.”
- I. “Domestic assault” has three definitions which depend on the harm threatened or inflicted by an actor on a person. An actor commits domestic assault if he or she (i) intentionally and knowingly causes bodily injury to his or her intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner. An actor commits a more severe form of domestic assault if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument. An actor commits the worst form of domestic assault if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.
- J. “Domestic violence” is included with the definition of “domestic assault.”
- K. “Force or threat of force” means (a) the use of physical force which overcomes the person’s resistance or (b) the threat of physical force, express or implied, against the person or a third party that places the person in fear of death or in fear of serious personal injury to the person or a third party where the person reasonably believes that the actor has the present or future ability to execute the threat.
- L. “Intimate partner” means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this definition, dating relationship means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.
- M. “Intimate parts” means the genital area, groin, inner thighs, buttocks or breasts.

- N. The term “Investigator” means a University official authorized to investigate and recommend remediation of complaints of sexual misconduct.
- O. “In violation” means that it is more likely than not that an actor has committed one or more acts of sexual misconduct. In other words, a greater weight of the evidence standard must be used to find sexual misconduct.
- P. The term “may” is used in the permissive sense.
- Q. “Member of the University community” includes any individual who is a student, staff, faculty member, University official, or any other individual employed by, or acting on behalf of, the University. An individual’s status in a particular situation shall be determined by the Investigator or Title IX Coordinator.
- R. The term “not in violation” means that it is more likely than not that a member of the University community did not commit one or more acts of sexual misconduct.
- S. “Past sexual behavior” means a person’s sexual behavior other than when the sexual misconduct is alleged to have occurred.
- T. “Person” means the individual who allegedly was, or was determined to have been, subjected to sexual misconduct.
- U. “Rape” is included under the definition of sexual assault and means an actor’s sexual penetration of a person without consent.
- V. “Respondent” is any member of the University who is charged with one or more acts of sexual misconduct.
- W. “Retaliation” includes intimidation, threats, harassment, and other adverse action threatened or taken against the Complainant or a third party in an attempt to prevent or otherwise obstruct the reporting of sexual misconduct.
- X. “Serious bodily injury” shall mean bodily injury which involves a substantial risk of death, or which involves substantial risk of serious physical disfigurement, or protracted loss or impairment of the function of any part or organ of the body.
- Y. “Serious personal injury” means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.

Z. “Sexual assault” is committed when an actor subjects a person to sexual penetration (i) without the consent of the person; (ii) when the actor knew or should have known that the person was mentally or physically incapable of resisting or appreciating the nature of the person’s own conduct; (iii) when the actor is at least nineteen years of age and the person is under twelve; or (iv) when the actor is twenty-five years of age or older when the person is at least twelve years of age but less than sixteen years of age.

“Sexual assault” is also committed when an actor subjects a person to sexual contact (a) without consent of the person, or (b) when the actor knew or should have known that the person was physically or mentally incapable of resisting or appraising the nature of the person’s own conduct. Sexual assault by contact should be punished more severely if the actor causes serious personal injury to a person than if the actor shall not have caused serious personal injury.

AA. “Sexual contact” means the intentional touching of a person’s intimate parts or the intentional touching of a person’s clothing covering the immediate area of the person’s intimate parts. Sexual contact also means the touching by the person of the actor’s intimate parts or the clothing covering the immediate area of the actor’s intimate parts when such touching is intentionally caused by the actor. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.

BB. “Sexual harassment” is unwelcome conduct or behavior of a sexual nature. Both violent and non-violent sexual harassment is prohibited.

“Sexual harassment” can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature. Conduct that is sufficiently serious to limit or deny a person’s ability to participate in or benefit from the University’s educational program creates a hostile environment, and is prohibited. Examples of sexual harassment include, but are not limited to: (1) an exposure of an actor’s genitals done with the intent to affront or alarm any person, and (2) viewing a person in a state of undress without his or her consent or knowledge.

CC. “Sexual misconduct” includes dating violence, domestic assault, domestic violence, rape, sexual assault, sexual harassment, and stalking.

DD. “Sexual penetration” means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, of any part of the actor’s or person’s body or any object manipulated by the actor into the genital or anal openings of the person’s body which can be reasonably construed as being for nonmedical or non-health purposes. Sexual penetration does not require emission of semen.

EE. The term “shall” is used in the imperative sense.

- FF. “Stalking” means to engage in a knowing and willful course of conduct directed at a specific person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate.
- GG. The term “student” includes all individuals taking courses at the University, whether full-time or part-time, pursuing undergraduate, graduate, or professional studies, whether or not they reside in the University residence halls. Individuals who withdraw after having allegedly committed sexual misconduct, or who are not officially enrolled for a particular term, but who have an expected continued academic relationship with the University, may be considered “students.”
- HH. The “Student Affairs Officer” is the individual authorized by the University and the University Chancellor to be responsible for the administration of the Student Disciplinary Code, and in certain circumstances includes his or her designee.
- II. To begin the university conduct process, the campus authority or victim should contact the Title IX Specialist, Warner Hall #2113, (308) 865-8400; the Dean–Student Affairs, Memorial Student Affairs Building #180, (308) 865-8528; University Student Conduct Officer, Nebraskan Student Union #142A, (308) 865-8888 or the Human Resources Office Warner Hall #1200, (308) 865-8888.
- JJ. The “Title IX Coordinator” is the individual designated by the campus to respond to allegations of sexual misconduct by members of the university community, and in some circumstances can include his or her designee. When reporting to anyone other than the Gender and Sexuality Resource Office, Student Health and Counseling or Best Care EAP individuals are obligated to forward the information on to the University Title IX Office for investigation and to the UNK Police Department for investigation/statistical collection.
- KK. The term “University” means University of Nebraska.
- LL. The term “University business day” means any calendar day where the campus offices are open for business, excluding weekends and national holidays.
OR
The term “University business day” means any calendar day where the campus offices are open for business and classes are in session, excluding weekends and national holidays.
- MM. “University official” includes any individual employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. University officials who are designated as campus security authorities must report crimes to the person in charge of Clery Act reporting. Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules when they are acting within the scope of their counseling or professional responsibilities.
- NN. The term “University premises” includes all land, buildings, facilities, University approved housing and other property in the possession of, or owned, used, or controlled by the University, including adjacent streets and sidewalks.

Procedures for Sexual Misconduct Reports against Students

A. Introduction

These Procedures supplement the University of Nebraska Sexual Misconduct Policy and describe the grievance process related to reports of sexual misconduct against students.

B. Prohibited Conduct Definitions

For purposes of addressing complaints of sexual misconduct against or by University students and employees, the following uniform definitions shall be used by the University.

1. “Dating violence” means violence committed by a person—
 - a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the persons involved in the relationship.
2. “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 who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to 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 acts under the domestic or family violence laws of the jurisdiction.

Domestic violence includes domestic assault. Under Nebraska law, a person commits domestic assault if the person (i) intentionally and knowingly causes bodily injury to their intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner.

Under Nebraska law an “intimate partner” means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship.

3. “Retaliation” means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Sexual Misconduct Policy.
4. “Sexual assault” means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - a. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - b. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim’s age or because of the victim’s temporary or permanent mental incapacity.
 - c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
5. “Sexual exploitation” includes, but is not limited to: prostituting another person; non-consensual visual or audio recording of sexual activity; non-consensual display or distribution of photos, images or information of an individual’s sexual activity or intimate body parts; non-consensual voyeurism; coercing someone against their will to engage in sexual activity, or; knowingly transmitting sexually transmitted disease (STD) without disclosing STD status.
6. “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:
 - a. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;

- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity;
- c. Sexual assault (see definition herein);
- d. Dating violence (see definition herein);
- e. Domestic violence (see definition herein); or
- f. Stalking (see definition herein).

To be considered sexual harassment for the purposes of Title IX, the conduct must meet the additional requirements of occurring in the University’s education program or activity and against a person in the United States.

For employees, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual’s employment and create an abusive working environment.

- 7. “Sexual misconduct” includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.
- 8. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - a. fear for their safety or the safety of others or
 - b. suffer substantial emotional distress.

C. Related Definitions

- 1. “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the University’s Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.
- 2. “Bodily injury” shall mean physical pain, illness, or any impairment of physical condition.

3. “Confidentiality” means that the University will not disclose the names of individuals involved in sexual misconduct cases to others except on a need to know basis or as required by law. The University will instruct employees and students about the requirement not to disclose confidential information. Confidentiality is not the same as anonymity, where an individual is not named or personally identified.
4. “Consent” is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.
 - a. Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.
 - b. Consent cannot be coerced or compelled by force, threat, deception, or intimidation.
 - c. Consent cannot be given by someone who is incapacitated or does not have the legal capacity to consent, as defined below in the definition of “incapacitated”.
 - d. Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.
5. “Crimes of violence” are those offenses that involve force or threat of force, including murder and non-negligent manslaughter, rape, robbery, and aggravated assault.
6. “Education program or activity” includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
7. “Force or threat of force” means (a) the use of physical force which overcomes the person’s resistance or (b) the threat of physical force, express or implied, against the person or a third party that places the person in fear of death or in fear

of serious personal injury to the person of a third party where the person reasonably believes that the actor has the present or future ability to execute the threat.

8. “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and requesting that the University investigate the allegation of sexual misconduct. As used in this paragraph, the phrase

“document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under the Sexual Misconduct Policy and will comply with the requirements of the Sexual Misconduct Policy.

9. “Incapacitated” means an individual is unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, being asleep, unconscious or in any other state where the individual is unaware that sexual contact is occurring, or based on their age (pursuant to Nebraska law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation. Consent does not exist when the individual initiating sexual activity knew or should have known of the other individual’s incapacitation.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

10. “In violation” means that it is more likely than not that a Respondent has committed one or more acts of sexual misconduct. In other words, a preponderance of the evidence standard must be used to find sexual misconduct.
11. “May” is used in the permissive sense.
12. “Not in violation” means that it is more likely than not that a Respondent did not commit one or more acts of sexual misconduct.
13. “Past sexual behavior” means a person’s sexual behavior other than when the sexual misconduct is alleged to have occurred.

14. “Private body parts” means the genital area, groin, inner thighs, buttocks, or breasts.
15. “Preponderance of the Evidence” is the standard of evidence the University uses to determine whether the Respondent violated the Sexual Misconduct Policy. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that the Respondent violated the Sexual Misconduct Policy.
16. “Relevant evidence” means evidence that has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.
17. “Remedies” are measures designed to restore or preserve equal access to the University’s education program or activity. Such remedies may include the same supportive measures that are already being provided to the Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
18. “Serious personal injury” means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
19. “Shall” is used in the imperative sense.
20. “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.
21. “Past sexual behavior” means a person’s sexual behavior other than when the sexual misconduct is alleged to have occurred.

22. “University” means University of Nebraska.
23. “University Day” means a weekday on which the campus offices are open. Check the academic calendar on the campus website to determine the days on which the campus offices are closed.

D. Roles

Individuals play a number of important roles within the University’s Sexual Misconduct investigation and adjudication process. The following are descriptions of each of those roles within the process.

1. “Advisor” means any individual who provides the Complainant or Respondent support, guidance, or advice and may accompany the Complainant or the

Respondent to any meeting or grievance proceeding, such as a meeting in the investigation or the Hearing. The Complainant and the Respondent may choose their advisor, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of the advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceeding. If a Complainant or the Respondent does not have an advisor present at a live hearing, the University will provide without fee or charge to that party, an advisor of the University’s choice who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Other than to conduct cross-examination as described above, the parties’ respective advisors may not speak on behalf of the parties during the hearing and may not directly participate in any aspect of the hearing. The Complainant or the Respondent, however, may consult with their respective advisors during a meeting or the hearing. The Hearing Board Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.

2. “Campus security authority” (CSA) is a University official charged with the duty to report incidents of sexual misconduct to the person in charge of Clery Act reporting. All officers of a university police department or a campus security department are campus security authorities, but there are other CSAs outside of those offices. The Office of the President and each Chancellor shall prepare and publicize a list of designated campus security authorities.

3. “Complainant” means any individual who is alleged to be the victim of conduct that could constitute sexual misconduct. A Complainant may also be referred to as a “party”.
4. “Conduct Officer” is a University employee who has responsibilities related to student conduct and usually presents the University’s information during a hearing.
5. “Decision-maker” is an individual who makes a determination as part of the Sexual Misconduct grievance process. There may be more one or more decision-maker(s) involved in any given proceeding, for example, a hearing or appeal. The decision- maker(s), will not be the same person(s) as the Title IX Coordinator or the Investigator(s) and will issue a written determination regarding responsibility. Decision-makers may include Hearing Officers, Appeals Officers, and Hearing Board Members.
6. “Hearing Board” is a subset of the University Conduct Board. The Hearing Board will composed of an odd number of three or more members, including one (1) student member.
7. “Hearing Facilitator” is a University official designated to coordinate a Hearing.
8. “Investigator” means a University official authorized to investigate of complaints of sexual misconduct.
9. “Member of the University community” includes any individual who is a student, staff or faculty member, University official, or any other individual employed by, or acting on behalf of, the University. An individual’s status in a particular situation shall be determined by the Investigator or Title IX Coordinator.
10. “Official with Authority” means an official of the University who has authority to institute corrective measures for sexual misconduct on behalf of the University. The following individuals are Officials with Authority: President, Chancellors; Provost/Vice Presidents and Vice Chancellors; and UNCA and Campus Title IX Coordinators.
11. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct. A Respondent may also be referred to as a “party”.

12. “Student” has the same meaning as used in the Student Code of Conduct. The term “student” includes all persons enrolled at the University, including online and non- degree seeking individuals. A student’s enrollment ends when the student graduates, withdraws from the University, or fails to register for classes for three (3) consecutive semesters, with summer term considered to be a semester, or no longer has a continuing student relationship with the University. Students who are accused of committing a violation of the Student Code of Conduct while they are enrolled at the University may still be held responsible for the violation even if they later withdraw from the University prior to a resolution of the alleged violation.
13. “Title IX Coordinator” is a person designated by the University to coordinate the University’s effort to comply with its responsibilities under Title IX. The Title IX Coordinator oversees the University’s gender equity work to ensure compliance with Title IX, including its policies and procedures, education/prevention efforts, and training. The Title IX Coordinator reviews information about sexual misconduct to identify and address any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) to the Title IX Coordinator.
14. “University Conduct Board” has the authority to hear and resolve charges that a student or a student organization violated the Standards of Academic Integrity and Responsible Conduct (“Standards”) and if the Board determines that a violation occurred, for determining the University’s response.
15. “University official” includes any individual employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. University officials who are designated as campus security authorities will report crimes, arrests, and disciplinary referrals to the person in charge of Clery Act reporting. Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules when they are acting within the scope of their counseling or professional responsibilities.
16. “University Presenter” is the person who presents the case on behalf of the University at the Hearing. This person may be, but is not required to be, the Investigator or the Title IX Coordinator.

17. “Witness” is a person believed to have information regarding an incident which may violate the Sexual Misconduct Policy, including but not limited to someone present when the incident occurred, someone the Complainant or Respondent communicated with about the incident, and/or someone who may have information relevant to the incident. Witness participation in the grievance process is voluntary. While the University encourages witnesses to cooperate with the grievance processes, the University cannot compel or require witnesses to participate.

E. Jurisdiction: Locations Where and Circumstances When the Procedures Apply

These Procedures apply to alleged sexual misconduct that occurs in the University’s education program or activities, on-campus, or off-campus as described in this section.

1. Education Program and Activities

Education program or activity includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

2. On-Campus

On-campus includes all University premises, including all University of Nebraska locations; physical campuses, including all adjacent streets and sidewalks, and any University affiliated programs; events or activities, including those located in other states or countries; and the use of any University electronic systems.

3. Off-Campus

Off-campus means any location that is not on-campus.

- a. These Procedures apply to conduct that occurs off-campus in the following situations:
 - i. The Student Code of Conduct states that it applies to conduct that occurs off-campus.
 - ii. The conduct occurs in or on the grounds of a University-approved housing unit.
 - iii. The conduct occurs at events or during travel authorized, funded, or sponsored by the University.
 - iv. The conduct occurs at events or during travel funded or sponsored by a student organization.
 - v. The conduct poses a risk to the health and safety of individuals and application of the Student Code of Conduct is reasonably necessary to educate the student about the risks of the conduct or to help the student avoid engaging in the conduct in the future.

- vi. The conduct poses a serious risk to the health or safety of individuals and is of the type that the student could easily engage in on-campus.
 - vii. The conduct was intentional and caused, or attempted to cause, physical injury to a University employee or another student.
 - viii. The conduct could, or was intended to, cause harm on-campus.
 - ix. The Title IX Coordinator:
 - a) determines that the conduct in a particular matter distinctly and clearly implicates the University's interests;
 - b) prepares a written explanation of the interests and how the conduct implicates them; and
 - c) provides the written explanation to the student or student organization.
- b. The University must dismiss an allegation of sexual harassment under Title IX in a Formal Complaint if the conduct did not occur in the University's education program or activity or if the conduct did not occur against a person in the United States.
 - c. Pursuant to Board of Regents By-Law 5.5, the Student Code of Conduct should not be applied as a matter of course to off-campus conduct simply because the conduct also violates federal, state, or local law.

F. Reporting Sexual Misconduct

1. Where to Report Sexual Misconduct

All individuals are expected to promptly report conduct that may violate the University's Sexual Misconduct Policy to the University. In addition, all individuals are expected to report conduct that may also violate criminal law to both the Title IX Coordinator and to local law enforcement. These processes are not mutually exclusive and both may happen simultaneous or at different times.

Any University student, employee, or other individual who seeks to report may contact the:

- Title IX Coordinator;
- University Police or Public Safety for assisting in filing a criminal complaint and preserving physical evidence; and/or
- Local law enforcement to file a criminal complaint.

The University will respond to reported allegations of sexual misconduct and may provide appropriate supportive measures to the Complainant, as described below, even if the Complainant does not wish to pursue a Formal Complaint. If an individual would like the University to respond to allegations of sexual misconduct, it is important that the individual report to the Title IX Coordinator. In some cases, an individual who may have experienced sexual misconduct may share information with another member of the University community. While the University encourages University community members with knowledge of potential violations of the sexual misconduct Policy to the Title IX Coordinator, the University will only have actual notice of sexual misconduct if an individual reports to an Official with Authority. The following individuals are Officials with Authority: President, Chancellors; Provost/Vice Presidents and Vice Chancellors; and UNCA and Campus Title IX Coordinators.

2. Reporting to the Title IX Coordinator

Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Title IX Coordinator Contact Information:

Mary Chinnock Petroski
Title IX Coordinator
University of Nebraska at Kearney
2113 Warner Hall
(308) 865-8655
petroskimj@unk.edu

1. The University of Nebraska hotline is available for online reporting at <https://secure.ethicspoint.com/domain/media/en/gui/52126/index.html> or by phone at 844-348-9584.
2. A person may also contact the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 1-800-421-3481.

3. Reporting to Law Enforcement

An individual who has experienced sexual misconduct has the right to choose whether to file a police report. The University encourages individuals to report incidents of sexual misconduct to University Police or local law enforcement. Filing a police report can result in the investigation of whether sexual violence or related crimes occurred and the prosecution of the perpetrator. Timely reporting to the police is an important factor in successful investigation and prosecution of crimes, including sexual violence.

The Title IX Coordinator or their designee provides information on contacting local and campus law enforcement and will assist an individual in doing so. However, the Title IX Coordinator or their designee will not compel an individual to go to law enforcement.

Contact Information for University Police:

Police Department (UNK) Facilities
Building, 2501 19th Avenue
(308) 865-8911
unkpd@unk.edu

4. What Happens When A Title IX Coordinator Receives A Report

Upon receiving a report of sexual misconduct, the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the availability of supportive measures. (Please see the Supportive Measures Section for more details). The Title IX Coordinator or their designee will:

- a. Discuss the availability of supportive measure;
- b. Consider the Complainant's wishes with respect to supportive measures;
- c. Inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint;
- d. Explain to the Complainant the process for filing a Formal Complaint against the Respondent; and
- e. If applicable, explain to the Complainant that if a Formal Complaint alleging sexual harassment under Title IX is dismissed the alleged sexual misconduct may be addressed under a different provision of the Student Code of Conduct using these Procedures.

Additionally, upon receiving a sexual misconduct report or complaint, the University will provide, or confirm that the Complainant has already received from the University, written information describing:

- a. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- b. How and to whom the alleged offense should be reported;
- c. Options about the involvement of law enforcement and campus authorities, including notification of the Complainant's option to—
 - i. Notify proper law enforcement authorities, including on- campus and local police;
 - ii. Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - iii. Decline to notify such authorities;
- d. Information about orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the University;
- e. Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for Complainants, both within the University and in the community; and
- f. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

A Complainant may go forward with one or more reporting options at the same time. The University's investigation may need to be delayed temporarily by, or scheduled around, an ongoing criminal or external administrative investigation.

5. Anonymous Reports

Any individual may make a report of sexual misconduct to the University, and if preferred, may do so without disclosing one's name. Depending on the level of information available about the incident or the individuals involved, the University's ability to respond to an anonymous report may be limited.

6. Confidentiality, Privacy, and Sharing of Information

The University shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual misconduct, any Complainant, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of Title IX, including conducting any investigation, hearing, or judicial proceeding arising thereunder. The University may be required to share information with other individuals in accordance with FERPA, Title IX, or other applicable law, including lawfully issued subpoenas in criminal, administrative, and civil matters.

The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. The Complainant and the Respondent and their respective advisors are asked to keep private information that does not consist of “the allegations under investigation” (For example, evidence related to the allegations that has been collected and exchanged between the parties and their advisors during the investigation under or the Investigative Report summarizing relevant evidence sent to the parties and their advisors.

The Complainant and the Respondent and their respective advisors are asked to keep the information related to the investigation and resolution private, to the extent consistent with applicable law. Witnesses are asked to keep any information learned in an investigation meeting confidential, to the extent consistent with applicable law.

7. Time Frame for Reporting an Incident

Although the University does not limit the time frame for reporting sexual misconduct in order to promote timely and effective review, the University strongly encourages individuals to report possible sexual misconduct within one hundred and eighty (180) calendar days of the last occurrence of the concerning conduct. A report made after one hundred and eighty (180) days may make it more difficult to gather relevant and reliable information.

8. Amnesty for Reports of Sexual Misconduct

The University encourages reporting of sexual misconduct and seeks to remove barriers to making a report. The University recognizes that an individual who has been consuming unauthorized alcohol (including underage consumption) or using illegal drugs or unauthorized prescription drugs at the time of an incident may be hesitant to make a report due to potential consequences. To encourage reporting, and except as provided below, an individual who makes a good faith report of sexual misconduct and/or participates in an investigation will not be subject to disciplinary action for a policy violation related to consuming unauthorized alcohol or using illegal drugs or unauthorized prescription drugs. This policy provision may also apply to registered student organizations when a report of sexual misconduct is made that could reasonably result in the organization facing student conduct disciplinary action for a policy violation related to consuming unauthorized alcohol or using illegal drugs or unauthorized prescription drugs. This policy does not preclude or prevent action by law enforcement or other legal authorities.

G. Preservation of Evidence

Individuals involved in a report of sexual misconduct should preserve evidence to the extent possible, as it may assist the University or law enforcement in making factual determinations about the reported violence or misconduct, or might be helpful to a court's determination regarding the issuance of a Personal Protection Order. The University encourages individuals to go to the police or another resource in order to assist in the preservation of evidence.

H. Supportive Measures

The University will provide supportive measures to Complainants and Respondents. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. The following supportive measures may be made available to the Complainant and the Respondent based on the facts and circumstances of the individual case:

1. Transfer or re-assignment of living space within University residence halls;
2. Assistance from the University in completing the relocation if transferred or re- assigned;
3. Mutual restrictions on contact between the parties;
4. Cancelling a university housing contract and/or adjusting a student account balance for refund;

5. Coordinating course-related adjustments (e.g. excused absences, flexible attendance, revised deadlines, reschedules, substitutions, etc.);
6. Endorsing or authorizing a grade change (e.g. incomplete, pass/no pass);
7. Transferring between class sections;
8. Endorsing or authorizing a withdrawal after the deadline has passed with or without a refund of tuition and fees;
9. Alternative course completion options (e.g. substitutions, independent study, correspondence);
10. Arranging to complete a course or lectures via distance education methods with the assistance of technology;
11. Providing increased security at location or activities (e.g. accompaniment or escort, surveillance, monitoring);
12. Modifying work schedules, job responsibilities, supervision, or re-assignment to a different work site; and
13. Counseling at a campus clinic or center.

The University will maintain as confidential any supportive measures provided to the Complainant or the Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. Any supportive measures offered to either party cannot punish, discipline, or unreasonably burden the other party.

I. Emergency Removal

1. Overview
 - a. The University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University
 - i. undertakes an individualized safety and risk analysis;
 - ii. determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal; and
 - iii. provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

- b. The emergency removal process may be initiated by the Title IX Coordinator.
 - c. Emergency removal may be undertaken in addition to implementing supportive measures designed to restore or preserve a Complainant's equal access to education.
 - d. Emergency removal does not preclude a Respondent from receiving supportive measures as appropriate.
 - e. The University has discretion to determine the appropriate scope and conditions of removal of the Respondent from the University's education program or activity. During an emergency removal, a Respondent may be denied access to any University premises, including classes, residence hall access, sporting events, and/or all other University programs, activities or privileges for which the Respondent might otherwise be eligible, as the Vice Chancellor responsible for student conduct or other designated University Official may determine to be appropriate to address an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct.
2. The Vice Chancellor responsible for student conduct or other designated University Official must provide the Respondent with a Notice of Emergency Removal. The Notice must be sent to the Respondent's e-mail address of record and must:
- a. state the factual basis for the Respondent's emergency removal and explain why the Respondent's conduct or presence on campus presents an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct that emergency removal is necessary; merely reciting the language of the Code is insufficient;
 - b. state that the Respondent may challenge the decision immediately, in writing, following the removal;
 - c. state that the Respondent has a right to a meeting, in person or remotely, with the Vice Chancellor responsible for student conduct or other designated University Official within three (3) University Days after the emergency removal becomes effective to present information to show that the requirements for an emergency removal have not been satisfied and that the emergency removal should therefore be lifted;

- d. state the time, date, and place of the meeting with the Vice Chancellor responsible for student conduct or other designated University Official and state that the student may be accompanied by an advisor of their choosing, including an attorney, but that the student is responsible for any fees that the advisor may charge
 - e. state that after the expiration of the three (3)-day period, a student may seek to have the emergency removal lifted by making a Request for Reinstatement.
 3. After the expiration of the three (3)-day period, a student who has been removed on an emergency basis may seek reinstatement by making a Request for Reinstatement (“the Request”) on the ground that:
 - a. the requirements for an emergency removal were not met when the student was removed on an emergency basis and are not currently met or
 - b. circumstances have changed such that the requirements for an emergency removal are no longer met.
 4. The Request must be in writing, state the reasons for request, and include the evidence that supports the Request. The Request must be sent to the Vice Chancellor responsible for student conduct or other designated University Official by e-mail or certified mail or may be hand-delivered to the Vice Chancellor’s office or the designated University Official’s Office.
 5. The Vice Chancellor responsible for student conduct or other designated University Official must make a decision on the Request as soon as reasonably practicable. Before making a decision, the Vice Chancellor responsible for student conduct or their designee has the discretion to seek additional information, to ask the Title IX Coordinator (in the event the Title IX Coordinator is not the designated University Official), an Investigator, or Conduct Officer to review and comment on the Request, or to schedule a meeting with the Respondent and their advisor.
 6. The fact that a student was removed on an emergency basis should not be taken into account by the Hearing Officer or Hearing Board in determining whether the student violated the Code, including the Sexual Misconduct Policy.
 7. If a Respondent who is removed on an emergency basis is ultimately found “not in violation” of the Student Code of Conduct, the Respondent may be allowed, at the reasonable discretion of the appropriate faculty member or instructor, to make up academic work missed while on emergency removal.

3. Grievance Process for Formal Complaints

The grievance process begins when a Complainant files, or a Title IX Coordinator signs, a Formal Complaint requesting that the University investigate an allegation of sexual misconduct. Filing a Formal Complaint is the first step of a grievance process that determines whether the Respondent is responsible for violating the Policy. Unless a Formal Complaint is dismissed or resolved during one of the steps of the grievance process, the grievance process will include a preliminary review of the Formal Complaint, an investigation, a hearing, and the opportunity for the parties to challenge certain decisions through an appeal. Additionally, an Informal Resolution process may be available at any time prior to reaching a University determination regarding responsibility. If applicable, the University may initiate Informal Resolution or either party may request Informal Resolution.

If the Respondent is no longer a student, employee, or participant in any University-related program or activity at the time of the report, or if the conduct does not fall within the scope of the Policy, the Formal Complaint may be dismissed. The University will, however, help a Complainant identify reporting options outside the University and provide supportive measures. A Respondent is presumed not responsible for the alleged conduct unless a determination regarding responsibility is made at the conclusion of the grievance process by the decision maker(s) based upon the preponderance of the evidence standard.

Individuals who knowingly or intentionally file a false formal complaint or provide false or misleading information during a grievance process may be subject to disciplinary action up to and including termination of employment or expulsion. Disciplinary action is not warranted where an individual provides information in good faith, even if the information is ultimately not substantiated. An individual provides information in good faith when that individual reasonably believes that the information they have provided is accurate.

a. Filing A Formal Complaint

i. A Complainant may file a Formal Complaint against a Respondent requesting that the University investigate the allegation of sexual misconduct.

1. A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator

- a. alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and
- b. requesting that the University investigate the allegation of sexual misconduct.

- v. Information that the parties may have up to two advisors of their choice, who may be, but are not required to be, attorneys, and may inspect and review evidence;
- vi. Information related to any provision in the University's Student Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
- vii. Information related to the availability of supportive measures;
- viii. Information related to the availability of reasonable accommodations;
- ix. Prohibition of retaliation; and
- x. Notice of other potential Student Code of Conduct violations.

If, in the course of an investigation, if the University decides to investigate allegations about the Complainant or Respondent that are not included in the notice, the University will provide notice of the additional allegations to the parties whose identities are known.

4. Preliminary Review of Formal Complaint and Situation When A Formal Complaint Must or May Be Dismissed

When a Title IX Coordinator receives a Formal Complaint, the Title IX Coordinator or their designee will do a Preliminary Review of the Formal Complaint. The University will investigate the allegations in a Formal Complaint. However, there are certain circumstances when the University is either required to, or may, dismiss a Formal Complaint or an allegation within the Formal Complaint.

- a. The University will dismiss an allegation of sexual harassment under Title IX in a Formal Complaint under the following circumstances:
 - i. The conduct would not constitute sexual harassment as defined by the Sexual Misconduct Policy and Procedures, even if proved;
 - ii. The conduct did not occur in the University's education program or activity; or
 - iii. The conduct did not occur against a person in the United States.
- b. A dismissal of an allegation of sexual harassment under Title IX does not preclude action under another provision of the University's Student Code of Conduct.
- c. A Complainant not participating in or attempting to participate in the education program or activity of the University at the time of the Formal Complaint does not preclude the Title IX Coordinator from signing the Formal Complaint or proceeding under another provision of the University's Student Code of Conduct.

- d. In the event the Title IX Coordinator or their designee determines another provision of the Student Code of Conduct may apply to the alleged sexual misconduct and it is appropriate to proceed, the Formal Complaint will be investigated, adjudicated, and resolved in accordance with the process set forth in these Procedures.
- e. The University may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
 - i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
 - ii. The Respondent is no longer enrolled or employed by the University; or
 - iii. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- f. Upon dismissal of any or all of the allegations in the Formal Complaint, the Title IX Coordinator must provide a Notice of the Dismissal to the parties within (7) days of the Title IX Coordinator's decision to dismiss any or all of the allegations.
- g. The Notice of Dismissal must be provided to the parties simultaneously. The Notice of Dismiss must:
 - i. Explain the reason(s) for dismissal;
 - ii. Explain information regarding the appeal rights of the parties; and
 - iii. Notify the parties of the ongoing investigation in circumstances where the alleged sexual misconduct may otherwise be subject to a different provision of the Student Code of Conduct and the grievance process will continue.
- h. Notice of dismissal must be provided even if the grievance process will continue because the Title IX Coordinator determines the alleged sexual harassment may otherwise be subject to a different provision in the Student Code of Conduct and the investigation and grievance process will continue. Under these circumstances, the notice of dismissal must notify the parties of the ongoing investigation.

For example: If the alleged sexual misconduct occurred during a University sponsored event outside of the United States, the Title IX Coordinator must dismiss the Formal Complaint for the purposes of the Title IX sexual harassment Complaint. The Title IX Coordinator must send notice to the parties. However, the Title IX Coordinator may determine the alleged sexual misconduct falls under the off-campus jurisdiction of the Student Code of Conduct and may continue the investigation and grievance process.

5. Appeals of the Dismissal of a Formal Complaint

a. Overview

The Complainant and the Respondent may appeal the dismissal of allegations of sexual harassment under Title IX contained in a Formal Complaint. The Title IX Coordinator or their designee's dismissal of any non-Title IX allegations of sexual misconduct in a Formal Complaint or determination not to apply other provisions in the Student Code of Conduct are final and not subject to appeal. This appeal process provides both the Complainant and Respondent a reasonable, equal opportunity to submit a written statement in support of, or challenging, the dismissal.

The Appeals Officer will not be the same person as the decision-maker(s) who reached the determination regarding dismissal, the Investigator(s), or the Title IX Coordinator. The Appeals Officer will not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent and comply with the training requirements set forth in the Sexual Misconduct Policy.

b. Reasons for Appeal

Dismissal of allegations of sexual harassment under Title IX in a Formal Complaint may be appealed on the following reasons:

- i. A procedural irregularity that affected the outcome of the matter;
- ii. The discovery of new evidence that was not reasonably available at the time of the Dismissal and that could affect the outcome of the matter; or
- iii. The Title IX Coordinator or their designee or the Investigator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

c. Appeal Process

3. The appeal must be in writing and delivered to the Appeals Officer appointed by the Chancellor or their designee within seven (7) University Days of the delivery of the Notice of Dismissal.
4. An appeal must be in writing and specify the reason(s) for the appeal.
5. If either party submits an appeal, the other party and the Title IX Coordinator will be provided with a copy of the appeal and both will be given seven (7) University Days to submit their respective written responses.

6. The Appeals Officer may request additional information from the Title IX Coordinator or the parties at the Appeals Officer's discretion.
7. The Appeals Officer will review all of the information and determine whether to grant or deny the appeal.
 - a. The written decision will describe the result of the appeal and the rationale for the result.
 - b. If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration.
 - c. If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, the Appeals Officer may
 - i. affirm, in whole or in part, the decision on Dismissal, 2) overturn, in whole or in part, the decision on Dismissal, 3) or refer the Formal Complaint back to the Title IX Coordinator for further consideration or proceeding.
 - d. A final outcome on an appeal is not subject to further appeal.
8. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances.
9. The written determination will be provided simultaneously to the Complainant, the Respondent, and the Title IX Coordinator.
 - a. Any non-Title IX alleged violations may continue to be investigated during the Appeal Process.

3. Investigation

The investigation process is conducted by the Title IX Coordinator or one or more Investigators. The University has the burden of gathering evidence sufficient to allow the Hearing Board to reach a determination regarding responsibility.

a. Meeting Notice

Prior to meeting with the Complainant or the Respondent, the Investigator will provide, written notice to the person being interviewed of the date, time, location, participants, and purpose all investigative interviews or other meetings, with sufficient time for the party to prepare to participate. In general, sufficient time will be at least five (5) University Days, however, a party may agree to meet sooner.

b. Advisors

The University will provide the parties with the same opportunities to have others present during any meeting or grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by up to two advisors of their choice, who may be, but are not required to be, attorneys, and not limit the choice or presence of advisors for either the Complainant or the Respondent in any meeting or grievance proceeding. However, the University may establish restrictions regarding the extent to which the advisors may participate in the proceedings, as long as the restrictions apply equally to both parties.

c. Gathering Evidence

The Investigator will meet separately with the Complainant and the Respondent. The Investigator will ask for all information relevant to the allegations. The parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. For both parties, this is an opportunity to present any information regarding the incident, including names of witnesses, the existence of documents, emails, text messages, or other recordings, or any other information the parties feel may be relevant. As part of the investigation, the Investigator may conduct additional investigative and witness interviews at the Investigator's discretion. The Investigator is responsible for contacting and interviewing relevant witnesses the Complainant identifies and witnesses the Respondent identifies, and any witnesses the Investigator deems necessary. The Investigator will review all available pertinent evidence. This may include reviewing student and/or personnel files and reviewing law enforcement documents or evidence. The Complainant and the Respondent may also submit supplemental information at any time during the investigation until the Investigator issues a final Investigative Report.

The Investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a grievance process under this section.

Additionally the Investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Examples of privileges include Lawyer-Client, Physician-Patient, Professional Counselor-Client; Spousal, Clergy, and Victim's Advocate.

In summary, as a general rule, the following information may not be used during the grievance process: Information protected by a legally recognized privilege unless the person holding such privilege has waived the privilege; evidence about a party's prior sexual history unless an exception applies; and any party's medical, psychological, and similar records unless the party has given voluntary, written consent. Additionally, party or witness statements that are not subjected to cross examination at a live hearing cannot be considered to make a determination.

d. Review of the Evidence

The Investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint. This includes evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the Investigative Report, the Investigator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least ten (10) University Days to submit a written response, which the Investigator will consider prior to completion of the Investigative Report. The University will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

e. Investigative Report

The Investigator will create an Investigative Report that fairly summarizes relevant evidence. At least ten (10) University Days prior to a hearing, or other time of determination regarding responsibility (whichever allows for a longer time period), the Investigator will send to each party and the party's advisor, if any, the Investigative Report in an electronic format or a hard copy, for their review and written response. Both parties will have the right to review each other's responses and the responses will be provided at the hearing.

General Provisions Concerning the Investigative Report

- i. The parties will have an equal opportunity to review the Investigative Report; if a party disagrees with an Investigator's determination about relevance, the party can make that argument in the party's written response to the Investigative Report and to the Hearing Board at any hearing held; either way the Hearing Board is obligated to objectively evaluate all relevant evidence and the parties have the opportunity to argue about what is relevant (and about the persuasiveness of relevant evidence).
- ii. The Investigator may redact from the Investigative Report information that is not relevant, which is contained in documents or evidence that is relevant.
- iii. The Investigator may include facts and interview statements in the Investigative Report.

f. Case Resolution Timeline

Though the University strives to resolve all cases in a prompt and timely manner, the timeline varies based on the circumstances of the case. Additionally, the timeline for a case may be affected by breaks in the academic calendar; absence of a party, a party's advisor, or a witness; (including due to leave of absence); concurrent law enforcement activity; the need for language assistance; accommodation of disabilities; scope of the investigation; and unforeseen or exigent circumstances. The parties will be periodically updated on the status of their case. In cases where there is a simultaneous law enforcement investigation, the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University investigation will generally proceed with its investigation and resolution of a complaint during any law enforcement investigation.

The University will strive to conduct investigations of the allegations within ninety (90) University Days of receipt of the Formal Complaint. If the investigation will take a longer amount of time to complete, both parties must be informed in writing of the extension of the timeline. While the University will attempt to accommodate the schedules of parties and witnesses throughout the grievance process in order to provide parties with a meaningful opportunity to exercise the rights granted to parties under the Policy and Procedures, it is the University's obligation to meet its own designated time frames, and the grievance process can proceed to conclusion even in the absence of a party or witness.

7. Formal Hearings in Cases of Alleged Sexual Misconduct

a. Overview

After an investigation, the University will conduct a hearing to determine whether the Respondent is responsible for violating the Sexual Misconduct Policy. During the hearing, the Student Conduct Officer or their designee, the Complainant, and the Respondent will each have an opportunity to

- i. Discuss and explain their position;
- ii. Present evidence, including documents and witnesses; and
- iii. Have their advisor ask questions of other party and witnesses (e.g. cross-examination).

If a determination of responsibility for sexual misconduct is made against the Respondent, the decision-maker(s) will determine appropriate sanctions for Respondent and confirm that the University will provide remedies to the Complainant. A hearing must be held unless the case has been resolved pursuant to the Informal Resolution Section. The University will strive to conduct a hearing within thirty (30) University Days from the issuance of the investigation report.

b. Hearing Scheduling and Notice

When the Investigator sends the Investigative Report to the Respondent and the Complainant, the Title IX Coordinator or their designee will forward a copy of the Investigative Report to the Hearing Facilitator. The Hearing Facilitator will schedule a hearing date, time, and location and notify the parties of the same. The University will strive to complete a hearing within one (1) month from the issuance of the investigation report. (May be delayed due to Informal Resolution)

A Pre-hearing conference will be held at least two (2) University Days prior to the scheduled hearing. The University will provide written notice of the date, time, location, participants, and purpose of both the prehearing conference and of the hearing at least five (5) University Days prior to the prehearing conference.

c. Pre-Hearing Conference

The Respondent and the Complainant shall have the right to attend a Pre-Hearing Conference. The purpose of the Pre-Hearing Conference is to plan for the hearing, discuss the issues and facts that will be presented at the hearing, exchange information about witnesses likely to be called, answer procedural questions, and settle those matters which may be agreeably concluded. Generally, the Chair of the Hearing Board will preside over the Pre-Hearing Conference. During or prior to the Pre-Hearing Conference, the parties shall be informed of the names of the Hearing Board members.

i. Hearing Information Exchange Prior to the Pre-Hearing Conference The Respondent, the Complainant, and the University Presenter shall have an opportunity to inspect documents and a list of witnesses prior to the hearing. The Hearing Board will receive a copy of the Investigative Report. If there are any additional documents, that the Respondent, the Complainant, or the University Presenter would like to offer at the hearing, this information should be provided at least two (2) University Days before the Pre-Hearing Conference. This information will be exchanged with all parties.

ii. Use of Past Sexual Behavior

During the Prehearing conference, the parties will be instructed about the use of past sexual behavior of the Complainant¹ or past sexual assault by the Respondent² as evidence at the hearing. In most situations, questions and evidence of the past sexual history of either the Respondent or the Complainant are not relevant and will not be admitted at the hearing except in very limited situations set forth below.

3. such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or
4. if the questions and evidence concern specific incidents or the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

d. General Hearing Information

- i. At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
- ii. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- iii. The Hearing Board is a subset of the University Conduct Board. It will be composed of an odd number of three or more members, including one (1) student member.
- iv. Any real or perceived conflict of interest or bias between a member of the Hearing Board and the Respondent or the Complainant must be brought to the attention of the Hearing Facilitator or Chair of the Hearing Board no less than two (2) University Days in advance of the hearing.
- v. The Hearing Board shall select its own Chair with all members possessing voting privileges.
- vi. The Respondent and the Complainant have the right to be present for the hearing. If the Respondent is a student organization, then one of its officers has the right to be present for the hearing. The hearing is closed to the public.
- vii. The Respondent may not be found to be responsible for sexual misconduct solely because the Respondent is not present at the Hearing.
- viii. In such cases when a Respondent fails to appear before the Hearing Board, a plea of “not in violation” shall be entered on the Respondent’s behalf and the hearing may proceed as scheduled. In this situation, the University will provide an advisor to conduct cross-examination of the Complainant and witnesses.
- ix. In hearings involving more than one Respondent, the Chair of the Hearing Board, in their discretion, may permit the hearings
- x. The Respondent(s), the Complainant, and the University Presenter shall have the right to hear all evidence, present evidence, testify,
- xi. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, the person holding such privilege has waived the privilege. Examples of privileges under law include Lawyer-Client, Physician-Patient, Professional Counselor-Client; Spousal, Clergy, and Victim’s Advocate.

- xii. The role of the Complainant's and the Respondent's advisor of choice is limited to providing advice to the party and conducting advisor is limited to conducting cross-examination. Advisors must fulfill their role in a manner which does not disturb Conduct proceedings. If an advisor fails to act in accordance with these guidelines, they may be barred from participation in the Conduct proceedings and the hearing may be continued.
 - xiii. The Hearing Board may seek advice from the University's Counsel throughout the hearing process on questions of law and procedure. However, the members of the Hearing Board are responsible for making their own factual conclusions.
 - xiv. The Hearing Board can hear any allegations of any other violations of the Student Code of Conduct in addition to allegations of sexual misconduct. If the Hearing Board determines other provisions of the Student Code of Conduct were violated, they may impose proper sanctions.
- F. No process implemented under this Sexual Misconduct Procedure shall be open to the public. The Complainant and the Respondent are entitled to the same opportunities to have others present during a disciplinary proceeding subject to conditions established by the Sexual Misconduct Policy and these Procedures, the Title IX Coordinator, and the Hearing Board. Witnesses may be sequestered and attendance at hearings may be restricted to the Complainant, the Respondent and their respective advisors.
- G. The Investigative Report may include recommended findings or conclusions as to whether Respondent violated the University's Student Code of Conduct in the Investigative Report. However, the Hearing Board is under an independent obligation to objectively evaluate relevant evidence, and thus cannot simply defer to recommendations made by the Investigator in the Investigative Report.
- H. If the Investigative Report includes general findings of credibility, the Hearing Board cannot interpret the Investigator's finding of credibility as a finding of responsibility.
- I. The determination of the merits of each case shall be made using a preponderance of the evidence standard.
- J. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest upon the University. A Respondent is presumed to be not responsible for the alleged misconduct until proven otherwise.

4) The Hearing Procedures

- a) The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspections and review upon request.
- b) At the beginning of the hearing, the Chair of the Hearing Board should state for the record:
 - i) the date, time, and place and
 - ii) their name and role as the Chair of the Hearing Board.
 - iii. The Chair should:
 - a) have the other members of the Hearing Board identify themselves and
 - b) state whether there is a quorum. If there is not a quorum, then the hearing must be rescheduled unless all parties waive on the recording any objection to the lack of a quorum.
 - iv. The Chair should then identify the other persons present, ask the University Presenter to read the alleged violation(s), and ask the Respondent if the Respondent admits to the alleged violation(s).
 - v. The Chair must conduct the hearing in a manner that facilitates the presentation of relevant evidence by the Complainant, the Respondent, and the University Presenter. The Complainant, the Respondent, and the University Presenter have the right to call witnesses, including expert witnesses, and present their respective cases. The members of the Hearing Board may ask questions to clarify what the witness said or to elicit more detailed information.
 - vi. The Chair of the Hearing Officer has the discretion to:
 - a) allow the parties to make opening statements, closing statements, or both, with reasonable time limits;
 - b) allow witnesses to testify by videoconferencing technology;
 - c) require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify; and

d) schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.

vii. The University Presenter will present evidence first, followed by the Complainant, and then the Respondent. Courtroom rules of evidence do not apply.

viii. The presentation of evidence may include calling witnesses who have relevant information. A party may question the witness they call in support of their position.

f. Questioning of Parties and Witnesses During the Hearing

3. The Chair will permit each party's advisor to ask the other party and any witnesses called by another party all relevant questions and follow-up questions, including those challenging credibility ("cross-examination").
4. Such cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the Chair to otherwise restrict the extent to which advisors may participate in the proceedings.
5. Before a Complainant, a Respondent, or a witness answers a cross-examination or other question, the Chair will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
6. Additionally the Chair will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
7. As a general rule, the following information may not be used during the grievance process: Information protected by a legally recognized privilege unless the person holding such privilege has waived the privilege; evidence about a Complainant's prior sexual history unless an exception applies; any party's medical, psychological, and similar records unless the party has given voluntary, written consent; and, party or witness statements that have not been subjected to cross examination at a live hearing.
8. The Chair will explain to the party proposing the questions any decision to exclude a question as not relevant.
9. If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

10. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- A. If a party or a witness does not submit to cross-examination at the live hearing, the Hearing Board will not rely on any statement of that party or witness in reaching a determination regarding responsibility.
 - B. The Hearing Board cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing, or decision not to answer questions or otherwise not participate in the live hearing.
 - C. Other than to conduct cross-examination as described above, the parties' respective advisors may not speak on behalf of the parties during the hearing and may not directly participate in any aspect of the hearing. The Complainant or the Respondent, however, may consult with their respective advisors during the hearing. The Hearing Board Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.
 - D. At the conclusion of the hearing, the Hearing Board must go into closed session to deliberate and make its decision based solely upon the evidence introduced and received at the hearing. The decision must be made by a majority vote.
 - E. A Respondent is presumed to be not responsible. The determination of the merits of the case shall be made using the preponderance of the evidenced standard.

e. Determination

Within seven (7) University Days following the conclusion of formal hearing proceedings, the presiding Hearing Board Chair shall inform the Respondent, the Complainant, the University Presenter, and the Title IX Coordinator in writing, of its findings and if relevant, any sanction(s). Please see the section on sanctions below.

The findings must include the following information.

1. Identification of the allegations potentially constituting sexual misconduct;

2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, methods used to gather evidence; and hearings held;
3. Finding of fact supporting the determination;
4. Conclusions regarding the application of the University's Student Code of Conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Hearing Board imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
6. The University's procedures and permissible bases for the Complainant and Respondent to appeal.

The Respondent and the Complainant have the right to be notified of the decision rendered. Any initial, interim, and final decision to resolve disciplinary matters must include a statement of any University sanctions imposed together with the rationale for the decision.

If a timely appeal is filed within seven (7) University Days of the decision being delivered to the parties, the Record of the Hearing, including the determination, will be provided to the Appeals Officer. The Record of the Hearing consists of the information, documents, and recordings related to the hearing such as the notice of the Hearing, documents related to the Pre- Hearing Conference, Investigative Report, evidence submitted by the Complainant, the Respondent, and the University Presenter, audio or audiovisual recording, transcript if any, determination, etc.

F. Appeals of Hearing Board Determination after Formal Hearing

a. Overview

The Complainant and the Respondent may appeal a decision reached after a formal hearing for seven (7) University Days after the decision is delivered to the parties. This appeal process provides both the Complainant and Respondent a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the Hearing.

The Appeals Officer will not be the same person as the decision-maker(s) that reached the determination regarding dismissal, the Investigator(s), or the Title IX Coordinator. The Appeals Officer will not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent and comply with the training requirements set forth in the Sexual Misconduct Policy.

2. Reasons for Appeal

A determination may be appealed for the following reasons:

- a. A procedural irregularity that affected the outcome of the matter;
- b. The discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
- d. The sanction(s) imposed were arbitrary and capricious or an abuse of discretion; or
- e. A finding of fact in the determination is clearly erroneous and does not have factual support in the record and affected the outcome of the matter.

3. Appeal Process

- a. The appeal must be in writing and delivered to the Appeals Officer appointed by the Chancellor or their designee within seven (7) University Days of the delivery of the Notice of Dismissal.
- b. An appeal must be in writing and specify the reason(s) for the appeal.
- c. If either party submits an appeal, the other party and the University Presenter and/or the Title IX Coordinator will be provided with a copy of the appeal and will be given seven (7) University Days to submit their respective written responses.
- d. The Appeals Officer may request additional information from the University Presenter and/or the Title IX Coordinator or the parties at the Appeal's Officer discretion.

- e. The Appeals Officer will review all of the information and determine whether to grant or deny the appeal.
 - i. The written decision will describe the result of the appeal and the rationale for the result.
 - ii. If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration.
 - iii. If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, in the written decision, the Appeals Officer may 1) affirm, in whole or in part, the decision on responsibility, 2) overturn, in whole or in part, the decision on responsibility, 3) affirm, overturn, or adjust the decision on disciplinary sanctions, or 4) remand the matter to remedy procedural errors or consider new evidence.
 - iv. The determination of the Appeals Officer is final and not subject to further appeal.
- f. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances.
- g. The written determination will be provided simultaneously to the Complainant, Respondent, University Presenter, and Title IX Coordinator.

K. Sanctions

If a Respondent or student organization is found to be responsible for a violation of the Sexual Misconduct Policy, the University's response may involve requirements designed to educate the student about the risks of the conduct, to assist the student in refraining from the conduct in the future, or to protect others. The University's response may also involve sanctions to the student or the student organization for engaging in the conduct and to deter the student or student organization from engaging in the conduct in the future. If the Hearing Board determines the Respondent is responsible for a violation of the Sexual Misconduct Policy, it may consider the Respondent's academic and disciplinary history in determining the appropriate sanction.

Responsive action is intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the University's educational mission and legal obligations. Responsive action may include disciplinary, rehabilitative (including educational), restorative, and monitoring components.

The University's response may include one (1) or more of the following:

1. Written Warning
 - a. This is a warning by a Hearing Officer or the Hearing Board that the Respondent committed a violation of the Standards and that future violations may result in a harsher response.
 - b. The warning may also include advice on steps that the Respondent may take to avoid future violations.
2. Probation for a specified period of time
 - a. Probation may include conditions that must be satisfied.
 - b. The conditions must be reasonably related to the violation or the reasons for the violation.
 - i. Examples of conditions for Respondents include the completion of educational programs and behavioral evaluations.
 - ii. Examples of conditions for student organizations include completing educational programs and adopting policies and procedures to minimize the risk of the wrongful conduct occurring in the future. Other examples include not engaging in specified recruitment practices holding specified events, or participating in specified events.
 - c. The failure to satisfy a condition of probation may be treated as an independent violation of the Standards of Responsible Conduct.
 - d. A violation of the Student Code of Conduct while a student or student organization is on probation may result in a more severe response to the new violation than if the new violation was considered in isolation.
3. Expulsion from University Housing
 - a. The Respondent is permanently barred from living in or being present on the premises of any University residence hall or housing unit.
4. Suspension from University Housing

- a. The Respondent may not live in or be present on the premises of any University residence hall or housing unit for a specified period of time.
 - b. Conditions may be imposed on the Respondent returning at the end of the specified period, but any such conditions must be reasonably related to the reasons for the suspension.
5. Mandatory Relocation
- a. The student is required to move to a different room, University residence hall, or housing unit.
6. Loss of Privileges for a Specified Period of Time
- a. Loss of a privilege to engage in any activity or experience not required to satisfy graduation requirements, including but not limited to:
 - i. Prohibition or limitation on the use of University electronic resources such as, internet access, email access, computers, or tablets;
 - ii. Prohibition or limitation on the use of University media resources, such as communal televisions, projectors, etc.;
 - iii. Prohibition or limitation on the use of University wellness/recreation center equipment;
 - iv. Prohibition or limitation on on-campus dining;
 - v. Prohibition or limitation on use of on-campus transportation;
 - vi. Prohibition or limitation on use of University purchasing cards or accounts;
 - vii. Prohibition or limitation on use of University keys and/or card access.
 - viii. Prohibition or limitation on the use of personal media devices; and
 - ix. Restriction on access to campus.
7. Restitution
- a. Requiring the student to return to the owner money or property that the student wrongfully took.

- b. Requiring the student to pay the owner for property destroyed or damaged.
- 8. Performance of Service to the University Community
 - a. The service must be reasonable in type and duration.
 - b. When possible, the service should be designed to make amends for the violation, to educate the student about the harmful consequences of the violation, or to allow the student to develop their academic or professional skills.
- 9. Completion of Educational Programs, Assignments, or Behavioral Evaluations that are reasonably related to the violation
 - a. These may include, but are not limited to, sexual harassment education and/or training programs, anger management programs, completing presentations or written assignments, substance abuse evaluations, and other such programs and evaluations that are designed to help the student identify and address factors that may have contributed to the violation. Students may be responsible for the costs or fees associated with any such programs or evaluations.
- 10. Employment Restrictions
 - a. Prohibition or limitation on University student employment.
- 11. Revocation of Admission and/or Degree
 - a. Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of the Standards in obtaining the degree, or for other serious violations committed by a student prior to graduation that may have resulted in suspension or expulsion.
- 12. Withholding Degree
 - a. The University may permanently withhold awarding of a degree or withhold the award of a degree pending the completion of Disciplinary Procedures, including the completion of all University responses imposed.
- 13. No Contact
 - a. A No Contact order may prohibit, but is not limited to, the following:

- i. Approaching one (1) or more specified individuals at any time;
 - ii. Calling one (1) or more specified individuals at any time;
 - iii. Sending via email or by any other means, any communication to one (1) or more specified individuals at any time; and
 - iv. Contacting or communicating with one (1) or more specified individuals through a third-party.
 - b. If the student subject to the No Contact order believes contact with one (1) or more of the specified individuals is necessary, any such contact must be made through the Student Conduct Office or with the expressed permission of a Conduct Officer.
14. Loss of Status as a Recognized Student Organization
- a. The loss may be permanent or for a specified period of time.
 - b. Conditions may be imposed on the organization for regaining its status at the end of the specified period, including the condition that the members comply with the Code of Conduct during the specified period.
15. Suspension for a Specified Period
- a. Suspension is a temporary separation from the University of Nebraska.
 - b. During the suspension period, the student is precluded from registration, class attendance or participation, and residence on campus.
 - c. During the suspension period the student is prohibited from entering University property, functions, events, and activities without prior written approval of the Vice Chancellor responsible for student conduct or their designee. The University response may be enforced with a trespass action as necessary.
 - d. A notation will be made on the student's transcript but will be removed after the suspension period ends.
 - e. Conditions, including the reapplication for admission, may be imposed on the student returning at the end of the specified period, but any such conditions must be reasonably related to the reasons for the suspension.

16. Expulsion

- a. Expulsion is a permanent separation from the University of Nebraska.
- b. An expelled student is precluded from registration, class attendance or participation, and residence on campus.
- c. An expelled student is prohibited from entering University property, functions, events, and activities without prior written approval of the Vice Chancellor responsible for student conduct or their designee. This University response may be enforced with a trespass action as necessary.
- d. A notation will be made on the student's transcript.

Additional Provisions Related to Sanctions:

1. If there is a dispute about whether a student or a student organization complied with any of the conditions imposed as part of the response to a violation, the dispute will be resolved through the Title IX Coordinator or as a Student Conduct matter.
 - a. The factors relevant to the determination of the appropriate response(s) include, among others;
 - b. the nature and seriousness of the conduct;
 - c. the harm that the conduct caused or might have caused;
 - d. the student's academic progress or experience;
 - e. the student or student organization's acceptance of responsibility for the conduct;
 - f. the student or student organization's efforts to conceal or avoid responsibility for the conduct;
 - g. the student or student organization's explanations for the conduct;
 - h. the student or student organization's prior record of violations; and
 - i. the interests of the University, and the imposition of any sanctions pursuant to procedures other than those authorized by this Code (for example, sanctions imposed by a faculty member or by civil authorities).

2. Other than University Expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential disciplinary record.
3. After graduation, and upon application to the Conduct Officer, the student's confidential disciplinary record may be expunged of disciplinary actions other than University Suspension or University Expulsion.
4. Cases involving the imposition of sanctions other than University Suspension or University Expulsion shall be expunged from the student's confidential record seven (7) years after graduation, final disposition of the case, or as otherwise authorized or required by law.

L. Remedies for Complainant

1. Where a determination of responsibility for sexual misconduct has been made against the Respondent, the University must provide or give the Complainant remedies. Remedies must be designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same supportive measures that are already being provided to the Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
2. The Title IX Coordinator is responsible for effective implementation of any remedies.
3. Where the final determination has indicated that remedies will be provided, the Complainant can then communicate separately with the Title IX Coordinator to discuss what remedies are appropriately designed to preserve or restore the Complainant's equal access to education.
4. Remedies that do not directly affect the Respondent must not be disclosed to the Respondent

M. **Informal Resolution**

1. Overview

At any time prior to reaching a determination regarding responsibility, the University may facilitate an Informal Resolution process, such as mediation, that does not involve a full investigation and adjudication. The University will not require the parties to participate in an Informal Resolution process and may not offer an Informal Resolution process unless a Formal Complaint is filed. Additionally, the University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual misconduct. The University will not offer or facilitate an Informal Resolution process to resolve allegations that an employee engaged in sexual misconduct against or sexually harassed a student.

The Informal Resolution process is facilitated by the Title IX Coordinator or their designee. The parties to any Informal Resolution process will not be required to deal directly with one another without the University's involvement.

An Informal Resolution may include the range of supportive measures described above, as well as targeted and/or broad-based training and educational programming for relevant individuals and groups and/or any other remedy. For example, both parties may agree that the permanent application of supportive measures (e.g. no contact agreement) may be sufficient to resolve the Formal Complaint. An Informal Resolution process may also include a remedies-based process, which allows both parties to come to a mutual agreement regarding the resolution of the Formal Complaint.

Once an Informal Resolution process is complete, both parties will be notified simultaneously/contemporaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution. The Informal Resolution process does not conclude with a University finding; the Respondent is not found to be "responsible" or "not responsible" of a Policy violation. However, the parties may negotiate the extent to which a Respondent may agree or concede responsibility for alleged misconduct.

Any party may request that the Informal Resolution process be terminated at any time, in which case the grievance process would proceed. The University may, at its discretion, also terminate the Informal Resolution Process at any time. In addition, while the results of the Informal Resolution process cannot be appealed, any party can withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint.

2. General Provisions Related to Informal Resolution
 - a. At the beginning of the Informal Resolution process, the University will:
 - i. Provide to the parties a written notice disclosing:
 - a) the allegations,
 - b) the requirements of the Informal Resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint, and
 - c) any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared
 - ii. Obtain the parties' voluntary, written consent to the Informal Resolution process; and
 - b. The University will provide the parties timely access to any information that will be used during the Informal Resolution process.
 - c. Any statements, admissions, or other statements made by the Complainant or Respondent during the Informal Resolution process may not be used as evidence if the matter proceeds to a Formal Hearing.
 - d. The Title IX Coordinator or their designee must approve the terms of any Informal Resolution.
 - e. The Respondent may be subject to discipline for potential violations of policies in addition to the Sexual Misconduct Policy outside of the Informal Resolution Process. However, the Informal Resolution process may also address other potential violations of policies in addition to the Sexual Misconduct Policy.
 - f. Informal Resolution procedures may be discontinued at the request of any party or terminated by the Title IX Coordinator or their designee.

- g. If the University and parties do not reach an agreement to resolve the Formal Complaint through the Informal Resolution process, the grievance process will be resumed with respect to the Formal Complaint, including investigation and adjudication and any Formal Hearing.

N. Retaliation

No member of the University community may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Sexual Misconduct Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for Student Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy, constitutes retaliation.

O. Periodic Review

This Sexual Misconduct Procedures will be reviewed at least every two (2) years. The Provost will initiate this review.

P. Effective Date

These Procedures apply to reports of sexual misconduct received by the Title IX Coordinator on or after August 14, 2020, except that definitions from the Policy in place at the time the alleged prohibited conduct occurred will be used to make the decision on responsibility.

Procedures for Sexual Misconduct Reports against Employees

A. Introduction

These Procedures supplement the University of Nebraska Sexual Misconduct Policy and describe the grievance process related to reports of sexual misconduct against employees. Employee as used in the Procedures includes all University faculty, staff, and other personnel within the categories defined by §§ 3.1.1 through 3.1.3 of the *Bylaws of the Board of Regents of the University of Nebraska* whether full or part time. When the Respondent is both a student and an employee, the Title IX Coordinator or their designee will determine whether the Student or Employee Sexual Misconduct Procedures (and/or the adjudication process from both) apply based upon the facts and circumstances, such as whether the Respondent's status as a student or an employee predominates in the context of the Prohibited Conduct. If the Respondent is found responsible for violating the Sexual Misconduct Policy, the sanctions may affect both their status as a student and employee.

B. Prohibited Conduct Definitions

For purposes of addressing complaints of sexual misconduct against or by University students and employees, the following uniform definitions shall be used by the University.

1. "Dating violence" means violence committed by a person—
 - a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the persons involved in the relationship.
2. "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 who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to 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 acts under the domestic or family violence laws of the jurisdiction.

Domestic violence includes domestic assault. Under Nebraska law, a person commits domestic assault if the person (i) intentionally and knowingly causes bodily injury to their intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner.

Under Nebraska law an “intimate partner” means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship.

3. “Retaliation” means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Sexual Misconduct Policy.
4. “Sexual assault” means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - a. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - b. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim’s age or because of the victim’s temporary or permanent mental incapacity.
 - c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

5. “Sexual exploitation” includes, but is not limited to: prostituting another person; non-consensual visual or audio recording of sexual activity; non-consensual display or distribution of photos, images or information of an individual’s sexual activity or intimate body parts; non-consensual voyeurism; coercing someone against their will to engage in sexual activity, or; knowingly transmitting sexually transmitted disease (STD) without disclosing STD status.

6. “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:
 - a. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity;
 - c. Sexual assault (see definition herein);
 - d. Dating violence (see definition herein);
 - e. Domestic violence (see definition herein); or
 - f. Stalking (see definition herein).

To be considered sexual harassment for the purposes of Title IX, the conduct must meet the additional requirements of occurring in the University’s education program or activity and against a person in the United States.

For employees, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual’s employment and create an abusive working environment.

7. “Sexual misconduct” includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.

8. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - a. fear for their safety or the safety of others; or

- b. suffer substantial emotional distress.

C. Related Definitions

1. “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the University’s Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.
2. “Bodily injury” shall mean physical pain, illness, or any impairment of physical condition.
3. “Confidentiality” means that the University will not disclose the names of individuals involved in sexual misconduct cases to others except on a need to know basis or as required by law. The University will instruct employees and students about the requirement not to disclose confidential information. Confidentiality is not the same as anonymity, where an individual is not named or personally identified.
4. “Consent” is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.
 - a. Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.
 - b. Consent cannot be coerced or compelled by force, threat, deception, or intimidation.
 - c. Consent cannot be given by someone who is incapacitated or does not have the legal capacity to consent, as defined below in the definition of “incapacitated”.
 - d. Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

5. “Crimes of violence” are those offenses that involve force or threat of force, including murder and non-negligent manslaughter, rape, robbery, and aggravated assault.

6. “Education program or activity” includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
7. “Force or threat of force” means (a) the use of physical force which overcomes the person’s resistance or (b) the threat of physical force, express or implied, against the person or a third party that places the person in fear of death or in fear of serious personal injury to the person or a third party where the person reasonably believes that the actor has the present or future ability to execute the threat.
8. “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and requesting that the University investigate the allegation of sexual misconduct. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under the Sexual Misconduct Policy and will comply with the requirements of the Sexual Misconduct Policy.
9. “Incapacitated” means an individual is unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, being asleep, unconscious or in any other state where the individual is unaware that sexual contact is occurring, or based on their age (pursuant to Nebraska law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation. Consent does not exist when the individual initiating sexual activity knew or should have known of the other individual’s incapacitation.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

10. “In violation” means that it is more likely than not that a Respondent has committed one or more acts of sexual misconduct. In other words, a preponderance of the evidence standard must be used to find sexual misconduct.

11. “May” is used in the permissive sense.
12. “Not in violation” means that it is more likely than not that a Respondent did not commit one or more acts of sexual misconduct.
13. “Past sexual behavior” means a person’s sexual behavior other than when the sexual misconduct is alleged to have occurred.
14. “Private body parts” means the genital area, groin, inner thighs, buttocks, or breasts.
15. “Preponderance of the Evidence” is the standard of evidence the University uses to determine whether the Respondent violated the Sexual Misconduct Policy. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that the Respondent violated the Sexual Misconduct Policy.
16. “Relevant evidence” means evidence that has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.
17. “Remedies” are measures designed to restore or preserve equal access to the University’s education program or activity. Such remedies may include the same supportive measures that are already being provided to Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
18. “Serious personal injury” means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
19. “Shall” is used in the imperative sense.

20. “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.
21. “University” means University of Nebraska.
22. “University Day” means a weekday on which the campus offices are open. Check the academic calendar on the campus website to determine the days on which the campus offices are closed.

D. Roles

Individuals play a number of important roles within the University’s Sexual Misconduct investigation and adjudication process. The following are descriptions of each of those roles within the process.

1. “Advisor” means any individual who provides the Complainant or Respondent support, guidance, or advice and may accompany the Complainant or the Respondent to any meeting or grievance proceeding, such as a meeting in the investigation or the Hearing. The Complainant and the Respondent may choose their advisor, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of the advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceeding. If a Complainant or Respondent does not have an advisor present at a live hearing, the University will provide without fee or charge to that party, an advisor of the University’s choice who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Other than to conduct cross-examination as described above, the parties' respective advisors may not speak on behalf of the parties during the hearing and may not directly participate in any aspect of the hearing. The Complainant or Respondent, however, may consult with their respective advisors during a meeting or the hearing. The Hearing Board Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.

2. "Campus security authority" (CSA) is a University official charged with the duty to report incidents of sexual misconduct to the person in charge of Clery Act reporting. All officers of a university police department or a campus security department are campus security authorities, but there are other CSAs outside of those offices. The Office of the President and each Chancellor shall prepare and publicize a list of designated campus security authorities.
3. "Complainant" means any individual who is alleged to be the victim of conduct that could constitute sexual misconduct. A Complainant may also be referred to as a "party".
4. "Decision-maker" is an individual who makes a determination as part of the Sexual Misconduct grievance process. There may be more one or more decision-maker(s) involved in any given proceeding, for example, a hearing or appeal. The decision-maker(s) will not be the same person(s) as the Title IX Coordinator or the Investigator(s) and will issue a written determination regarding responsibility. Decision-makers may include Hearing Officers, Appeals Officers, and Hearing Board Members.
5. "Hearing Board" is a group of individuals who may preside over a Hearing. The Hearing Board must be composed of an odd number of three or more members. Hearing Board members may include student, staff, and/or faculty as appropriate.
6. "Hearing Officer" is an individual Hearing Officer who may preside over a Hearing.
7. "Hearing Facilitator" is a University official designated to coordinate a Hearing.
8. "Investigator" means a University official authorized to investigate of complaints of sexual misconduct.
9. "Member of the University community" includes any individual who is a student, staff or faculty member, University official, or any other individual employed by, or acting on behalf of, the University. An individual's status in a particular situation shall be determined by the Investigator or Title IX Coordinator.

10. “Official with Authority” means an official of the University who has authority to institute corrective measures for sexual misconduct on behalf of the University. The following individuals are Officials with Authority: President, Chancellors; Provost/Vice Presidents and Vice Chancellors; and UNCA and Campus Title IX Coordinators.
11. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct. A Respondent may also be referred to as a “party”.
12. “Student” has the same meaning as used in the Student Code of Conduct. The term “student” includes all persons enrolled at the University, including online and non-degree seeking individuals. A student’s enrollment ends when the student graduates, withdraws from the University, or fails to register for classes for three (3) consecutive semesters, with summer term considered to be a semester, or no longer has a continuing student relationship with the University. Students who are accused of committing a violation of the Student Code of Conduct while they are enrolled at the University may still be held responsible for the violation even if they later withdraw from the University prior to a resolution of the alleged violation.
13. “Title IX Coordinator” is a person designated by the University to coordinate the University’s effort to comply with its responsibilities under Title IX. The Title IX Coordinator oversees the University’s gender equity work to ensure compliance with Title IX, including its policies and procedures, education/prevention efforts, and training. The Title IX Coordinator reviews information about sexual misconduct to identify and address any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) to the Title IX Coordinator.
14. “University official” includes any individual employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. University officials who are designated as campus security authorities will report crimes, arrests, and disciplinary referrals to the person in charge of Clery Act reporting. Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules when they are acting within the scope of their counseling or professional responsibilities.
15. “University Presenter” is the person who presents the case on behalf of the University at the Hearing. This person may be, but is not required to be, the Investigator or the Title IX Coordinator.

16. “Witness” is a person believed to have information regarding an incident which may violate the Sexual Misconduct Policy, including but not limited to someone present when the incident occurred, someone the Complainant or Respondent communicated with about the incident, and/or someone who may have information relevant to the incident. Witness participation in the grievance process is voluntary. While the University encourages witnesses to cooperate with the grievance processes, the University cannot compel or require witnesses to participate.

E. Jurisdiction: Locations Where and Circumstances When the Procedures Apply

These Procedures apply to alleged sexual misconduct that occurs in the University’s education program or activities. Education program or activity includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

The University’s jurisdiction under the Procedures will continue to extend to conduct that occurs outside the context of the University employment or education program or activity where the Title IX Coordinator or their designee determines that action is necessary 1) in order to protect the health or safety of members of the University community, 2) there are effects of the conduct that interfere with a person’s ability to participate in an education program or activity, including employment, 3) if the conduct is related to an employee’s performance or their capacity to perform their work responsibilities, or 4) if the conduct occurs when the faculty or staff member is serving in the role of a University employee.

The University must dismiss an allegation of sexual harassment under Title IX in a Formal Complaint if the conduct did not occur in the University’s education program or activity or if the conduct did not occur against a person in the United States.

C. Reporting Sexual Misconduct

- **Where to Report Sexual Misconduct**

All individuals are expected to promptly report conduct that may violate the University’s Sexual Misconduct Policy to the University. In addition, all individuals are expected to report conduct that may also violate criminal law to both the Title IX Coordinator and to local law enforcement. These processes are not mutually exclusive and both may happen simultaneous or at different times.

Any University student, employee, or other individual who seeks to report may contact the:

- Title IX Coordinator
- University Police or Public Safety for assisting in filing a criminal complaint and preserving physical evidence; and/or
- Local law enforcement to file a criminal complaint.

The University will respond to reported allegations of sexual misconduct and may provide appropriate supportive measures to the Complainant, as described below, even if the Complainant does not wish to pursue a Formal Complaint. If an individual would like the University to respond to allegations of sexual misconduct, it is important that the individual report to the Title IX Coordinator. In some cases, an individual who may have experienced sexual misconduct may share information with another member of the University community. While the University expects University community members with knowledge of potential violations of the sexual misconduct Policy to report to the Title IX Coordinator, the University will only have actual notice of sexual misconduct if an individual reports to an Official with Authority. The following individuals are Officials with Authority: President, Chancellors; Provost/Vice Presidents and Vice Chancellors; and UNCA and Campus Title IX Coordinators.

2. **Reporting to the Title IX Coordinator**

Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Title IX Coordinator Contact Information:

Mary Chinnock Petroski
Title IX Coordinator
University of Nebraska at Kearney
2113 Warner Hall
(308) 865-8655
petroskimj@unk.edu

The University of Nebraska hotline is available for online reporting at <https://secure.ethicspoint.com/domain/media/en/gui/52126/index.html> or by phone at 844-348-9584.

A person may also contact the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 1-800- 421-3481.

3. Reporting to Law Enforcement

An individual who has experienced sexual misconduct has the right to choose whether to file a police report. The University encourages individuals to report incidents of sexual misconduct to University Police or local law enforcement. Filing a police report can result in the investigation of whether sexual violence or related crimes occurred and the prosecution of the perpetrator. Timely reporting to the police is an important factor in successful investigation and prosecution of crimes, including sexual violence.

The Title IX Coordinator or their designee provides information on contacting local and campus law enforcement and will assist an individual in doing so. However, the Title IX Coordinator or their designee will not compel an individual to go to law enforcement.

Contact Information for University Police:
Police Department (UNK) Facilities Building
2501 19th Avenue
(308) 865-8911
unkpd@unk.edu

4. What Happens When A Title IX Coordinator Receives A Report

Upon receiving a report of sexual misconduct, the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the availability of supportive measures. (Please see the Supportive Measures Section for more details). The Title IX Coordinator or their designee will:

- a. Discuss the availability of supportive measure;
- b. Consider the Complainant's wishes with respect to supportive measures,
- c. Inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint;
- d. Explain to the Complainant the process for filing a Formal Complaint against the Respondent; and
- e. If applicable, explain to the Complainant that if a Formal Complaint alleging sexual harassment under Title IX is dismissed the alleged sexual misconduct may be addressed under a different provision of the Sexual Misconduct Policy using these Procedures.

Additionally, upon receiving a sexual misconduct report or complaint, the University will provide, or confirm that the Complainant has already received from the University, written information describing:

- a. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- b. How and to whom the alleged offense should be reported;
- c. Options about the involvement of law enforcement and campus authorities, including notification of the Complainant’s option to—
 - i. Notify proper law enforcement authorities, including on- campus and local police;
 - ii. Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - iii. Decline to notify such authorities;
- d. Information about orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the University;
- e. Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for Complainants, both within the University and in the community; and
- f. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

A Complainant may go forward with one or more reporting options at the same time. The University’s investigation may need to be delayed temporarily by, or scheduled around, an ongoing criminal or external administrative investigation.

5. **Anonymous Reports**

Any individual may make a report of sexual misconduct to the University, and if preferred, may do so without disclosing one’s name. Depending on the level of information available about the incident or the individuals involved, the University’s ability to respond to an anonymous report may be limited.

6. Confidentiality, Privacy, and Sharing of Information

The University shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual misconduct, any Complainant, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of Title IX, including conducting any investigation, hearing, or judicial proceeding arising thereunder. The University may be required to share information with other individuals in accordance with FERPA, Title IX, or other applicable law, including lawfully issued subpoenas in criminal, administrative, and civil matters.

The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. The Complainant and the Respondent and their respective advisors are asked to keep private information that does not consist of “the allegations under investigation” (For example, evidence related to the allegations that has been collected and exchanged between the parties and their advisors during the investigation under or the Investigative Report summarizing relevant evidence sent to the parties and their advisors.

The Complainant and the Respondent and their respective advisors are asked to keep the information related to the investigation and resolution private, to the extent consistent with applicable law. Witnesses are asked to keep any information learned in an investigation meeting confidential, to the extent consistent with applicable law.

7. Time Frame for Reporting an Incident

Although the University does not limit the time frame for reporting sexual misconduct to promote timely and effective review, the University strongly encourages individuals to report possible sexual misconduct within one hundred and eighty (180) calendar days of the last occurrence of the concerning conduct. A report made after one hundred and eighty (180) days may make it more difficult to gather relevant and reliable information.

8. **Amnesty for Reports of Sexual Misconduct**

The University encourages reporting of sexual misconduct and seeks to remove barriers to making a report. The University recognizes that an individual who has been consuming unauthorized alcohol (including underage consumption) or using illegal drugs or unauthorized prescription drugs at the time of an incident may be hesitant to make a report due to potential consequences. To encourage reporting, and except as provided below, an individual who makes a good faith report of sexual misconduct and/or participates in an investigation will not be subject to disciplinary action for a policy violation related to consuming unauthorized alcohol or using illegal drugs or unauthorized prescription drugs. This policy provision may also apply to registered student organizations when a report of sexual misconduct is made that could reasonably result in the organization facing student conduct disciplinary action for a policy violation related to consuming unauthorized alcohol or using illegal drugs or unauthorized prescription drugs. This policy does not preclude or prevent action by law enforcement or other legal authorities.

G. Preservation of Evidence

Individuals involved in a report of sexual misconduct should preserve evidence to the extent possible, as it may assist the University or law enforcement in making factual determinations about the reported violence or misconduct, or might be helpful to a court's determination regarding the issuance of a Personal Protection Order. The University encourages individuals to go to the police or another resource in order to assist in the preservation of evidence.

H. Supportive Measures

The University will provide supportive measures to Complainants and Respondents. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. The following supportive measures may be made available to the Complainant and the Respondent based on the facts and circumstances of the individual case:

1. Transfer or re-assignment of living space within University residence halls;
2. Assistance from the University in completing the relocation if transferred or re- assigned;
3. Mutual restrictions on contact between the parties;
4. Cancelling a university housing contract and/or adjusting a student account balance for refund;
5. Coordinating course-related adjustments (e.g. excused absences, flexible attendance, revised deadlines, reschedules, substitutions, etc.);

6. Endorsing or authorizing a grade change (e.g. incomplete, pass/no pass);
7. Transferring between class sections;
8. Endorsing or authorizing a withdrawal after the deadline has passed with or without a refund of tuition and fees;
9. Alternative course completion options (e.g. substitutions, independent study, correspondence);
10. Arranging to complete a course or lectures via distance education methods with the assistance of technology;
11. Providing increased security at location or activities (e.g. accompaniment or escort, surveillance, monitoring);
12. Modifying work schedules, job responsibilities, supervision, or re-assignment to a different work site; and
13. Counseling at a campus clinic or center.

The University will maintain as confidential any supportive measures provided to the Complainant or the Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. Any supportive measures offered to either party cannot punish, discipline, or unreasonably burden the other party.

I. Administrative Leave and Emergency Removal

1. Administrative Leave

The University may place a non-student employee Respondent on Administrative Leave or the equivalent during the pendency of the Procedures. A Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Placing a student-employee Respondent on administrative leave with pay may be permissible as a supportive measure for a Complainant (for instance, to maintain the Complainant's equal educational access and/or to protect the Complainant's safety or deter sexual harassment) as long as that action meets the conditions that a supportive measure is not punitive, disciplinary, or unreasonably burdensome to the Respondent.

2. Emergency Removal

The University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University 1) undertakes an individualized safety and risk analysis, 2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal, and 3) provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

J. Grievance Process for Formal Complaints

The grievance process begins when a Complainant files, or a Title IX Coordinator signs, a Formal Complaint requesting that the University investigate an allegation of sexual misconduct. Filing a Formal Complaint is the first step of a grievance process that determines whether the Respondent is responsible for violating the Policy. Unless a Formal Complaint is dismissed or resolved during one of the steps of the grievance process, the grievance process will include a preliminary review of the Formal Complaint, an investigation, a hearing, and the opportunity for the parties to challenge certain decisions through an appeal. Additionally, an Informal Resolution process may be available at any time prior to reaching a University determination regarding responsibility. If applicable, the University may initiate Informal Resolution or either party may request Informal Resolution.

If the Respondent is no longer a student, employee, or participant in any University-related program or activity at the time of the report, or if the conduct does not fall within the scope of the Policy, the Formal Complaint may be dismissed. The University will, however, help a Complainant identify reporting options outside the University and provide supportive measures. A Respondent is presumed not responsible for the alleged conduct unless a determination regarding responsibility is made at the conclusion of the grievance process by the decision maker(s) based upon the preponderance of the evidence standard.

Individuals who knowingly or intentionally file a false formal complaint or provide false or misleading information during a grievance process may be subject to disciplinary action up to and including termination of employment or expulsion. Disciplinary action is not warranted where an individual provides information in good faith, even if the information is ultimately not substantiated. An individual provides information in good faith when that individual reasonably believes that the information they have provided is accurate.

K. Filing A Formal Complaint

- a. A Complainant may file a Formal Complaint against a Respondent requesting that the University investigate the allegation of sexual misconduct.
 - i. A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator

- a) alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and
- b) requesting that the University investigate the allegation of sexual misconduct.

- ii. A “document filed by a Complainant” means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.
- iii. At the time of filing a Formal Complaint, for the purposes of Title IX, a Complainant must be participating in or attempting to participate in the education program or activity of the University.

- b. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator above.

2. Consolidation of Complaints

- The University may consolidate Formal Complaints as to allegations of sexual misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances.
- Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

3. Notice of Allegations

Upon receipt of a Formal Complaint, the Title IX Coordinator or their designee will provide a written notice to the parties who are known.

The Notice of Allegations will include the following information:

- a. Notice of the University’s Sexual Misconduct Policy and Procedures, and an explanation of the grievance process and Informal Resolution process.

- b. Notice of the allegations of the conduct potentially constituting sexual misconduct, including
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual misconduct;
 - iii. The date and location of the alleged incident, if known;
 - iv. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - v. Information that the parties may have up to two advisors of their choice, who may be, but are not required to be, attorneys, and may inspect and review evidence;
 - vi. Notice of any policy provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
 - vii. Information related to the availability of supportive measures;
 - viii. Information related to the availability of reasonable accommodations; and
 - ix. Prohibition of retaliation.

If, in the course of an investigation, if the University decides to investigate allegations about the Complainant or the Respondent that are not included in the notice, the University will provide notice of the additional allegations to the parties whose identities are known.

4. Preliminary Review of Formal Complaint and Situation When A Formal Complaint Must or May Be Dismissed

When a Title IX Coordinator receives a Formal Complaint, the Title IX Coordinator or their designee will do a Preliminary Review of the Formal Complaint. The University will investigate the allegations in a Formal Complaint. However, there are certain circumstances when the University is either required to, or may, dismiss a Formal Complaint or an allegation within the Formal Complaint.

- a. The University will dismiss an allegation of sexual harassment under Title IX in a Formal Complaint under the following circumstances:
 - i. The conduct would not constitute sexual harassment as defined by the Sexual Misconduct Policy and Procedures, even if proved;

- ii. The conduct did not occur in the University’s education program or activity;
 - iii. The conduct did not occur against a person in the United States.
- b. A dismissal of an allegation of sexual harassment under Title IX does not preclude action under another provision of the Sexual Misconduct Policy.
- c. A Complainant not participating in or attempting to participate in the education program or activity of the University at the time of the Formal Complaint does not preclude the Title IX Coordinator from signing the Formal Complaint or proceeding under provision of the Sexual Misconduct Policy, such as the broader definition of sexual harassment (e.g. Title VII).
- d. In the event the Title IX Coordinator or their designee determines another provision of the Sexual Misconduct Policy may apply to the alleged sexual misconduct and it is appropriate to proceed, the Formal Complaint will be investigated, adjudicated, and resolved in accordance with the process set forth in these Procedures.
- e. The University may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
 - i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
 - ii. The Respondent is no longer enrolled or employed by the University; or
 - iii. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
 - iv. Upon dismissal of any or all of the allegations in the Formal Complaint, the Title IX Coordinator must provide a Notice of the Dismissal to the parties within (7) days of the Title IX Coordinator’s decision to dismiss any or all of the allegations.
- f. The Notice of Dismissal must be provided to the parties simultaneously. The Notice of Dismiss must:
 - i. Explain the reason(s) for dismissal;

- ii. Explain information regarding the appeal rights of the parties; and
- iii. Notify the parties of the ongoing investigation in circumstances where the alleged sexual misconduct may otherwise be subject to a different provision of the Sexual Misconduct Policy and the grievance process will continue.
- g. Notice of dismissal must be provided even if the grievance process will continue because the Title IX Coordinator determines the alleged sexual harassment may otherwise be subject to a different provision in the Sexual Misconduct Policy and the investigation and grievance process will continue. Under these circumstances the notice of dismissal must notify the parties of the ongoing investigation.

For example: If the alleged sexual misconduct occurred during a University sponsored event outside of the United States, the Title IX Coordinator must dismiss the Formal Complaint for the purposes of the Title IX sexual harassment Complaint. The Title IX Coordinator must send notice to the parties. However, the Title IX Coordinator may determine the alleged sexual misconduct falls within the University's jurisdiction as provided in Section E above and may continue the investigation and grievance process.

3. Appeals of the Dismissal of a Formal Complaint

a. Overview

The Complainant and the Respondent may appeal the dismissal of allegations of sexual harassment under Title IX contained in a Formal Complaint. The Title IX Coordinator or their designee's dismissal of any non-Title IX allegations of sexual misconduct in a Formal Complaint or determination not to apply other provisions of the Sexual Misconduct Policy are final and not subject to appeal. This appeal process provides both the Complainant and the Respondent a reasonable, equal opportunity to submit a written statement in support of, or challenging, the dismissal.

The Appeals Officer will not be the same person as the decision-maker(s) who reached the determination regarding dismissal, the Investigator(s), or the Title IX Coordinator. The Appeals Officer will not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent and comply with the training requirements set forth in the Sexual Misconduct Policy.

b. Reasons for Appeal

Dismissal of allegations of sexual harassment under Title IX in a Formal Complaint may be appealed on the following reasons:

- i. A procedural irregularity that affected the outcome of the matter;

- ii. The discovery of new evidence that was not reasonably available at the time of the Dismissal and that could affect the outcome of the matter; or
- iii. The Title IX Coordinator or their designee or the Investigator had a conflict of interest or bias for or against the Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

c) Appeal Process

- i. The appeal must be in writing and delivered to the Appeals Officer appointed by the Chancellor or their designee within seven (7) University Days of the delivery of the Notice of Dismissal.
- ii. An appeal must be in writing and specify the reason(s) for the appeal.
- iii. If either party submits an appeal, the other party and the Title IX Coordinator will be provided with a copy of the appeal and both will be given seven (7) University Days to submit their respective written responses.
- iv. The Appeals Officer may request additional information from the Title IX Coordinator or the parties at the Appeals Officer's discretion.
- v. The Appeals Officer will review all of the information and determine whether to grant or deny the appeal.
 - a. The written decision will describe the result of the appeal and the rationale for the result.
 - b. If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration.
 - c. If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, the Appeals Officer may 1) affirm, in whole or in part, the decision on Dismissal, 2) overturn, in whole or in part, the decision on Dismissal, 3) or refer the Formal Complaint back to the Title IX Coordinator for further consideration or proceeding.
 - d) A final outcome on an appeal is not subject to further appeal.

- vi. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances.
 - vii. The written determination will be provided simultaneously to the Complainant, Respondent, and Title IX Coordinator.
- d. Any non-Title IX alleged violations may continue to be investigated during the Appeal Process.

6. Investigation

The investigation process is conducted by the Title IX Coordinator or one or more Investigators. The University has the burden of gathering evidence sufficient to allow the Hearing Officer to reach a determination regarding responsibility.

a. Meeting Notice

Prior to meeting with the Complainant or the Respondent, the Investigator will provide, written notice to the person being interviewed of the date, time, location, participants, and purpose all investigative interviews or other meetings, with sufficient time for the party to prepare to participate. In general, sufficient time will be at least five (5) University Days, however, a party may agree to meet sooner.

b. Advisors

The University will provide the parties with the same opportunities to have others present during any meeting or grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by up to two advisors of their choice, who may be, but are not required to be, attorneys, and not limit the choice or presence of advisors for either the Complainant or the Respondent in any meeting or grievance proceeding. However, the University may establish restrictions regarding the extent to which the advisors may participate in the proceedings, as long as the restrictions apply equally to both parties.

c. Gathering Evidence

The Investigator will meet separately with the Complainant and the Respondent. The Investigator will ask for all information relevant to the allegations. The parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. For both parties, this is an opportunity to present any information regarding the incident, including names of witnesses, the existence of documents, emails, text messages, or other recordings, or any other information the parties feel may be relevant. As part of the investigation, the Investigator may conduct additional investigative and witness interviews at the Investigator's discretion. The Investigator is responsible for contacting and interviewing relevant witnesses the Complainant identifies and witnesses the

Respondent identifies, and any witnesses the Investigator deems necessary. The Investigator will review all available pertinent evidence. This may include reviewing student and/or personnel files and reviewing law enforcement documents or evidence. The Complainant and the Respondent may also submit supplemental information at any time during the investigation until the Investigator issues a final Investigative Report.

The Investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a grievance process under this section.

Additionally the Investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Examples of privileges include Lawyer-Client, Physician-Patient, Professional Counselor-Client; Spousal, Clergy, and Victim's Advocate.

In summary, as a general rule, the following information may not be used during the grievance process: Information protected by a legally recognized privilege unless the person holding such privilege has waived the privilege; evidence about a party's prior sexual history unless an exception applies; and any party's medical, psychological, and similar records unless the party has given voluntary, written consent. Additionally, party or witness statements that are not subjected to cross examination at a live hearing cannot be considered to make a determination.

d. Review of the Evidence

The Investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint. This includes evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the Investigative Report, the Investigator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least ten (10) University Days to submit a written response, which the Investigator will consider prior to completion of the Investigative Report. The University will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

e. Investigative Report

The Investigator will create an Investigative Report that fairly summarizes relevant evidence. At least ten (10) University Days prior to a hearing, or other time of determination regarding responsibility (whichever allows for a longer time period), the Investigator will send to each party and the party's advisor, if any, the Investigative Report in an electronic format or a hard copy, for their review and written response. Both parties will have the right to review each other's responses and the responses will be provided at the hearing.

General Provisions Concerning the Investigative Report

- i. The parties will have an equal opportunity to review the Investigative Report; if a party disagrees with an Investigator's determination about relevance, the party can make that argument in the party's written response to the Investigative Report and to the Hearing Officer at any hearing held; either way the Hearing Officer is obligated to objectively evaluate all relevant evidence and the parties have the opportunity to argue about what is relevant (and about the persuasiveness of relevant evidence).
- ii. The Investigator may redact from the Investigative Report information that is not relevant, which is contained in documents or evidence that is relevant.
- iii. The Investigator may include facts and interview statements in the Investigative Report.

f. Case Resolution Timeline

Though the University strives to resolve all cases in a prompt and timely manner, the timeline varies based on the circumstances of the case. Additionally, the timeline for a case may be affected by breaks in the academic calendar; absence of a party, a party's advisor, or a witness; (including due to leave of absence); concurrent law enforcement activity; the need for language assistance; accommodation of disabilities; scope of the investigation; and unforeseen or exigent circumstances. The parties will be periodically updated on the status of their case. In cases where there is a simultaneous law enforcement investigation, the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University investigation will generally proceed with its investigation and resolution of a complaint during any law enforcement investigation.

The University will strive to conduct investigations of the allegations within ninety (90) University Days of receipt of the Formal Complaint. If the investigation will take a longer amount of time to complete, both parties must be informed in writing of the extension of the timeline. While the University will attempt to accommodate the schedules of parties and witnesses throughout the grievance process in order to provide parties with a meaningful

opportunity to exercise the rights granted to parties under the Policy and Procedures, it is the University's obligation to meet its own designated time frames, and the grievance process can proceed to conclusion even in the absence of a party or witness.

7. Formal Hearings in Cases of Alleged Sexual Misconduct

a. Overview

After an investigation, the University will conduct a hearing to determine whether the Respondent is responsible for violating the Sexual Misconduct Policy. During the hearing, the University Presenter or their designee, the Complainant, and the Respondent will each have an opportunity to

1. Discuss and explain their position;
2. Present evidence, including documents and witnesses; and
3. Have their advisor ask questions of other party and witnesses (e.g. cross-examination).

If a determination of responsibility for sexual misconduct is made against the Respondent, the decision-maker(s) will determine appropriate sanctions for Respondent and confirm that the University will provide remedies to the Complainant. A hearing must be held unless the case has been resolved pursuant to the Informal Resolution Section. The University will strive to conduct a hearing within thirty (30) University Days from the issuance of the investigation report.

b. Hearing Scheduling and Notice

When the Investigator sends the Investigative Report to the Respondent and the Complainant, the Title IX Coordinator or their designee will forward a copy of the Investigative Report to the Hearing Facilitator. The Hearing Facilitator will schedule a hearing date, time, and location and notify the parties of the same. The University will strive to complete a hearing within one (1) month from the issuance of the investigation report. (May be delayed due to Informal Resolution)

A Pre-hearing conference will be held at least two (2) University Days prior to the scheduled hearing. The University will provide written notice of the date, time, location, participants, and purpose of both the prehearing conference and of the hearing at least five (5) University Days prior to the prehearing conference.

c. Pre-Hearing Conference

The Respondent and the Complainant shall have the right to attend a Pre-Hearing Conference. The purpose of the Pre-Hearing Conference is to plan for the hearing, discuss the issues and facts that will be presented at the hearing, exchange information about witnesses

likely to be called, answer procedural questions, and settle those matters which may be agreeably concluded. Generally, the Hearing Officer or the Chair of the Hearing Board will preside over the Pre-Hearing Conference. During or prior to the Pre-Hearing Conference, the parties shall be informed of the names of the Hearing Officer and/or other Hearing Board members.

i. Hearing Information Exchange Prior to the Pre-Hearing Conference

The Respondent, the Complainant, and the University Presenter shall have an opportunity to inspect documents and a list of witnesses prior to the hearing. The Hearing Officer or Hearing Board will receive a copy of the Investigative Report. If there are any additional documents, that the Respondent, the Complainant, or the University Presenter would like to offer at the hearing, this information should be provided at least two (2) University Days before the Pre-Hearing Conference. This information will be exchanged with all parties.

ii. Use of Past Sexual Behavior

During the Prehearing conference, the parties will be instructed about the use of past sexual behavior of the Complainant¹ or past sexual assault by the Respondent² as evidence at the hearing. In most situations, questions and evidence of the past sexual history of either the Respondent or the Complainant are not relevant and will not be admitted at the hearing except in very limited situations set forth below.

a) such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or

b) if the questions and evidence concern specific incidents or the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

d. General Hearing Information

i. At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

¹ See Neb. Rev. Stat. § 27-412 (2016) (Relevance of person's alleged past sexual behavior or alleged sexual predisposition).

² See Neb. Rev. Stat. § 27-415 (2016) (Evidence of crimes of sexual assault in civil cases).

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- ii. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
 - iii. Any real or perceived conflict of interest or bias between the Hearing Officer or a Hearing Board member and the Respondent or the Complainant must be brought to the attention of the Hearing Facilitator, Hearing Officer, or Chair of the Hearing Board no less than two (2) University Days in advance of the hearing.
 - iv. The Hearing Board shall select its own Chair with all members possessing voting privileges.
 - v. The Respondent and the Complainant have the right to be present for the hearing. The hearing is closed to the public.
 - vi. The Respondent may not be found to be responsible for sexual misconduct solely because the Respondent is not present at the Hearing.
 - vii. In such cases when a Respondent fails to appear before the Hearing Officer or Hearing Board, a plea of “not in violation” shall be entered on the Respondent’s behalf and the hearing may proceed as scheduled. In this situation, the University will provide an advisor to conduct cross-examination of the Complainant and witnesses.
 - viii. In hearings involving more than one Respondent, the presiding Hearing Officer or Chair of the Hearing Board, in their discretion, may permit the hearings concerning each Respondent to be conducted separately.
 - ix. The Respondent(s), the Complainant, and the University Presenter shall have the right to hear all evidence, present evidence, testify, and to hear and question witnesses.
 - x. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Examples of privileges under law include Lawyer-Client, Physician-Patient, Professional Counselor-Client; Spousal, Clergy, and Victim’s Advocate.
 - xi. The role of the Complainant’s and the Respondent’s advisor of

choice is limited to providing advice to the party and conducting cross-examination of witnesses. The role of a University appointed advisor is limited to conducting cross-examination. Advisors must fulfill their role in a manner which does not disturb Conduct proceedings. If an advisor fails to act in accordance with these guidelines, they may be barred from participation in the Conduct proceedings and the hearing may be continued.

- xii. The Hearing Officer or the Hearing Board may seek advice from the University's Counsel throughout the hearing process on questions of law and procedure. However, the Hearing Officer and Hearing Board are responsible for making their own factual conclusions.
- xiii. No process implemented under this Sexual Misconduct Procedure shall be open to the public. The Complainant and the Respondent are entitled to the same opportunities to have others present during a disciplinary proceeding subject to conditions established by the Sexual Misconduct Policy and these Procedures, the Title IX Coordinator, and the Hearing Officer or Hearing Board. Witnesses may be sequestered and attendance at hearings may be restricted to the Complainant, the Respondent, and their respective advisors.
- xiv. The Investigative Report may include recommended findings or conclusions as to whether Respondent violated the University's Sexual Misconduct Policy in the Investigative Report. However, the Hearing Officer or Hearing Board is under an independent obligation to objectively evaluate relevant evidence, and thus cannot simply defer to recommendations made by the Investigator in the Investigative Report.
- xv. If the Investigative Report includes general findings of credibility, the Hearing Officer or Hearing Board cannot interpret the Investigator's finding of credibility as a finding of responsibility.
- xvi. The determination of the merits of each case shall be made using a preponderance of the evidence standard.
- xvii. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest upon the University. A Respondent is presumed to be not responsible for the alleged misconduct until proven otherwise.

- e. The Hearing Procedures
 - i. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspections and review upon request.
 - ii. At the beginning of the hearing, the Hearing Officer or Chair of the Hearing Board should state for the record:
 - a. the date, time, and place and
 - b. their name and role as the Hearing Officer or Chair of the Hearing Board.
 - iii. If the hearing is before a Hearing Board, the Chair should:
 - a. have the other members of the Hearing Board identify themselves and
 - b. state whether there is a quorum. If there is not a quorum, then the hearing must be rescheduled unless all parties waive on the recording any objection to the lack of a quorum.
 - iv. The Hearing Officer or Chair of the Hearing Board should then identify the other persons present, ask the University Presenter to read the alleged violation(s), and ask the Respondent if the Respondent admits to the alleged violation(s).
 - v. The Hearing Officer or Chair of the Hearing Board must conduct the hearing in a manner that facilitates the presentation of relevant evidence by the Complainant, the Respondent, and the University Presenter. The Complainant, the Respondent, and the University Presenter have the right to call witnesses, including expert witnesses, and present their respective cases. The Hearing Officer or the members of the Hearing Board may ask questions to clarify what the witness said or to elicit more detailed information.
 - vi. The Hearing Officer or Chair of the Hearing Board has the discretion to:
 - a. allow the parties to make opening statements, closing statements, or both, with reasonable time limits;
 - b. allow witnesses to testify by videoconferencing technology;

- c. require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify; and
 - d. schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.
 - vii. The University Presenter will present evidence first, followed by the Complainant, and then the Respondent. Courtroom rules of evidence do not apply.
 - viii. The presentation of evidence may include calling witnesses who have relevant information. A party may question the witness they call in support of their position.
- f. Questioning of Parties and Witnesses During the Hearing
 - i. The Hearing Officer or Chair will permit each party's advisor to ask the other party and any witnesses called by another party all relevant questions and follow-up questions, including those challenging credibility ("cross-examination").
 - ii. Such cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the Hearing Officer or Chair to otherwise restrict the extent to which advisors may participate in the proceedings.
 - iii. Before a Complainant, a Respondent, or a witness answers a cross-examination or other question, the Hearing Officer or Chair will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
 - iv. Additionally the Hearing Officer or Chair will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
 - v. As a general rule, the following information may not be used during the grievance process: Information protected by a legally recognized privilege unless the person holding such privilege has waived the privilege; evidence about a Complainant's prior sexual history unless an exception applies; any party's medical, psychological, and similar records unless the party has given

voluntary, written consent; and, party or witness statements that have not been subjected to cross examination at a live hearing.

- vi. The Hearing Officer or Chair will explain to the party proposing the questions any decision to exclude a question as not relevant.
- vii. If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- viii. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- ix. If a party or a witness does not submit to cross-examination at the live hearing, the Hearing Officer or Hearing Board will not rely on any statement of that party or witness in reaching a determination regarding responsibility.
- x. The Hearing Officer or Hearing Board cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing, or decision not to answer questions or otherwise not participate in the live hearing.
- xi. Other than to conduct cross-examination as described above, the parties' respective advisors may not speak on behalf of the parties during the hearing and may not directly participate in any aspect of the hearing. The Complainant or the Respondent, however, may consult with their respective advisors during the hearing. The Hearing Officer or Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.
- xii. At the conclusion of the hearing, the Hearing Officer or Hearing Board must deliberate and make a decision based solely upon the evidence introduced and received at the hearing. The decision must be made by a majority vote.

- xiii. A Respondent is presumed to be not responsible. The determination of the merits of the case shall be made using the preponderance of the evidenced standard.

3. Determination

Within seven (7) University Days following the conclusion of formal hearing proceedings, the Hearing Officer or Chair shall inform the Respondent, the Complainant, the University Presenter, and the Title IX Coordinator in writing, of their findings and of any recommended sanction(s), if applicable.

The findings must include the following information.

- i. Identification of the allegations potentially constituting sexual misconduct
- ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, methods used to gather evidence; and hearings held;
- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of the Sexual Misconduct Policy to the facts;
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any recommended disciplinary sanctions the Hearing Officer or Hearing Board recommends be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
- vi. The University's procedures and permissible bases for the Complainant and Respondent to appeal.

The Respondent and the Complainant have the right to be notified of the decision rendered. Any initial, interim, and final decision to resolve disciplinary matters must include a statement of any University sanctions imposed together with the rationale for the decision.

- h. Record of Hearing to Appeals Officer or Appropriate University Officials. If a timely appeal is filed within seven (7) University Days of the decision being delivered to the parties, the Record of the Hearing, including the determination, will be provided to the Appeals Officer.

If no appeal is filed within seven (7) University Days, the Record of the Hearing will be provided to the appropriate supervisor, unit head, Vice Chancellor or other relevant administrator responsible for appropriate employment action consistent with the Hearing Officer or Hearing Board's findings and recommendations, in accordance with applicable employment laws, policies, practices, and agreements.

The Record of the Hearing consists of the information, documents, and recordings related to the hearing such as the notice of the Hearing, documents related to the Pre-Hearing Conference, Investigative Report, evidence submitted by the Complainant, the Respondent, and the University Presenter, audio or audiovisual recording, transcript if any, determination, etc.

5) Appeals of Hearing Officer Determination after Formal Hearing

i) Overview

The Complainant and the Respondent may appeal a decision reached after a formal hearing for seven (7) University Days after the decision is delivered to the parties. This appeal process provides both the Complainant and Respondent a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the Hearing.

The Appeals Officer will not be the same person as the decision-maker(s) that reached the determination regarding dismissal, the Investigator(s), or the Title IX Coordinator. The Appeals Officer will not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent and comply with the training requirements set forth in the Sexual Misconduct Policy.

ii) Reasons for Appeal

A determination may be appealed for the following reasons:

- a. A procedural irregularity that affected the outcome of the matter;
- b. The discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
- d. The sanction(s) imposed were arbitrary and capricious or an abuse of discretion; or
- e. A finding of fact in the determination is clearly erroneous and does not have factual support in the record and affected the outcome of the matter

iii. Appeal Process

- a) The appeal must be in writing and delivered to the Appeals Officer appointed by the Chancellor or their designee within seven (7) University Days of the delivery of the Notice of Dismissal.
- b) An appeal must be in writing and specify the reason(s) for the appeal.
- c) If either party submits an appeal, the other party and the University Presenter and/or the Title IX Coordinator will be provided with a copy of the appeal and will be given seven (7) University Days to submit their respective written responses.
- d) The Appeals Officer may request additional information from the University Presenter and/or the Title IX Coordinator or the parties at the Appeal Officer's discretion.
- e) The Appeals Officer will review all of the information and determine whether to grant or deny the appeal.
 - 1) The written decision will describe the result of the appeal and the rationale for the result.
 - 2) If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration.
 - 3) If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, in the written decision, the Appeals Officer may 1) affirm, in whole or in part, the decision on responsibility, 2) overturn, in whole or in part, the decision on responsibility, 3) affirm, overturn, or adjust the decision on disciplinary sanctions, or 4) remand the matter to remedy procedural errors or consider new evidence.

- 4) The determination of the Appeals Officer is final and not subject to further appeal.
- f. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances.
- g. The written determination will be provided simultaneously to the Complainant, Respondent, University Presenter, and Title IX Coordinator.
- h. The Record of the Hearing will be provided to the appropriate supervisor, unit head, Vice Chancellor or other relevant administrator responsible for appropriate employment action in accordance with applicable employment laws, policies, practices, and agreements.

F. Sanctions

Responsive action is intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the University's educational mission and legal obligations. Responsive action may include disciplinary, rehabilitative (including educational), restorative, and monitoring components.

The types of sanctions that are possible as the result of a sexual misconduct disciplinary proceeding are:

1. coaching or education;
2. mentoring;
3. verbal warning;
4. written warning;
5. changes to work duties or location;
6. probation or transfer of position
7. completion of mandatory conditions;
8. suspension without pay;
9. nonrenewal or non-reappointment;
10. loss of rank or position;
11. denial of salary increase;

12. activity termination;
13. demotion in rank or pay;
14. termination of employment; and
15. ban on University re-employment.

Sanctions may be imposed in combination with one another.

The following factors among others, may be considered in determining the appropriate disciplinary sanctions or other responsive actions to address a decision of responsibility for prohibited conduct:

1. the severity, persistence, or pervasiveness of the prohibited conduct;
2. the nature of the prohibited conduct;
3. whether the prohibited conduct threatened physical safety;
4. any incidents of prior misconduct by a Respondent, including the Respondent's disciplinary history, at the University or elsewhere;
5. the impact of the prohibited conduct on other members of the University community;
6. an assessment of a Respondent's potential for development, including whether the Respondent has accepted responsibility for the prohibited conduct;
7. the maintenance of a safe, nondiscriminatory, and respectful work and learning environment; and
8. any other mitigating, aggravating, or compelling factors.

L. Remedies for Complainant

1. Where a determination of responsibility for sexual misconduct has been made against the Respondent, the University must provide or give the Complainant remedies. Remedies must be designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same supportive measures that are already being provided to the Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
2. The Title IX Coordinator is responsible for effective implementation of any remedies.
3. Where the final determination has indicated that remedies will be provided, the Complainant can then communicate separately with the Title IX Coordinator to discuss what remedies are appropriately designed to preserve or restore the Complainant's equal access to education.
4. Remedies that do not directly affect the Respondent must not be disclosed to the Respondent

M. Informal Resolution

1. Overview

At any time prior to reaching a determination regarding responsibility, the University may facilitate an Informal Resolution process, such as mediation, that does not involve a full investigation and adjudication. The University will not require the parties to participate in an Informal Resolution process and may not offer an Informal Resolution process unless a Formal Complaint is filed. Additionally, the University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual misconduct. The University will not offer or facilitate an Informal Resolution process to resolve allegations that an employee engaged in sexual misconduct against or sexually harassed a student.

The Informal Resolution process is facilitated by the Title IX Coordinator or their designee. The parties to any Informal Resolution process will not be required to deal directly with one another without the University's involvement.

An Informal Resolution may include the range of supportive measures described above, as well as targeted and/or broad-based training and educational programming for relevant individuals and groups and/or any other remedy. For example, both parties may agree that the permanent application of supportive measures (e.g. no contact agreement) may be sufficient to resolve the Formal Complaint. An Informal Resolution process may also include a remedies-based process, which allows both parties to come to a mutual agreement regarding the resolution of the Formal Complaint.

Once an Informal Resolution process is complete, both parties will be notified simultaneously/contemporaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution. The Informal Resolution process does not conclude with a University finding; the Respondent is not found to be “responsible” or “not responsible” of a Policy violation. However, the parties may negotiate the extent to which a Respondent may agree or concede responsibility for alleged misconduct.

Any party may request that the Informal Resolution process be terminated at any time, in which case the grievance process would proceed. The University may, at its discretion, also terminate the Informal Resolution Process at any time. In addition, while the results of the Informal Resolution process cannot be appealed, any party can withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint.

2. General Provisions Related to Informal Resolution

- a. At the beginning of the Informal Resolution process, the University will:
 - i. Provide to the parties a written notice disclosing:
 - a) the allegations;
 - b) the requirements of the Informal Resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint; and
 - c) any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared.
 - ii. Obtain the parties’ voluntary, written consent to the Informal Resolution process.

- b. The University will provide the parties timely access to any information that will be used during the Informal Resolution process.
- c. Any statements, admissions, or other statements made by the Complainant or Respondent during the Informal Resolution process may not be used as evidence if the matter proceeds to a Formal Hearing.
- d. The Title IX Coordinator or their designee and the administrator who oversees the Respondent or the Respondent's department or unit (e.g. the Respondent's supervisor) must approve the terms of any Informal Resolution.
- e. The Respondent may be subject to discipline for potential violations of policies in addition to the Sexual Misconduct Policy outside of the Informal Resolution Process. However, the Informal Resolution process may also address other potential violations of policies in addition to the Sexual Misconduct Policy.
- f. Informal Resolution procedures may be discontinued at the request of any party or terminated by the Title IX Coordinator or their designee.
- g. If the University and parties do not reach an agreement to resolve the Formal Complaint through the Informal Resolution process, the grievance process will be resumed with respect to the Formal Complaint, including investigation and adjudication and any Formal Hearing.

N. Retaliation

No member of the University community may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Sexual Misconduct Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for alleged employee misconduct or Sexual Misconduct Policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy, constitutes retaliation.

O. Periodic Review

This Sexual Misconduct Procedures will be reviewed at least every two (2) years. The Provost will initiate this review.

P. Effective Date

These Procedures apply to reports of sexual misconduct received by the Title IX Coordinator on or after August 14, 2020, except that definitions from the Policy in place at the time the alleged prohibited conduct occurred will be used to make the decision on responsibility.

State Statute Definitions and Penalties

Consent to Sexual Activity (R.R.S. Neb. §28-318):

Consent” means agreement, approval, or permission as to some act or purpose, given voluntarily by a competent person.

1. “Without consent” means:

- A. The person was compelled to submit due to the use of force or threat of force or coercion; or
- B. The person expressed a lack of consent through words; or
- C. The person expressed a lack of consent through conduct; or
- D. The consent, if any was actually given, was the result of the actor’s deception as to the identity of the actor or the nature or purpose of the act on the part of the actor.

In the above text, the word “person” means the individual against whom a wrongful act was allegedly committed, and the word “actor” is the individual alleged to have committed a wrongful act. When the actor knew or should have known that a person was mentally or physically incapable of resisting or understanding the nature of his or her conduct, there is no consent. A person may be incapacitated due to intoxication, mental illness or deficiency or by physical illness or disability to the extent that personal decision-making is impossible. Surprise may also prevent resistance, as where a person is grabbed from behind.

There are some persons who the law presumes are incapable of consenting to sexual contact or penetration by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

Sexual Assault

28-317 Sexual Assault It is the intent of the Legislature to enact laws dealing with sexual assault and related criminal sexual offenses which will protect the dignity of the victim at all stages of judicial process, which will insure that the alleged offender in a criminal sexual offense case have preserved the constitutionally guaranteed due process of law procedures, and which will establish a system of investigation, prosecution, punishment, and rehabilitation for the welfare and benefit of the citizens of this state as such system is employed in the area of criminal sexual offenses.]

28-318. Terms, defined.

As used in sections [28-317](#) to [28-322.04](#), unless the context otherwise requires:

1. Actor means a person accused of sexual assault;
2. Intimate parts means the genital area, groin, inner thighs, buttocks or breasts;
3. Past sexual behavior means sexual behavior other than the sexual behavior upon which the sexual assault is alleged;
4. Serious personal injury means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease or loss or impairment of a sexual or reproductive organ;
5. Sexual contact means the intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact shall also mean the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Sexual contact shall also include the touching of a child with the actor's sexual or intimate parts on any part of the child's body for purposes of sexual assault of a child under sections [28-319.01](#) and [28-320.01](#);
6. Sexual penetration means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, of any part of the actor's or victim's body or any object manipulated by the actor into the genital or anal openings of the victim's body which can be reasonably construed as being for nonmedical or non-health purposes. Sexual penetration shall not require emission of semen;
7. Victim means the person alleging to have been sexually assaulted;
8. Without consent means:
 - A. (i) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor;
 - B. The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and
 - C. A victim need not resist verbally or physically where it would be useless or futile to do so; and
9. Force or threat of force means:
 - A. The use of physical force which overcomes the victim's resistance or
 - B. The threat of physical force, express or implied, against the victim or a third person that places the victim in fear of death or in fear of serious personal injury to the victim or a third person where the victim reasonably believes that the actor has the present or future ability to execute the threat.

28-319. Sexual assault; first degree; penalty.

1. Any person who subjects another person to sexual penetration
 - A. Without the consent of the victim, or
 - B. Who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or
 - C. When the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age is guilty of sexual assault in the first degree.
2. Sexual assault in the first degree is a Class II felony. The sentencing judge shall consider whether the actor caused serious personal injury to the victim in reaching a decision on the sentence.
3. Any person who is found guilty of sexual assault in the first degree for a second time when the first conviction was pursuant to this section or any other state or federal law with essentially the same elements as this section shall be sentenced to a mandatory minimum term of twenty-five years in prison.

28-319.01. Sexual assault of a child; first degree; penalty.

1. A person commits sexual assault of a child in the first degree:
 - A. When he or she subjects another person under twelve years of age to sexual penetration and the actor is at least nineteen years of age or older; or
 - B. When he or she subjects another person who is at least twelve years of age but less than sixteen years of age to sexual penetration and the actor is twenty-five years of age or older.
2. Sexual assault of a child in the first degree is a Class IB felony with a mandatory minimum sentence of 15-years in prison for the first offense.
3. Any person who is found guilty of sexual assault of a child in the first degree under this section and who has previously been convicted
 - A. Under this section,
 - B. Under section 28-319 of first degree or attempted first degree sexual assault,
 - C. Under section 28-320.01 before July 14, 2006, of sexual assault of a child or attempted sexual assault of a child,
 - D. Under section 28-320.01 on or after July 14, 2006, of sexual assault of a child in the second or third degree or attempted sexual assault of a child in the second or third degree, or
 - E. In any other state or federal court under laws with essentially the same elements as this section, section 28-319, or section 28-320.01 as it existed before, on, or after July 14, 2006, shall be guilty of a Class IB felony with a mandatory minimum sentence of twenty-five years in prison.
4. In any prosecution under this section, the age of the actor shall be an essential element of the offense that must be proved beyond a reasonable doubt.

28-320. Sexual assault; second or third degree; penalty.

1. Any person who subjects another person to sexual contact
 - A. Without consent of the victim, or
 - B. Who knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his or her conduct is guilty of sexual assault in either the second degree or third degree.
2. Sexual assault shall be in the second degree and is a Class IIA felony if the actor shall have caused serious personal injury to the victim.
3. Sexual assault shall be in the third degree and is a Class I misdemeanor if the actor shall not have caused serious personal injury to the victim.

28-320.01. Sexual assault of a child; second or third degree; penalties.

1. A person commits sexual assault of a child in the second or third degree if he or she subjects another person fourteen years of age or younger to sexual contact and the actor is at least nineteen years of age or older.
2. Sexual assault of a child is in the second degree if the actor causes serious personal injury to the victim. Sexual assault of a child in the second degree is a Class II felony for the first offense.
3. Sexual assault of a child is in the third degree if the actor does not cause serious personal injury to the victim. Sexual assault of a child in the third degree is a Class IIIA felony for the first offense.
4. Any person who is found guilty of second degree sexual assault of a child under this section and who has previously been convicted
 - A. Under this section, or
 - B. Under section [28-319](#) of first degree or attempted first degree sexual assault, or
 - C. Under section [28-319.01](#) for first degree or attempted first degree sexual assault of a child, or
 - D. In any other state or federal court under laws with essentially the same elements as this section, section [28-319](#), or section [28-319.01](#) shall be guilty of a Class IC felony and shall be sentenced to a mandatory minimum term of twenty-five years in prison.
5. Any person who is found guilty of third degree sexual assault of a child under this section and who has previously been convicted
 - A. Under this section, or
 - B. Under section [28-319](#) of first degree or attempted first degree sexual assault, or
 - C. Under section [28-319.01](#) for first degree or attempted first degree sexual assault of a child, or
 - D. In any other state or federal court under laws with essentially the same elements as this section, section [28-319](#), or [28-319.01](#) shall be guilty of a Class IC felony.

28-320.02. Sexual assault; use of electronic communication device; prohibited acts; penalties.

1. No person shall knowingly solicit, coax, entice or lure:
 - A. A child sixteen years of age or younger, or

- B. A peace officer who is believed by such person to be a child sixteen years of age or younger, by means of an electronic communication device as that term is defined in section [28-833](#), to engage in an act which would be in violation of section [28-319](#), [28-319.01](#), or [28-320.01](#) or subsection (1) or (2) of section [28-320](#). A person shall not be convicted of both a violation of this subsection and a violation of section [28-319](#), [28-319.01](#), or [28-320.01](#) or subsection (1) or (2) of section [28-320](#) if the violations arise out of the same set of facts or pattern of conduct and the individual solicited, coaxed, enticed or lured under this subsection is also the victim of the sexual assault under section [28-319](#), [28-319.01](#), or [28-320.01](#) or subsection (1) or (2) of section [28-320](#).

28-703. Incest; penalty.

1. Any person who shall knowingly intermarry or engage in sexual penetration with any person who falls within the degrees of consanguinity set forth in section [28-702](#) or any person who engages in sexual penetration with his or her stepchild who is under nineteen years of age commits incest.
2. Incest is a Class III felony, except that incest with a person who is under eighteen years of age is a Class IIA felony.
3. A. For purposes of this section, the definitions found in section [28-318](#) shall be used.
B. The testimony of a victim shall be entitled to the same weight as the testimony of victims of other crimes under this code.

Dating Violence (R.R.S. Neb. §79-2.140):

A pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse, to control his or her dating partner. Dating partner means any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate/sexual involvement, whether casual (e.g. “friends with benefits”), serious, or long-term. It is based on a consideration of length of relationship, type of relationship and the frequency of interaction between those involved in the relationship.

Domestic Violence - Any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with who the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence law of the jurisdiction receiving grant monies or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence of the jurisdiction.

Associated State of Nebraska Statutes:

1. Statute [28-323](#) defines Intimate relationship as “a spouse; former spouse; person who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship.

2. Statute [42-903](#) defines Family and Household members as “spouse of former spouse, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, other persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship..
3. Statute [42-903](#) defines abuse as “Attempting to cause or intentionally and knowingly causing bodily injury with or without a dangerous instrument. Or, placing by means of credible threat, another person in fear of bodily injury. For the purpose of this subdivision, a credible threat means a verbal or written threat, including a threat performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal written, or electronically communicated statements and conduct that is made by a person with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. Or engaging in sexual contact or sexual penetration without consent.

Stalking and harassment - Any person who willfully harasses another person, family or household member with the intent to injure, terrify, threaten or intimidate commits the offense of stalking.

28-311.02. Stalking and harassment; legislative intent; terms, defined.

1. It is the intent of the Legislature to enact laws dealing with stalking offenses which will protect victims from being willfully harassed, intentionally terrified, threatened or intimidated by individuals who intentionally follow, detain, stalk, harass or impose any restraint on their personal liberty and which will not prohibit constitutionally protected activities.
2. For purposes of sections [28-311.02](#) to [28-311.05](#), [28-311.09](#), and [28-311.10](#):
 - A. Harass means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens or intimidates the person and which serves no legitimate purpose;
 - B. Course of conduct means a pattern of conduct composed of a series of acts over a period of time; however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, stalking the person, telephoning, contacting or otherwise communicating with the person;
 - C. Family or household member means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim, a person who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a causal relationship or an ordinary association between persons in a business or social context; and

- D. Substantially conforming criminal violation means a guilty plea, a nolo contendere plea or a conviction for a violation of any federal law or law of another state or any county, city, or village ordinance of this state or another state substantially similar to section [28-311.03](#). Substantially conforming is a question of law to be determined by the court.

Federal Definitions

Sexual Assault – Penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person or by a sex-related object. The definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent. As defined by “Uniform Crime Reporting”

Sex Offenses –

1. **Incest-** Non-forcible sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.
2. **Statutory Rape-** Non-forcible sexual intercourse with a person who is under statutory age of consent.
3. **Forcible Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and or against that person’s will: or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because his/her temporary or permanent mental incapacity. As defined by “Uniform Crime Reporting.”

Domestic Violence: Any Felony or misdemeanor crimes of violence committed by:

1. A current or former spouse or intimate partner of the victim;
2. A person with whom the victim has a child in common;
3. A person who is cohabitating with or has cohabitated with the victim as a spouse;
4. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship
2. The type of relationship
3. The frequency of interaction between the persons involved in the relationship

Stalking: The term “stalking” means: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person’s safety of others; or
2. Suffer substantial emotional distress.

Sexual Harassment: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing.
2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working/academic environment.

Steps to take if you have been a victim of:

Sexual Assault:

1. Go to a safe place.
2. Preserve all physical evidence of the assault. Do not shower, bathe, douche or brush your teeth. If possible, do not urinate, eat, drink liquids, take any medications, smoke or brush your teeth if oral contact took place. Save all of the clothing you were wearing at the time of the assault. Place each item of clothing in a separate paper bag. Do not use plastic bags. Do not clean any clothing garments. Do not disturb or destroy any physical evidence. If the crime occurred in the victim's home, the victim should not clean or straighten until the police have had an opportunity to collect evidence.
3. Following an incident, victims are encouraged to make a report to campus or local police. If an individual needs assistance in notifying authorities, University officials will assist them in doing so. Filing a police report does not obligate prosecution, but does provide the opportunity for the collection of evidence, investigation into the allegations and makes legal action possible. The earlier an incident is reported the easier it is to collect valuable evidence. Furthermore, reporting the crime can help you regain a sense of personal power and control and can also help to ensure the safety of other potential victims.

Report the incident to the University Police at (308) 865-8911 or local police at (308) 237-2104 or 911.

4. Call a friend, a family member or someone else you trust and ask her/him to stay with you.
5. Seek medical care even if you think that you do not have any physical injuries. You should still have a medical examination and discuss with a health care provider the risk of exposure to sexually transmitted diseases and the possibility of pregnancy resulting from the sexual assault.
 - A. Students can contact: Student Health Care at (308) 865-8218, FAN at 308-865-7492 or your local physician.
 - B. Employees can contact FAN at 308-865-7492 or your local physician.
6. If you suspect that you may have been given a rape drug, ask the clinician where you can go to provide a urine sample. Rape drugs, such as Rohypnol and GSB, are more likely to be detected in the urine than in blood.
7. Write down as much as you can remember about the circumstances of the assault, including a description of the assailant.
8. Talk with an advocate who is trained to assist sexual assault victims with the emotional and physical impacts of the assault. Advocates are available 24-hours a day, 365 days a year.

- A. Students can contact one of the following: University Gender and Sexuality resource office at (308) 865-8248, Student Health and Counseling at (308) 865-8248 (24/7) or contact your local counselor.
- B. Employees can contact Best Care EAP at (800) 801-4182. Complainants both have access to University assistance in changing academic, living, working, and transportation situations after an alleged incident. If the request is made by the student or complainant and if such changes are possible, accommodations may be made to minimize the burden on the student or complainant.
- C. To begin the university conduct process, the campus authority or victim should contact the Title IX Specialist, Warner Hall #2113, (308) 865-8400; the Dean–Student Affairs, Memorial Student Affairs Building #180, (308) 865-8528; University Student Conduct Officer, Nebraskan Student Union #142A, (308) 865-8888 or the Human Resources Office Warner Hall #1200, (308) 865-8888. Once the university has been notified, they are obligated to investigate the incident and complete their processes.

Domestic Violence/ Dating Violence:

- 1. If you are in IMMEDIATE DANGER, call 911.
- 2. Go to a safe place.
- 3. Seek medical assistance if needed.
- 4. Preserve any physical evidence of the violence. If the crime occurred in your home, do not clean or straighten until the police have had an opportunity to collect evidence.
- 5. Report the offense to campus or local police. If an individual needs assistance in notifying authorities, University officials will assist them in doing so.
- 6. Call a friend, a family member or someone else you trust and ask him or her to stay with you. Let your friends know how they can help you.
- 7. Talk with a confidential advocate who is trained to assist with dating/domestic violence. Advocates are available 24-hours a day, 365 days a year.
 - A. Students can contact: University Gender and Sexuality resource office at (308) 865-8248, Student Health and Counseling at (308) 865-8248 (24/7), or contact your local counselor.
 - B. Employees can contact Best Care EAP at (800) 801-4182 or contact your local counselor.
- 8. Develop a SAFETY PLAN. Include things like changing your routine, arranging a place to stay and having a friend go places with you. Also, decide in advance what to do if the offender shows up at your residence, classroom, work or somewhere else. University Gender and Sexuality resource office, Student Health and Counseling or the S.A.F.E. Center can assist you in developing a safety plan
http://www.unk.edu/offices/counseling_healthcare/womens_center/index.php
- 9. Consider getting a COURT ORDER/PROTECTIVE ORDER that tells the offender to stay away from you. The University Gender and Sexuality resource office, Student Health and Counseling or the S.A.F.E. Center can assist you in filling out the paperwork.
http://www.unk.edu/offices/counseling_healthcare/womens_center/index.php

10. File a complaint with the University
 - A. For Students contact
 1. Title IX Specialist, Chief Compliance Officer, Warner Hall #2113, (308) 865-8400
 2. UNK Senior Student Affairs Officer (Dean), Memorial Student Affairs Building, #180, (308) 865-8528
 3. Associate Dean: Conrad Hall, (308) 865-8519
 4. Associate Director Residence Life: Conrad Hall, (308) 865-8519
 - B. For Employees contact
 1. Title IX Specialist, Chief Compliance Officer, Warner Hall #2113, (308) 865-8400

11. Students and Employees who are in domestic/dating violence situations have access to University assistance in changing academic, living, working and transportation situations after an alleged incident. If a request is made by the student, employee or complainant and if such changes are reasonably available, accommodations may be made to minimize burden on the student or employee.

Stalking:

1. If you are in IMMEDIATE DANGER, call 911.
2. Contact University Police to file a report. They can assist you with understanding and taking action if the stalker has broken the law. Remember, every state has stalking laws, including Nebraska. If you don't want to contact the Police alone, consider contacting the UNK University Gender and Sexuality resource office, UNK Student Health and Counseling or Safe Center for assistance.
3. Keep EVIDENCE by documenting the stalking. When the stalker follows you or contacts you, keep a log of the time, date, place and other details you may find of importance. Keep all e-mails, phone messages, letters, notes or social media messages. Photograph anything of yours that the stalker damages and any injuries they may have caused. Keep a list of any witnesses to the incidents. Ask witnesses to write down what they saw. Keeping this information will be very beneficial if you decide to get a protection order.
http://www.unk.edu/offices/counseling_healthcare/womens_center/index.php
4. Consider getting a COURT ORDER/PROTECTIVE ORDER that tells the stalker to stay away from you. University Gender and Sexuality resource office, Student Health and Counseling or Safe Center can assist you in filling out the paperwork.
http://www.unk.edu/offices/counseling_healthcare/womens_center/index.php
5. Don't COMMUNICATE with the stalker or respond to their attempts to contact you. Communicating with them will only encourage them to continue.
6. Develop a SAFETY PLAN. Include things like changing your routine, arranging a place to stay and having a friend go places with you. Also, decide in advance what to do if the stalker shows up at your apartment/residence hall, classroom, work or somewhere else. Let your friends know how they can help you. The University Gender and Sexuality resource office, Student Health and Counseling or Safe Center can assist in helping you devise a personal safety plan, provide you with information about local laws and University policies and provide support and advocacy. Example safety plan can be found at
http://www.unk.edu/offices/counseling_healthcare/womens_center/index.php
7. Tell FAMILY, FRIENDS and OTHERS YOU TRUST about the stalking and seek their support.

8. Get CAMPUS SUPPORT. The prevalence of anxiety, insomnia, social dysfunction and severe depression is much higher among stalking victims than the general population. Especially if the stalking involves being followed or having one's property destroyed. There are many services on campus that are here to offer you support.
9. Trust your INSTINCTS. Don't downplay the danger. If you feel you are unsafe, you probably are. Take THREATS seriously. Danger generally is higher when the stalker talks about harming themselves or someone else, or when a victim/survivor tries to leave or end a relationship.

Sexual Harassment:

1. Tell the perpetrator in person or other documented way (in a manner or at a time when it is reasonably certain that such action will not jeopardize the student's personal safety, academic status or professional future) that the behavior is neither humorous nor welcomed and should cease immediately.
2. Keep a written record, documenting as precisely as possible what happened, when it took place, the names of witnesses (if any), the student's response and any other information that may be helpful later.
3. Seek advice on how to deal with the situation from a supportive and knowledgeable person.
4. File a complaint regarding the sexual harassment
 - A. For a student on a student violation contact:
 1. UNK Senior Student Affairs Officer (Dean), Memorial Student Affairs Building, #180, (308) 865-8528
 2. Associate Dean: Conrad Hall, (308) 865-8519
 3. Associate Director Residence Life: Conrad Hall, (308) 865-8519
 4. Title IX Specialist, Chief Compliance Officer: Warner Hall #2113, (308) 865-8400
 - B. For an employee on a student or employee violation contact:
 1. Title IX Specialist, Director Human Resources: Warner Hall #2113, (308) 865-8400.
5. Talk with a confidential advocate who is trained to assist sexual harassment victims with the emotional and physical impacts of the harassment. Advocates are available 24-hours a day, 365 days a year.
 - A. Students can contact: University Gender and Sexuality resource office at (308) 865-8248, Student Health and Counseling at (308) 865-8248 (24/7) or contact your local counselor.
 - B. Employees can contact Best Care EAP at (800) 801-4182 or contact your local counselor.
6. **Report the incident to the University Police Department at (308) 865-8911 or local police at (308) 237-2104 or 911.**
7. Preserve all physical evidence of the harassment.
8. Students that have been sexually assaulted or harassed and complainants both have access to University assistance in changing academic, living, working and transportation situations after an alleged incident. If the request is made by the student or complainant and if such changes are reasonably available.

Procedures for Reporting a Complaint

The University has procedures for those who report incidents of sexual misconduct including informing individuals about their right to file criminal charges as well as the availability of counseling, health care, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus.

1. Additional remedies to prevent contact between a complainant and an accused party such as housing, academic transportation and working accommodations are also available. The University will make such accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the campus police or local law enforcement. To request such accommodations students and employees should contact the Title IX Specialist at (308) 865-8400.

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at the UNK Health Care in the Memorial Student Affairs Building, with your local physician or at the Family Advocacy Network (308) 865-7492.

If the offense occurred within the past 96-hours and evidence is to be collected it is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where the assault took place. This is so evidence may be preserved. This may assist in proving that the alleged criminal offense occurred, or is occurring, or it may also be helpful in obtaining a protection order.

If evidence is collected, it will be turned over to local law enforcement and the victim's name would need to be attached to the evidence. If evidence is collected through the Family Advocacy Network, they can attach a FAN id number instead of the name and their name will not be associated with the evidence. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease(s).

Victims of sexual assault, domestic violence, stalking and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, keeping pictures, logs, copies of documents or other communications, if they have any, as it would be useful to University hearing boards/investigators or police. By completing a physical exam, it does not mean that you have to file a police report. In addition, having a forensic examination will help preserve evidence should the victim decide later to do a police report.

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the Police. The University will assist any victim with notifying local police if they so desire. The Kearney Police Department may also be reached directly by calling (308) 237-2104 or in person at 2025 Avenue A. Additional information about the Kearney Police Department may be found online at: <http://www.cityofkearney.org/index.aspx?NID=625>

If you have been the victim of domestic violence, dating violence, sexual assault or stalking you should report the incident promptly to the Title IX Specialist, Mary Chinnock-Petroski by calling at (308) 865-8400, e-mailing at petroskimj@unk.edu or coming into the office in-person at 2113 Warner Hall with Campus Police (if the victim so desires.) The University will provide resources on campus, off campus, or both to the victim and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual misconduct, to maintain confidentiality and fairness consistent with applicable legal requirements and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable; thereby, making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he/she nevertheless should consider speaking with Campus Police or other law enforcement to preserve evidence in the event that the victim changes his/her mind at a later date.

If sexual misconduct is reported to the University, below are the procedures that the University will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. UNK complies with Nebraska state law in recognizing orders of protection, any person who obtains an order of protection should provide a copy to the UNK Police Department and the Office of the Title IX Specialist. A complainant may then meet with Student Health and Counseling or Campus Police to develop a Safety Plan. A Safety Plan is a plan for the victim to reduce risk of harm while on campus or while coming and going from campus.

The University cannot apply for a legal order of protection, a no contact order or a restraining order for a victim. The victim is required to apply directly for these services. Protection orders may be available through the Buffalo County or District Court at the corner of 16th street and Central Avenue. The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint.

Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the Campus Police departments Daily Crime and Fire Log. Victims may request that directory information on file be removed from public sources by contacting the Registrar's Office at (308) 865-8527, unkregistrar@unk.edu, 2504 9th Avenue, Kearney NE 68849, Warner Hall. All publicly available documentation is maintained without the inclusion of personally identifiable information about the victim.

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

The S.A.F.E. Center provides a place for individuals to escape domestic violence situations. They provide support groups and assist victims throughout the court process.

Phone: (308) 237-2599 (24/7)

Location: 620 E. 25th St. Suite 14

Website: <http://www.safecenter.org>

Victim Witness is given your information if legal proceedings have begun. They will contact you and explain all the steps of the legal process and support you along the way.

Phone: (308) 233-5263

Location: 2025 Avenue A (Law Enforcement Center)

Family Advocacy Network (FAN) provides a safe environment for the survivor while meeting their medical, psychological and safety needs. FAN brings together all necessary parties needed to meet these needs for the survivors. They have trained staff to assist in all aspects of the assault and are equipped with trained medical personnel and equipment.

Phone: (308) 865-7492 (24/7)

Website: www.familyadvocacynetwork.com

C-SART (Sexual Assault Response Team) is a UNK/community coordinated response to sexual assaults which include a sexual assault nurse examiner (SANE), a sexual assault investigator and trained mental and physical health care providers. The SART team can be activated by the majority of the listed agencies.

The **University Gender and Sexuality resource office** is staffed by a licensed mental health practitioner, volunteers and a part time victim advocate (staffed by the SAFE Center). All are trained to respond to victims of sexual assault using strict confidential guidelines.

Phone: (308) 865-8279

(308) 865-8248 (Available 24-hours a day)

Hours: Monday through Friday—please call! Know that we welcome you.

Location: Memorial Student Affairs Building, South Hallway, Room 158

Website: www.unk.edu/offices/counseling_healthcare/womens_center/index.php

Counseling provides personal counseling intended to empower UNK students with making choices and decisions from within each student's own unique circumstances. The American Counseling Association Code of Ethics and Standards of Practice serves as its standard in provision of services. Strict confidentiality is a core principle. All of the counselors are master's-prepared and are nationally certified and state licensed.

Phone: (308) 865-8248 (Available 24-hours a day)

Hours: Monday – Friday from 8:00 a.m. to 5:00 p.m.

Location: Memorial Student Affairs Building, South Hallway, Room 144

Website: http://www.unk.edu/offices/counseling_healthcare/

Student Health staff is comprised of fully licensed, qualified nurse practitioners and registered nurses who provide primary health care services for UNK students. All are trained to respond to victims of sexual assault using strict confidential guidelines.

Phone: (308) 865-8218

Hours: The Student Health clinic is open from 8:00 a.m. to 5:00 p.m. Monday through Friday (Wednesdays 9:00 a.m. to 5:00 p.m.). Walk-in clinic hours are from 8:15 a.m. until 4:00 p.m.

Location: Memorial Student Affairs Building, Northwest Door, Room 184

Website: http://www.unk.edu/offices/counseling_healthcare/health-care/

Best Care EAP offers free, confidential counseling for benefit eligible employees and their families:

Phone: (800) 801-4182

Visa and Immigration Assistance: International Student Services assists with visa and immigration questions and provides support for International Students. Contact Tracy Falconer at (308) 865-8873 email: falconerts@unk.edu

Office of Financial Aid

Phone: (308)865-8520

Kearney Police Department

Phone: (308) 237-2104

Other Resources:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<http://www.justice.gov/ovw/sexual-assault> – Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> – Department of Education, Office of Civil Rights

<http://www.unk.edu/respect> – Title IX Resources

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or is being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, or try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction

Recognizing that only rapists are responsible for rape and with no intent to blame the victim, the following are some strategies to increase one's safety on campus (taken from Rape, Abuse, & Incest National Network, www.rainn.org) Risk reduction is options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- **Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Program the UNKPD number into your cell phone for easy access.
- **Stay alert.** When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.
- **Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.
- **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
- **Think about Plan B.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- **Be secure.** Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

If the victim is 18 years and older and has not experienced serious bodily injury, the patient/victim may choose one of the following options. When choosing one of the following options, the health care provider must assist in the reporting to law enforcement if the victim so chooses. The options are as follows:

- **Full Law Enforcement Report with Evidence Collection**
If the patient wishes to report the crime to law enforcement, is opting to have evidence collected and law enforcement has not yet been contacted, the provider must notify the law enforcement agency in the jurisdiction where the sexual assault occurred. When the responding officer arrives, the provider should record the officer's name and associated case number in the patient's record.

- **Partial Report with Evidence Collection**

Some patients who present themselves for medical forensic treatment may, because of the trauma they have experienced or for other reasons, be undecided over whether to formally report the crime to law enforcement. Such patients will have the option of participating in a partial reporting option that will allow the patient to have forensic evidence collected, consent to submit such evidence for DNA testing, and report only their name to law enforcement. Law enforcement is encouraged to only make contact with an individual making a partial report in the event that a potential match with another case is identified. Although the patient is not fully participating in the investigation, they can choose to speak with law enforcement on a limited basis. Partial reporting victims may also choose to later convert their case to a full law enforcement report by reinitiating contact with the appropriate law enforcement agency.

- **Anonymous Reporting with Evidence Collection**

Nebraska sexual assault victims also have the right to have forensic evidence collected without providing their name or any other personal information to law enforcement. The anonymous report ensures that these sexual assault victims have the opportunity to preserve evidence that would otherwise be destroyed. In cases where the victim opts for an anonymous report, the examiner should place the kit number instead of the patient name for tracking purposes. They then should notify the law enforcement agency in the jurisdiction where the consultation occurred of the anonymous report and turn over the evidence collected to them for storage and/or transport to the jurisdiction where the sexual assault occurred. The kit or accompanying paperwork SHALL NOT contain the patient name anywhere. Sexual Assault kits are held within the law enforcement facilities for 20 years. The victim may convert their case at any time to a full law enforcement or partial report. Victims who have experienced serious bodily injury or if a weapon was used during the assault are not eligible for anonymous reporting.

Safety in social settings

It's possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

- **Make a plan.** If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- **Protect your drink.** Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
- **Know your limits.** Keep track of how many drinks you've had and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
- **It's okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.
- **Be a good friend.** Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.

Education and Prevention Programs

The University engages in comprehensive programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, stalking, sexual assault and risk reduction and other forms of sexual misconduct that are culturally relevant, responsive to the community's needs, and assessed for effectiveness. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees as well as current students.

Primary prevention and awareness programs offered for all students in 2019

- This same training was also presented in a class room setting for early arriving groups. The online training included information on prohibited behavior concerning Domestic Violence, Dating Violence, Sexual Assault, Stalking as well as Bystander Intervention.

Primary prevention and awareness programs offered for all new employees in 2019

- In 2019 Human Resources gave new employees informational materials on Sexual Misconduct policies. They further have a library of training resources available to departments and offer training on sexual harassment and Title IX issues.

In 2019, the majority of new students completed the Title IX training during New Student Enrollment. All other students were reminded to complete Title IX training and given the instructions to do so via their MyBlue/Canvas. Also, additional Title IX training was available to students on campus by making a request to the Title IX Office or attending other campus events/activities as available.

In 2019, UNK employees completed the Title IX training via Firefly Portal. Also, additional Title IX training was available to employees on campus either by making a request to the Title IX Office or attending other campus events/activities as available.

The University offered the following ongoing awareness and prevention programs for students and employees in 2019

- January 13, 2019 Stress Management
- January 23, 2019 How to Help Others/College Mental Health
- January 30, 2019 “The S Word” Movie
- February 5, 2019 Alcohol Education Presentation
- February 18, 2019 Mental Health on Campus
- February 21, 2019 Healthy Relationships
- February 25, 2019 Presentation on Emotional Wellbeing
- February 26, 2019 Positive Psychology
- February 27, 2019 Stalking Awareness Panel
- February 27, 2019 M.I.A. Movie Screening
- February 27, 2019 College Mental Health
- February 27, 2019 Healthy Relationships
- February 27, 2019 Alcohol Education Presentation
- March 1, 2019 Healthy Relationships

- March 5, 2019 Alcohol Education Presentation
- March 6, 2019 Alcohol Education Presentation
- March 11, 2019 Alternative Event with Alcohol Education Messaging (Movie Night)
- March 28, 2019 Health Fair Alcohol Education Presentation
- April 3, 2019 Mindfulness
- April 15, 2019 Sexual Assault Prevention
- April 24 & 25, 2019 Bystander Intervention Training
- April 29, 2019 Alternative Event with Alcohol Education Messaging (Movie Night)
- August Year 1 College Alcohol Profile
- August 16, 2019 Why Are Students So Anxious
- August 20, 2019 Suicide Prevention
- August 20, 2019 iGeneration
- August 20, 2019 Anxiety
- August 20, 2019 Building Resilience
- August 22, 2019 SHC Services
- August 23, 2019 SHC Services
- September 3, 2019 SHC Services
- September 4, 2019 Zero Shades of Gray
- September 7, 2019 Consent and Safe Sex
- September 8, 2019 Bystander Intervention Training
- September 18, 2019 Movie Night – Vaping Awareness
- October 1, 2019 Stress Management
- October 4, 2019 Bystander Intervention Training
- October 7, 2019 Alcohol and Vaping Abuse Prevention Program
- October 8, 2019 Mental Health Panel
- October 8, 2019 Alcohol and Vaping Abuse Prevention Program
- October 9, 2019 Alcohol and Vaping Abuse Prevention Program
- October 14 – 18, 2019 Alcohol Education Week
- October 14, 2019 Test Anxiety Part I
- October 15, 2019 Alcohol Awareness-CAN Events
- October 15, 2019 Police Department visiting with students (MIP,DUI)
- October 16, 2019 Test Anxiety Part II
- October 16, 2019 Discussion Group (MIP, alcohol poisoning, sexual assault)
- October 17, 2019 Spear phishing attacks
- October 17, 2019 Movie Night – Mental Health
- October 25, 2019 Safe Zone (LGBTQIA+) Training
- October 28, 2019 Redefining Superman
- October 29, 2019 First Gen Institute
- October 31, 2019 OkSOBERfest – Alcohol Awareness
- November 4, 2019 FSL Symposium
- November 5, 2019 FSL Symposium
- November 5, 2019 Bystander Intervention Training
- November 14, 2019 Healthy Relationships

- November 19, 2019 Everyone’s Role with Mental Health
- November 20, 2019 Mental Health First Aid Training
- November 21, 2019 Communicating Invisible Illnesses
- December 2, 2019 Eating Disorders
- December 4, 2019 Self Care

○ **Year 1 College Alcohol Profile**

Incoming students were sent a link to complete the Y1CAP, a web-based prevention tool that uses brief motivational intervention. In total, 302 students participated in this survey and received personalized feedback in regard to their alcohol use.

○ **Alcohol and Vaping Abuse Prevention Program**

An hour-long presentation given by the Peer Health Educators. This presentation focuses on increasing knowledge around the harms of substance use, building skills in bystander intervention, and correcting misperceptions.

○ **Alcohol Education Week**

A collaborative effort with Residence Life. This week is focused on exposing students to social norm messaging to correct misperceptions about alcohol use, featured Campus CAN nights that had Peer Health Educators present to educate about some of the negative effects of alcohol, and culminated in a movie night where Peer Health Educators gave a presentation before the movie highlighting positive protective behaviors around alcohol use.

○ **Bystander Intervention Training**

Presented to all first-year students in the Thompson Scholars and KHOP living learning communities and student leadership in the Office of Diversity and Inclusion. This training is focused on how to become a prosocial bystander including skills on how to intervene in included skills on how to intervene in high risk situations as well as not placing yourself in a high risk situation. Upon request.

○ **Consent and Safe Sex**

A presentation focused on examining what consent means and when consent can and can’t be given. This presentation centers around building participants awareness to potentially unsafe situations and how to use bystander intervention.

○ **FSL Symposium Alcohol Bystander Intervention**

This program was delivered to the FSL community and focused on having students learn about how to intervene in situations where alcohol use has become dangerous or is putting someone’s safety at risk.

○ **Healthy Relationships**

Peer Health Educators explore the warning signs of what an unhealthy relationship looks like. This presentation is centered on group discussion, unpacking scenarios, sharing these resources that could help people on campus and in the community, and learning how to assist peers.

○ **The Men's Project** is comprised of a group of 15-30 male UNK students that are nominated by a UNK faculty, staff or former Men's Project participant. They meet for one hour weekly, for 11 weeks, during the spring semester to discuss issues related to toxic masculinity, healthy masculinity, gender violence, mental health, sexual assault, and rape culture/consent. The idea of the group is to talk about how stereotypes around masculinity sometimes contribute to the issues mentioned above and what these young men can do to change the culture. Each year a new set of participants is nominated so if you are looking for the numbers for a specific year, please let me know. This Project is facilitated out of the UNK Counseling Center (but it is NOT a mental health counseling group).

○ **Stalking Awareness Panel**

The UNK University Gender and Sexuality resource office hosted a panel of experts to speak about stalking. The panel consisted of a S.A.F.E. Center representative, the County Attorney, and JoAnn Andersen, KPD Victim's Witness. The panel was 60 minutes and was open to any UNK student, faculty or staff.

Additional awareness and prevention programs for students and employees in 2019:

- *Basic Self Defense* - The UNK Police Department offers free training to the men and women who are affiliated with UNK. Participants will learn hands on techniques as well as partake in classroom discussions.
- *Sexual Assault Prevention* – This program offers objectives of what is a sexual assault, effects of a sexual assault, preservation of evidence, and prevention. This class will educate participants on the dangers and the realities of sexual assaults among college age students. We will also focus on consent and bystander intervention, in order to be confident and intervene should an incident arise.
- *Danger of Social Media* - This continuously evolving class is designed to help with internet safety. The UNK Police Department uses an interactive approach with real life examples on how easy it is to become a victim. This class will also assist in ideas and ways for the class attendees to remain safe, and to place themselves in favorable situations, by creating awareness.
- *International Student Orientation and Campus Safety* – This class allows new international students to learn the ins and outs of University life in the USA. There are two portions to this training. The first is the Police and Law side of what you can and cannot do in the USA while here. The second is from school conduct, in reference to UNK life and the Expectations.
- *Alcohol Awareness Classes* – Students learn some facts and eye-opening statistics of alcohol use and abuse.

- *Thompson Scholar Campus Safety* – Yearly at the beginning of the academic school year, UNK Police meet with all new Thompson Scholars and inform them of all the resources available to them to maintain their safety while at UNK.
- *RAVE BUSTS W. Res Life* – UNK PD works with Greek life and Res life to enact a part bust and show them what it will be like to be involved in a scenario like that. The training shifts to alcohol statistics and sexual assault education in an attempt to raise awareness in both areas.
- *Volleyball Game Table for CP* – Just a meet the officer table at the athletic event to hand out stickers etc...
- *Dr. Hill class on Drug Facilitated Sexual assault* – Annually I teach this course to the Intimate Relationships course. It is ALL centered around sexual assault awareness and educating them about warning signs and how to be safe.
- *Alpha Phi Sigma Law Enforcement talk* – This is just an overall campus safety course, again to raise awareness and educate on resources available to them.
- *Greek Life Symposium* – Topics vary from year to year depending the direction of their Symposium, however sexual assault awareness and prevention and self-defense/safety are always big.

Sex Offender Registry and Access to Related Information

The federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where they may be able to obtain information provided by the state concerning registered sex offenders. It also requires sex offenders already registered in a state, to provide notice of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers' services or is a student.

In Nebraska, convicted sex offenders must register with the Nebraska State Patrol. To access this information you can go to the Nebraska State Patrol sex offender web site at:

<https://sor.nebraska.gov/>

Listings of registered sex offenders in the United States can be found at:

[http://www.nsopw.gov/\(X\(1\)S\(k5ratrc5si33ymvt1ezf012i\)\)/en-US](http://www.nsopw.gov/(X(1)S(k5ratrc5si33ymvt1ezf012i))/en-US)

Crime Prevention

A variety of programs are offered by UNK Police Department continually throughout the year and upon specific request. During new freshman orientation and transfer days, parents are informed of services offered to the students by multiple departments including but not limited to Residence Life, Student Affairs, the University Gender and Sexuality resource office, and Student Health and Counseling. Often a program is designed to respond to a specific problem or request and is generally handled through the Crime Prevention Officer that serves as a resource to the UNK community for addressing issues of safety and prevention. For additional information, please contact UNK Police Department at (308) 865-8911. The following is a list of crime prevention programs and projects employed by the University, which are not already noted above:

1. *Drug Facilitated Sexual Assault* – This class is designed to raise awareness of the dangers lurking around every corner. Attendees can hopefully gain the knowledge to be aware of their surroundings and to stay safe as possible. Real life examples and situations will be discussed and attendees will leave with the knowledge to be safer today than they were yesterday.
2. *Work Place Violence* – Informational workshop on work place violence. Recognizing and reporting signs indicating a potentially violent co-worker, employee or student. Developing codes within your office regarding potentially dangerous subjects and tips on de-escalating volatile situations. Referral systems for help with students and co-workers.
3. *Active Shooter Prevention* - During any given month or year, the reality of an active shooter will strike somewhere. If that somewhere is where you are, you will need the proper mindset and tools to react with purpose to maximize your chance of survival. This course will assist you in getting that mindset. Instructors will discuss what options an individual has in those fleeting moments, what University policy and procedures are in place, and what options individuals have to help prevent such incidents.
4. *Stalking in the Digital Age* – Participants will learn the dangers of using the Internet and social media. Also, ways to maintain their safety while on campus.
5. *Safe Walk* – Community Service Officers/Police Officers are available to escort anyone within a two-block radius of campus to another location in that same area. To utilize this service, call (308) 865-8911.
6. *Security Surveys* – Upon request, the UNK Police Department will perform a security survey or audit for individual areas or departments.
7. *Grounds and Building Surveys* – Safety surveys of the University property is completed by the University Safety Committee bi-annually. The committee notes any safety issues and submits work orders to the Facilities Management Department to be corrected.

8. *Lighting Surveys* – UNK Police Department completes a monthly lighting survey of University property. All non-functioning lights or poorly lit areas are noted and a work order is submitted to the Facilities Management Department to be corrected. Facilities Management and Residence Life with Student Government conduct annual campus walks to review lighting on campus and identify problem areas.
9. *Informational Materials* – Brochures, posters, flyers and a website with information regarding these programs are made available at all presentations and at the UNK Police Department office. This information is provided at the following website:
http://www.unk.edu/offices/police/Crime_Prevention

Other Educational Classes

Prevention, intervention and educational programs addressing alcohol, tobacco, sexual assault, domestic/dating violence, stalking, bystander intervention, relationship classes and body image are also presented. These classes can be tailored to the group wanting the presentation. The following is a list of a few of these classes which are not already listed above:

1. *Choices*– This alcohol education class assists the participant’s awareness of their drinking patterns and behaviors and how they may be affecting their lives. Students are directed by facilitators to identify the consequences of their alcohol use, to examine their patterns using a continuum of alcohol use and abuse and to study the physical effects of alcohol. Students who have been sanctioned for alcohol violations more than once and students sanctioned by the court attend this program. Depending on the severity of the violation, a student may be sanctioned to Choices for a first time alcohol offense. This is a three-hour class with a follow up session a week after the class with a therapist from the Counseling Care Office.
2. *Oksoberfest* – A fun alternative event held on the typically high-risk night of Halloween for students. This year’s theme was a Fear Factor Carnival, throughout the event students were exposed to alcohol education messaging.

Access to Campus Facilities

During business hours, the University will be open to students, parents, employees, contractors and guests. The areas of the University; academic, research, public service and administrative buildings used for classrooms, laboratories, faculty and staff offices, and areas of university student residence buildings used for student living quarters are not open to the general public. Any person not authorized to be or remain in any such building area will be deemed to be trespassing on University property, and may be cited and subject to prosecution for criminal trespass in violation of Nebraska Rev. Stat 28-520 or 28-521.

Other than normal business hours, all buildings are locked in order to maintain building/content security. Some areas within the buildings also need to remain secure; therefore, they are locked with only authorized personnel allowed access. Appropriate Facilities, UNK Police Department and Residence Life staff will have keys to all areas to provide immediate repair, maintenance and emergency response. UNK campus is patrolled 24-hours a day that includes the interior of the buildings. This is done by foot, bike, UTV and car.

Some outside doors to residence halls doors are unlocked from 7:00 a.m. to 8:00 p.m. to allow access to dining centers and offices located in residence halls. All residence living quarters will have 24-hour key access. During times the University is closed, the doors of all residence halls are secured 24-hours a day. Those residence halls not housing students will have the door locks pinned so that regular keys issued to resident students will not work.

Employees needing access to buildings after hours may request a building key through the Facilities Department by completing a key request form and getting the proper authorized signatures. While on University property, they need to have their University I.D. on their persons, to present upon request. Students needing access to buildings after hours need to get prior written approval through the UNK Police Department and an authorized instructor or supervisor. These students will be required to carry a blue pass indicating their areas of access and a photo I.D.

University of Nebraska - Kearney Trespass Policy RP-6.4.7 1.

Persons Not Authorized in Non-Public Areas of University Buildings. The areas of University academic, research, public service, and administrative buildings of the University used for classrooms, laboratories, faculty and staff offices, and the areas of University student residence buildings used for student living quarters are not open to the general public. Any person not authorized to be or remain in any such building area will be deemed to be trespassing on University property, and may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521.

1. Persons on University Property Between the hours of 11:00 p.m. and 6:00 a.m.

Persons who are not students, faculty, staff, tenants, licensees, agents or contractors of the University, or their employees, visitors or guests, shall not be permitted on University property between the hours of 11:00 p.m. and 6:00 a.m. Visitors and guests are expected to conduct themselves in a proper and lawful manner while on University property. Failure to do so may result in imposition of personal restrictions relating to their presence on University property.

Specifically, the right of a visitor or guest to be present on University property will be restricted when the visitor or guest has disrupted normal services, or has harmed or threatened to harm a member of the student body, faculty or staff. The right of a visitor or guest to be on University property will also be restricted when the visitor or guest has damaged or poses a risk of damage or loss to University property or to the property of others located on University property.

2. Persons in University Buildings After Closing to the Public.

Many University buildings are open to the public at designated times which are posted at building entrances. Some University buildings are closed and locked during the times they are not open to the public. Also, some University buildings, such as Student Union's, are closed to the public at designated times which are posted at building entrances, but remain unlocked for access and use by students, faculty, staff and other authorized persons. Persons who are not authorized by the University to be in a University building after the posted time of closing to the public will be deemed to be trespassing on University property, and may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521.

3. Ban and Bar Notices.

University law enforcement or security personnel may issue written notices to any person who has been contacted or observed on University property while engaged in any unlawful or unauthorized activity banning and barring such person from University property, except as may be specifically authorized in such notice. Violation of any such notice will be deemed to be trespassing on University property, and the offending party may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521. The term "unlawful or unauthorized activity" shall mean any conduct, act or omission by any person that is in violation of (i) any law, rule, regulation or order of the State of Nebraska or of the United States, or (ii) any policy, rule or regulation of the University of Nebraska.

Maintenance and Security of Campus Facilities

1. Parking lots, pedestrian walkways and building exteriors are well lighted and patrolled by officers on foot, bike and vehicle patrol.
2. Formal exterior lighting surveys are conducted by the UNK Police Department on a monthly basis. Any deficiencies are reported to the Facilities Management and Planning Department. Members of the University community are also encouraged to report any exterior lighting deficiencies to the UNK Police Department at (308) 865-8911 or Facilities Management and Planning at (308) 865-1800.
3. The UNK Police Department annually conducts an operational survey of all buildings' exterior doors on campus. Survey results are then submitted to Facilities Management and Planning for follow-up repair. The purpose of this survey is to determine that each exterior door and its locking mechanisms are working properly.
4. Facilities and the UNK Police Department employees lock exterior doors to academic buildings on campus each evening. Residence Life staff verifies that access systems have locked exterior doors to Residence buildings. The UNK Police Department then complete a nightly door check to make sure all doors are secure. Operating deficiencies to the doors and security hardware are reported to Facilities Management and Planning. Residence Life is also notified of doors that are left unlocked or propped open on Residence Halls.
5. Facilities Management and Planning trims shrubbery, trees and other vegetation on campus on a regular basis.
6. The Safety Committee conducts an annual survey of the University grounds and refers problem areas to Facilities Management and Planning.
7. All residence halls are locked and residents have a key-card access which means that they must scan their ID in order to gain entrance to the building. The buildings are always locked.
8. During the regular school-week, the academic buildings are unlocked. On the weekend, they are locked with exception to those buildings that have scheduled events.

Annual Fire Safety Report

University Staff Responsible for Fire and Life Safety: Responsibility for fire and life safety resides with the Vice Chancellor of Business and Finance. The Dean - Student Affairs, the Director of Residence Life and the Director of Facilities all have secondary responsibilities. Further, the University utilizes the State Fire Marshalls office, Nebraska Fire and Sprinkler Company, Electronic Systems, Central Fire and Safety and Global Risk Consultants to inspect fire alarms, sprinkler systems and fire extinguishers.

Fire Protection Equipment/Systems: As of December 31, 2019, rooms with 2,221 beds (100% of total occupancy) were sprinkled. All residence halls have central panels in public areas and hard-wired room smoke detectors. All residence halls are also equipped with fire extinguishers. Village Flats opened August 1st, 2018 with 68 1-bedrooms and 31 2-bedrooms and is complete with all required fire protection equipment/systems.

Location	Fire Alarm Monitoring (Hard Wired Systems)	Partial Sprinkler System *	Full Sprinkler System	Smoke Detection	Fire Extinguisher	Evacuation Plans and Placards	Voice Over Fire Alarm System
Antelope	XX		XX	XX	XX	XX	XX
CTE	XX		XX	XX	XX	XX	XX
CTW	XX		XX	XX	XX	XX	XX
Plambeck Early Childhood Education Center	XX		XX	XX	XX	TBD	TBD
Mantor	XX		XX	XX	XX	XX	XX
Men's	XX		XX	XX	XX	XX	XX
Nester North	XX		XX	XX	XX	XX	XX
Nester South	XX		XX	XX	XX	XX	XX
Randall	XX		XX	XX	XX	XX	XX
URN	XX		XX	XX	XX	XX	
URS	XX		XX	XX	XX	XX	
Village Flats	XX		XX	XX	XX	XX	XX

Health and Safety Inspections: Periodic health and safety inspections are conducted by the Residence Life Staff. The intent of these inspections is for preventative and corrective action. Students are given a 24-hour notice prior to the inspections. If their room does not meet minimal health and safety standards, they will be given 24-hours to correct the problem. Items found that may be illegal or in violation of Residence Hall policy will be confiscated and the student conduct process will be initiated.

Fire Evacuation Drills and Training Programs: Residence halls conduct bi-annual fire/evacuation drills. These drills are conducted both announced and unannounced. At this time the building evacuation plans are reviewed, updated and sent out. Each year Residence Life staff and custodial staff that work in these buildings are trained on fire procedures and fire extinguisher training. There is no additional mandatory training for students or employees.

Fire Log: Institutions must keep a fire log that states the nature of any fires, the date, time and general location of each fire in on-campus student housing facilities. The University of Nebraska at Kearney complies with this rule by including all fire-related incidents in the daily crime and fire log. To view these logs go to the UNK Police Department office at 2501 19th Avenue Monday through Friday 8:00 a.m. to 5:00 p.m.

Fire Policies for On-Campus Student Housing Facilities:

1. **Emergency Situations:** In case of life-threatening emergencies, call 911. If possible, also contact a Residence Life staff member on duty and UNKPD at (308) 865-8911. For non-life-threatening emergency situations please contact the Office of Residence Life and UNKPD.

2. **Fire Safety:** State law, as well as residence hall policy, requires that all students leave their room and/or public areas when a fire alarm is sounded. Failure to evacuate during an alarm will subject the student to University disciplinary action and/or civil action. Smoke detectors are provided for your safety in each room/apartment and should not be tampered with or disconnected. Residents and guests should not falsely activate the fire alarm or tamper with the alarm equipment (heat detectors, pull stations, fire extinguisher, exit/emergency lights, and sprinkler heads or smoke detectors) and is a federal, state and local violation of the law. Equipment that needs repair or is malfunctioning should be reported to Facilities Management immediately at (308) 865-1800 or to hall staff. Exits or exit access shall not be obstructed at any time in any manner with furniture, storage, displays, vending machines, etc. Fire doors on stairwells, unless arranged to close automatically in the event of fire, shall be maintained in the closed position at all times. Exit signs shall be properly illuminated at all times. Such signs shall not be obstructed or blocked from view at any time. Exits and exit access doors shall not be locked at any time unless equipped with panic hardware or other approved means to permit emergency egress by building occupants.

3. **Fire Evacuation:** According to the State Fire Marshal, the residence halls at UNK meet, and in many cases exceed, the state fire and life safety codes. Halls are equipped with safety equipment including smoke detectors and sprinklers in each room. For your safety, we advise that you familiarize yourself with the fire evacuation routes in your hall and follow posted procedures for evacuation in the event of a fire alarm. Please calmly make the quickest and safest exit out of the building. The following is a list of gathering points in case of a fire.
 - Antelope Hall - South of flag poles by MSB & COPE
 - Nester North - South main entrance to Antelope
 - Nester South - South main entrance to Antelope
 - Centennial Tower East – Parking lot #1 corner of 9th Ave & 29th St
 - Centennial Tower West – Parking lot #4 north of NSUnion
 - Mantor Hall – Between Men’s Hall and the football field
 - Men’s Hall – Parking lot between Otto & MSB
 - Randall Hall – Parking lot #11 far west of Randall
 - URN – Parking lot #14, by HSC & COE, west end
 - URS – Parking lot #14, BY HSC & COE, east end

4. **Cooking:** Cooking is prohibited in resident rooms. Cooking may only be done in hall kitchens or in the individual kitchenettes in the Antelope/Nester complex.

5. **Appliances:** Only items with enclosed heating or lighting elements are permitted. Both the appliance and any cord used in connection with it must have a UL (Underwriters Laboratories) approved label. Residents may use coffee makers within their rooms. Other appliances such as, toasters, toaster ovens, George Foreman-style grills, electric skillets and infrared ovens may be operated in residence hall kitchens only. Microwave ovens, standalone freezers and window mounted air conditioning units are not allowed to be brought to campus. Residents that reside in Antelope/Nester are permitted to have and use toasters, toaster ovens, George Foreman-style grills, electric skillets, electric grills, and infrared ovens in the kitchen area. These items are not permitted for use in sleeping rooms.
6. **Extension Cords and Surge Protectors:** Extension cords and surge protectors may be used in the residence halls. Extension cords and surge protectors must be Underwriters Laboratory (UL) approved and contain a 3-prong grounded plug. Extension cords and surge protectors cannot exceed 12 feet in length and should not be strung together with other extension cords.
7. **Tobacco:** The use of all forms of tobacco and vaping products is prohibited on University of Nebraska at Kearney property with the exception of parking lots. The prohibition extends to vehicles and venues owned, operated, leased, occupied or controlled by the University. "Tobacco products" Includes all forms of tobacco, inclusive of but not limited to, cigarettes, cigars, pipes, water pipes (hookah), electronic cigarettes and similar devices, and smokeless tobacco products.
8. **Candles and Incense Candles:** (including lit and unlit decorative candles) and incense are not permitted in the residence halls. No-flame candle plates are not permitted. Wax warmers with enclosed miniature light bulbs are permitted.

Location	Year	Total Fires	Category of Fire	Cause	Injuries	Deaths	Value Property Damage
Antelope	2019	0	N/A	N/A	N/A	N/A	N/A
1013 West 26th Street, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A
	2017	1	WF	Construction equipment caused the fires	0	0	\$500.00 – no insurance claim-it was the contractors responsibility
	2017	1	WF	Construction equipment caused the fires			\$500.00 – no insurance claim-it was the contractors responsibility
CTE	2019	0	N/A	N/A	N/A	N/A	N/A
1002 West 29th Street, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A	N/A
CTW	2019	0	N/A	N/A	N/A	N/A	N/A
1014 West 29th Street, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A	N/A
Conrad	2019	0	N/A	N/A	N/A	N/A	N/A
2615 11th Ave, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A	N/A
Mantor	2019	0	N/A	N/A	N/A	N/A	N/A
1203 West 26th Street, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A	N/A
Martin	2019	0	N/A	N/A	N/A	N/A	N/A
904 West 27th Street, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A	N/A
Men's	2019	0	N/A	N/A	N/A	N/A	N/A
1103 West 26th Street, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A	N/A
Nestor North	2019	0	N/A	N/A	N/A	N/A	N/A
905 West 26th Street, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A	N/A
Nestor South	2019	0	N/A	N/A	N/A	N/A	N/A
904 West 26th Street, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A	N/A
Randall	2019	0	N/A	N/A	N/A	N/A	N/A
1207 West 26th Street, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A	N/A
URN	2019	0	N/A	N/A	N/A	N/A	N/A
1601 University Drive, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A	N/A
URS	2019	0	N/A	N/A	N/A	N/A	N/A
1700 University Drive, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A

	2017	0	N/A	N/A	N/A	N/A	N/A
Location	Year	Total Fires	Category of Fire	Cause	Injuries	Deaths	Value Property Damage
Village Flats	2019	0	N/A	N/A	N/A	N/A	N/A
2201 University Drive, Kearney, NE	2018	0	N/A	N/A	N/A	N/A	N/A
	2017	0	N/A	N/A	N/A	N/A	N/A

Glossary

“Administrative Resolution” is at least one conference between the Conduct Officer and the Respondent and the Complainant to determine whether a student has violated the Code and to impose sanction(s), if warranted.

The term “Appeals Officer” means the person authorized by the Chancellor to determine on appeal whether the result of a formal hearing should be affirmed or modified.

“Clery Act Geography”

- a. Campus – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes. This includes residence halls and any building or property that is within or reasonably contiguous and owned by the institution but controlled by another person, is frequently used by students and supports the institutional purposes (such as food or retail vendors).
- b. Non-campus building or property – Any building or property owned or controlled by a student organization that is officially recognized by the institution or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes. It is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.
- c. Public Property – All public property, including thoroughfares, streets, sidewalks or parking facilities that is within the campus or immediately adjacent to and accessible from the campus.

The term “Code” means the UNK Student Code of Conduct.

The term “Conduct Officer” means a University official authorized by the Student Affairs Officer to investigate and determine whether or not the Code has been violated. The Conduct Officer may also engage in attempts at administrative resolution or preside at a formal hearing when University Suspension or Expulsion is not sought as a sanction against a student.

“Report” means a written or verbal statement by a person to a University official regarding allegations of sexual misconduct.

Additional definitions are on pages 66-70.

▶▶▶ **APPENDIX L**

UNL Annual Campus Security and Fire Report

2020 Annual Campus Security and Fire Safety Report

Safety and security information for the University of Nebraska-Lincoln, including crime & fire statistics for the 2019 calendar year, and the information required by the *Drug-Free Schools and Communities Act of 1989*. All data is submitted to the U.S. Department of Education according to law.



The University of Nebraska-Lincoln does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status and/or political affiliation in its programs, activities, or employment.

A Message from Chief Hassan Ramzah

Dear Campus Community Member,

The University of Nebraska-Lincoln Police Department (UNLPD) is committed to providing a safe and secure community for students, faculty staff, and visitors on campus to support the three university missions of teaching, research, and service. The department is comprised of state certified police officers, security officers, public safety telecommunicators, and civilian support staff providing law enforcement and security services to the University of Nebraska-Lincoln campus. This report represents our ongoing effort to inform you of the safety services programs and resources available to the campus community to help maintain a safe and secure environment.



The University of Nebraska-Lincoln Annual Campus Security and Fire Safety Report is published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Code of Federal Regulations (CFR) required of each institution of higher education in the United States participating in federal student aid programs. Typically, the Annual Campus Security and Fire Safety Report is required to be published by October 1st of each year. This year, due to the ongoing COVID-19 pandemic, the Department of Education extended the requirement for institutions to disseminate the Annual Security and Fire Safety Report by December 31, 2020.

This report includes campus crime, arrests, and referral statistics reported to UNLPD, campus security authorities (CSAs), and local law enforcement agencies surrounding University of Nebraska-Lincoln campuses and off-campus locations. In addition to campus crime statistics, the report also includes university policies and procedures concerning alcohol, drugs, sexual assault, and general safety on the University of Nebraska-Lincoln campus.

Your safety is a priority, and UNLPD is committed to providing excellence in public safety while promoting an inclusive campus environment. Please take a few moments to review the important information in this report, which describes the university's efforts in the area of campus safety and security. Also, please visit the UNLPD website at <https://police.unl.edu/> for additional information about our services and the department.

I welcome your concerns, suggestions, and ideas on working together to make our campus the safest place to learn, work, and live.

Sincerely,

Hassan Ramzah, Assistant Vice Chancellor and Chief of Police
University of Nebraska-Lincoln Police Department

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Annual Security and Fire Safety Report and Clery Act Overview

The University of Nebraska-Lincoln Police Department (UNLPD) has overall responsibility for the preparation and distribution of the University's *Annual Campus Security and Fire Safety Report* (ASR), which is reviewed and updated annually as one cohesive document per the requirements of the federal law known as the Clery Act, outlined below. To ensure the ASR is accurate and comprehensive, the UNLPD uses its records and sends out formal requests for crime statistics and other necessary information to Campus Security Authorities (see description below) and any law enforcement agencies that have jurisdiction over non-campus property. While statistical requests are made, outside agencies are not required to provide crime statistics and so not all do, and some data is provided in a manner that does not provide adequate information for a statistical determination; all viable statistics that are provided are included in the crime numbers offered later in this report. The data is compiled and reviewed to ensure that no duplication occurs and incidents are appropriately categorized. The UNLPD maintains all records concerning the completion of the ASR (crime reports, daily incident summaries, referrals for disciplinary action, and copies of timely warnings). The ASR is completed and posted by October 1st of each year. The ASR and other crime prevention, safety, and reporting information can be found on the UNLPD website: <http://police.unl.edu>.

The UNLPD is also responsible for uploading the applicable 3-year statistics regarding crime and fires, as found in the ASR, to the Department of Education's website (<http://ope.ed.gov/security/>; click on "**Get data for one institution/campus**") and search for "University of Nebraska") by October 1st of each year.

The University understands the importance of the information provided in its *Annual Campus Security and Fire Safety Report* and ensures that its existence and location, and that a paper copy will be provided upon request is adequately publicized. A mass email is sent to all students and employees each September to notify them that the newest version of the Annual Campus Security and Fire Safety Report is available and the specific website address where the report is located. Its release is also promoted via social media and the University's daily e-news, Nebraska Today. A reminder in Nebraska Today may also occur in the spring. Prospective students and those coming in throughout the year are notified of the report via a statement listed within the enrollment material on the Admission's website (all students must register through this one site); prospective employees are notified through a statement on the Human Resources application website (all job applicants must apply via the website).

The Clery Act

The ***Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f))*** is the landmark federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The "Clery Act" is named in memory of 19-year-old Lehigh University freshman Jeanne Ann Clery (pictured right), who was raped and murdered while asleep in her residence hall room on April 5th, 1986. The law is linked to an institution's participation in federal student financial aid programs, and it applies to most higher education institutions, both public and private. The Clery Act is enforced by the United States Department of Education.



Jeanne Clery

Among other things, the Clery Act requires colleges and universities to:

Publish an Annual Security Report (ASR) by October 1st of each year, documenting three calendar years of select campus crime statistics, including security policies and procedures and information on the basic rights guaranteed to victims of sexual assault, domestic violence, dating violence, and stalking. The law requires that schools make the report available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. Schools may comply with this requirement via the internet if required recipients are notified and provided exact information regarding the on-line location of the report.

Maintain a public crime log – Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. Incidents must be entered into the log within two business days. The log must be accessible to the public during regular business hours, remain open for

<ul style="list-style-type: none"> • Criminal Homicide <ul style="list-style-type: none"> • Murder & Non-negligent Manslaughter • Manslaughter by Negligence • Sex Offenses <ul style="list-style-type: none"> • Rape • Fondling • Incest • Statutory Rape • Robbery • Aggravated Assault • Burglary • Motor Vehicle Theft • Arson • Domestic Violence 	<p>Hate Crimes — Must be reported by category of prejudice, including race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, and/or disability. In addition to the other crimes, if the crime committed is classified as a hate crime, statistics are required for the following four crime categories:</p> <ul style="list-style-type: none"> • Larceny/Theft • Simple Assault • Intimidation • Destruction/Damage/Vandalism of Property
	<p>Arrests/Referrals— Institutions are required to report statistics for the following categories of arrests, or referrals for campus disciplinary action if an arrest was not made:</p> <ul style="list-style-type: none"> • Illegal Weapons Possession • Liquor Law Violations • Drug Law Violations

sixty (60) days, and, subsequently, made available within two business days upon request.

Disclose and provide to the U.S. Department of Education crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus, and at certain non-campus facilities, including Greek housing and UNL property throughout the country – The statistics must be gathered from campus police or security, local law enforcement and other school officials who have "significant responsibility for student and campus activities." The Clery Act requires reporting of the following crimes and law violations:

Issue timely warnings about Clery Act crimes that pose a serious or ongoing threat to students and employees – Institutions must provide timely warnings in a manner likely to reach all members of the campus community. Timely warnings are limited to those crimes and incidents an institution must report and include in its ASR. There are differences between what constitutes a timely warning and an emergency notification; however, both systems are in place to safeguard students and campus employees.

Law Enforcement at the University

Devise an emergency response, notification, and testing policy – Institutions are required to inform the campus community about a “significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.” An emergency response expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (i.e., a fire or infectious disease outbreak). Colleges and universities with and without on-campus residential facilities must have emergency response and evacuation procedures in place. Institutions are mandated to disclose a summary of these procedures in their ASR. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test.

Compile and report fire data to the federal government and publish an annual fire safety report – Similar to the ASR and the current crime log, institutions with on-campus housing must report fires that occur in on-campus housing, generate both an annual fire report and maintain a fire log that is accessible to the public. If specifically identified as such, the fire report can be combined with the annual crime report, and the fire log can be combined with the crime log (the University of Nebraska-Lincoln combines the reports and logs).

Enact policies and procedures to handle missing students' reports. This requirement is intended to minimize delays and confusion during the initial stages of a missing student investigation. Institutions must designate one or more positions or organizations to which reports of a student living in on-campus housing can be filed if it's believed that they have been missing for 24 hours.

The crime and fire statistics for the University of Nebraska-Lincoln are provided later in the *Annual Campus Security and Fire Safety Report*.

The UNLPD, which has over thirty armed officers having full police and arrest powers, is in charge of coordinating all campus safety and security measures. UNLPD officers enforce University regulations and laws of the State of Nebraska on the University of Nebraska-Lincoln campus. These men and women complete certification courses at the State Law Enforcement Training Center and are commissioned by the State of Nebraska as Special Deputy Sheriffs. They undergo continuous training to upgrade and maintain their professional skills as law enforcement officers. The UNLPD also includes officers who have received trauma-informed training to handle sexual assault, domestic violence, and stalking-related incidents in the most appropriate manner. Officers of the UNLPD conduct foot, bicycle, and motorized patrols of campus 24 hours a day, each day of the year. Additionally, the UNLPD will assist anyone who asks for help in notifying the appropriate authorities for offenses committed in other jurisdictions. While the UNLPD has the authority to enforce state laws anywhere, its primary jurisdiction is University-owned and associated property.

The University of Nebraska-Lincoln Police Department is the primary agency for reporting and investigating all crimes that occur on University property and will provide all necessary follow-up work to bring each incident to a final disposition. All instances of criminal or suspicious acts and emergencies occurring on the campus or any University facilities should immediately be reported to the UNLPD, regardless of how seemingly insignificant the incident. The UNLPD can be contacted by telephone, in person, email, or text messaging.

In all instances of criminal activity in the UNLPD's jurisdiction, UNLPD officers work to determine the exact nature of the reported crime and the perpetrator(s) for the purposes of developing a viable case to be forwarded to either the Lancaster County Attorney's Office or the City of Lincoln Attorney's Office. UNLPD officers also prepare and submit the appropriate reports for use by University of Nebraska-Lincoln authorities, federal prosecutors, and other law enforcement agencies as applicable.

<p>Emergency: If it is an emergency, simply dial 911.</p> <p>Phone: Contact UNLPD at 402-472-2222 (DIAL 2 for BLUE) or 2-2222 from a campus phone.</p> <p>Email: unl.police@unl.edu</p>	<p>In person: Stop in at the station, or if see an UNLPD officer, get their attention and they will assist you.</p> <p>Text: Text messages can be sent to Police at 69050, keyword UNLPD.</p>
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Officers will respond as quickly as possible to any request for assistance. Upon receipt of a call, UNLPD officers will be dispatched. Response time is based on current activity load and the urgency of the call; crimes in progress, life safety situations, and medical emergencies have a higher priority than other types of calls. A UNLPD officer will meet with you to gather information and prepare an official report. Investigations are typically handled by the original officer, although additional investigators can provide assistance. The initial officer will re-contact the reporting party to provide Updates on the case. Involved persons should feel free to contact an officer should they have questions or additional information about the case.

The UNLPD maintains a close working relationship with local, state and federal law enforcement agencies, which include the Lincoln Police Department, Lancaster County Sheriff's Department, Nebraska State Patrol, and the Federal Bureau of Investigation, and has signed memorandums of understandings with the three local agencies to share resources. Additionally, the UNLPD shares law enforcement information with police agencies nationwide through memberships in a wide network of organizations, utilizing information for criminal prosecutions and crime prevention techniques. Every month, the UNLPD provides its Uniform Crime Report to the Nebraska State Patrol as required for the inclusion of crime statistics published by the Federal Bureau of Investigation.

The UNLPD also employs full-time Community Service Officers (CSOs) whose primary purpose is to provide security in the residence halls. CSOs are not armed and do not have arrest powers (non-commissioned); however, they undergo training in security, life safety, and handling situations with which they may be called to respond. CSOs are assigned to residence halls during the evening and overnight hours, patrolling the buildings and surrounding areas, maintaining constant radio contact with the UNLPD communications center, and requesting officer assistance when necessary.

University-recognized student organizations that own or control off-campus locations or housing facilities are subject to the jurisdiction of the University of Nebraska Office of Fraternity and Sorority Life, the Vice Chancellor for Student Affairs, the UNLPD, and if not part of the contiguous campus, the Lincoln Police Department (LPD); some are also under the jurisdiction of University Housing (see later in the report). Criminal activity at these locations is monitored and recorded by either agency as appropriate; incidents will be addressed as necessary by the applicable agency. In addition, the UNLPD's dispatch center is integrated with the city of Lincoln's dispatch system, so the UNLPD will receive notification of incidents occurring at these locations, even if the LPD responds.

To be fully engaged with students and the rest of the campus community, the UNLPD readily uses social media to provide important information and communicate with those it protects. We encourage everyone to follow the Department on [Facebook](#), [Twitter](#) and [Instagram](#).

Additional UNLPD Responsibilities and Resources

Crime Log: The UNLPD maintains a Daily Crime and Fire Log. The log provides online information regarding any crime and/or fire that was reported to the department and: occurred on campus, in/on a non-campus building or property, or on public property within the established jurisdiction of the UNLPD. This log includes the nature, date and time (for both when the incident occurred and when it was reported), general location of each incident, the disposition of the complaint (if known), and the estimated loss amounts. The log **does not** include individual names or specific locations, such as residence hall room numbers. The log is automatically Updated as reports are entered into the UNLPD's electronic records system. If there are any technical issues, where the log cannot be maintained electronically, it will be available in hard-copy and located in Dispatch at the UNLPD headquarters, 17th and R, where it can be viewed during normal business hours (8am-5 pm). Staff and students are sent direct emails informing them of the existence of the crime/fire log and its location; it is also publicized through various forms of social media. The log is available at: <https://scsapps.unl.edu/policereports/default.aspx>

Accreditation: In 2012, the University of Nebraska-Lincoln Police Department voluntarily elected to enter the law enforcement accreditation process. Accreditation requires an extensive commitment by all department personnel to the pursuit of excellence, as recognized by the Commission on Accreditation for Law Enforcement Agencies Incorporated (CALEA), an independent, nonprofit organization. Gaining CALEA accreditation requires verification of full compliance with all CALEA standards through documentation and on-site reviews by a CALEA assessment team. These standards, which represent "best practices," cover a wide range of initiatives and are constantly evaluated and amended by CALEA's commissioners, who are all public safety professionals, to ensure applicability to the top current law enforcement procedures and trends. On March 21, 2015, the UNLPD was awarded its initial accreditation, becoming one of only a small number of university police departments nationally accredited, and received re-accreditation on March 24, 2018. This accreditation represents the UNLPD's professionalism and the ways in which its vigilant prevention, enforcement and community presence measure up to CALEA's standards in the performance of its duties. To learn more, visit the [CALEA website](#).



Security Cameras: The UNLPD oversee the extensive system of CCTV (closed circuit television system/security cameras) used by the University for the purpose of safety, security and facilities maintenance. Cameras are located in many areas throughout campus including parking facilities, public areas of housing units, and primary pedestrian areas. Cameras are typically purchased by University departments through the UNLPD for the monitoring of their specific operations, or by the UNLPD directly for high traffic, public areas. A campus camera standard is in place and helps ensure consistency in the use of this system, allowing all cameras to be available for employment in emergency situations. The UNLPD is able to view all cameras included in this system whenever necessary. Camera owners and the UNLPD are also able to conduct random real time monitoring as needed, and recordings are used to gather information through reviews of historical images. While cameras are not continuously monitored, many are triggered by motion and so will record any activity that occurs. The University's CCTV policy can be found at: police.unl.edu/security-cameras-use-policy.

GIS: The UNLPD utilizes an extensive Geographical Information System (GIS) application to analyze incidents occurring on campus and to assemble data and other information from numerous databases on campus. This information includes detailed floor plans, classroom and building use, and utility infrastructure which allows centralized coordination of information.

This aids departments in managing their facilities and tracks police and medical calls to identify trends and analyze crime. It also allows the UNLPD to make the best use of its resources. This system also has a valuable use on Husker football game days. Police and medical calls are tracked in real time from several hours before and after the game. Using this spatially displayed information, the UNLPD is able to re-deploy officers, security staff and medical staff to those areas of the stadium with a higher incidence of activity. With many years of data, preparing for the security and safety of these games is made easier.

Building Access: The UNLPD houses the Building Access Department. The Building Access Associates are responsible for card access additions/revocations for personnel, adjusting electronic door schedules, monitoring alarmed areas, and assisting the University in its access control needs. Like any good security measures, this process allows access to only individuals who have a reason to be in a space. Electronic card readers or number pad entries are installed on all building exterior doors and are scheduled to automatically prevent public entry once business hours have past. See later in the report for specific information on access to University buildings.



Threat Assessment

The University of Nebraska is very proactive in regards to the handling of threatening situations on campus. The University of Nebraska Threat Management and Protection Program (TMAP) is managed by the UNLPD. Components of the program include vulnerability assessments of facilities, use of GIS for crime mapping and event planning, and threat assessments.

Threat assessments of situations and/or individuals are conducted to assess the likelihood of escalated violence as well as identifying measures that can be taken to mitigate the risks. These situations are generally identified as those which have caused harm or have the potential to cause harm affecting life safety, and/or serious damage to University property or operations. University personnel and resources are used to aid in identifying these situations, are utilized to assess the totality of the situation, and to provide appropriate interventions to lessen the risk of escalation. Threat assessments may be conducted on troubling situations which occur on University owned or controlled property or which involve University students, faculty and staff. The UNLPD conducts the threat assessments, as well as coordinates programs or interventions, with the involved persons or groups at the University of Nebraska.

The Threat Assessment Partnership is a **Process** that is:

- Campus safety oriented
- Behavior based
- Risk prevention and management focused

Its **Objective** is to:

- Expedite the reporting of troubling situations
- Focus upon prevention as well as a calculated response to threatening situations
- When possible use interventions that promote and emphasize dignity and respect
- Promote open and safe campus environment

Its **Focus** is on:

- Troubling behavior and situations, rather than troubled persons
- Troubling behaviors are identified as:
 - Causing harm or potential to cause harm, or
 - Threat to life safety, or
 - Real or potentially serious damage to University property or operations
- Troubling situations may warrant a threat assessment when situation involve:
 - Property owned or controlled by University

We all have the power to act if there is ever a threat to safety on campus. People can be an active member of the Threat Assessment Partnership by simply being aware and willing to report. All faculty, staff, and students should call one number: **402-472-2222**, if anyone, at any time, is concerned that someone at the University is exhibiting troubling or threatening behavior. By calling attention to these types of behaviors we can help people who are troubled before they could harm themselves or others. You may contact the Threat Assessment Group with any questions or concerns directly via email at:



UNLPDThreatAssessment@unl.edu.

You can read more about the [Threat Assessment Partnership in this PDF document](#).

Emergency Management and Preparedness

The University of Nebraska-Lincoln Police Department coordinates emergency management planning for the University of Nebraska-Lincoln, with departments throughout campus contributing to an overall emergency operations plan. This plan lists inventories, staffing requirements, procedures, and policies used to provide guidance for immediate response and the ensuing recovery process in the event of an emergency. The University is continually involved in preparing guidelines for continuity of operations in the event of an emergency, which requires a response of longer duration. The University of Nebraska-Lincoln follows the National Incident Command System regarding preparing and managing emergency events.

The UNLPD is responsible for handling all public safety emergencies, from the declaration of an emergency to the campus community's notification to the mobilization of personnel and resources to combat the threat. The Department has an established emergency mobilization plan that includes the notification of appropriate authorities, the use of designated assembly areas and command posts, communications (including failure), transportation during the emergency, and the after-action procedures that will take place. The plan is continually updated in coordination with other area emergency services. The Department participates in annual preparedness exercises, conducted in conjunction with other emergency services and departments when possible.

Preparedness is seen as an essential part of campus safety. In August of 2014, the National Weather Service awarded the University of Nebraska-Lincoln with StormReady certification. The certification came after a comprehensive year-long review of the University's processes and procedures. To earn the designation, the University had to meet StormReady guidelines for a community between 15,000 and 40,000 people. These guidelines include establishing a 24-hour warning alert system; setting up four ways for the University to receive NWS warnings and alerts; issuing alert notices to campus via three methods; monitoring hydro-meteorological data from three sources; offering three annual weather safety talks; creating hazardous weather operations plans and holding annual visits with NWS officials. The University received recertification in 2017.

Emergency Notifications: The University understands the importance of being able to immediately notify students and staff of any confirmed emergency that may arise on campus. The UNLPD is responsible for determining when a situation warrants an emergency notification, initiating the campus emergency notification system, and providing any follow-up information as necessary. In the event of any threatening situation, the UNLPD will, **without delay** and taking into account the safety of the campus community, immediately determine the content of and issue alert notifications to the campus community, unless it has been determined that issuing such an alert will, in the professional judgment of the UNLPD's responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Any notifications are distributed through the UNL Alert system, the name of Nebraska's emergency notification system. The system automatically includes the email address of all current students and employees but requires individuals wishing to receive alerts via text message to sign up using their cell number (this is highly encouraged, as it provides a more immediate notification); individuals also have the option of signing up a secondary email address. If anyone does not wish to receive emergency alert emails automatically, he/she may choose to have his/her email address removed from the system. More information about UNL Alert, as well as registration instructions, can be found at: emergency.unl.edu.

UNL Alert is comprised of a variety of methods by which the University will notify students, faculty and staff in the event of an active or imminent emergency, including:

To ensure emergency alerts immediately reach as many people as possible who may be affected, the University employs Alertus, which automatically posts alerts on select campus computers. When an alert is issued, a message pops up on computers and indicates the alert and provides the applicable message. Once read, the user simply clicks and the message disappears. In cases where an alert appears on a professor's computer during class, he/she has the opportunity to inform the class of the incident, depending on its severity, so that everyone can be aware.

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| <ul style="list-style-type: none"> • Text messages (SMS) to cell phones • Email • Digital signage • University website • Facebook | <ul style="list-style-type: none"> • Twitter; • Computer screen pop-ups on staff computers and general purpose classrooms (Alertus); • University communications. |
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For potentially dangerous incidents, the on-duty UNL PD supervisor will be responsible for determining whether or not the situation poses an immediate threat to the health or safety of the campus community and if students and staff should be alerted. Prior to issuing an emergency alert, it will be the responsibility of the supervisor to consult with other responsible authorities (i.e. superiors, other officers, other law enforcement agencies), as necessary, to confirm the emergency and determine if the issuance of the alert will compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. It will also be the supervisor's responsibility to determine the content of the alert. To determine whether or not the situation is an emergency, the supervisor will take into account issues such as the nature of the threat, if the threat will be on-going, and the number of people that are affected. When deciding the content of the emergency notification, the supervisor will determine how much information is warranted at the current time and what measures will most likely be taken in the future (i.e. will more alerts be issued); the content will be developed based on the situation, type of incident, and the amount of information known at the time. While the same general language may be used each time, each alert will be tailored to address the current situation. When a tornado warning that includes Lincoln is issued by the National Weather Service (NWS), a supervisor or dispatcher is authorized to distribute a UNL Alert message; the alert will use the language provided by the NWS.

Examples of potential emergency situations include, but are not limited to:

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|---|
| <ul style="list-style-type: none"> • Tornadoes • Fires • Chemical Spills/hazards • Act of violence with a continuing threat to campus • Weather closings |
|---|

In instances where sufficient time exists (such as an impending winter storm), the applicable UNLPD sworn supervisor may work with the Vice Chancellor of Business and Finance in the issuance of the UNL Alert message. The UNLPD may also work with University Communications regarding the information in the alert and the language on the University's website. In any emergency situation that requires the dissemination of information to the larger community, Communications will be largely responsible for determining the amount of information provided and those sources to which the information will be given.

Once it has been determined that an emergency notification is needed, the UNLPD supervisor will authorize a UNLPD dispatcher to issue a UNL Alert to the campus community. When an alert is issued, it automatically goes to everyone currently in the system and out through the other notification methods identified above. Update notifications will be distributed whenever additional and pertinent information is received, such as changes in location of the original threat or descriptions of persons responsible for criminal acts. In all cases except weather-related issues, the supervisor that initiated the emergency warning will authorize the issuance an "all clear" or final message once it has been determined that the emergency or threat is over.

Notifications may occur through the use of UNL Alert, the University's mass notification service, and/or through other communication channels such as local media (whatever is determined to be appropriate for the emergency). The University's mass notification service allows for notification through multiple means. The University will use the following emergency website to post information as it becomes available: emergency.unl.edu.

Timely Warnings: The University wants to ensure that all students and staff are also aware of any issues that may pose an ongoing risk to their safety (i.e. rash of a specific crime), and so will issue Timely Warnings (TW) whenever necessary. The UNLPD has the responsibility of determining when a TW is warranted, and then creating and issuing the warning to the campus community.



The UNLPD's shift supervisors continuously review all incoming reports taken by officers, as well as receive and review information from other law enforcement agencies or campus security authorities; it is up to the supervisor to determine those incidents that represent a serious and continuing threat to the campus community. Once pertinent information is received and a threat is determined, the supervisor will create a draft of the proposed TW and provide it to a captain. The warning will include information on the incident that triggered the warning and methods to help prevent similar future crimes, however, it will not include the names of victims and/or specific locations (i.e. room numbers). It may also include a suspect description, but only when there is sufficient detail that would reasonably help identify a specific individual or group (e.g., some combination of gender, race, clothing, height, body type, build, accent, tattoos, hair color, and facial hair). After review, the draft warning will generally be reviewed by University Communications for a final edit. Once approved, the issuing supervisor or captain will work with Communications to coordinate further campus notices and ensure the approved version of the warning is placed on the UNLPD website, released through applicable media, and any applicable facilities notified. If deemed necessary due to the seriousness of the reported incident, the on-duty shift supervisor has full authority to issue the TW without prior consultation with the captain and/or University officials; ***TWs will be immediately issued when warranted and not unduly delayed.***

To ensure that TWs are reasonably likely to reach the entire campus community, a notification shall be distributed to all students, staff, and employees via mass email. The email will indicate that a TW has been issued and provide a link to the actual TW bulletin, which will be posted on the UNLPD website. In addition, the TW may be provided via the following, as necessary:

- Notifications to recognized housing facilities;
- Notification to similar type/near-by campus facilities;
- Social media releases.

Issued Timely Warnings will remain on the UNLPD website for a maximum of thirty (30) days but can be removed earlier if the case is satisfactorily resolved. The UNLPD will be ultimately responsible for determining when the threat is over and retaining copies of issued TWs. Archived TWs can be viewed on the UNLPD's website at: <https://police.unl.edu/safety-reports-and-statistics#timely-warning>

The UNLPD has discussed the Clery Act and Timely Warnings with the Lincoln Police Department (LPD) to ensure that the LPD understands the importance of providing pertinent information on potential threats to the UNLPD on an immediate basis. Furthermore, the UNLPD's dispatch center is directly linked to the LPD's dispatch system. If the LPD receives calls regarding serious situations in the Lincoln community, the UNLPD may be informed simultaneously in order to issue appropriate alerts as necessary for situations that occur near campus.

Emergency Preparedness Training and System Testing: As part of its ongoing emergency preparedness program, the University of Nebraska, via the UNLPD, conducts tests of the UNL Alert emergency notification system (at least once each semester) and tracks the success rates of issued alerts. The tests are focused on text messaging, digital signage, social media, website, and system's email capabilities. The system also allows for the tracking of results for each actual alert sent, and this information is reviewed for each incident. The data for alerts shows that the system has a notification success rate of 98% or better and that most failures are not a result of the system (i.e. those signing up incorrectly entered their information, phones were busy, etc.).

The University also conducts annual tests of its various evacuation procedures. The tests include tornado and fire drills and tabletop or other exercises that relate to specific scenarios. Any tests will be announced, as the University does not generally conduct unannounced tests. For all tests/drills, the pertinent authorities in the applicable buildings are informed of the drill and required to explain the situation to those affected by the drill (i.e. staff and students). The University's Emergency Management Director (EMD) continually works with campus buildings to designate a responsible person for the facility's emergency management and evacuation plan. This designee

will be responsible for maintaining an appropriate evacuation plan, and ensuring that at least annually, the building goes through a drill, exercise, and training to make sure that everyone is aware of how to handle an emergency evacuation, or if applicable, a shelter-in-place situation. While the University's drills will not include the entire campus all at once, the system in place will make sure that each facility participates in an exercise.



In addition to fire drills, the University's residence halls participate in a tornado drill each March as part of Severe Weather Awareness Month. The night before the drill, Residence Directors (RD) will read a script that announces the coming test, goes over what will take place, identifies the evacuation location and how to get there, and explains what to do in regards to an actual tornado warning. On the day of the test, once the tornado drill begins, the RD will read a script that identifies the drill and instructs the residents where to go and how to get there. After the drill, the RD asks if there are any questions that arose as a result of the drill.

A typical table top exercise regarding tornados would involve Building Directors from various campus buildings and be conducted by the EMD. The exercise begins by reviewing the current plans for handling tornado warnings. At a set time, the siren will sound and the directors will discuss the procedures they would follow at that point. There will then be a discussion concerning what the directors would do in the event of an actual tornado hitting campus and how they would handle the situation. The EMD wants to ensure that the directors are adequately able to relay all pertinent information to the Emergency Operations Center in the event of a real emergency. The purpose of the exercise is to determine if everyone is on the same page, or if there is confusion regarding campus policy and procedures. The information obtained through the exercise allows the University to provide training or take other necessary measures to improve the handling of emergencies.

For each drill and test that takes place, the University personnel that planned and conducted the drill is responsible for its documentation, including the building(s) that were part of the test, the time (beginning and ending) and date, a description of the test and the test's results. The test review information will include any issues found as part of the test. This allows the University to review its processes and procedure regarding emergencies and make improvements as needed. As noted, tests are almost always announced, and in the rare case where a test would be unannounced, it would be noted on the review form.

While the University generally does not publicize its tests (outside of tornado drills) or emergency response and evacuation procedures to the entire campus community when conducting drills/tests, it does ensure that all Building Directors, Residence Directors and other necessary staff members are well aware of what must be done in an emergency situation, and trained on changes when necessary. These individuals are provided emergency plans for their building, and the plans are enacted when it is involved in any test. In addition, all residents in campus housing are thoroughly instructed on emergency procedures through meetings, and evacuation information is posted on doors and in buildings so that it is readily available. Furthermore, all students and staff receive notification that the annual security and fire report contains pertinent information. The University will work to ensure that everyone is aware of how to evacuate facilities and handle any emergency situation.



Crime and Incident Reporting

"Is This an Emergency?" is an important factor in determining what should be reported, but it is not the only factor; don't downplay the importance of your call.

Here are points to immediately consider when reporting a crime:

- Is anyone's life or safety threatened?
- Does anyone need medical assistance or an ambulance?
- Is the suspect(s) still there?

Reports of crimes in progress, or those involving life-threatening circumstances, receive the highest priority response by the UNLPD. If the crime is still in progress, do what you can to ensure your own safety first: if outside, get to a public area (e.g. an open store, a restaurant or other public location); if at home, in a residence hall or apartment, go to a safe area of the building or go outside.

The University strongly encourages accurate and prompt reporting of all crimes or concerns to the UNLPD. The crime may, and should, be reported to local law enforcement agencies (Lincoln Police Department, Lancaster County Sheriff and/or Nebraska State Patrol) if the incident occurred off campus. If unable to make the report, it is desired that someone else (witness, family member, etc.) who is aware of the incident does the reporting to ensure that the police are aware of the situation. Law enforcement will provide safety planning and should be notified, even if the incident is reported to other entities, internal or external, to the University. Victims and witnesses **have the right to report any crime to law enforcement.**

When you call the UNLPD to report a crime, the dispatcher will ask a series of structured questions and immediately send officers to the location. Listen carefully to each question and try to answer it as best as you can. Do not hang up until the dispatcher tells you to do so (you may be put on hold while the dispatcher contacts emergency responders). Typical information for which the dispatcher may ask includes:

- Who are you? What phone number are you calling from?
- Where did the incident occur? Provide building and room area.
- How long ago did the incident occur? Is it still in progress?
- Give a brief description of what occurred.
- Did the suspect(s) have any weapons?
- Where and when was the suspect last seen?
- Which direction was the suspect headed?
- Was the suspect on foot or in a car? Provide vehicle description, color, make, model and license plate if applicable.

- What did the suspect look like:
 - Gender
 - Race
 - Age
 - Height and Weight
 - Hair Color and Length
 - Clothing
 - Glasses/Facial Hair
 - Was the suspect carrying anything?

While the UNLPD should always be the first point of contact, it is not the only place where an incident may be reported. Crimes may also be reported to individuals within the University, defined as Campus Security Authorities (CSAs). In addition to employees who serve in a security role, these are individuals within the University that have significant responsibility for students outside of the classroom/office, meaning their interactions extend beyond simply being a professor or a clerical employee. UNL includes anyone who has a secondary level of contact with students, as there is a greater chance that the student may disclose a crime to this individual due to this personal relationship. Examples of CSAs include:

- A dean of students who oversees student housing, a student center or student extracurricular activities;
- A director of athletics or a team coach (head coach down to graduate assistant);
- A faculty advisor to a student group/academic advisor;
- A student resident advisor or assistant;
- A coordinator of Greek affairs;
- Victim advocates or others who are responsible for providing victims with advocacy services;
- A nurse/physician in a campus health center and the director of the center.

The role of the CSAs is to be there for students as someone to whom they can report crimes, look to for guidance if they have been victims of a crime, or ask if they need advice as to whether or not they should report an incident. CSAs are **not** responsible for taking any action regarding suspected perpetrators, nor are they to make any judgments as to whether or not a crime took place or try convince victims of a crime to contact the police if no police involvement is desired; CSAs are simply available as a resource. It is important to be aware that the Clery Act requires universities to disclose “statistics concerning the occurrence of certain criminal offenses reported to local law enforcement agencies or any official of the institution who is the CSA,” which means that CSAs are required to relay the type of crime reported and its location to the UNLPD for statistical purposes and to determine if there is an ongoing threat to the campus community. This does **not** mean that law enforcement must be involved or charges filed, as this is up to the victim, and **no** names will ever be provided by the CSA without prior approval of the reporting party. Crimes may be reported to any UNL CSA. A list of current University CSAs is available at: <https://police.unl.edu/campus-security-authorities>. To ensure CSAs are aware and adequately understand their responsibilities, they are informed of their duties and provided with in-depth training material (this information is always available on the UNLPD website).



The University of Nebraska staff also includes professional counselors. It is understood that per their role, they appear to be CSAs; however, when acting in an official capacity as a counselor to a student or employee, they are not required to have the victim report the crime, nor are they required to report the crime themselves. If a counselor feels it is appropriate, they may discuss the procedures for reporting the crime with the victim, and inform the victim that he/she can report the crime on behalf of the victim on a confidential basis, simply so that the incident type can be included in the University's Clery statistics, if desired (the University does not have a policy that specifically asks or requires counselors to report crimes).

The University will investigate all allegations and encourage reporting parties to provide as much information as possible to conduct a thorough investigation. The University understands that people may be concerned about their name becoming public and will protect the parties' privacy and the confidentiality of the information to the extent possible under the law. The victim/reporter should understand that the University is required to balance confidentiality with the safety of the campus. In cases of a police investigation, officers will discuss with the reporting party that information which is a public record or confidential and the possibility of media coverage. Any personally identifiable information will be handled carefully and released to other University officials (such as law enforcement, Title IX, Student Affairs, etc.) on a strictly need-to-know basis, including those responsible for providing necessary accommodations/or protective measures. The University has an obligation to document allegations of crimes and include them in its annual security report; however, any publicly available records, including Clery Act reports and disclosures, will not contain a victim's personally identifying information (statistics only; names are never included). Factors considered by the University in determining whether to disclose a report, a complaint, or the identity of the reporting party to the accused include the seriousness of the alleged conduct; the reporter's age; other complaints made about the same individual; and the accused's rights to receive information about the allegations. In addition, the records kept during any University judicial hearing remain strictly confidential and cannot be used in a manner that violates the privacy rights of any student, employee, or another person. Reports can be made anonymously; however, this may seriously hamper the investigation.

The University urges all of its students, CSAs, and other employees to immediately report any crimes or suspicious activities so that the appropriate steps may be taken to ensure everyone's safety. If a victim is unable to report a crime themselves, they are encouraged to have someone else report on their behalf, whether to the UNLPD, a CSA, or another law enforcement agency. Accurate and prompt reporting of incidents helps make the campus a safer place and maintain accurate records for a crime on campus. **Regardless of how a report is made, the University wants to ensure that all incidents are reported accurately and promptly so that the appropriate measures can be taken.**

Not everyone may want to report crimes and/or press charges. It is the right of victims, no matter what the crime, to not report the crime to the UNLPD, a CSA, or any other authority if this is his/her wish. However, it is important for the safety of the campus and the community as a whole that any crime is reported so that appropriate measures can be taken (timely warnings, more police patrols, etc.). In addition, reporting helps ensure that the statistics publicized by the University are accurate. The University allows victims and witnesses to provide crime information on a voluntary, confidential basis.

Reporting Threats and Potential Threats

The University and the UNLPD urge anyone to report troubling or threatening behavior as soon as possible. The UNLPD coordinates a campus-wide threat assessment unit (see later in report) to identify situations with potential of violence, significant harm to university property or disruptions to any university activities. This may include threats, stalking or other safety situations occurring to any university-affiliated persons whether on or off campus, demonstrations or protests, or acts of violence. Early warning or communication to the UNLPD is important to prevent situations from escalating. With your help we can continue to have a safe campus. Immediately report any of the following to the UNLPD:



- Anything that raises suspicion or concern.
- Sighting or suspicion of firearms or other dangerous weapons.
- Harassing, following, or stalking behavior.
- Contact (letter, email, phone call, voicemail, face-to-face visit, or social media) that makes negative/hostile reference to a faculty, staff or student.
- Contacts that make any negative reference to a person's safety or security.
- Open displays of agitation and disruptive behavior toward faculty, staff, a student, or within facilities, regardless of whether a threat is made.
- Subjects either engaging dangerous contact behavior or making reference to faculty, staff or students, while engaging in problematic or unusual behavior.
- Individuals who are stopped or observed within unauthorized areas or demonstrating suspicious behavior suggestive of surveillance, such as:
 - Photography or video of high-profile structures/procedures (e.g. stadium, research facility).
 - Interest in security measures or personnel, entry points, access controls, or perimeter.
 - Observing emergency reaction drills or procedures.
 - Discreet use of still cameras, video recorders or note taking at non-tourist locations
 - Use of multiple identifications.
 - Person(s) searching trash containers or placing unusual items in trash containers.
 - Unknown persons trying to gain access to facilities.
 - Unknown persons or occupied vehicles loitering near a facility for an extended period.

Non-emergency Incident Reporting

TIPS - In order to aid in making the University a place where everyone feels welcome and safe, the University of Nebraska has established the TIPS Incident Reporting System that allows individuals to report anonymously any campus incident they feel needs to be elevated or addressed by the University. It is important to note that reports submitted via this method may not receive an immediate response.

Applicable incidents include those involving personal safety and security, academic issues, bias or inappropriate behavior, discrimination, sexual misconduct, violation of University policy, workplace issues or concerns, as well as other type of incidents that may warrant further attention. The TIPS System is also a mechanism for reporting acts of kindness, so that those involved can receive credit for their actions. It is important to report actual crimes directly to the UNL PD as opposed to using TIPS. While anonymous reporting is an option, individuals should be aware that if they wish to remain anonymous, follow-up by University authorities is severely limited. Therefore, some form of contact information is beneficial. For more details or to report and incident, go to: <http://go.unl.edu/dsu>.

The Office of Institutional Equity and Compliance

The Office of Institutional Equity and Compliance (IEC) is another place that certain incidents involving harassment and/or discrimination can be reported. IEC provides leadership and support to the campus community. It serves as the Civil Rights office for the campus and handles all matters that involve any form of discrimination and/or harassment based upon a protected status and any form of sexual misconduct. The University's Title IX Coordinator is housed within IEC (see later in report for specific information on reporting incidents to Title IX and the ensuing actions that can/will be taken). IEC oversees ensuring compliance and addressing complaints relating to each of the following laws and regulations:

- **Title VI of the Civil Rights Act of 1964** - Covers incidents relating to Race, Color, & National Origin
- **Title VII of the Civil Rights Act of 1964 (Employment)** - Covers incidents relating to:
 - Race, Color, Religion, Sex, or National Origin
 - Pregnancy, Childbirth, or Related Medical Conditions
 - Sexual Orientation, Gender Identity
- **Title IX of the Education Amendments of 1972** - Covers incidents involving Sex, Gender, Gender Identity, Sexual Orientation, Pregnancy, Parenting
- **Americans with Disabilities Act of 1990/2008** - Covers incidents relating to someone with disabilities
- **Section 504 of the Rehabilitation Act of 1973** - Covers incidents relating to someone with disabilities
- **Section 508 of the Rehabilitation Act of 1973** - Covers incidents relating to someone with disabilities
- **Age Discrimination in Employment Act of 1967** - Covers incidents of discrimination/harassment involving someone's age
- **Fair Housing Act of 1968** - Covers incidents of discrimination for housing based on Race, Religion, National Origin or Sex
- **Family Medical Leave Act of 1993** - Covers incidents involving an employee and issues with job-protected and unpaid leave for qualified medical and family reasons
- **Vietnam Era Veterans' Readjustment Assistance Act of 1974** - Covers incidents involving discrimination in employment against protected veterans (also requires employers take affirmative action to recruit, hire, promote, and retain these individuals)
- **Genetic Information Non-discrimination Act of 2008** - Covers incidents involving discrimination based on an individual's Genetic Information in both health insurance (Title I) and employment (Title II)
- **Nebraska Constitution Article I-30 (2008)** - Covers incidents of discrimination against, or granting of preferential treatment to, any individual or group on the basis of Race, Sex, Color, Ethnicity, or National Origin in the operation of public employment, public education, or public contracting by a state agency (includes the University of Nebraska)

IEC is also responsible for training various members on the campus community on these laws and how to ensure compliance when performing their duties in an effort to prevent incidents from occurring. IEC maintains training material and sign-up information for in-person training on their website (see below). The end goal is to make the University a warm and welcoming place for everyone.

If you feel as though you, or someone you know, has been discriminated against and/or harassed in violation of the above laws and regulations, you are encouraged to reach out to the Office of Institutional Equity and Compliance so that the issue can be addressed properly. For more information on IEC and/or resources, please go to: <https://www.unl.edu/equity/>.

Office of Institutional Equity and Compliance
128 Canfield Administration Bldg.
Lincoln, NE 68588-0437
Phone: (402) 472-3417
Fax: (402) 472-9440
Email: equity2@unl.edu

Important Information for Crime Victims

Immediately call the UNLPD or 911 to report the crime. The report should be made from the location where the crime occurred or at safe location. Even if the report is made at a later date, the UNLPD should be the first point of contact. Officers will work with University officials to ensure that all necessary steps are taken to protect the victim and the campus community, investigate the crime, and take punitive measures as needed.

If the crime occurred off campus, you may still call the UNLPD, and upon request, the UNLPD will notify the appropriate agency, or you can contact any local law enforcement agency directly. If you choose to call the UNLPD, an officer will contact you at the scene of the crime, the hospital, or at another location. If you choose to file a report of the incident, below are some important things to know.

If you desire to press charges, the UNLPD officer will continue to work with you until the case comes to its completion, or police intervention is no longer desired; upon request, the officer will help you report the incident to any other University officials as appropriate.

You may also choose to proceed through the University's formal discipline process in addition to, or in lieu of, pressing criminal charges against the perpetrator. You should contact the appropriate office(s), described in this report, and make clear your desire to have the incident addressed through the disciplinary process and action taken against the perpetrator. As noted, if you report to the UNLPD, the officer can help you with these steps.

Note Regarding Evidence for Sexual Misconduct Incidents:

- For sexual assaults and incidents of dating or domestic violence, it is very important that the victim not bathe, douche, change clothes, or apply medication in order to preserve evidence that can be used as proof of the criminal offense and aid in the acquiring of protection orders and/or in prosecution.
- In cases of stalking, victims should preserve as much evidence as possible to provide to the police. This would include things such as texts, phone messages, letters and any other material that can be used as evidence of stalking when pursuing criminal action and/or protection orders.

- * **Lincoln Police Department:** 575 S. 10th St., Lincoln, Nebraska 68508, (402) 441-6000
- * **Lancaster County Sheriff:** 575 S. 10th St., Lincoln, Nebraska 68508, (402) 441-6500
- * **Nebraska State Patrol:** 1600 Hwy. 2, Lincoln, Nebraska 68509, (402) 471-4545

- Remember that **you are a victim** and you will be treated with respect by an officer who has received training in dealing with survivors of sexual misconduct.
- The officer can help you get in contact with a University advocate to offer support and guidance.
- You do have control over decisions in how the incident is handled.
- You may request that charges be pursued against the suspect and an investigation take place.
- You may ask that University disciplinary action be initiated against the suspect.
- You may ask the officer to contact the suspect about the incident, but not request an investigation.
- You may request the officers not to contact the suspect about the incident and simply have the officer complete a report to document the situation (an investigation can be started at a later date).
- You may report situations anonymously, however, be aware that this will preclude any follow-up and limit the actions that can be taken to address the situation.
- You may report situations confidentially. In this instance, your identity will be limited to the extent allowed by law.

If necessary, seek medical attention in an emergency room or from a medical provider. For sexual offenses, it is important to seek medical attention from a facility that performs legal sexual assault examinations (all 3 ERs listed below perform these exams).

Local Hospital Emergency Rooms

- Bryan Health West: 2300 S. 16th St. (402) 481-5142
- Bryan Health East: 1600 S. 48th St. (402) 481-3142
- CHI Health: 555 S. 70th St.
- (402) 486-7142

Seek immediate support and assistance from someone who can help.

Non-Emergency Care

- University Health Center: 550 N. 19th St., (402) 472-5000, website: health.unl.edu, email: uhc@unl.edu
 - Medical professionals are available by appointment Monday & Thursday 8 am – 7 pm, Tuesday & Wednesday 8 am – 6 pm, Friday 8 am – 5 pm, and Saturday 9 am – 12:30 pm (**Be aware hours may differ due to COVID-19 pandemic; check UHC's website**)
 - Call 402-472-5000 after hours and follow the prompts to be connected with a nurse or counselor for urgent concerns.
- Heartland Urgent Care (Monday – Saturday 8 am to 8 pm; Sunday 10 am to 6 pm):
965 South 27th St., Suite D (402) 477-3505

Campus and Community Resources

Confidential Resources

- CARE at UNL: Center for Advocacy, Response and Education, housed in Nebraska City Union 345. Services are available during university business hours, Monday through Friday between 8 am and 5 pm. Meetings can be scheduled by calling (402) 472-3553 or emailing victimadvocate@unl.edu. CARE Advocates are a **confidential** resource on campus. See next page for specific information on the CARE Advocates.
- University Health Center 550 N. 19th St., (402) 472-5000, website: health.unl.edu, email: uhc@unl.edu
- Counseling and Psychological Services (CAPS): 550 N. 19th St. (402) 472-7450, website: <https://caps.unl.edu/>
- Employee Assistance Program: 501 Building Room 128, (402) 472-3107 or (888) 445-9881, hr.unl.edu/eap
- Student Legal Services: 335 Nebraska Union, 402-472-3350

Non-Confidential Resources

- International Student and Scholar Office: 1100 Seaton Hall Ste. 201, (402) 472-0324 or (402) 472-5136 (Consultation line)
- Women's Center: 340 Nebraska Union, (402) 472-2597, (Director - Pat Tetreault, (402) 472-2598, pat.tetreault@unl.edu), website - womens-center.unl.edu
- University Housing (24/7): Contact Residence Hall Director
- Office of Student Conduct & Community Standards: 33 Canfield, (402) 472-2021, studentconduct@unl.edu
- LGBTQA+ Resource Center: NE Union 346, (402) 472-1752, email - lgbtqa@unl.edu, website - lgbtqa.unl.edu/welcome
- Office of Fraternity and Sorority Life: NE Union 332, (402) 472-2582 or (888) 547-1029
- Scholarships & Financial Aid: 12 Canfield, (402) 472-2030, financialaid@unl.edu
- Services for Students With Disabilities: 232 Canfield, 402-472-3787, unl.edu/ssd/home
- Human Resources: 407 Canfield, (402) 472-3105, hr.unl.edu

Community Resources

- Voices of Hope 24-Hour Crisis Line at (402) 475-7273 (7 days a week), info@voicesofhopelincoln.org
- Friendship Home: (402) 437-9302 (emergency), info@friendshiphome.org
- Nebraska Coalition to End Sexual and Domestic Violence Website: www.nebraskacoalition.org
- Lincoln Crisis Pregnancy Center: 111 Piazza Terrace, (402) 483-4247
- Planned Parenthood: 5631 S. 48th Street Ste. 100, (877) 811-7526
- Private Physician
- Friend/Relative

Center for Advocacy, Response & Education (CARE)

C.A.R.E. Advocates are a confidential, supportive resource for victims/survivors of interpersonal violence and other crimes. They provide advocacy and support for students, faculty and staff who have experienced sexual assault, domestic/dating violence, stalking, and/or sexual harassment. CARE Advocates are here to help individuals navigate campus and community resources. With an advocate, individuals will be able to tell their story confidentially, and they will be supported in his/her decision to report or not to report to police, Title IX or neither—**the choice is theirs.**

Mission - The Center for Advocacy, Response & Education (CARE) believes in the strength and resilience of individuals and communities impacted by sexual/relationship violence. Our focus is supporting survivors and offering educational opportunities for the campus community. We offer a safe, inclusive, survivor-centered space while providing confidential support focused on individual needs and concerns.

Vision - CARE envisions a campus where:

- Sexual assault, relationship violence, stalking, and sexual harassment is not accepted.
- Victims and Survivors receive the advocacy, compassion, and support they deserve.
- Our campus community challenges the practices and policies of our institution regarding sexual and relationship misconduct.
- Education surrounding sexual and relationship violence is a part of every Huskers' experience.
- The campus community is trained in how to support survivors with empathy and compassion as well as provided available resources and referrals.
- Prevention is everyone's responsibility.

What to expect when meeting with a CARE Advocate:

- You will be believed, supported, and respected. CARE Advocates work with university community members who have been affected by sexual and relationship violence, stalking and sexual harassment.
- You will lead the conversation and will control all choices. Advocates provide, information-based guidance allowing each individual to make choices best for them.

CARE Advocates focus on your individual needs and provide a variety of support services, including:

- A safe space for you to process your feelings and reactions
- Safety planning
- Access to temporary safe housing on campus
- Assistance navigating reporting options (on and off campus)
- Accompaniment and coordination for interviews and appointments
- Connection to interim and supportive measures including academic and housing modifications
- Referrals to campus and community resources

Making an Appointment with a CARE Advocate

CARE Advocates will work with you to find a time that is best suited to fit your schedule. Please call or email us during the hours of 8 a.m. to 5 p.m., Monday through Friday, to set up an appointment.

Phone: (402) 472-3553

Email: victimadvocate@unl.edu

Fear of retaliation should never be an obstacle to reporting an incident of crime, discrimination, harassment or sexual misconduct. Any individual who believes he or she has been subjected to misconduct is encouraged to report, and has the right to seek support and utilize available resources without fear of retaliation. Retaliation for reporting concerns or violations of policy is prohibited by the University. In addition, the University prohibits retaliatory conduct taken against any person who reports concerns, files a police report, or files a complaint. Retaliation is also prohibited against anyone who participates in an investigation as a witness. Retaliation is a separate violation of University policy, and if retaliation is determined to have taken place, the appropriate steps will be taken, up to and including expulsion, firing and/or criminal action. The victim and others contacted during the course of a sexual misconduct investigation will be notified of this policy. If you believe you have been subjected to retaliation for filing a complaint, please contact the [Office of Institutional Equity and Compliance](#).

In total, there are many avenues those subjected to crimes or other misconduct can take in terms of handling the incident. A report could be made to law enforcement (UNLPD, LPD, etc.) and a criminal charge pursued per a law enforcement investigation and filing by the County Attorney. A report could be made to a Campus Security Authority, a Title IX complaint could be filed with the University, and/or an administrative complaint can be made to the United States Department of Education, Office of Civil Rights (OCR). An individual has a right to choose all, or just some of the actions. He/she may also choose not to make a report or take further action; each option is totally their decision.

Specific Information for Sexual Misconduct Incidents

Any University of Nebraska student or employee who has been sexually assaulted (including date or acquaintance rape), or a victim of dating/domestic violence or stalking is strongly encouraged to contact the UNLPD and report the incident as soon as possible. Victims also have the right to report the incident to a University campus security authority (CSA), instead of the UNLPD or other law enforcement agency. Any person that is the victim of one of these crimes is first and foremost encouraged to contact someone with whom they feel the most comfortable (friend, family member, professor, etc.). If the initial report is not to the UNLPD or a CSA, the victim or the contacted person is strongly encouraged to report the incident one of the above-listed resources as soon as they are able (preferably directly to the UNLPD). It is important for students or employees that have been victims of a sexual offense, dating violence, domestic violence or stalking to be aware that any University personnel, CSA's or other University official/employee, will assist him/her in notifying the appropriate law enforcement agency whenever this assistance is requested, and that he/she has the right to decline the notification of law enforcement if so desired.

Anyone who is has been subjected to sexual misconduct is strongly encouraged to contact, or be directed to, the University's CARE Advocate as this resource can offer support and advocate for the victim as he/she moves through the reporting process. They can also explain the various avenues that can be taken by victim and the potential outcomes. The most important part is that the Advocates can help the victim deal with what has occurred to them, whether or not the victim desires to report to anyone else.

Whenever an incident of sexual misconduct is reported to an on-campus advocate, Title IX Coordinator or a UNLPD officer, regardless of whether the offense occurred on or off campus, the individual will be provided with written notification of existing counseling, health, mental health, victim advocacy, visa and immigration assistance, student financial aid and other available services, both within the University and the community. The information will also provide available options and assistance in requesting changes to academic, living, transportation and/or working situations, as well as obtaining protective measures, along with an explanation of the person's rights and options. The report you are reading, found on the UNLPD's website, is an excellent resource for identifying the wide array of victim services within University of Nebraska and the Lincoln community, along with their contact information.

The following provides information on the actions that will take place upon the receipt of a report of sexual misconduct by the potential recipient of that report (as applicable per the situation). Remember, an incident can be reported to one or more offices.

CARE Advocates or service providers will:

- Maintain the contacts as strictly confidential.
- Provide crisis intervention and advocacy, in some cases including assisting victims in seeking restraining orders.
- Assist and support the victim/survivor in contacting police and/or reporting to other University offices, if the victim consents.
- Assist the victim in obtaining medical assistance and counseling, changing academic programs or hous-

Counseling and health care services will:

- Maintain the contacts as strictly confidential.
- Encourage, assist (as needed) and support the victim in reporting the incident to the police.
- Provide appropriate counseling and medical services.

The University of Nebraska-Lincoln Police Department will:

- Contact the University Victim Assistance Program.
- Investigate and gather evidence or recommend processes for obtaining and preserving evidence.
- Refer for prosecution when warranted (choice to actually file charges lies with the city/county attorney).
- Obtain a statement to accurately document what occurred.
- Inform the victim of the criminal justice process.
- Provide safety planning for the victim.
- Provide the victim with Updates as the investigation progresses.

Housing/Residential Life Offices will:

- Contact, or encourage contact with, the University Victim Assistance Program, and assist in obtaining medical care if needed.
- Encourage the victim to report the incident to the police, and assist in making the report if requested by the victim. Housing/Residential Life may be obligated to report to the police the fact that an assault was reported, but the name of the victim will only be provided with the victim's consent, except in extenuating circumstances.
- If the person accused is a student, the incident will be reported to the office of Institutional Equity and Compliance and UNLPD.

Title IX Coordinator will:

- Offer to contact a CARE Advocate (will contact upon request).
- Explain reporting and resource options.
- Provide supportive measures as needed.
- Encourage the victim to report the incident to the police, and assist in making the report if requested by the victim. Title IX may be obligated to report to the police the fact that an assault was reported, but the name of the victim will only be provided with the victim's consent, except in extenuating circumstances.
- Investigate and provide a report of the findings to the applicable UNL authorities for action.
- For more information please see later in this report, or visit: <http://www.unl.edu/equity/title-ix>

Student Affairs will:

- Assist the victim in contacting a CARE Advocate if desired.
- Encourage the victim to report the incident to the police, and will assist in making the report if requested by the victim. Student Affairs may be obligated to report to the police the fact that an assault was reported, but the name of the victim will only be provided with the victim's consent, except in extenuating circumstances.
- Report to the Title IX Coordinator.

Title IX at the University of Nebraska-Lincoln

The University of Nebraska-Lincoln has established procedures and policies to investigate complaints and address identified concerns. UNL has a designated a Title IX Coordinator to ensure the institution's compliance with Title IX. Title IX of the Education Amendments Act of 1972 is a federal law that states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Title IX prohibits discrimination based on sex in education programs and activities in federally funded schools. Title IX protects all students, employees, and other persons from all forms of sex discrimination.

The University of Nebraska-Lincoln adheres to all federal, state, and local civil rights laws prohibiting discrimination in employment and education. The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its programs, activities, or employment. As a recipient of federal financial assistance for education activities, the university is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex or gender. The university also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internal or external to the institution. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by the university's policy. Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities and/or benefits of any member of the university community on the basis of sex is in violation of the Sexual Misconduct Policy and Nondiscrimination Policy. Any person may report sex discrimination (whether or not the person reporting is the person alleged to have experienced the conduct), in person, by mail, by telephone, by video, or by email, using the contact information listed for the Title IX Coordinator (below). A report may be made at any time (including during non-business hours) by:

Questions regarding Title IX, including its application and/or concerns about noncompliance, should be directed to the Title IX Coordinator. For a complete copy of the policy or for more information, please visit www.unl.edu/equity or contact the Title IX Coordinator. Individuals who believe they have experienced sex discrimination, harassment, and/or retaliation in violation of university's policy should contact the following:

- Email: titleixcoordinator@unl.edu
- Voicemail: (402) 472-3417
- TIPS Incident Reporting System: <https://go.unl.edu/tips>
- Calling University Police: 911 or (402) 472-2222
- Online Sexual Misconduct Report Form: <https://go.unl.edu/sexualmisconductreportingform>

The Title IX Coordinator is responsible for the following duties and activities:

- Ensuring UNL complies with Title IX and other related laws.
- Creation and application of university policies and procedures related to Title IX
- Coordination of implementation and administration of complaint procedures and investigations.
- Working to create a safe learning and working campus environment.

Meagan Counley, **Title IX Coordinator**

128 Canfield Administration Building

Lincoln, NE 68588-0437

(402) 472-3417

mcounley2@unl.edu (use titleixcoordinator@unl.edu to report incidents via email.)

[Meagan's Bio](#)

UNL Policy and Programming Regarding Sexual Misconduct

The University of Nebraska-Lincoln desires to provide a safe and secure learning, living and working environment for all students and staff. The University understands the impact of sexual misconduct and the lasting effects. The University **strictly prohibits** any form of sexual misconduct: dating violence, domestic violence, sexual assault and/or stalking. All received complaints of these incidents will be thoroughly investigated and those found responsible dealt with as necessary, whether criminally charged, handled through the University's judicial process, or both. It is the goal of the University of Nebraska to eliminate these crimes from its campus. Below are definitions applicable to sexual violence per Nebraska State Statutes; the statutes can be viewed as written at: <http://nebraskalegislature.gov/laws/laws.php> (see University policies later in this report for the specific definitions used in the application of the University's disciplinary process)

Definitions for Sexual Misconduct Incidents

Consent to Sexual Activity (R.R.S. Neb. §28-318)

In the above text, the word "person" means the individual against whom a wrongful act was

"Consent" means agreement, approval, or permission as to some act or purpose, given voluntarily by a competent person.

1. "Without consent" means:
 - a. The person was compelled to submit due to the use of force or threat of force or coercion; or
 - b. The person expressed a lack of consent through words; or
 - c. The person expressed a lack of consent through conduct; or
 - d. The consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor.
2. The person need only resist, either verbally or physically, so as to make the person's refusal to consent genuine and real and so as to reasonably make known to the actor the person's refusal to consent; and
3. A person need not resist verbally or physically where it would be useless or futile to do so.

allegedly committed, and the word "actor" is the individual alleged to have committed a wrongful act. When the actor knew or should have known that a person was mentally or physically incapable of resisting or understanding the nature of his or her conduct, there is no consent.

Important Note: A person may be incapacitated* due to intoxication, mental illness or deficiency or by physical illness or disability to the extent that personal decision-making is impossible. Surprise may also prevent resistance, as where a person is grabbed from behind.

There are some persons who the law presumes are incapable of consenting to sexual contact or penetration by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

It is important to note that **incapacitated does not mean that one or more of the parties involved had been drinking or were drunk. Rather, it means that one of the parties was **unable** to make a rational decision about their actions due to intoxication. In Title IX investigations, the investigator will analyze whether the individuals involved had the capacity to make rational decisions at the time of the sexual activity.*

Sexual Assault (R.R.S. Neb. §28-318 through 320)

Sexual penetration and/or sexual contact without the consent of the victim, regardless of either person's gender, including situations where coercion, force or the threat of force was used; situations where the perpetrator knew or should have known that the victim was mentally or physically incapable of resisting or evaluating the nature of his/her conduct (i.e. mentally challenged, disabled, drunk, etc.); or where the perpetrator is nineteen years of age or older and the victim is at least twelve but younger than sixteen. A victim must simply provide enough verbal or physical resistance to make the perpetrator aware of the lack of consent; victims do not have to show continued resistance when they feel as though further resistance would be futile. The following definitions apply:

1. **Force or threat of force:** The use of physical force which overcomes the victim's resistance; or the threat of physical force, expressed or implied, against the victim or a third person, where the threat places the victim in fear of their own death or serious personal injury, or that of a third person, and the victim reasonably believes that the perpetrator has the present or future ability to follow through with the threat.
2. **Intimate parts:** The genital area, groin, inner thighs, buttocks, or breasts.
3. **Serious personal injury:** Great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
4. **Sexual contact:** The intentional touching of the victim's sexual or intimate parts, or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact also means the touching, by the victim, of the perpetrator's sexual or intimate parts or the clothing covering the immediate area of the perpetrator's sexual or intimate parts, when this touching is intentionally caused by the perpetrator. Sexual contact includes only that conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.
5. **Sexual penetration:** Sexual intercourse in its ordinary meaning, cunnilingus, fellatio and anal intercourse. It also includes the intrusion, however slight, of any part of the perpetrator's or victim's body, or any object manipulated by the perpetrator, into the genital or anal openings of the victim's body. Sexual penetration **does not** require emission of semen.

Dating Violence (R.R.S. Neb. §79-2.140)

A pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse, to control his or her dating partner. Dating partner means any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate/sexual involvement, whether casual (e.g. “friends with benefits”), serious, or long-term. It is based on a consideration of length of relationship, type of relationship and the frequency of interaction between those involved in the relationship.

Domestic Violence (R.R.S. Neb. §28-323)

A person intentionally and knowingly causes bodily injury to his/her intimate partner; threatens an intimate partner with imminent bodily injury; or threatens an intimate partner in a menacing manner. Intimate partner, regardless of gender, means a spouse; a former spouse; persons who have a child in common, whether or not they have been married or lived together at any time; and persons who are or were involved in a serious dating relationship. Serious dating relationship means frequent, intimate associations primarily characterized by the expectation of affectionate or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context. It also includes persons protected from another person’s acts under NE domestic/family violence

Stalking (R.R.S. Neb. § 28-311.03)

Engaging in a course of willful harassment of another person, regardless of gender, or the family or household member of that person, with the intent to injure, terrify, threaten, or intimidate, or that would cause a reasonable person to fear for his/her safety or the safety of others, and cause a person substantial emotional distress. Actions include, but are not limited to, deliberately following, detaining, contacting, or harassing the person(s), or imposing any restraints on their personal liberty.

1. Harass: To engage in a knowing and willful course of conduct directed at a specific person that seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose.
2. Course of conduct: A pattern of conduct composed of a series of acts over a period of time, however short, indicating a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or physically stalking the person or telephoning, texting, contacting, or otherwise communicating with the person.
3. Family or household member: Regardless of gender, a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by a blood relationship or marriage, or any person presently (or in the past) involved in a dating relationship with the victim.

University Response to Reports of Sexual Misconduct

The University shall take the appropriate measures to immediately address sexual misconduct whenever it is reported. In doing so, it shall provide equal consideration to both the victim and the accused during any disciplinary proceeding and make decisions founded on what has been justly determined based upon the facts presented during the investigation. All proceedings will be transparent to both the accuser and the accused, and shall include a prompt, fair and impartial process from the initial investigation to the final result. The University relies on a fact-gathering investigation to offer information at disciplinary hearings for sexual misconduct. If the institution and the parties determine that a particular allegation could be resolved using informal methods, such as mediation or shuttle negotiations, they may occur any time after a complaint has been filed. The parties are afforded an equal right to appeal the outcome of a disciplinary hearing. The following information can be found in [Executive Memorandum No. 38](#) (specific section and page will be noted as applicable).

Disciplinary Process

The general steps of the University's disciplinary process for sexual misconduct incidents follow this sequence (see later in report for specific information):

1. Formal Complaint
2. Notice of Allegations to the Parties
3. Investigation (up to 90 University days)
4. Review of gathered evidence (10 University days)
5. Investigative Report (Review by Parties at least 10 University days before hearing)
6. Pre-hearing Conference (at least 2 days prior to hearing)
7. Disciplinary Hearing (within 1 month of the Investigative Report being completed)
8. Appeal if any (Appeal must be filed within 7 University days of hearing decision delivery & 14 University days for appellate review)

Executive Memorandum 38: Section J (p. 21)

In all University disciplinary proceedings regarding sexual misconduct, the process will rely on the "preponderance of the evidence" standard, meaning the greater weight of the evidence presented regarding the alleged misconduct. Greater weight of the evidence is not determined by the number of witnesses who testify concerning a disputed fact, but is the *amount of evidence which on the whole, and when fairly and impartially considered, provides an impression that the misconduct more likely to have taken place than not*. If the evidence concerning a disputed fact is evenly balanced, or if it leans in favor of the accused, then the University will have failed to meet the required burden of proof (**Executive Memorandum 38: Section C.15 (p. 6); Section J.7.d.xviii (p. 33)**).

Sanctions

If a Respondent or student organization is found to be responsible for a violation of the Sexual Misconduct Policy, the University's response may involve requirements designed to educate the student or employee about the risks of the conduct, to assist the student in refraining from the conduct in the future, or to protect others. The University's response may also involve sanctions to the student or the student organization for engaging in the conduct and to deter the student or student organization from engaging in the conduct in the future. If the Hearing Board determines the Respondent is responsible for a violation of the Sexual Misconduct Policy, it may consider the Respondent's academic and disciplinary history in determining the appropriate sanction.

Responsive action is intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the University's educational mission and legal obligations. Responsive action may include disciplinary, rehabilitative (including educational), restorative, and monitoring components. The University's decision-makers may sanction a Respondent found in violation of the sexual misconduct policy based on their discretion employing a series of factors to guide that discretion.

The following factors among others, may be considered in determining the appropriate disciplinary sanctions or other responsive actions to address a decision of responsibility for prohibited conduct:

- The severity, persistence, or pervasiveness of the prohibited conduct;
- The nature of the prohibited conduct;
- Whether the prohibited conduct threatened physical safety;
- Any incidents of prior misconduct by a Respondent, including the Respondent's disciplinary history, at the University or elsewhere;
- The impact of the prohibited conduct on other members of the University community;
- An assessment of a Respondent's potential for development, including whether the Respondent has accepted responsibility for the prohibited conduct;
- The maintenance of a safe, nondiscriminatory, and respectful work and learning environment; and
- Any other mitigating, aggravating, or compelling factors.

Be aware that sanctions may be imposed in combination with one another. The following is a list of possible sanctions for students and employees:

Student Sanctions

- Written Warning
- Probation
- Expulsion from Housing
- Suspension from Housing
- Mandatory Relocation
- Loss of Privileges
- Restitution
- Community Service
- Educational Programs, Assignments or Behavioral Evaluation
- Employment Restrictions
- Revocation of Admission or Degree
- Withholding a Degree
- No Contact Directive
- Loss of Status as Registered Student Organization
- University Suspension
- University Expulsion

Employee Sanctions

- Coaching or education
- Mentoring;
- Verbal warning
- Written warning
- Changes to work duties or location
- Probation or transfer of position
- Completion of mandatory conditions
- Suspension without pay
- Nonrenewal or non-reappointment
- Loss of rank or position
- Denial of salary increase
- Activity termination
- Demotion in rank or pay
- Termination of employment
- Ban on University re-employment

Executive Memorandum 38: Section K (p. 39-44)

Supportive Measures

The University will provide supportive measures (formerly called protective measures) to the parties to enable equal access to the University’s educational activities and programs. Supportive measures are non-punitive, individualized services that are offered as appropriate and reasonably available. The University will maintain as confidential any supportive measures provided to the Complainant or the Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. Any supportive measures offered to either party cannot punish, discipline, or unreasonably burden the other party. The measures the University may provide include:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Transfer or reassignment within University Housing • Assistance with relocation within University Housing • Mutual restrictions on contact (No Contact) • Canceling and refunding a University Housing Contract • Course-related adjustments • Endorsing/authorizing grade change • Transferring between class sections | <ul style="list-style-type: none"> • Endorsing/authorizing withdrawal after deadline • Alternative course completion options • Course completion through distance or correspondence • Increasing security mechanisms at a location • Modifying work conditions • Free mental health counseling |
|---|--|

Executive Memorandum 38: Section H (p. 17-18)

Case Resolution Timelines

Though the University strives to resolve all cases in a prompt and timely manner, the timeline varies based on the circumstances of the case. Additionally, the timeline for a case may be affected by breaks in the academic calendar; absence of a party, a party’s advisor, or a witness; (including due to leave of absence); concurrent law enforcement activity; the need for language assistance; accommodation of disabilities; scope of the investigation; and unforeseen or exigent circumstances. The parties will be periodically updated on the status of their case. In cases where there is a simultaneous law enforcement investigation, the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University investigation will generally proceed with its investigation and resolution of a complaint during any law enforcement investigation. The University will strive to conduct investigations of the allegations within ninety (90) University Days of receipt of the Formal Complaint. If the investigation will take a longer amount of time to complete, both parties must be informed in writing of the extension of the timeline. While the University will attempt to accommodate the schedules of parties and witnesses throughout the grievance process in order to provide parties with a meaningful opportunity to exercise the rights granted to parties under the Policy and Procedures, it is the University’s obligation to meet its own designated time frames, and the grievance process can proceed to conclusion even in the absence of a party or witness (**Executive Memorandum 38: Section J.6.f (p. 29)**).



Disciplinary Process for Sexual Misconduct

These Procedures supplement the University of Nebraska Sexual Misconduct Policy and describe the grievance process related to reports of sexual misconduct against students and employees. They are reviewed every two (2) years. The full policies can be found at:

University Sexual Misconduct Policy: <https://www.unl.edu/equity/university-sexual-misconduct-policy>
 Student Sexual Misconduct Procedures: <https://www.unl.edu/equity/student-sexual-misconduct-procedures>
 Employee Sexual Misconduct Procedures: <https://www.unl.edu/equity/procedures-sexual-misconduct-reports-against-employees>

- “Advisor” means any individual who provides the Complainant or Respondent support, guidance, or advice and may accompany the Complainant or the Respondent to any meeting or grievance proceeding, such as a meeting in the investigation or the Hearing. The Complainant and the Respondent may choose their advisor, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of the advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceeding. If a Complainant or the Respondent does not have an advisor present at a live hearing, the University will provide without fee or charge to that party, an advisor of the University’s choice who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Other than to conduct cross-examination, the parties’ respective advisors may not speak on behalf of the parties during the hearing and may not directly participate in any aspect of the hearing. The Complainant or the Respondent, however, may consult with their respective advisors during a meeting or the hearing. The Hearing Board Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.
- “Campus security authority” (CSA) is a University official charged with the duty to report incidents of sexual misconduct to the person in charge of Clery Act reporting. All officers of a university police department or a campus security department are campus security authorities, but there are other CSAs outside of those offices. The Office of the President and each Chancellor shall prepare and publicize a list of designated campus security authorities.
- “Complainant” means any individual who is alleged to be the victim of conduct that could constitute sexual misconduct. A Complainant may also be referred to as a “party”.
- “Conduct Officer” is a University employee who has responsibilities related to student conduct and usually presents the University’s information during a hearing.
- “Decision-maker” is an individual who makes a determination as part of the Sexual Misconduct grievance process. There may be more one or more decision-maker(s) involved in any given proceeding, for example, a hearing or appeal. The decision-maker(s), will not be the same person(s) as the Title IX Coordinator or the Investigator(s) and will issue a written determination regarding responsibility. Decision-makers may include Hearing Officers, Appeals Officers, and Hearing Board Members.
- “Hearing Board” is a subset of the University Conduct Board. The Hearing Board will composed of an odd number of three or more members, including one (1) student member.
- “Hearing Facilitator” is a University official designated to coordinate a Hearing.
- “Investigator” means a University official authorized to investigate of complaints of sexual misconduct.
- “Member of the University community” includes any individual who is a student, staff or faculty member, University official, or any other individual employed by, or acting on behalf of, the University. An individual’s status in a particular situation shall be determined by the Investigator or Title IX Coordinator.
- “Official with Authority” means an official of the University who has authority to institute corrective measures for sexual misconduct on behalf of the University. The following individuals are Officials with Authority: President, Chancellors; Provost/Vice Presidents and Vice Chancellors; and UNCA and Campus Title IX Coordinators.

- “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct. A Respondent may also be referred to as a “party”.
- “Student” has the same meaning as used in the Student Code of Conduct. The term “student” includes all persons enrolled at the University, including online and non-degree seeking individuals. A student’s enrollment ends when the student graduates, withdraws from the University, or fails to register for classes for three (3) consecutive semesters, with summer term considered to be a semester, or no longer has a continuing student relationship with the University. Students who are accused of committing a violation of the Student Code of Conduct while they are enrolled at the University may still be held responsible for the violation even if they later withdraw from the University prior to a resolution of the alleged violation.
- “Title IX Coordinator” is a person designated by the University to coordinate the University’s effort to comply with its responsibilities under Title IX. The Title IX Coordinator oversees the University’s gender equity work to ensure compliance with Title IX, including its policies and procedures, education/prevention efforts, and training. The Title IX Coordinator reviews information about sexual misconduct to identify and address any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) to the Title IX Coordinator.
- “University Conduct Board” has the authority to hear and resolve charges that a student or a student organization violated the Standards of Academic Integrity and Responsible Conduct (“Standards”) and if the Board determines that a violation occurred, for determining the University’s response.
- “University official” includes any individual employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. University officials who are designated as campus security authorities will report crimes, arrests, and disciplinary referrals to the person in charge of Clery Act reporting. Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules when they are acting within the scope of their counseling or professional responsibilities.
- “University Presenter” is the person who presents the case on behalf of the University at the Hearing. This person may be, but is not required to be, the Investigator or the Title IX Coordinator.
- “Witness” is a person believed to have information regarding an incident which may violate the Sexual Misconduct Policy, including but not limited to someone present when the incident occurred, someone the Complainant or Respondent communicated with about the incident, and/or someone who may have information relevant to the incident. Witness participation in the grievance process is voluntary. While the University encourages witnesses to cooperate with the grievance processes, the University cannot compel or require witnesses to participate.

Jurisdiction: The following provides information on the locations where and the circumstances when the procedures will apply for alleged sexual misconduct.

Education Program and Activities—Education program or activity includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

On-Campus—On-campus includes all University premises, including all University of Nebraska locations; physical campuses, including all adjacent streets and sidewalks, and any University affiliated programs; events or activities, including those located in other states or countries; and the use of any University electronic systems.

Off-Campus—Off-campus means any location that is not on-campus. These Procedures apply to conduct that occurs off-campus in the following situations:

- The Student Code of Conduct states that it applies to conduct that occurs off-campus.
- The conduct occurs in or on the grounds of a University-approved housing unit.
- The conduct occurs at events or during travel authorized, funded, or sponsored by the University.
- The conduct occurs at events or during travel funded or sponsored by a student organization.
- The conduct poses a risk to the health and safety of individuals and application of the Student Code of Conduct is reasonably necessary to educate the student about the risks of the conduct or to help the student avoid engaging in the conduct in the future.
- The conduct poses a serious risk to the health or safety of individuals and is of the type that the student could easily engage in on-campus.
- The conduct was intentional and caused, or attempted to cause, physical injury to a University employee or another student.
- The conduct could, or was intended to, cause harm on-campus.
- The Title IX Coordinator:
 - determines that the conduct in a particular matter distinctly and clearly implicates the University's interests;
 - prepares a written explanation of the interests and how the conduct implicates them; and
 - provides the written explanation to the student or student organization.

The University must dismiss an allegation of sexual harassment under Title IX in a Formal Complaint if the conduct did not occur in the University's education program or activity or if the conduct did not occur against a person in the United States.

Pursuant to Board of Regents By-Law 5.5, the Student Code of Conduct should not be applied as a matter of course to off-campus conduct simply because the conduct also violates federal, state, or local law.

Actions Taken by Title IX Coordinator: Upon receiving a report of sexual misconduct, the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the availability of supportive measures (please see the Supportive Measures Section for more details). The Title IX Coordinator or their designee will:

- Discuss the availability of supportive measure;
- Consider the Complainant's wishes with respect to supportive measures;
- Inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint;
- Explain to the Complainant the process for filing a Formal Complaint against the Respondent; and
- If applicable, explain to the Complainant that if a Formal Complaint alleging sexual harassment under Title IX is dismissed the alleged sexual misconduct may be addressed under a different provision of the Student Code of Conduct using these Procedures.

Additionally, upon receiving a sexual misconduct report or complaint, the University will provide, or confirm that the Complainant has already received from the University, written information describing:

- The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- How and to whom the alleged offense should be reported;
- Options about the involvement of law enforcement and campus authorities, including notification of the Complainant's option to:
 - Notify proper law enforcement authorities, including on-campus and local police;
 - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - Decline to notify such authorities.
- Information about orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the University;
- Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for Complainants, both within the University and in the community.
- Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

A Complainant may go forward with one or more reporting options at the same time. The University's investigation may need to be delayed temporarily by, or scheduled around, an ongoing criminal or external administrative investigation.

Anonymity and Confidentiality: Any individual may make a report of sexual misconduct to the University, and if preferred, may do so without disclosing one's name. Depending on the level of information available about the incident or the individuals involved, the University's ability to respond to an anonymous report may be limited.

The University shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual misconduct, any Complainant, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of Title IX, including conducting any investigation, hearing, or judicial proceeding arising thereunder. The University may be required to share information with other individuals in accordance with FERPA, Title IX, or other applicable law, including lawfully issued subpoenas in criminal, administrative, and civil matters.

The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. The Complainant and the Respondent and their respective advisors are asked to keep private information that does not consist of "the allegations under investigation" (For example, evidence related to the allegations that has been collected and exchanged between the parties and their advisors during the investigation under or the Investigative Report summarizing relevant evidence sent to the parties and their advisors).

The Complainant and the Respondent and their respective advisors are asked to keep the information related to the investigation and resolution private, to the extent consistent with appli-

Reporting Timeframe: Although the University does not limit the time frame for reporting sexual misconduct to promote timely and effective review, the University strongly encourages individuals to report possible sexual misconduct within one hundred and eighty (180) calendar days of the last occurrence of the concerning conduct. A report made after one hundred and eighty (180) days may make it more difficult to gather relevant and reliable information.

Amnesty: The University encourages reporting of sexual misconduct and seeks to remove barriers to making a report. The University recognizes that an individual who has been consuming unauthorized alcohol (including underage consumption) or using illegal drugs or unauthorized prescription drugs at the time of an incident may be hesitant to make a report due to potential consequences. To encourage reporting, and except as provided below, an individual who makes a good faith report of sexual misconduct and/or participates in an investigation will not be subject to disciplinary action for a policy violation related to consuming unauthorized alcohol or using illegal drugs or unauthorized prescription drugs. This policy provision may also apply to registered student organizations when a report of sexual misconduct is made that could reasonably result in the organization facing student conduct disciplinary action for a policy violation related to consuming unauthorized alcohol or using illegal drugs or unauthorized prescription drugs. This policy does not preclude or prevent action by law enforcement or other legal authorities.

Emergency Removal: It is important to be aware that the University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University:

- Undertakes an individualized safety and risk analysis;
- Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal; and
- Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The emergency removal process may be initiated by the Title IX Coordinator, and may be undertaken in addition to implementing supportive measures designed to restore or preserve a Complainant's equal access to education. Emergency removal does not preclude a Respondent from receiving supportive measures as appropriate. The University has discretion to determine the appropriate scope and conditions of removal of the Respondent from the University's education program or activity. During an emergency removal, a Respondent may be denied access to any University premises, including classes, residence hall access, sporting events, and/or all other University programs, activities or privileges for which the Respondent might otherwise be eligible, as the Vice Chancellor responsible for student conduct or other designated University Official may determine to be appropriate to address an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct.

The Vice Chancellor responsible for student conduct or other designated University Official must provide the Respondent with a Notice of Emergency Removal. The Notice must be sent to the Respondent's e-mail address of record and must:

- State the factual basis for the Respondent's emergency removal and explain why the Respondent's conduct or presence on campus presents an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct that emergency removal is necessary; merely reciting the language of the Code is insufficient;
- State that the Respondent may challenge the decision immediately, in writing, following the removal;
- State that the Respondent has a right to a meeting, in person or remotely, with the Vice Chancellor responsible for student conduct or other designated University Official within three (3) University Days after the emergency removal becomes effective to present information to show that the requirements for an emergency removal have not been satisfied and that the emergency removal should therefore be lifted;
- State the time, date, and place of the meeting with the Vice Chancellor responsible for student conduct or other designated University Official and state that the student may be accompanied by an advisor of their choosing, including an attorney, but that the student is responsible for any fees that the advisor may charge; and
- State that after the expiration of the three (3)-day period, a student may seek to have the emergency removal lifted by making a Request for Reinstatement.

After the expiration of the three (3)-day period, a student who has been removed on an emergency basis may seek reinstatement by making a Request for Reinstatement ("the Request") on the ground that:

- The requirements for an emergency removal were not met when the student was removed on an emergency basis and are not currently met or
- Circumstances have changed such that the requirements for an emergency removal are no longer met.



The Request must be in writing, state the reasons for request, and include the evidence that supports the Request. The Request must be sent to the Vice Chancellor responsible for student conduct or other designated University Official by e-mail or certified mail or may be hand-delivered to the Vice Chancellor's office or the designated University Official's Office.

The Vice Chancellor responsible for student conduct or other designated University Official must make a decision on the Request as soon as reasonably practicable. Before making a decision, the Vice Chancellor responsible for student conduct or their designee has the discretion to seek additional information, to ask the Title IX Coordinator (in the event the Title IX Coordinator is not the designated University Official), an Investigator, or Conduct Officer to review and comment on the Request, or to schedule a meeting with the Respondent and their advisor.

The fact that a student was removed on an emergency basis should not be taken into account by the Hearing Officer or Hearing Board in determining whether the student violated the Code, including the Sexual Misconduct Policy.

If a Respondent who is removed on an emergency basis is ultimately found "not in violation" of the Student Code of Conduct, the Respondent may be allowed, at the reasonable discretion of the appropriate faculty member or instructor, to make up academic work missed while on emergency removal.

Grievance Process for Formal Complaints: The official complaint process begins when a Complainant files, or a Title IX Coordinator signs, a Formal Complaint requesting that the University investigate an allegation of sexual misconduct. Filing a Formal Complaint is the first step of a grievance process that determines whether the Respondent is responsible for violating the Policy. Unless a Formal Complaint is dismissed or resolved during one of the steps of the grievance process, the grievance process will include a preliminary review of the Formal Complaint, an investigation, a hearing, and the opportunity for the parties to challenge certain decisions through an appeal. Additionally, an Informal Resolution process may be available at any time prior to reaching a University determination regarding responsibility. If applicable, the University may initiate Informal Resolution or either party may request Informal Resolution.

If the Respondent is no longer a student, employee, or participant in any University-related program or activity at the time of the report, or if the conduct does not fall within the scope of the Policy, the Formal Complaint may be dismissed. The University will, however, help a Complainant identify reporting options outside the University and provide supportive measures. A Respondent is presumed not responsible for the alleged conduct unless a determination regarding responsibility is made at the conclusion of the grievance process by the decision maker(s) based upon the preponderance of the evidence standard.

Individuals who knowingly or intentionally file a false formal complaint or provide false or misleading information during a grievance process may be subject to disciplinary action up to and including termination of employment or expulsion. Disciplinary action is not warranted where an individual provides information in good faith, even if the information is ultimately not substantiated. An individual provides information in good faith when that individual reasonably believes that the information they have provided is accurate.

Filing A Formal Complaint: A Complainant may file a Formal Complaint against a Respondent requesting that the University investigate the allegation of sexual misconduct. A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and requesting that the University investigate the allegation of sexual misconduct. A “document filed by a Complainant” means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, for the purposes of Title IX, a Complainant must be participating in or attempting to participate in the education program or activity of the University. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator above.

Consolidation of Complaints: The University may consolidate Formal Complaints as to allegations of sexual misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

Notice of Allegations: Upon receipt of a Formal Complaint, the Title IX Coordinator or their designee will provide a written notice to the parties who are known. The Notice of Allegations will include the following information:

- Notice of the University’s Sexual Misconduct Policy and Procedures, and an explanation of the grievance process and Informal Resolution process.
- Notice of the allegations of the conduct potentially constituting sexual misconduct, including:
 - The identities of the parties involved in the incident, if known;
 - The conduct allegedly constituting sexual misconduct;
 - The date and location of the alleged incident, if known;
 - A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - Information that the parties may have up to two advisors of their choice, who may be, but are not required to be, attorneys, and may inspect and review evidence;
 - Information related to any provision in the University’s Student Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
 - Information related to the availability of supportive measures;
 - Information related to the availability of reasonable accommodations;
 - Prohibition of retaliation; and
 - Notice of other potential Student Code of Conduct violations.

If, in the course of an investigation, if the University decides to investigate allegations about the Complainant or Respondent that are not included in the notice, the University will provide notice of the additional allegations to the parties whose identities are known.

Preliminary Review of Formal Complaint and Situation When A Formal Complaint Must or May Be Dismissed: When a Title IX Coordinator receives a Formal Complaint, the Title IX Coordinator or their designee will do a Preliminary Review of the Formal Complaint. The University will investigate the allegations in a Formal Complaint. However, there are certain circumstances when the University is either required to, or may, dismiss a Formal Complaint or an allegation within the Formal Complaint. The University will dismiss an allegation of sexual harassment under Title IX in a Formal Complaint under the following circumstances:

- The conduct would not constitute sexual harassment as defined by the Sexual Misconduct Policy and Procedures, even if proved;
- The conduct did not occur in the University's education program or activity; or
- The conduct did not occur against a person in the United States.

A dismissal of an allegation of sexual harassment under Title IX does not preclude action under another provision of the University's Student Code of Conduct.

A Complainant not participating in or attempting to participate in the education program or activity of the University at the time of the Formal Complaint does not preclude the Title IX Coordinator from signing the Formal Complaint or proceeding under another provision of the University's Student Code of Conduct.

In the event the Title IX Coordinator or their designee determines another provision of the Student Code of Conduct may apply to the alleged sexual misconduct and it is appropriate to proceed, the Formal Complaint will be investigated, adjudicated, and resolved in accordance with the process set forth in these Procedures.

The University may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon dismissal of any or all of the allegations in the Formal Complaint, the Title IX Coordinator must provide a Notice of the Dismissal to the parties within (7) days of the Title IX Coordinator's decision to dismiss any or all of the allegations. The Notice of Dismissal must be provided to the parties simultaneously and must:

- Explain the reason(s) for dismissal;
- Explain information regarding the appeal rights of the parties; and
- Notify the parties of the ongoing investigation in circumstances where the alleged sexual misconduct may otherwise be subject to a different provision of the Student Code of Conduct and the grievance process will continue.

Notice of dismissal must be provided even if the grievance process will continue because the Title IX Coordinator determines the alleged sexual harassment may otherwise be subject to a different provision in the Student Code of Conduct and the investigation and grievance process will continue. Under these circumstances, the notice of dismissal must notify the parties of the ongoing investigation. For example, if the alleged sexual misconduct occurred during a University sponsored event outside of the United States, the Title IX Coordinator must dismiss the Formal Complaint for the purposes of the Title IX sexual harassment Complaint. The Title IX Coordinator must send notice to the parties. However, the Title IX Coordinator may determine the alleged sexual misconduct falls under the off-campus jurisdiction of the Student Code of Conduct and may continue the investigation and grievance process.



Appeals of the Dismissal of a Formal Complaint: The Complainant and the Respondent may appeal the dismissal of allegations of sexual harassment under Title IX contained in a Formal Complaint. The Title IX Coordinator or their designee's dismissal of any non-Title IX allegations of sexual misconduct in a Formal Complaint or determination not to apply other provisions in the Student Code of Conduct are final and not subject to appeal. This appeal process provides both the Complainant and Respondent a reasonable, equal opportunity to submit a written statement in support of, or challenging, the dismissal. The Appeals Officer will not be the same person as the decision-maker(s) who reached the determination regarding dismissal, the Investigator(s), or the Title IX Coordinator. The Appeals Officer will not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent and comply with the training requirements set forth in the Sexual Misconduct Policy.

Dismissal of allegations of sexual harassment under Title IX in a Formal Complaint may be appealed on the following reasons:

- A procedural irregularity that affected the outcome of the matter;
- The discovery of new evidence that was not reasonably available at the time of the Dismissal and that could affect the outcome of the matter; or
- The Title IX Coordinator or their designee or the Investigator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The appeal must be in writing and specify the reason(s) for the appeal, and be delivered to the Appeals Officer appointed by the Chancellor or their designee within seven (7) University Days of the delivery of the Notice of Dismissal. If either party submits an appeal, the other party and the Title IX Coordinator will be provided with a copy of the appeal and both will be given seven (7) University Days to submit their respective written responses.

The Appeals Officer may request additional information from the Title IX Coordinator or the parties at the Appeals Officer's discretion. The Appeals Officer will review all of the information and determine whether to grant or deny the appeal. The written decision will describe the result of the appeal and the rationale for the result. If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration. If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, the Appeals Officer may 1) affirm, in whole or in part, the decision on Dismissal, 2) overturn, in whole or in part, the decision on Dismissal, 3) or refer the Formal Complaint back to the Title IX Coordinator for further consideration or proceeding. A final outcome on an appeal is not subject to further appeal. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances. The written determination will be provided simultaneously to the Complainant, the Respondent, and the Title IX Coordinator. Any non-Title IX alleged violations may continue to be investigated during the Appeal Process.

Investigation: The investigation process is conducted by the Title IX Coordinator or one or more Investigators. The University has the burden of gathering evidence sufficient to allow the Hearing Board to reach a determination regarding responsibility.

Prior to meeting with the Complainant or the Respondent, the Investigator will provide, written notice to the person being interviewed of the date, time, location, participants, and purpose all investigative interviews or other meetings, with sufficient time for the party to prepare to participate. In general, sufficient time will be at least five (5) University Days, however, a party may agree to meet sooner.

The University will provide the parties with the same opportunities to have others present during any meeting or grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by up to two advisors of their choice, who may be, but are not required to be, attorneys, and not limit the choice or presence of advisors for either the Complainant or the Respondent in any meeting or grievance proceeding. However, the University may establish restrictions regarding the extent to which the advisors may participate in the proceedings, as long as the restrictions apply equally to both parties.

The Investigator will meet separately with the Complainant and the Respondent. The Investigator will ask for all information relevant to the allegations. The parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. For both parties, this is an opportunity to present any information regarding the incident, including names of witnesses, the existence of documents, emails, text messages, or other recordings, or any other information the parties feel may be relevant. As part of the investigation, the Investigator may conduct additional investigative and witness interviews at the Investigator's discretion. The Investigator is responsible for contacting and interviewing relevant witnesses the Complainant identifies and witnesses the Respondent identifies, and any witnesses the Investigator deems necessary. The Investigator will review all available pertinent evidence. This may include reviewing student and/or personnel files and reviewing law enforcement documents or evidence. The Complainant and the Respondent may also submit supplemental information at any time during the investigation until the Investigator issues a final Investigative Report.

The Investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a grievance process under this section.

Additionally the Investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Examples of privileges include Lawyer-Client, Physician-Patient, Professional Counselor-Client; Spousal, Clergy, and Victim's Advocate. In summary, as a general rule, the following information may not be used during the grievance process:

- Information protected by a legally recognized privilege unless the person holding such privilege has waived the privilege;
- evidence about a party's prior sexual history unless an exception applies; and
- any party's medical, psychological, and similar records unless the party has given voluntary, written consent.
- Additionally, party or witness statements that are not subjected to cross examination at a live hearing cannot be considered to make a determination.

The Investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint. This includes evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the Investigative Report, the Investigator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least ten (10) University Days to submit a written response, which the Investigator will consider prior to completion of the Investigative Report. The University will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.



The Investigator will create an Investigative Report that fairly summarizes relevant evidence. At least ten (10) University Days prior to a hearing, or other time of determination regarding responsibility (whichever allows for a longer time period), the Investigator will send to each party and the party's advisor, if any, the Investigative Report in an electronic format or a hard copy, for their review and written response. Both parties will have the right to review each other's responses and the responses will be provided at the hearing.

The parties will have an equal opportunity to review the Investigative Report; if a party disagrees with an Investigator's determination about relevance, the party can make that argument in the party's written response to the Investigative Report and to the Hearing Board at any hearing held; either way the Hearing Board is obligated to objectively evaluate all relevant evidence and the parties have the opportunity to argue about what is relevant (and about the persuasiveness of relevant evidence). The Investigator may redact from the Investigative Report information that is not relevant, which is contained in documents or evidence that is relevant. The Investigator may include facts and interview statements in the Investigative Report.

Formal Hearings in Cases of Alleged Sexual Misconduct: After an investigation, the University will conduct a hearing to determine whether the Respondent is responsible for violating the Sexual Misconduct Policy. During the hearing, the Student Conduct Officer or their designee, the Complainant, and the Respondent will each have an opportunity to:

- Discuss and explain their position;
- Present evidence, including documents and witnesses; and
- Have their advisor ask questions of other party and witnesses (e.g. cross-examination).

If a determination of responsibility for sexual misconduct is made against the Respondent, the decision-maker(s) will determine appropriate sanctions for Respondent and confirm that the University will provide remedies to the Complainant. A hearing must be held unless the case has been resolved pursuant to the Informal Resolution Section. The University will strive to conduct a hearing within thirty (30) University Days from the issuance of the investigation report.

When the Investigator sends the Investigative Report to the Respondent and the Complainant, the Title IX Coordinator or their designee will forward a copy of the Investigative Report to the Hearing Facilitator. The Hearing Facilitator will schedule a hearing date, time, and location and notify the parties of the same. The University will strive to complete a hearing within one (1) month from the issuance of the investigation report. (May be delayed due to Informal Resolution.)

A Pre-hearing conference will be held at least two (2) University Days prior to the scheduled hearing. The University will provide written notice of the date, time, location, participants, and purpose of both the prehearing conference and of the hearing at least five (5) University Days prior to the prehearing conference.

The Respondent and the Complainant shall have the right to attend a Pre-Hearing Conference. The purpose of the Pre-Hearing Conference is to plan for the hearing, discuss the issues and facts that will be presented at the hearing, exchange information about witnesses likely to be called, answer procedural questions, and settle those matters which may be agreeably concluded. Generally, the Chair of the Hearing Board will preside over the Pre-Hearing Conference. During or prior to the Pre-Hearing Conference, the parties shall be informed of the names of the Hearing Board members.

The Respondent, the Complainant, and the University Presenter shall have an opportunity to inspect documents and a list of witnesses prior to the hearing. The Hearing Board will receive a copy of the Investigative Report. If there are any additional documents, that the Respondent, the Complainant, or the University Presenter would like to offer at the hearing, this information should be provided at least two (2) University Days before the Pre-Hearing Conference. This information will be exchanged with all parties.

During the Prehearing conference, the parties will be instructed about the use of past sexual behavior of the Complainant [See Neb. Rev. Stat. § 27-412 (2016) (Relevance of person's alleged past sexual behavior or alleged sexual predisposition).] or past sexual assault by the Respondent [See Neb. Rev. Stat. § 27-415 (2016) (Evidence of crimes of sexual assault in civil cases).]

- Such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or
- If the questions and evidence concern specific incidents or the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

as evidence at the hearing. In most situations, questions and evidence of the past sexual history of either the Respondent or the Complainant are not relevant and will not be admitted at the hearing except in very limited situations, which are:

At the request of either party, the University will provide for any live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. In addition, the University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

The Hearing Board is a subset of the University Conduct Board. It will be composed of an odd number of three or more members, including one (1) student member. Any real or perceived conflict of interest or bias between a member of the Hearing Board and the Respondent or the Complainant must be brought to the attention of the Hearing Facilitator or Chair of the Hearing Board no less than two (2) University Days in advance of the hearing. The Hearing Board shall select its own Chair with all members possessing voting privileges.

The Respondent and the Complainant have the right to be present for the hearing. If the Respondent is a student organization, then one of its officers has the right to be present for the hearing. The hearing is closed to the public. The Respondent may not be found to be responsible for sexual misconduct solely because the Respondent is not present at the hearing. In such cases when a Respondent fails to appear before the Hearing Board, a plea of "not in violation" shall be entered on the Respondent's behalf and the hearing may proceed as scheduled. In this situation, the University will provide an advisor to conduct cross-examination of the Complainant and witnesses.

In hearings involving more than one Respondent, the Chair of the Hearing Board, in their discretion, may permit the hearings concerning each Respondent to be conducted separately.

The Respondent(s), the Complainant, and the University Presenter shall have the right to hear all evidence, present evidence, testify, and to hear and question witnesses. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Examples of privileges under law include Lawyer-Client, Physician-Patient, Professional Counselor-Client; Spousal, Clergy, and Victim's Advocate.

The role of the Complainant's and the Respondent's advisor of choice is limited to providing advice to the party and conducting cross-examination of witnesses. The role of a University appointed advisor is limited to conducting cross-examination. Advisors must fulfill their role in a manner which does not disturb Conduct proceedings. If an advisor fails to act in accordance with these guidelines, they may be barred from participation in the Conduct proceedings and the hearing may be continued.

The Hearing Board may seek advice from the University's Counsel throughout the hearing process on questions of law and procedure. However, the members of the Hearing Board are responsible for making their own factual conclusions. The Hearing Board can hear any allegations of any other violations of the Student Code of Conduct in addition to allegations of sexual misconduct that are directly related to the alleged sexual misconduct. If the Hearing Board determines other provisions of the Student Code of Conduct were violated, they may impose proper sanctions.

No process implemented under this Sexual Misconduct Procedure shall be open to the public. The Complainant and the Respondent are entitled to the same opportunities to have others present during a disciplinary proceeding subject to conditions established by the Sexual Misconduct Policy and these Procedures, the Title IX Coordinator, and the Hearing Board. Witnesses may be sequestered and attendance at hearings may be restricted to the Complainant, the Respondent and their respective advisors.

The Investigative Report may include recommended findings or conclusions as to whether Respondent violated the University's Student Code of Conduct in the Investigative Report. However, the Hearing Board is under an independent obligation to objectively evaluate relevant evidence, and thus cannot simply defer to recommendations made by the Investigator in the Investigative Report. If the Investigative Report includes general findings of credibility, the Hearing Board cannot interpret the Investigator's finding of credibility as a finding of responsibility. The determination of the merits of each case shall be made using a preponderance of the evidence standard. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest upon the University. A Respondent is presumed to be not responsible for the alleged misconduct until proven otherwise.

At the beginning of the full hearing, the Chair of the Hearing Board should state the date, time, and place, and their name and role as the Chair of the Hearing Board for the record. The Chair should then have the other members of the Hearing Board identify themselves and state whether there is a quorum. If there is not a quorum, then the hearing must be rescheduled unless all parties waive on the recording any objection to the lack of a quorum. The Chair should then identify the other persons present, ask the University Presenter to read the alleged violation(s), and ask the Respondent if the Respondent admits to the alleged violation(s).

The Chair must conduct the hearing in a manner that facilitates the presentation of relevant evidence by the Complainant, the Respondent, and the University Presenter. The Complainant, the Respondent, and the University Presenter have the right to call witnesses, including expert witnesses, and present their respective cases. The members of the Hearing Board may ask questions to clarify what the witness said or to elicit more detailed information. The Chair of the Hearing Officer has the discretion to:

- Allow the parties to make opening statements, closing statements, or both, with reasonable time limits;
- Allow witnesses to testify by videoconferencing technology;
- Require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify; and
- Schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.

The University Presenter will present evidence first, followed by the Complainant, and then the Respondent. Courtroom rules of evidence do not apply. The presentation of evidence may include calling witnesses who have relevant information. A party may question the witness they call in support of their position.

Questioning of Parties and Witnesses During a Hearing: The Chair will permit each party's advisor to ask the other party and any witnesses called by another party all relevant questions and follow-up questions, including those challenging credibility ("cross-examination"). If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Such cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the Chair to otherwise restrict the extent to which advisors may participate in the proceedings. Before a Complainant, a Respondent, or a witness answers a cross-examination or other question, the Chair will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Additionally the Chair will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

As a general rule, the following information may not be used during the grievance process: Information protected by a legally recognized privilege unless the person holding such privilege has waived the privilege; evidence about a Complainant's prior sexual history unless an exception applies; any party's medical, psychological, and similar records unless the party has given voluntary, written consent; and, party or witness statements that have not been subjected to cross examination at a live hearing. The Chair will explain to the party proposing the questions any decision to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party or a witness does not submit to cross-examination at the live hearing, the Hearing Board will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Hearing Board cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing, or decision not to answer questions or otherwise not participate in the live hearing.

Other than to conduct cross-examination as described above, the parties' respective advisors may not speak on behalf of the parties during the hearing and may not directly participate in any aspect of the hearing. The Complainant or the Respondent, however, may consult with their respective advisors during the hearing. The Hearing Board Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.

At the conclusion of the hearing, the Hearing Board must go into closed session to deliberate and make its decision based solely upon the evidence introduced and received at the hearing. The decision must be made by a majority vote.

Determination of Hearing Board: Within seven (7) University Days following the conclusion of formal hearing proceedings, the presiding Hearing Board Chair shall inform the Respondent, the Complainant, the University Presenter, and the Title IX Coordinator in writing, of its findings and if relevant, any sanction(s).

The findings must include the following information:

- Identification of the allegations potentially constituting sexual misconduct;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, methods used to gather evidence; and hearings held;
- Finding of fact supporting the determination;
- Conclusions regarding the application of the University's Student Code of Conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Hearing Board imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
- The University's procedures and permissible bases for the Complainant and Respondent to appeal.

The Respondent and the Complainant have the right to be notified of the decision rendered. Any initial, interim, and final decision to resolve disciplinary matters must include a statement of any University sanctions imposed together with the rationale for the decision.

If a timely appeal is filed within seven (7) University Days of the decision being delivered to the parties, the Record of the Hearing, including the determination, will be provided to the Appeals Officer. If no appeal is filed within seven (7) University Days, the Record of the Hearing will be provided to the appropriate supervisor, unit head, Vice Chancellor or other relevant administrator responsible for appropriate employment action consistent with the Hearing Officer or Hearing Board's findings and recommendations, in accordance with applicable employment laws, policies, practices, and agreements. The Record of the Hearing consists of the information, documents, and recordings related to the hearing such as the notice of the Hearing, documents related to the Pre-Hearing Conference, Investigative Report, evidence submitted by the Complainant, the Respondent, and the University Presenter, audio or audiovisual recording, transcript if any, determination, etc.

Appeals of Hearing Board Determination after Formal Hearing: The Complainant and the Respondent may appeal a decision reached after a formal hearing for seven (7) University Days after the decision is delivered to the parties. This appeal process provides both the Complainant and Respondent a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the Hearing. The Appeals Officer will not be the same person as the decision-maker(s) that reached the determination regarding dismissal, the Investigator(s), or the Title IX Coordinator. The Appeals Officer will not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent and comply with the training requirements set forth in the Sexual Misconduct Policy.

A determination may be appealed for the following reasons:

- A procedural irregularity that affected the outcome of the matter;
- The discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
- The sanction(s) imposed were arbitrary and capricious or an abuse of discretion; or
- A finding of fact in the determination is clearly erroneous and does not have factual support in the record and affected the outcome of the matter.

The appeal must be in writing and specify the reason(s) for the appeal, and be delivered to the Appeals Officer appointed by the Chancellor or their designee within seven (7) University Days of the delivery of the Notice of Dismissal. If either party submits an appeal, the other party and the University Presenter and/or the Title IX Coordinator will be provided with a copy of the appeal and will be given seven (7) University Days to submit their respective written responses. The Appeals Officer may request additional information from the University Presenter and/or the Title IX Coordinator or the parties at the Appeal's Officer discretion.

The Appeals Officer will review all of the information and determine whether to grant or deny the appeal. The written decision will describe the result of the appeal and the rationale for the result. If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration.

If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, in the written decision, the Appeals Officer may 1) affirm, in whole or in part, the decision on responsibility, 2) overturn, in whole or in part, the decision on responsibility, 3) affirm, overturn, or adjust the decision on disciplinary sanctions, or 4) remand the matter to remedy procedural errors or consider new evidence. The determination of the Appeals Officer is final and not subject to further appeal. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances. The written determination will be provided simultaneously to the Complainant, Respondent, University Presenter, and Title IX Coordinator.

Remedies for Complainant: Where a determination of responsibility for sexual misconduct has been made against the Respondent, the University must provide or give the Complainant remedies. Remedies must be designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same supportive measures that are already being provided to the Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies.

Where the final determination has indicated that remedies will be provided, the Complainant can then communicate separately with the Title IX Coordinator to discuss what remedies are appropriately designed to preserve or restore the Complainant's equal access to education. Remedies that do not directly affect the Respondent must not be disclosed to the Respondent.

Informal Resolution: At any time prior to reaching a determination regarding responsibility, the University may facilitate an Informal Resolution process, such as mediation, that does not involve a full investigation and adjudication. The University will not require the parties to participate in an Informal Resolution process and may not offer an Informal Resolution process unless a Formal Complaint is filed. Additionally, the University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual misconduct. The University will not offer or facilitate an Informal Resolution process to resolve allegations that an employee engaged in sexual misconduct against or sexually harassed a student.

The Informal Resolution process is facilitated by the Title IX Coordinator or their designee. The parties to any Informal Resolution process will not be required to deal directly with one another without the University's involvement. An Informal Resolution may include the range of supportive measures described above, as well as targeted and/or broad-based training and educational programming for relevant individuals and groups and/or any other remedy. For example, both parties may agree that the permanent application of supportive measures (e.g. no contact agreement) may be sufficient to resolve the Formal Complaint. An Informal Resolution process may also include a remedies-based process, which allows both parties to come to a mutual agreement regarding the resolution of the Formal Complaint.

Once an Informal Resolution process is complete, both parties will be notified simultaneously/ contemporaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution. The Informal Resolution process does not conclude with a University finding; the Respondent is not found to be "responsible" or "not responsible" of a Policy violation. However, the parties may negotiate the extent to which a Respondent may agree or concede responsibility for alleged misconduct.

Any party may request that the Informal Resolution process be terminated at any time, in which case the grievance process would proceed. The University may, at its discretion, also terminate the Informal Resolution Process at any time. In addition, while the results of the Informal Resolution process cannot be appealed, any party can withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint.

At the beginning of the Informal Resolution process, the University will obtain the parties' voluntary, written consent to the Informal Resolution process and provide to the parties a written notice disclosing:

- The allegations;
- The requirements of the Informal Resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint; and
- Any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared.

The University will provide the parties timely access to any information that will be used during the Informal Resolution process. Any statements, admissions, or other statements made by the Complainant or Respondent during the Informal Resolution process may not be used as evidence if the matter proceeds to a Formal Hearing. The Title IX Coordinator or their designee must approve the terms of any Informal Resolution.

The Respondent may be subject to discipline for potential violations of policies in addition to the Sexual Misconduct Policy outside of the Informal Resolution Process. However, the Informal Resolution process may also address other potential violations of policies in addition to the Sexual Misconduct Policy. Informal Resolution procedures may be discontinued at the request of any party or terminated by the Title IX Coordinator or their designee. If the University and parties do not reach an agreement to resolve the Formal Complaint through the Informal Resolution process, the grievance process will be resumed with respect to the Formal Complaint, including investigation and adjudication and any Formal Hearing.

Differences in the Procedure for Employees

The follow procedures supplement the University of Nebraska Sexual Misconduct Policy and describe the grievance process related to reports of sexual misconduct against employees where they are different from the process for students (definitions, reporting process and initial actions are the same as for students). Employee as used in the Procedures includes all University faculty, staff, and other personnel within the categories defined by §§ 3.1.1 through 3.1.3 of the Bylaws of the Board of Regents of the University of Nebraska whether full or part time. When the Respondent is both a student and an employee, the Title IX Coordinator or their designee will determine whether the Student or Employee Sexual Misconduct Procedures (and/or the adjudication process from both) apply based upon the facts and circumstances, such as whether the Respondent's status as a student or an employee predominates in the context of the Prohibited Conduct. If the Respondent is found responsible for violating the Sexual Misconduct Policy, the sanctions may affect both their status as a student and employee.

Administrative Leave: The University may place a non-student employee Respondent on Administrative Leave or the equivalent during the pendency of the Procedures. A Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Placing a student-employee Respondent on administrative leave with pay may be permissible as a supportive measure for a Complainant (for instance, to maintain the Complainant's equal educational access and/or to protect the Complainant's safety or deter sexual harassment) as long as that action meets the conditions that a supportive measure is not punitive, disciplinary, or unreasonably burdensome to the Respondent.

Emergency Removal: The University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University 1) undertakes an individualized safety and risk analysis, 2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal, and 3) provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Additional Recipients of Records: The Record of the Hearing will be provided to the appropriate supervisor, unit head, Vice Chancellor or other relevant administrator responsible for appropriate employment action in accordance with applicable employment laws, policies, practices, and agreements.

For all cases involving crimes of violence, non-forcible sex offenses and/or stalking where the University has taken action against a student who is the alleged perpetrator of the crime, the University will provide, upon request by the victim, a report of the disciplinary proceedings conducted against the student and the result. In cases where the alleged victim is deceased as a result of the crime, the next of kin will be treated as the alleged victim in regards to the report requests.

All those individuals who oversee the above-noted processes receive, at a minimum, annual training on the issues related to dating violence, domestic violence, sexual assault, stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability. All University investigators, decision-makers, appellate officers, and informal resolution facilitators are trained in accordance with 34 CFR § 106.45 (b)(1)(iii). (p. 30575 of Federal Register Volume 85, No. 97). Following Code of Federal Regulations (CFR) 106.45.10.D, the university maintains the materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates the informal resolution process and makes them publicly available on our website. The Office of Institutional Equity and Compliance website lists trainings attended on or after August 14, 2020, when the 2020 Title IX regulations took effect. The University is required to maintain records of trainings for seven (7) years. If you would like to review the materials used to train staff, you may schedule a time by contacting us at equity2@unl.edu or 402-472-3417. Many of the trainings UNL staff attend are copyrighted and we are not able to distribute them via this website. Where possible, the materials are made available.

Programming Related to Sexual Misconduct Awareness and Prevention

The University provides many educational programs and conducts activities throughout the year to raise awareness of sexual offenses, domestic/dating violence and stalking on campus for incoming students and employees, as well as the current campus community. Specific awareness and training programs are available through a variety of University outlets. While these programs and campaigns focus on primary prevention and awareness, many resources are available for those who have experienced sexual misconduct.

Training the Campus Community

New staff/faculty and incoming students are expected to complete an on-line training that addresses awareness and the prevention of sexual misconduct. They receive an email providing an explanation of the training and how to access it prior to the start of classes/work. Called "U Got This," the training comes in one version for undergraduate students, one for grad students and one for employees. The training is provided by the Office of Institutional Equity and Compliance and is consistently evaluated for ways to improved. The system provides completion information to ensure the training is taken as required. This training program provides:

- Basic overview of gender discrimination and sexual harassment;
- Realistic scenarios of harassment in the educational and workplace settings;
- State-specific definitions;
- Steps students and employees can take to prevent sexual misconduct;
- Personal safety tips and bystander intervention techniques;
- Warning signs of abuse and steps to take if the viewer or someone he/she knows has been abused;
- Contact information for campus and local resources;
- Consequences for people who violate the University's policy;
- Interactive quiz with detailed explanations to further apply concepts from training to real life scenarios.

Programs and Activities

PREVENT – Students, Faculty, Staff, and Lincoln Community

PREVENT is a University of Nebraska student organization, advised by the staff at CARE. It began as a collaborative project between the Women's Center and the University of Nebraska Athletic Department. PREVENT workshops feature lively, open discussions that explore everyone's role in creating a safer, healthier world. It also provides more comprehensive information on bystander intervention, and teaches skills on how bystanders can effectively intervene in a potentially serious situation.

- PREVENT presentations address myths regarding sexual violence and gender expectations, as well as the psychological effects of sexual and domestic violence. Presentations include information on the intersections of violence with identities such as sexual orientation, gender identity and expression, race and ethnicity, and other individual characteristics. Information regarding the intersections between alcohol/drugs and interpersonal violence is also included. It also identifies the available resources available to victims and the various reporting options
- Free and located in the Nebraska Union (can come to requested location also).
- Contact Melissa Wilkerson, Advisor & CARE Advocate - 345C Nebraska Union, (402) 472-3573, melissa.wilkerson@unl.edu

Sexual Assault Awareness Presentation – Students, Faculty, & Staff

Presentation about how to reduce your risk of being a victim of sexual assault, and what resources are available if you or someone you know becomes a victim.

- Free and available for presentation anywhere.
- Contact the UNLPD to request a presentation, (402) 472-2222 or police.unl.edu



Awareness Campaigns – Students, Faculty and Staff

The University actively provides a number of programs and annual events such as:

Annual Events:

- Women’s History Month
- Men @ Nebraska Programming (such as the program *What does it mean to be a man?*)
- Gender Equity Conference (not in 2020 due to COVID 19)
- End Rape on Campus March

Monthly Events:

- January – Stalking Awareness Month
 - Stalking BINGO
- February – Healthy Relationships
 - Condoms, Cookies & Consent
- April – Sexual Assault Awareness Month
 - Awareness Flags/Signs
 - Coffee Cup Sleeve Stickers Raising Awareness
 - “What were you wearing?”
 - EROC – End Rape on Campus
- October – Domestic/Dating Violence Awareness
 - Awareness Flags/Signs
 - Bad Relationship BINGO

Programs and Resources Provided by the Women’s Center

The Women’s Center, along with the LGBTQA+ Center, at the University of Nebraska-Lincoln serves students and the campus community through a focus on Gender, Sexuality and Social Justice. We are dedicated to transforming campus climate at the university for students, staff, faculty, alumni and community members by developing and supporting a more inclusive understanding of gender and sexuality through education, advocacy, outreach and development opportunities.



Here's what you can find at the Women's Center:

- A large resource library with books and DVDs related to women, gender, sexuality, and intersecting identities, and addressing sexual and interpersonal violence.
- The student and professional staff who coordinate programs and annual events such as World Without Violence, Women's History Month, the Gender & Gender Equity Conference, and programs for Students with Children (Gender Equity programming for all genders).
 - ◆ Gender Equity talks in 2020 since the conference cannot be held to COVID-19
- Sexual health promotion (including safer sex kit distribution)
- Volunteer opportunities; we welcome, train, and appreciate volunteers!
- Information about the student organizations connected to the Women's Center can be found on [NvolveU](#).
- [Men @ Nebraska](#), students of all genders exploring masculinities and related issues
- United by Yarn, a fiber arts group open to people at all skill levels
- Pagan Life, a group for students who are Pagan, Shaman, Polytheistic, or any religion that can be classified as Pagan or New Age. We are also a group for people who want to learn about Paganism, or who just want to drop in and find out about Pagan Life.
- Students with Children programming focuses on the concerns of student parents and helps them to connect with other student parents, learn about community resources, and promote the interests of student parents. The center also has children's library with an inclusive and diverse collection of books.

Provided specifically by the LGBTQA+ Center:

- LGBTQA+ History Month
- Presentations and workshops
- Resources and referral
- Library

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And much more..... Contact the Women's Center or LGBTQA+ Center for information!

Additional Information and Tips Regarding Prevention and supporting Survivors

The University's programs, as identified above, provide excellent information regarding safe and positive options for bystander intervention, as well as information on risk reduction, as the ultimate goal of these programs is to keep sexual misconduct from occurring; it is important for members of the campus community to know how to effectively intervene and take protective measures. The following provides some general information on safe and positive options for bystander intervention and risk reduction.

Bystander Intervention: One important way to help avoid or end the occurrence of sexual misconduct is through bystander intervention, where someone steps in and tries to address the situation. Bystander intervention can play a significant role in sexual violence prevention. A "bystander" is not simply a stranger who is looking in from the outside; it also means a friend or someone close to the situation who sees what is happening.

When to Intervene: Continuum of Behaviors:

Healthy, age-appropriate, mutually respectful & safe	Mutually flirtatious & playful	Age-inappropriate or non-mutual	Harassment	Sexually abusive & violent
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Tabachnick, J. (2008). *Engaging bystanders in sexual violence prevention*. Enola, PA: National Sexual Violence Resource Center.

As the chart above illustrates, sexually abusive and violent behaviors fall on the far end of a continuum of behaviors. There are many little comments, harassments, and other forms of abuse that lead up to sexually violent acts. Therefore, bystanders have time to intervene and work to prevent sexual violence from occurring. There are a number of ways active bystanders can either say or do something in each category of negative behaviors on the continuum. On the left-hand side of the continuum lie respectful, mutual and age-appropriate behaviors while violent, coercive, and non-mutual behaviors lie on the right-hand side. Bystanders have an ability to intervene within this continuum of behaviors to help promote positive behavior and mitigate negative behavior before it escalates. It is important to recognize healthy and unhealthy behaviors that could potentially lead to sexual violence and effectively intervene before the negative behavior escalates. A campus survey in 2015 indicated that one barrier to Nebraska students intervening was that they did not know when to do so. The PREVENT workshops identified above provide opportunities to discuss these challenges and encourage intervention, even when someone isn't sure. The workshops emphasize approaches such as asking "Is everything OK here?" or other open ended questions. Some bystander intervention options that one may take include:

- Determine if you should do something immediately or if something could be done later; recruit help if necessary.
- Approach everyone as a friend.
- Do not be antagonistic and avoid using violence.
- If things get out of hand or become too serious, contact the police.
- Direct approaches:
 - Have a face-to-face conversation with the person, be honest, and let him/her know of your concerns;
 - Distract the person or suggest another way of looking at things;
 - Change attitudes regarding the situation (active listening, open conversation).
- Indirect approaches:
 - Ask people around you what they think could be done;
 - Casually ask the person how things are going and if there are any problems;
 - ◆ Offer support to the person(s) being affected by the situation;
 - ◆ Learn from the situation and make a plan for next time.

Risk Reduction Strategies

Here are some ways to help reduce the risk of becoming a victim in social situations:

- Remember that you are responsible for your own safety.
- Drink responsibly.
- Trust your instincts – If it feels unsafe, go with your gut and take action.
- Use the buddy system – Arrive together, check-in with each other periodically, and leave together.
- Don't leave your drink unattended.
- Be wary of fruity drinks and those containing a number of different alcohols poured into large containers.
- Be wary of drinks that seem to taste "off" or "funny".

Here are some ways to avoid dangerous situations:

- Trust your instincts – If it feels unsafe/uncomfortable, it probably isn't the best place to be.
- Be aware of your surroundings.
- Avoid isolated areas.
- Travel light and take only what you really need.
- Carry your cell phone accessibly.

Here are some ways to create a safer climate for everyone:

- Notice and challenge comments by your friends that objectify women or normalize sexual assault.
- Educate yourself and your friends about the characteristics of consent.
- Remember PREVENT's motto, that stopping violence is everyone's business; take care of your friends.
- Learn to recognize myths about sexual assault and dating violence that place blame on victims, and challenge those kind of statements when you hear them.

Supporting a Survivor:

There may come a time when a friend will disclose that they have experienced sexual or relationship violence. It can be shocking, and may be hard to know what to do or say. Here are some tips that might be helpful if a friend discloses an incident:

- **Listen:** Let your friend tell you their experience in their own words, at their own pace. Let them decide how much information and what information they are ready and willing to share.
- **Believe:** Tell your friend that you believe them and let them know that what happened to them is not their fault.
- **Connect with resources:** There are many resources on campus that can help a survivor with issues related to safety and well-being (see above in this report).
- **Support:** Your friend may not be ready to make decisions yet, or they may not make the decision that you think is best. It may be hard to understand, but remember that you are not in their position. It's important that survivors be able to regain some control by making their own choices and decisions.
- **Ask:** If you are not sure how to help, just ask. Ask your friend what they need from you and be honest about whether or not you can provide that help.
- **Respect:** Your friend trusted you with this information so it is important to respect their privacy. Please do not share their story with anyone without their permission.
- **Understand:** It is normal for a traumatic event to cause people to act differently than usual. For example, your friend may laugh at something very serious, or sleep more than usual. Try to be patient and understanding.
- **Take care of you:** It can be difficult being the person your friend trusted this information. You might want to process this experience with a CARE Advocate or a counselor at CAPS. We support those who support survivors. Reach out to us to talk with an Advocate. It is important to take care of yourself, too.



One may have trouble finding the right things to say to a friend, or worry about saying the wrong thing. Making mistakes is okay – apologize and try to learn from the mishap. Sexual and relationship violence is never the fault of the survivor. There are some common questions well-intentioned people may ask survivors that can make them feel as if they did something wrong, or are at fault.

In order to help avoid this, here are some questions that may send a message that does not match the person's intent and so should be avoided by someone just wanting to help:

- “How much did you have to drink?”
- “What were you wearing?”
- “Did you fight back?”
- “Why didn't you yell for help?”
- “Why didn't you call the police right away?”
- “Why did you go home with them to begin with?”

It is normal for the person receiving the report to have feelings, emotions, opinions, or questions. However, it is important that you don't blame the survivor, even inadvertently with your comments and questions. It is just as important that you pay attention to how you are feeling and reach out for help with processing what you have experienced.

Being Proactive Regarding Sexual Assault

To continually improve how sexual assault incidents are handled, the University of Nebraska-Lincoln Police Department is part of the area's Sexual Assault Response Team (SART), which is comprised of an array of professionals who respond to sexual assaults. Members of the SART include, but are not limited to, local law enforcement agencies, military personnel, hospital staff, county attorneys, probation officials and victim advocates. On behalf of the SART members, the City of Lincoln received federal funding to support comprehensive reviews of the community's systems response to identify needed improvements, not only in the response to victims, but also to improve accountability of perpetrators of sexual assault (the review also included incidents involving domestic violence and stalking). The study determined that it is important to ensure that all those involved with victims have a common goal, use the same methods to measure results, conduct mutually reinforcing activities, and stay in continuous contact.

Sex Offender and Registry Information

The federal *Campus Sex Crimes Prevention Act* includes several articles that address how states and educational institutions within must address sex offenders. They include the following:

- That each state must create a very narrowly drawn specific program to register sex offenders.
- That each state provide for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus.
- That each state requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.
- That state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate State records or data systems. If a college or university has a police department, they must be provided with this information.
- Institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders who are on campus may be obtained.

More specific information on the Act and its requirements can be found at the following location: <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/ht10-24-02.html>

The University is committed to protecting its students and staff from sexual predators and will ensure that access to lists of registered sex offenders is readily available to its students and staff (see links below). The UNLPD is responsible for maintaining these links on its website, and will provide access to any registries upon request.

In addition, the University is aware that nothing in the Family Educational Rights and Privacy Act of 1974 (FERPA) prohibits the University from disclosing information about registered sex offenders, including the disclosure of personally identifiable non-directory information, without prior consent or other consent from the individual. The University will provide any applicable information regarding sexual predators to its students and staff when necessary for safety reasons.

Whenever a convicted sex offender enrolls at or is employed at a postsecondary institution, they are required to notify the state, and the state is then required to notify the University. The University works with the Nebraska State Patrol, who maintains the list of sex offenders, to ensure that the UNLPD is notified whenever the NSP receives indication that a sex offender has registered as a student, volunteers or becomes employed at the University of Nebraska. For each reported sexual offender who becomes a student, volunteer or employee, the UNLPD will conduct a thorough Threat Assessment (see earlier in this report for more information on TAs) and determine if there are any concerns to campus safety. Whenever it is determined that the sex offender's crime(s) was of a serious nature and the offender's presence may threaten the safety of those on campus, the University will provide notification to students and staff of the sex offender's status and monitor the individual through an ongoing Threat Assessment as long as they are affiliated with UNL.

Listings of registered sex offenders in Nebraska can be found at (also available on the UNLPD website): sor.nebraska.gov

Listings of registered sex offenders in the United States can be found at: www.nsopw.gov

Student Housing Security and Fire Safety Information

Residence Halls

The University offers several housing options to undergraduate students: traditional halls, suite and apartment style, and non-traditional co-op halls. All freshman students under the age of 19 on the first day of classes, are required to live in one of the approved housing units during the academic year unless living at home or with a family member, or in an approved Greek House. To the extent possible, students are given the opportunity to select residence hall assignments and request changes in room/suite/unit or residence hall assignments.



All residence hall doors are locked 24/7, except for Selleck West Main Entrance to provide for faculty/staff access to Selleck Dining, and Kauffman South Main Entrance for access to the RAIKES program office, which are unlocked from 8am to 5pm weekdays. Student access to residence halls other than their own is limited to 6:30am to Midnight daily. For entrance to a residence hall, residents must be verified by electronic scanning of the student I.D. card. A sign-in policy for visitors at the main desk is enforced. Both on-campus and off-campus visitors to residence halls must be escorted through the residence hall

by a resident. Overnight guests in the residence halls may only be members of the same sex. All windows have locking devices and securely attached screens. Outward viewing door viewers are installed in residence hall student rooms. Special security procedures are in effect for students during low occupancy periods. Normally during major holidays and vacations, for example, students remaining on campus are assigned to only four units; the other halls are closed. This will be affected in 2020 due to the COVID-19 pandemic, so it will be important to check with your Residence Assistant/Residence Director. Violations of the hall security policies and procedures may result in severe disciplinary sanctions.

Guests may visit a dorm room at any time. After the fall term commences, any floor may vote to create a “no visitation” time block each day if two-thirds of the occupants of that floor agree. Residents may have overnight guests in their room subject to the limitations listed below:

- Overnight guests are only allowed with the consent of other roommates. Visitation or overnight guests of one roommate should not infringe on the rights or access of other roommates.
- The stay of the overnight guest(s) may not exceed four days (96 hours) in one month and such guests may not disturb roommates or other residents.
- University staff reserves the right to require a guest to leave if university policies and/or residence hall policies are violated or if complaints are received from members of the floor/hall community.
- Violation of any of these policies may lead to the limitation of guests visiting the resident(s) involved, nonresidents being charged with trespassing and residents (both guest and host) having their housing contract status reviewed.
- • The privilege of having guests may be revoked if the privilege is abused or residence hall or University policy violations occur involving the guests.

Professional residence director staff are members of the University Housing staff who live in the residence halls and are on call 24 hours a day. Student resident assistants (RA) live on each floor in the residence halls and are on-duty and available on weekends. Various RAs are on duty every night in each residence hall to conduct community walks for safety and security, as well as to be visible members of the residence hall community. As part of their responsibility for residence hall security, these staff members attend lectures and seminars on the safety and security of the campus conducted by University administrators, police officers, and environmental health and safety officers. Additional security information is provided to residence hall students through printed materials, presentations, and programs delivered by University Housing and UNLPD personnel.

Community Service Officers (CSOs) are assigned to the residence halls during the evening hours and patrol the buildings and surrounding areas throughout the night hours. As members of the University Police staff, Community Service Officers undergo training in enforcing residence hall security policies and are in immediate radio contact with University Police officers.

Fraternities and Sororities



Fraternities and sororities provide an alternative on-campus housing option for students. Greek living units are privately owned and maintained by a local alumni corporation board or their national headquarters, and governed by the corporation's rules and regulations. However, fraternity and sorority chapters can request University recognition as an approved housing unit, which means that they agree to follow all the regulations and policies of the University Housing.

Only chapters that are granted University-approved status may house first-year students. Chapters may still recruit first-year members, even if they are not approved to house them in the chapter facility; however, these new members will be required to live in University of Nebraska residence halls or off-campus with family members for their entire first year.

To be recognized by Housing, Greek houses must annually sign an agreement provided by the Office of the Vice Chancellor for Student Affairs, must complete reports, and meet the following stipulations:

- Employ a live-in advisor or house director.
- Maintain appropriate property and liability insurance.
- Pass health, safety and fire inspections for the facility.
- Follow University alcohol and other policies.
- Provide contact information for student leaders and alumni responsible for the overall maintenance and management of the individual chapter.

The University expects Greek chapters to provide safe, secure living environments for their members. This includes maintaining appropriate security and fire safety systems in each Greek housing unit. A private security company provides twice-weekly safety checks of Greek living units and fire safety inspections are scheduled on a regular basis to ensure chapter houses are in compliance with all city fire safety regulations. Educational sessions on security and fire safety issues are provided by staff members of the Fraternity and Sorority Life, University Police, Lincoln Fire and Rescue, National Headquarters staff, and community resources. If there are violations, the chapter will receive written notice and given a deadline by which to remedy any infractions. A re-inspection is scheduled and if there are still violations, the chapter is granted a 10-day grace period. If the violation is not corrected within the 10-day grace period, a report is filed with the city attorney. The city attorney may levy a fine against the chapter or an individual or may revoke the chapter's "residential congregate living" license. Greek living units have access to both the UNLPD and the Lincoln Police Department.

In developing the agreement documents, specific attention was given to the importance of academic success for undergraduate chapter members, the need for appropriate conduct by the individual members and their chapters, the importance of positive programming within each chapter, and the critical role that alumni play in providing continuity and support. Throughout the document, it is stressed that the standards of each chapter must be in total support of the rules, regulations and policies of the University. Chapters with approved housing status are identified in this report (only those that are currently approved are listed).



Family/Guest Housing

The University of Nebraska is dedicated to providing its students with the facilities they need for their education. We realize that the traditional residence halls do not suit the needs of all students. For those students that are married or have children, the University provides an alternative. The University offers family housing apartment units for rent for those who meet the eligibility requirements (152 total apartments). To be eligible, a couple must be legally married and one a full-time Nebraska student, or a single custodial parent who is a full-time Nebraska student and is residing with dependent children. Security is provided by UNLPD patrols. Security information is distributed to tenants by Housing, and UNLPD personnel upon request.

Information and Policy Regarding Missing Students Living in University Housing

The University is dedicated to looking out for the welfare of each one of its students. The following information pertains to students that live in on-campus housing and how any missing persons report is to be handled. Per University of Nebraska procedure, when a student completes their Housing Contract online, the student is given an opportunity to specify an individual, other than their emergency contact, that should be informed within 24 hours in the event that the student is confirmed as missing. This information is registered in the Housing Contracts system and accessible to only to



professional staff should an emergency arise, and kept separate from general emergency contact information. The name of this contact will be used **only** in the case that the student is determined to be missing. It will be kept confidential by the University (only available to authorized campus officials) and only disclosed to law enforcement personnel to aid in a missing persons investigation. If a student does not specify a contact, then the emergency contact will be considered the contact for the purposes of these procedures. Students are informed that if they are younger than 18 years old and not emancipated and determined to be missing, the University will, within 24 hours, contact their custodial parent(s) or guardian in addition to the designated missing persons contact.

Anyone who suspects or confirms another person to be missing for 24 hours should immediately contact the UNLPD, as it is responsible for investigating the missing person's case (Note: this person is required to notify the UNLPD of their suspicions within 24 hours). People should be aware that if they have concerns, the police can be notified at any point, even if an individual has not yet been missing for a full 24 hours. The reporting person may also notify the Residence Director or other residence hall staff, as these positions are instructed to notify the UNLPD of a suspected missing student immediately (must be within 24 hours). When concerned, it is preferred that the reporting party talks directly to a UNLPD officer as soon as possible. **The UNLPD will, within 24 hours, inform the student's parent(s)/ guardian and/or designated contact (as applicable) that the student has been determined to be missing.**

The UNLPD will immediately initiate an investigation which may include contacting campus acquaintances, friends or relatives, and if appropriate, a preliminary inspection of their residence hall room. When necessary, local law enforcement agencies will be involved to aid in the investigation. The UNLPD or Residence Hall staff will gather as much information as possible from the reporting person(s) in order to determine an appropriate course of action. In addition, Residence Directors will check the Andover Access Control System to determine the last time that the student used their NCard to access the residence hall or other University building in order to try and narrow down the student's activity, and/or to see who they may have entered the building with, by comparing the time with the video camera footage. Information that will be gathered by the UNLPD includes:

- Details of why the person suspects or knows the individual is missing (may include changes to behavior, state of mind, known plans).
- The last place and time the individual was seen and by whom.
- Contact information for the individual suspected to be missing (cell and other phone numbers, e-mail addresses, social networking names).
- Contact information for friends who may know of their location.
- Contact information for the concerned individual(s) so they can be reached with additional questions or follow-up information.
- Other personal information including photograph, vehicle, employer and other activities the person may be engaged in.

Whenever someone has a concern regarding a student or employee's welfare (whether physical or mental), the UNLPD can dispatch officers to check on the person if on campus; for those off campus, the call should be referred to the Lincoln Police Department (the call will be immediately forwarded to the LPD for mental health investigations or suicidal parties).

Fire Safety Education, Drills, Rules and Systems in University Housing

The University knows that fire safety in student housing facilities is a major concern. As a result, fire drills are conducted in the various housing facilities in order to provide residents the opportunity to become familiar with the notification system as well as the evacuation procedures, one held for the fall semester and one for the spring semester; any summer fire drill dates are determined by the complex staff. Fire drills may also be conducted in other campus buildings at various times.



There were a total of twenty-eight (28) fire drills held during the last calendar year in residence halls (see chart at end of report for specific information).

University Housing oversees the inspection of all fire safety systems and equipment, and it maintains reports that include documentation of fire alarms, sprinkler and smoke detector inspections, as well as any corrective/disciplinary action taken resulting from the inspection findings. University Housing also maintains records that include information about planned drills, alarm malfunctions, false alarms, station pulls, working fires, and corrective/disciplinary action taken because of the alarm. Most housing facility's fire systems include sprinklers and speakers in each student room. All facilities have fire extinguishers as determined by the Nebraska State Fire Marshal and University of Nebraska Housing maintains carbon monoxide detectors in all housing units heated with individual gas furnaces.

In order to educate students in on-campus housing, Resident Assistants (RA) are required to talk about fire safety and fire safety equipment at their first floor meetings. In University residence halls, each staff member is given a handbook that provides in-depth information on fire safety and evacuation procedures. The handbook provides information that each Housing staff member must know, including what members are responsible for, how to handle people with limited mobility, agendas for floor meetings regarding fire safety, fire drills, assembly areas that are to be used after an evacuation and performing fire watches. The handbook also includes all of the forms that may be used in regards to various fire situations. Signs and evacuation procedures are posted on all floors in residence halls. Each residence hall complex has specific procedures particular to its complex/hall situation.

In addition to training, staff in each residence facility is provided with a set of fire cards (stored in the "fire box"), specifically designed for the building, based on evacuation locations, routes, door locations, etc., as each facility is different. Each card outlines a specific task, with the cards in order of task vitality (most crucial task is on first card). The first RA to the fire box is responsible for distributing the fire cards to other staff members and opening the fire panel for the fire department (if safe to do so). Specific responsibilities may be assigned to RAs (i.e. evacuating lobby and basement areas, securing the elevators, monitoring the fire log, crowd control, maintaining security doors, etc.). A similar system is also used for tornado emergencies. The following is an example of a card:

FIRE CARD #1**1st responder to the fire panel:**

- Go to the desk and get the duty key ring and walkie-talkie.
- Make sure the desk assistant has contacted the Duty RD to inform him/her of the alarm.
- Open the fire panel for the fire department (using the ____ key).
- Distribute fire tags to other RAs/housing staff arriving on scene.
- Study the Fire panel in the building lobby to determine the source of the trouble.
- Look for the firefighters to arrive.
 - Direct them to the panel—assist as needed, assure safe, efficient evacuation of residents from lobby.
- Aid the desk assistant in locking up the money in the safe, and securing the desk.
- Remain by the fire panel to provide assistance to the duty RD, if needed.
- **Do not let anyone back into the building until you get a signal from the duty RD or the fire captain.**
- Collect all fire cards when the incident is over.

*crowd control * information giver * entrance monitor * desk staff helper*

Sanctioned Greek living units must be inspected annually by a fire inspector/investigator from the City of Lincoln Building and Codes Department and be in full compliance with all city and state fire regulations. If there are violations, the chapter will receive written notice and given a deadline by which to remedy any infractions. A re-inspection is scheduled and if there are still violations, the chapter is given a 10-day grace period. If no correction for the violation(s) are begun within the 10-day grace period, a report is filed with the city attorney. The city attorney may levy a fine against the chapter or an individual or may revoke the chapter's "residential congregate living" license. All houses are equipped with a fire alarm system and fire extinguishers as dictated by code and the Lincoln Fire Department. Chapter houses with a fuel burning heating system have carbon monoxide alarms on every level of the chapter house, including habitable portions of basements and attics. Chapter houses with all-electric heating systems and fuel-burning kitchen appliances are required to have a carbon monoxide alarm in the kitchen only. See chart later in this report for fire safety systems available in specific sanctioned houses.

Every University employee is responsible for knowing the evacuation procedures of the building in which they are working, and all employees are required be familiar with the alarm locations nearest each office, laboratory, or other work area (this is covered through training). In case of a fire, it will be the employees' responsibility to ensure that all students are instructed as to what to do. In addition, any employee who may opt to use a fire extinguisher must receive a training through Environment Health & Safety (EHS). The training includes a web-based portion along with a hands-on session, along with a test; one must pass with an 80% score to receive credit for the training.

The fire safety information provided to students and employees will include:

- Knowing emergency exit routes and being prepared to use an alternate route if necessary.
- To not use elevators.
- That if anyone is trapped in a building, they should try to reach a point of refuge, such as a stairwell, or stay by a window and wave a white flag to attract the attention of emergency responders.
- If possible, closing doors and windows on the way out in order to confine the fire.
- Keeping low if there is smoke.
- On the way out, assisting any mobility-impaired persons to a stairwell or other point of refuge if possible and then reporting their location to the emergency response personnel.
- That no one should attempt to evacuate other personnel from a work area as this is a job for the emergency responders.
- If working in an area frequented by the public, announcing that an evacuation has been ordered and asking people to exit the building.
- That healthy adults and young adults are expected to evacuate themselves upon hearing the fire alarm, but to follow established department procedures for evacuating small children or sick people.
- Assembling a safe distance away from the building.
- Not to block driveways or areas that may be used by emergency response personnel.
- Not to re-enter the building until the fire department has declared the building safe.

To help provide information, a building diagram marked with evacuation routes is posted in hallways, laboratories, and classrooms on each floor so that the routes can easily be identified. Some fire doors close automatically after activation of the fire alarm. These doors DO NOT lock and DO NOT block access to exits; students and employees are not to prop open doors that shut automatically upon activation of the fire alarm.

During fire drills and any other time that the fire alarm sounds, residents or building occupants are required to calmly evacuate the building and follow the instructions of staff and emergency personnel. Failure to vacate or in any other way interfere with the emergency response process will be considered a violation of Housing policy when it concerns a residence hall and handled accordingly. In the case of other University buildings, it will be dealt with according to the University's applicable disciplinary policy.

Students who require any type of accommodation to ensure their safe evacuation are instructed to contact Residence Hall staff immediately upon moving into the facility so that the appropriate arrangements can be made.

The University is continually evaluating and improving all aspects of its fire and safety systems with any necessary modifications being made as needed and when able, however, no significant plans regarding fire safety systems are in place for the upcoming year.

In the residence halls and approved Greek housing units, residents' use or possession of appliances and electronics is restricted by the type, size and number permitted. Items that are not permitted include any items with exposed flames or embers, exposed heating elements or any items that present other fire hazards. Smoking, the possession of candles (with or without wicks), incense, oil lamps or other items with the capability of an open flame or burning ember are not permitted in any residence hall or apartment. The use, possession, display or ignition of fireworks or any type of explosive device is prohibited on University property.

Tampering with or theft of fire safety equipment, including tampering with or discharging fire extinguishers, disabling bells/horns, activating a fire alarm when no emergency exists or covering or removing the batteries from individual smoke detectors, removing the entire smoke detector apparatus, or tampering with, hanging objects from, or decorating sprinkler heads in rooms of halls that are thus equipped are prohibited. Violation of policies that involve fire safety is taken very seriously and typically results in termination of the residence hall contract, as well as any necessary law enforcement action.



All University of Nebraska Housing facilities are equipped with notification systems that can be initiated by the presence of smoke, heat or via a manual pull station. The initiation of the alarm notifies residents audibly and visually and notifies a response center that immediately dispatches emergency responders to the location. All Housing facilities have fire extinguishers in compliance with the applicable code. In all family housing units, there are 2-5 smoke detectors in each

apartment, depending on the numbers of bedrooms/apartment type; they are checked on the first Friday of each month and replaced as needed. For additional safety, carbon monoxide detectors have been installed next to all gas fired appliances, and in the boiler rooms of some Housing facilities, as well as being maintained in housing units heated with individual gas furnaces (all in Family Housing). The fire safety systems and equipment in housing facilities are inspected at various times during the year (generally 4-6 times) to ensure everything is in proper working order. If any issues are found, they are immediately corrected.

Other University fire safety facts:

- Fire Life Safety systems (alarm panels, sprinklers, smoke detectors, etc.) are inspected annually.
- Smoke detectors in student rooms are inspected four times a year (required only once by code).
- Emergency generators/battery backup lights are used to light paths to fire exits leading outside.
- All student room doors are fire rated.
- Fire alarm speakers are placed in student rooms rather than in the hallway.
- Buildings are never without fire protection. If any alarm or sprinkler system is down, staffs walk the areas affected until the systems are back on line.
- Trash chutes are sprinkled and trash is compacted.
- All residence hall facilities have fire extinguishers in compliance with the applicable code.
- According to the State Fire Marshal, the residence halls at the University of Nebraska meet, and in many cases exceed, the state fire and life safety codes.

Whenever a fire has occurred, it **must** be reported, even if the fire was small and immediately extinguished. All fires should be reported to the University Police Department as it is in charge of maintaining the fire log and reporting the information, as well as investigating suspicious fires. At the very least, students **must** report any fires to their Residence Director or Residence Assistant. In the case of University staff, any fires must be reported to their immediate supervisor.

Evacuation

If a fire has started or is reported, either a student or employee should activate a fire alarm and a University employee should instruct everyone to evacuate the building immediately. In the case of residence halls, a Resident Assistant or other campus security authority (CSA) is responsible for providing instruction. If possible, a student or employee should try to shut down any equipment or process that could cause a secondary fire if left unattended. The people evacuating the building are to use the stairs and not the elevators. Evacuees should proceed outside and gather in a designated outdoor area, a safe distance from the building. If weather conditions require, a sheltered area or building away from the building in question can be used by the evacuees. The designated gathering points should be clearly identified by University personnel.

Once outside, University employees are expected to immediately call 911 as soon as a safe



location is reached (unless otherwise aware, multiple employees should call 911 and not assume someone else has made the call or that the appropriate agencies are aware of the fire). The information given to the emergency operator should include the nature of the emergency and the location (i.e., building number and cross streets or address). Employees should try to account for personnel known to have been in the building. If pertinent knowledge regarding the fire is known, it is important that it is relayed to Lincoln Fire and Rescue or UN-

LPD personnel outside the main entrance of the building, including any information on injuries, students needing evacuation assistance and/or people trapped in the building.

The following are basic procedures that should be followed in regards to student housing evacuation relating to a fire (this information is posted on the inside of the door in each room of University housing):

If you discover or suspect a fire, go to a pull station and sound the fire alarm, then leave the building through the nearest exit.

- Call 911 - give as much information as possible to the dispatcher.
- Don't attempt to put out the fire or rescue others unless you can do so safely.
- **TRY TO REMAIN CALM.**

When you have been alerted by the fire alarm, see flashing strobe lights, or see smoke or fire:

- Stay low to the floor if there is smoke in the room.
- Feel the metal door knob before opening any doors.

If THE DOOR FEELS hot, don't open the door. **If THE DOOR DOES NOT FEEL** hot, but you open the door and heat/smoke/fire are present, close the door and stay in the room/unit.

- Seal the cracks around the door using towels, sheets, pieces of clothing.
- Hang an object out the window (i.e. sheet, jacket, shirt) to attract the fire department's attention.
- Use a phone to call 911 and report that you are trapped. Be sure to give your hall name and room number.

If THE DOOR DOES NOT FEEL hot, brace yourself against the door and open it slightly. **If heat/smoke ARE NOT PRESENT**, exit the room/unit closing the door behind you.

- Go to the nearest exit or stairway. Do not attempt to use an elevator.
- If the nearest exit is blocked by fire, heat or smoke, go to another exit.
- Go back to your room/unit if all exits are blocked. Close the door, wave something out the window and shout for help.
- Use a phone to call 911 and report that you are trapped. Be sure to give your hall name and room number.

If you are trying to escape through a smoke-filled room or hallway:

- Stay low and move quickly to the nearest clear exit.
- Place a wet towel or a wet cloth over your head and face; breathe through the towel by taking short breaths through your nose.
- Cover your body with something that can be easily discarded if it catches on fire.

After evacuating:

- Move away from the building. Emergency response personnel and equipment will be maneuvering around the building.
- Follow directions of the fire and police personnel.
- **NEVER RE-ENTER A BURNING BUILDING TO SAVE YOUR PERSONAL POSSESSIONS.**

Fire Safety Systems in University/Approved Housing

Building Name/Address—UNL Housing	24-hour Fire Alarm Monitoring	Fully Sprinkled (common areas, corridors & each room)	Smoke Detectors	Fire Extinguishers	Speaker Panels		Evacuation Plans & Placards	Number of Fire Drills in 2019
					Alarm speakers in rooms & common areas	Alarm speakers in common areas only		
Abel Hall – 860 N 17th	X	X	X	X	X		X	2
Animal Science Apt. – 3940 Fair St.*	X	X	X	X		X	X	0
Colonial Terrace – 33 rd & Starr			X	X			X	0
The Courtyards – 733 N 17 th	X	X	X	X	X		X	2
Eastside Suites – 433 N 19 th	X	X	X	X	X		X	2
Harper Hall – 1150 N 14 th	X	X	X	X	X		X	2
Kauffman Residential Center – 630 N 14 th	X	X	X	X	X		X	2
Knoll Residential Center – 440 N 17th	X	X	X	X	X		X	2
Love Memorial Hall – 3420 Holdrege	X	X	X	X	X		X	2
Massengale Residential Center – 1710 Arbor Dr.	X	X	X	X	X		X	2
Sandoz Hall – 820 N 17 th	X	X	X	X	X		X	2
Schramm Hall – 1130 N 14 th	X	X	X	X	X		X	2
Selleck Quadrangle – 600 N 15 th	X	X	X	X	X		X	2
Smith Hall – 1120 N 14 th	X	X	X	X	X		X	2
The Village – 1055 N 16 th	X	X	X	X	X		X	2
“U” St. Apts. – 2224 U St.	X	X	X	X		X	X	0
University Suites – 1780 R Street	X	X	X	X	X		X	2
Vine St. Apts. – 2222 Vine St.	X	X	X	X	X		X	0
Vine St. Apts. – 2244 Vine St.	X	X	X	X	X		X	0

*Located in the Animal Science Building. The apartment may have up to 3 occupants and each must work in the building.

Building Name/Address—Greek Houses*	24-hour Fire Alarm Monitoring (Contracted Provider)	Fully Sprinkled (common areas, corridors & each room)	Smoke Detectors	Fire Extinguishers	Speaker Panels		Evacuation Plans & Placards	Number of Fire Drills in 2019**
					Alarm speakers in rooms & common areas	Alarm speakers in common areas only		
Acacia – 2255 Vine St.	X	X	X	X			X	0
Alpha Gamma Rho – 1430 Idylwild	X	X	X	X			X	0
Alpha Gamma Sigma – 4001 Holdrege St.	X	X	X	X			X	0
Alpha Tau Omega – 1433 R St.	X	X	X	X			X	0
Beta Theta Pi – 1515 R St.	X	X	X	X			X	0
Delta Tau Delta – 715 N 16 th St.	X	X	X	X			X	0
Delta Upsilon – 1548 Vine St.	X	X	X	X			X	0
Farmhouse – 3601 Apple St.	X	X	X	X			X	0
Gamma Phi Beta – 415 N 16 th St.	X	X	X	X			X	0
Phi Delta Theta – 1545 R St.	X	X	X	X			X	0
Phi Gamma Delta – 1425 R St.	X	X	X	X			X	0
Phi Kappa Psi – 1548 S St.	X	X	X	X			X	0
Phi Kappa Theta – 303 N 17 th St.	X	X	X	X			X	0
Sigma Alpha Epsilon – 635 N 16 th St.	X	X	X	X			X	0
Sigma Chi – 1510 Vine St.	X	X	X	X			X	0
Sigma Phi Epsilon – 601 N 16 th St.	X	X	X	X			X	0
Theta Xi – 1535 R St.	X	X	X	X			X	0
Triangle – 519 N 16 th St.	X	X	X	X			X	0

*Greek houses that have a signed agreement with University of Nebraska Housing are deemed "on-campus housing" and reported as such. The fire safety and statistical information for only those Greek houses with signed agreements for the current academic year are included in this report. **Please note that this list changes from year-to-year.**

**No fire drills that meet all Clery Act-defined criteria took place in 2019.

3-year Statistics on Fires in University/Approved Housing

2019 Fires

Building Name—UNL Housing	Total # of Fires Reported	Fire #	Type/Cause of Fire	# of Persons w/ fire-related Injuries Requiring Treatment at Medical Facility	# of Fire-related Deaths	Value of Property Damage
Abel Hall	0	---	---	---	---	---
Animal Science Apt.	0	---	---	---	---	---
Colonial Terrace	0	---	---	---	---	---
The Courtyards	0	---	---	---	---	---
Eastside Suites	0	---	---	---	---	---
Harper Hall	0	---	---	---	---	---
Kauffman Residential Center	0	---	---	---	---	---
Knoll Residential Center	0	---	---	---	---	---
Love Memorial Hall	0	---	---	---	---	---
Massengale Residential Center	0	---	---	---	---	---
Sandoz Hall	0	---	---	---	---	---
Schramm Hall	0	---	---	---	---	---
Selleck Quadrangle	0	---	---	---	---	---
Smith Hall	0	---	---	---	---	---
University Suites	0	---	---	---	---	---
“U” St. Apts.	0	---	---	---	---	---
The Village	0	---	---	---	---	---
Vine St. Apts. (2222)	1	1	Unintentional – Clothes dryer malfunction ignited belt.	0	0	\$100 < \$1000
Vine St. Apts. (2244)	0	---	---	---	---	---

2019 Fires

Building Name—Greek Housing	Total # of Fires Reported	Fire #	Type/Cause of Fire	# of Persons w/fire-related Injuries Requiring Treatment at Medical Facility	# of Fire-related Deaths	Value of Property Damage
Acacia	0	---	---	---	---	---
Alpha Gamma Rho	0	---	---	---	---	---
Alpha Gamma Sigma	0	---	---	---	---	---
Alpha Tau Omega	0	---	---	---	---	---
Beta Theta Pi	0	---	---	---	---	---
Delta Tau Delta						
Delta Upsilon	0	---	---	---	---	---
Farmhouse	0	---	---	---	---	---
Gamma Phi Beta	0	---	---	---	---	---
Phi Delta Theta	0	---	---	---	---	---
Phi Gamma Delta	0	---	---	---	---	---
Phi Kappa Psi	0	---	---	---	---	---
Phi Kappa Theta	0	---	---	---	---	---
Sigma Alpha Epsilon	0	---	---	---	---	---
Sigma Phi Epsilon	0	---	---	---	---	---
Sigma Chi	0	---	---	---	---	---
Theta Xi	0	---	---	---	---	---
Triangle	0	---	---	---	---	---

2018 Fires

Building Name—UNL Housing	Total # of Fires Reported	Fire #	Type/Cause of Fire	# of Persons w/fire-related Injuries Requiring Treatment at Medical Facility	# of Fire-related Deaths	Value of Property Damage
Abel Hall	0	----	----	----	----	----
Animal Science Apt.	0	----	----	----	----	----
Colonial Terrace	0	----	----	----	----	----
The Courtyards	0	----	----	----	----	----
Eastside Suites	0	----	----	----	----	----
Harper Hall	0	----	----	----	----	----
Kauffman Residential Center	0	----	----	----	----	----
Knoll Residential Center	0	----	----	----	----	----
Love Memorial Hall	0	----	----	----	----	----
Massengale Residential Center	0	----	----	----	----	----
Sandoz Hall	0	----	----	----	----	----
Schramm Hall	0	----	----	----	----	----
Selleck Quadrangle	0	----	----	----	----	----
Smith Hall	0	----	----	----	----	----
University Suites	0	----	----	----	----	----
“U” St. Apts.	0	----	----	----	----	----
The Village	0	----	----	----	----	----
Vine St. Apts. (2222)	0	----	----	----	----	----
Vine St. Apts. (2244)	1	1	Unintentional – Cooking oil spilled and ignited on burner.	0	0	\$100 < \$1000

2018 Fires

Building Name—Greek Housing	Total # of Fires Reported	Fire #	Type/Cause of Fire	# of Persons w/fire-related Injuries Requiring Treatment at Medical Facility	# of Fire-related Deaths	Value of Property Damage
Acacia	0	---	---	---	---	---
Alpha Gamma Rho	0	---	---	---	---	---
Alpha Gamma Sigma	0	---	---	---	---	---
Alpha Tau Omega	0	---	---	---	---	---
Beta Theta Pi	0	---	---	---	---	---
Delta Tau Delta						
Delta Upsilon	0	---	---	---	---	---
Farmhouse	0	---	---	---	---	---
Gamma Phi Beta	0	---	---	---	---	---
Phi Delta Theta	0	---	---	---	---	---
Phi Gamma Delta	0	---	---	---	---	---
Phi Kappa Psi	0	---	---	---	---	---
Phi Kappa Theta	0	---	---	---	---	---
Sigma Alpha Epsilon	0	---	---	---	---	---
Sigma Phi Epsilon	0	---	---	---	---	---
Sigma Chi	0	---	---	---	---	---
Theta Xi	0	---	---	---	---	---
Triangle	0	---	---	---	---	---

2017 Fires

Building Name—UNL Housing	Total # of Fires Reported	Fire #	Type/Cause of Fire	# of Persons w/fire-related Injuries Requiring Treatment at Medical Facility	# of Fire-related Deaths	Value of Property Damage
Abel Hall	2	1	Undetermined – Unknown source ignited paper in the trash chute.	0	0	<\$100
		2	Unintentional – Electrical short caused a light socket to catch fire.	0	0	\$1000 < \$10,000
Animal Science Apt.	0	---	---	---	---	---
Colonial Terrace	0	---	---	---	---	---
The Courtyards	0	---	---	---	---	---
Eastside Suites	0	---	---	---	---	---
Harper Hall	0	---	---	---	---	---
Kauffman Residential Center	0	---	---	---	---	---
Knoll Residential Center	0	---	---	---	---	---
Love Memorial Hall	0	---	---	---	---	---
Massengale Residential Center	0	---	---	---	---	---
Sandoz Hall	0	---	---	---	---	---
Schramm Hall	0	---	---	---	---	---
Selleck Quadrangle	0	---	---	---	---	---
Smith Hall	0	---	---	---	---	---
University Suites	0	---	---	---	---	---
“U” St. Apts.	0	---	---	---	---	---
The Village	0	---	---	---	---	---
Vine St. Apts. (2222)	0	---	---	---	---	---
Vine St. Apts. (2244)	0	---	---	---	---	---

2017 Fires

Building Name—Greek Housing	Total # of Fires Reported	Fire #	Type/Cause of Fire	# of Persons w/fire-related Injuries Requiring Treatment at Medical Facility	# of Fire-related Deaths	Value of Property Damage
Acacia	0	----	----	----	----	----
Alpha Gamma Rho	0	----	----	----	----	----
Alpha Gamma Sigma	0	----	----	----	----	----
Alpha Tau Omega	0	----	----	----	----	----
Beta Theta Pi	0	----	----	----	----	----
Delta Tau Delta						
Delta Upsilon	0	----	----	----	----	----
Farmhouse	0	----	----	----	----	----
Gamma Phi Beta	0	----	----	----	----	----
Phi Delta Theta	0	----	----	----	----	----
Phi Gamma Delta	0	----	----	----	----	----
Phi Kappa Psi	0	----	----	----	----	----
Phi Kappa Theta	0	----	----	----	----	----
Sigma Alpha Epsilon	0	----	----	----	----	----
Sigma Phi Epsilon	0	----	----	----	----	----
Sigma Chi	0	----	----	----	----	----
Theta Xi	0	----	----	----	----	----
Triangle	0	----	----	----	----	----

Mental Health & Suicide Awareness and Prevention

Many students will struggle at some point during their college careers with depression, anxiety, substance use and other mental health concerns. Particularly during the pandemic of 2020 in which many college students experience an increase in mental health and academic difficulties. Some common events that contribute to student stress are: isolation, social anxiety, a break-up or loss of relationship, not getting into a particular major, fear of poor grades, fear of losing financial aid or the pressure to be perfect. As such, the University provides a variety of programs and resources to help educate on and address mental health issues within the campus community.

Mental Health Screening: Mental health is a key part of an individual's overall health. Brief screenings are the quickest way to determine if you or someone you care about should connect with a mental health professional - they are a checkup from your neck up. This program, provided through CAPS, is completely anonymous and confidential, and immediately following the brief questionnaire, you will see your results, recommendations, and key resources. It can be found at: <https://screening.mentalhealthscreening.org/huskers>.

REACH Training: Anyone can help prevent suicide by learning the risk factors, warning signs, and how to intervene. **REACH**[®] is the name of the UNL suicide prevention gatekeeper training program designed to help the University community prevent suicide. The trainings are open only to university- and student- affiliated organizations, departments, colleges and programs. The training is designed to last **90 minutes** and *cannot* be shortened. Participants who finish the 90-minute training receive certificates and lapel pins verifying their completion of the program. Notice of training must be provided at least two weeks prior to the proposed training date. This training is provided by Big Red Resilience & Well Being and can be found at: <https://preventsuicide.unl.edu/reach-training>.

QPR Training: Big Red Resilience & Well-being is also offering QPR (Question, Persuade, and Refer) Suicide Prevention Gatekeeper training which is an online version that guides you through the 3-steps to save a life. This training takes participants about 60 minutes to complete and they then receive a certificate designating them a suicide prevention gatekeeper trainer. This training can be requested individually or with a group. Each participant receives their own code/login and takes this training independently. This is also offered to university and student affiliated organizations, departments, colleges, and programs. This training can be found at: <https://preventsuicide.unl.edu/qpr-training>

Counseling and help is available for any member of the campus community through a variety of services, 24/7.

On-campus Counseling Services:

- **Counseling and Psychological Services (CAPS)** - 2nd floor of University Health Center at 550 N. 19th Street. For non-crisis matters, an appointment can be scheduled by calling (402) 472-7450 Monday through Friday from 8 am to 5 pm. For after-hours assistance, call the same number and follow the prompts. See website at: <https://caps.unl.edu/>
- **LGBTQA+ Resource Center Liaison** – Mun Yuk Chin, mun yuk.chin.unl.edu
- **UNL Counseling and School Psychology Clinic** - Offering affordable, confidential counseling for students and community members. Call (402) 472-1152.
- **UNL Psychological Consultation Center (PCC)** - Offering affordable, confidential counseling for students and community members. Call (402) 472-2351.
- **UNL Employee Assistance Program** - If you are a University of Nebraska employee, call the Employee Assistance Program at (402) 472-3107 or 1-800-755-2655.

Other Resources and Hotlines:

- **University of Nebraska Police** - (402) 472-2222
- **Suicide Prevention Resource Center** - sprc.org
- **The Jed Foundation** - jedfoundation.org
- **ULifeline Suicide Prevention** - ulifeline.org
- **Recovery.org** - recovery.org
- **CenterPointe 24-hour Crisis Line** - (402) 475-6695
- **National Suicide Prevention Lifeline** - 1-800-273-TALK (8255) or text 4HOPE to 741-741. This is a 24-hour, toll-free, confidential suicide prevention hotline available to anyone in suicidal crisis or emotional distress.
- **Trevor Life Line (LGBT-specific suicide hotline)** - 1-866-4-U-TREVOR or 1-866-488-7386. More information can be found at: thetrevorproject.org

For everyone, be aware that you are not alone. Are you feeling stressed, anxious, hopeless, isolated or on edge? Have you noticed a friend who is feeling this way? Universities can sometimes feel big and lonely, but the fact is that many people at the University of Nebraska care about your well-being. You do not have to deal with stress alone! If you are thinking about suicide or if you are concerned about your wellbeing or the wellbeing of a friend, get help immediately. Tell an advisor, friend or family member. Residence assistants, residence directors, faculty and staff are trained to respond to this type of situation. You can also use any of the resources identified above. Sharing your concern for a friend or letting others know the difficulty you are facing is the first step. **YOU ARE NOT ALONE.**

Alcohol & Drug Awareness/Recovery Programs, Policy and Laws



The illicit use of drugs and alcohol and the excessive use of these substances is a major issue facing college campuses across the United States. The University of Nebraska wants to ensure that resources are available to not only promote the awareness of drug and alcohol misuse, but also to help students and staff determine if they have a problem with their substance use. Nebraska also provides a Collegiate Recovery Community (CRC) to students in recovery from alcohol and drug use. To this end, there are a

number of programs and resources available for use to students, faculty and staff.

High-risk alcohol use among students on college campuses remains a concern. The University of Nebraska is committed to an environmental management approach that integrates programs, policies and education to address alcohol and drug use. Faculty, staff, parents and peers influence alcohol use. The University encourages everyone to take advantage of the following resources. For anyone who chooses to develop their own resources, the individual is asked to use the University's established [alcohol messaging guidelines](#) to help create the content.

- Binge rates (5 or more drinks in a single sitting) among Nebraska students have declined from 62.4% in 1999 to 35% in 2016. Similar declines in primary and secondary effects have been documented.
- The percentage of incoming students reporting that they abstain from alcohol has steadily increased for the past 10 years.
- 77% of Nebraska students eat before and/or during drinking.
- 72% of Nebraska students keep track of how many drinks they consume.
- 85% of Nebraska students use a designated driver.
- 91% of Nebraska students stay with the same group of friends the entire time drinking.

Here are some interesting facts regarding drinking and University of Nebraska students:

Employees and students needing help in dealing with drug or alcohol problems are encouraged to make voluntary use of their campus Employee Assistance Programs and Student Counseling Centers. The Employee Assistance Programs and Student Counseling Centers can help by offering the following services objectively assessing the situation and referring employees or students to the proper resources, supplying short-term personal counseling and problem solving, and providing education and training to supervisors on how to intervene with troubled employees.

The University Police Department provides free educational lectures regarding the use of drugs and alcohol to any group (student or staff) upon request. The lecture addresses awareness and the effects of various drug and alcohol use, as well as educates the audience on the drugs currently being seen on campus and state and local laws pertaining to illegal drug and alcohol use. This lecture is annually provided to Resident Assistants, and specifically includes a drug burn to help RAs identify the smell of certain drugs. Those interested in a presentation should contact the UNLPD's Training Officer, (402) 472-2222 or police.unl.edu to schedule a time and location.

Online Screenings and Assessments

- [ScreenU Alcohol](#), [ScreenU Marijuana](#), and [ScreenU Rx](#) are confidential web-based screenings for college students, which assess use, provide brief intervention, and referral to resources.
- [Counseling and Psychological Services](#) (CAPS) offers [online assessment](#) for a variety of issues. See website at: <https://caps.unl.edu/>.

In-Person Screening, Coaching, Counseling, and Treatment Options

- **Alcohol and Drug Psychoeducation Workshop** helps students obtain knowledge about alcohol and drug use and avoid negative consequences involving substance use.
- **Alcohol/Drug Harm Reduction Group** provides a place where students can speak honestly about their current alcohol/drug use and get feedback without feeling judged or pressure to change. It is not Alcoholics Anonymous or treatment. Abstinence is not required to attend the group.
- **BASICS (Brief Alcohol Screening and Intervention for College Students)** is for college students that seeks to motivate change in quantity and frequency of drinking, to decrease the negative consequences of alcohol.
- **CASICS (Cannabis Screening and Intervention for College Students)** uses the same approach and philosophy as BASICS but is designed to address marijuana use concerns.
- **Substance Use Evaluation** uses a thorough interview and testing of college students' drinking and drug use for the purpose of making formal recommendations about the possible need for treatment.
- **Substance Abuse Clinic** treats students with primary substance use problems and coordinates the Alcohol Skills Training Program to help individuals examine problematic alcohol use following violation of campus alcohol policy. See website at: <https://psychology.unl.edu/pcc/specialty-clinics>.

Each of the above is available through:

Counseling and Psychological Services (CAPS)
223 University Health Center
550 N. 19th Street
402-472-7450

- **Collegiate Recovery Community (CRC)** - The Collegiate Recovery Community is a welcoming and inclusive environment for students in or seeking recovery. The CRC is a place where students are empowered to be their authentic selves and support one another while navigating their college experience free of alcohol and other drugs. We connect students who are attending or planning to attend Nebraska to other students in recovery and to resources on and off campus. See website at: <https://resilience.unl.edu/> for more information.

Psychological Consultation Center
325 Burnett Hall
(402) 472-2351

- **Well-Being Coaching** is provided by trained student volunteers from Big Red Resilience and Well-Being to help others thrive and create the life they want to live, now and in the future. Coaches promote the nine-dimension model of well-being that provides a framework for exploration and balance. See website at: <https://resilience.unl.edu/>

Big Red Resilience and Well-being
127 University Health Center
550 N. 19th Street
402-472-8770

Education and Training Opportunities

- **Step UP! Bystander Intervention Training:** This 90-minute, comprehensive bystander intervention training teaches students to learn to be proactive in helping others, increases their awareness of helping behaviors, motivates students to help, develops their skills and confidence to respond to problems or concerns, and enables them to know how to ensure the safety and well-being of self and others. Request a Step UP! training here: <https://resilience.unl.edu/step> Focused training modules are also available on Academics, Alcohol and Alcohol Poisoning, Anger, Depression, Discrimination, Disordered Eating, Gambling, Hazing, Relationship Abuse, and Sexual Assault.
- **Workshops and Presentations:** Big Red Resilience and Well-being offers workshops and presentations to campus organizations and classes on topics addressing alcohol, hazing, bystander effect, tobacco, vaping, prescription drug misuse, study drugs, cannabis, AOD laws, and other subjects. To request a presentation by a trained volunteer student Well-being Ambassador or a BRRWB professional staff member, visit <https://resilience.unl.edu/education-and-outreach-request>



Other Services

- **Free Ride Home:** 402-202-2222 This is a free cab service (funded by student fees) that provides students with a free, safe ride home in the event that they've exhausted all other options. The service is available from 9:00pm to 4:00am, but not during University vacations or closings.
- [UNL Student Legal Services](https://asun.unl.edu/student-legal-services/welcome) offers free legal advice or representation to registered UNL students. SLS is a program of ASUN, funded completely by student fees. See website at: <https://asun.unl.edu/student-legal-services/welcome>.

Room 335, Student Union
1400 R Street
402-472-3350

Local Detoxification and/or Addiction Treatment Options

- **Independence Center**.....(402) 805-2156
Detox, Evaluations, Residential, and Intensive Outpatient Programs
- **The Bridge**.....(402) 477-3951
Detox, Evaluations, Residential, Intensive Outpatient, and Outpatient Treatment Programs
- **Alcohol & Drug Solutions**.....(402) 601-4289
Evaluations, Intensive Outpatient, and Outpatient Treatment Programs
- **The Recovery Center**.....(402) 742-9616
Psychoeducation, Evaluations, Outpatient, and Intensive Outpatient Treatment Programs
- **UNL Psychological Consultation Center**.....(402) 472-3721
Evaluations and Outpatient Treatment
- **Lutheran Family Services**.....402) 441-7940
Evaluations, Intensive Outpatient, and Outpatient Treatment Programs
- **Blue Valley Behavioral Health**.....(402) 261-4017
Evaluations, Psychoeducation, and Outpatient Treatment Programs

Recovery

- Students in recovery interested in being a part of a new UNL Collegiate Recovery Community (Husker Recovery Meeting on Monday's at 8 p.m.) are asked to complete [this form](https://resilience.unl.edu/recovery) (form found at: <https://resilience.unl.edu/recovery>) or contact Big Red Resilience and Well-being
- [Lincoln Area Alcoholics Anonymous \(AA\)](http://lincaa.org) - 402-438-5214; lincaa.org
- [Southeast Nebraska Area of Narcotics Anonymous \(Lincoln\)](http://nebraskana.org) - nebraskana.org
- [AI-Anon/Alateen \(Lincoln\)](http://nebr-al-anon-alateen.org) - 402-477-9662; nebr-al-anon-alateen.org

Tobacco and/or Vaping Cessation

- The [University Health Center Pharmacy](#) in the University Health Center can fill medical prescriptions, including those for cessation products.
- [Tobacco Free Nebraska](#) Offers 24/7 access to free telephone cessation coaching and a variety of other self-help materials. Call [1-800-QUIT-NOW \(1-800-784-8669\)](tel:1-800-QUIT-NOW).
- The UNMC College of Dentistry on East Campus offers fee-based [individual counseling sessions for tobacco cessation](#). The series of three sessions and any cessation-related prescriptions may be covered by health insurance (verify coverage with your insurance company). This service is available at both the Student Dental Clinic (402) 472-1333, and the faculty practice at University Dental Associates (402) 472-8900.

In addition to the programs noted above, staff and faculty of the University can utilize the Employee Assistance Program (EAP) at the University of Nebraska is available to all faculty and staff and their immediate family members in need of information and/or assistance with any personal concern, including alcohol or drug-related problems. The EAP provides confidential, free, professional, short-term counseling, assessment and referral for employees and/or family members who need assistance with substance use issues. Tenure or any other employment status will **NOT** be jeopardized for employees seeking help from the EAP. The EAP office is located in the 501 Building, Room 128 on City Campus. Office telephone numbers are (402) 472-3107 or 1-800-755-2655, and the website is: hr.unl.edu/eap. EAP staff in the Human Resources department is responsible for conducting substance use awareness and education training for faculty and staff.

To insure best practices, the University conducts a biennial review of its drug and alcohol policies, as well as its support, prevention and awareness programs, in order to evaluate their effectiveness and determine any needed improvements, and to ensure that sanctions given for violations of the policy are consistently enforced. In addition, the University determines the number of drug and alcohol-related violations that occurred/were reported on campus, non-campus property, or on public property directly adjacent to campus, and it includes this information in the statistics included in the ASR and submitted to the Department of Education's website.

Applicable Policy, Laws and Statutes Regarding Alcohol and Drugs

The University of Nebraska has a zero-tolerance policy regarding the illicit use of drugs and alcohol by University students and employees, and any incidents involving these substances will be handled accordingly per state/federal law. Per UNL policy:

The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws. Officers of the University are to cooperate with State and Federal agencies in the prevention of drug abuse. In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988, 41 U.S.C. § 701, and the Drug Free Schools and Communities Act of 1989, 20 U.S.C. § 1145g, the University has formulated standards of conduct for both its employees and its students which prohibit the following acts:

1. Use, possession, manufacture, distribution, or sale of illegal drugs or drug paraphernalia on University premises or while on University business or at University activities, or in University supplied vehicles either during or after working hours;
2. Unauthorized use, possession, manufacture, distribution, or sale of a controlled substance as defined by the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., or Nebraska Drug Control Laws, Neb. Rev. Stat. §§ 28-401 et seq., on University premises, or while engaged on University business or at University activities or in University supplied vehicles, either during or after working hours;
3. Unauthorized use, manufacture, distribution, possession, or sale of alcohol on University premises or while on University business, or at University activities, or in University supplied vehicles, either during or after working hours;
4. Storing in a locker, desk, vehicle, or other place on University owned or occupied premises any unauthorized controlled substances, drug paraphernalia, or alcohol;
5. Use of alcohol off University premises that adversely affects an employee's or student's work or academic performance, or an employee's or student's safety or the safety of others;
6. Possession, use, manufacture, distribution, or sale of illegal drugs off University premises that adversely affects the employee's work performance or the student's academic performance, or an employee's or student's safety or the safety of others;
7. Violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution, or sale of alcohol, controlled substances, or drug paraphernalia;
8. In the case of employees, failure to notify an employee's supervisor of an employee's arrest or conviction under any criminal drug statute as a result of a violation of law which occurs at the University of Nebraska workplace.

[The Standards of Conduct were approved by the Regents in 1990. See Board of Regents of the University of Nebraska, *Minutes*, Vol. 55, p. 204 (October 12, 1990) and Vol. 56, p. 149 (September 6, 1991).] Last revised July 2020.

Description of Applicable Legal Sanctions Under Federal, State or Local Law for Unlawful Possession or Distribution of Illicit Drugs and Alcohol

The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. The following information summarizes selected provisions of Federal, State, and local laws which provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol. The following penalties may be imposed *in addition* to sanctions handed out by the University:

Federal Penalties and Sanctions for Illegal Possession of Controlled Substances

21 U.S.C. § 844(a)

First Conviction: Up to 1 year imprisonment and fine of at least \$1,000 or both. After one (1) prior drug conviction: At least 15 days in prison, not to exceed 2 years, and a fine of at least \$2,500. After two (2) or more prior drug convictions: at least 90 days in prison, not to exceed 3 years, and a fine of at least \$5,000.

21 U.S.C. § 853(a) and 881(a)

Forfeiture of tangible and intangible personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. Forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for use, to transport or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances.

21 U.S.C. § 844a

Civil fine of up to \$10,000 for each violation of 21 U.S.C. § 844 involving controlled substances listed in 21 U.S.C. § 841(b)(1)(A).

21 U.S.C. § 862

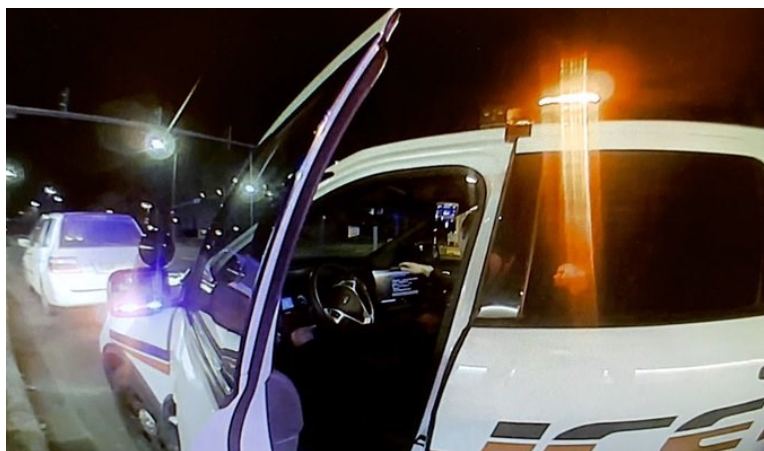
Denial of Federal benefits, such as financial aid grants, contracts, student loans, and professional and commercial licenses, for individuals convicted of distributing controlled substances (drug trafficking). The denial can last up to 5 years for the first conviction and up to 10 years for the second conviction. Those who have three or more convictions will be permanently ineligible for all Federal benefits.

18 U.S.C. § 922(g)

Ineligible to receive or possess a firearm or ammunition.

Miscellaneous

Authority to revoke certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., is vested with the officials of individual Federal agencies.



The United States Drug Enforcement Administration publishes information that summarizes trafficking penalties under Federal law for various drugs; it is available at: www.dea.gov/sites/default/files/drug_of_abuse.pdf.

Be aware that the above are only Federal penalties and sanctions; additional State penalties and sanctions may apply.

Nebraska State Penalties and Sanctions for Illegal Possession of Controlled Substances

Crimes Involving Minors: Any person 18 years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver or dispense a controlled substance or a counterfeit controlled substance (i) to a person (under the age of 18 years); (ii) in, on, or within 1,000 feet of a school, college, university, or playground; or (iii) within 100 feet of a youth center, public swimming pool, or video arcade shall be punished more severely. The law also provides for an enhanced penalty for anyone 18 years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. See Neb. Rev. Stat. § 28-416(4)(a) and (5)(a) (Cum. Supp. 2018). Persons under the age of eighteen who violate the drug laws may be subject to additional sentencing provisions found in Neb. Rev. Stat. § 28-416(18) and (19) (C), these include impounding licenses or permits issued under the Motor Vehicle Operator's License Act, completion of community service, and attending drug education classes.

Probation Conditions: Any person convicted of a drug law violation, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse. Neb. Rev. Stat. § 28-416 (14) (Cum. Supp. 2018).

Tax Provisions: Anyone who possesses or sells the following amounts of controlled substances or imitation controlled substances must pay the appropriate taxes to the Nebraska Department of Revenue and have the stamps attached to the controlled substances. Marijuana is not included in the definition of "controlled substances" here but is also taxed, as follows:

1. Illegal marijuana is taxed at \$100 for each ounce or portion of an ounce. Neb. Rev. Stat. § 77-4303 (Reissue 2018).
2. Any controlled substance that is sold by weight or volume (i.e., cocaine, crack, methamphetamine, etc.) is taxed at \$150 for each gram or portion of a gram. Neb. Rev. Stat. § 77-4303 (Reissue 2018).
3. Any controlled substance that is not sold by weight (i.e., LSD, Quaaludes, methamphetamine in tablets, PCP, etc.) is taxed at \$500 for each 50 dosage units or portion thereof. Neb. Rev. Stat. § 77-4303 (Reissue 2018).
4. Failure to have the proper tax stamps attached to the controlled substance is a Class IV felony, with a criminal penalty of up to a 2-year imprisonment and 12-month post-release supervision or a \$10,000 fine or both. Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2018) available at <http://nebraskalegislature.gov/laws>; Neb. Rev. Stat. §§ 77-4309 (Reissue 2018).

Property Forfeiture: Property used to manufacture, sell, or deliver controlled substances can be seized and forfeited to the State. Property subject to forfeiture may include cash, cars, boats, and airplanes, as well as drug paraphernalia, books, records, and research, including formulas, microfilm, tapes, and data. Neb. Rev. Stat. § 28-431 (Reissue 2016).

Being Under the Influence of Any Controlled Substance for Unauthorized Purpose: It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner. In a prosecution, the State need not prove that the accused was under the influence of a specific controlled substance, only that the accused manifested symptoms or reactions caused by the use of any controlled substance. Neb. Rev. Stat. § 28-417(1)(g) (Reissue 2016).

Drug Paraphernalia Offenses: It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Cum. Supp. 2018). Individuals who make a good faith request for emergency medical assistance in response to their drug overdose or when assisting another person may experience limited immunity from drug possession and paraphernalia charges if they meet certain requirements, such as requesting medical assistance as soon as the drug overdose is apparent and remaining on the scene and cooperating with medical assistance or law enforcement personnel. Neb. Rev. Stat. § 28-441(3) (Cum. Supp. 2018); Neb. Rev. Stat. § 28-472 (Cum. Supp. 2018).

1. "Drug paraphernalia" is defined to include such things as hypodermic syringes, needles, pipes, bong, roach clips, and other items used, intended for use, or designed for use with controlled substances. Neb. Rev. Stat. § 28-439 (Reissue 2016).
2. It is unlawful to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances in which one should reasonably know, that it will be used to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. This section does not apply to pharmacists, pharmacist interns, pharmacy technicians, and pharmacy clerks who sell hypodermic syringes or needles for the prevention of the spread of infectious diseases. Neb. Rev. Stat. § 28-442 (Cum. Supp. 2018).
3. It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under the age of 18 who is at least three years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 2016).
4. A violation of Neb. Rev. Stat. § 28-441 (use or possession of drug paraphernalia) is an infraction and is punishable on the first offense by a fine of up to a maximum of \$100; a second offense within two years of the first is punishable by a fine between \$100 and \$300; a third offense within two years of the second is punishable by a fine between \$200 and \$500. Neb. Rev. Stat. §§ 28-441 (Cum. Supp. 2018) and 29-436 (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-442 (delivery or manufacture of drug paraphernalia), which is a Class II misdemeanor, is up to a 6-month imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 28-442 (Reissue 2016) and § 28-106(1) (Cum. Supp. 2018). The penalty for violation of Neb. Rev. Stat. § 28-443 (delivery of drug paraphernalia to a minor), a Class I misdemeanor, is imprisonment for up to one year or a \$1,000 fine or both. Neb. Rev. Stat. § 28-443 (Reissue 2016) and § 28-106(1) (Reissue 2016).

Imitation Controlled Substances: It is a violation of Nebraska law to knowingly or intentionally manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 2016). "Imitation controlled substance" is a substance that is not a controlled substance or controlled substance analogue but which is represented to be an illicit controlled substance or controlled substance analogue. Neb. Rev. Stat. § 28-401 (29) (Cum. Supp. 2018). The first violation of this law is a Class III misdemeanor and the penalty may be a 3-month imprisonment or a \$500 fine or both. A second offense violation of this law is a Class II misdemeanor and the penalty may be imprisonment for up to six months or a \$1,000 fine or both. Neb. Rev. Stat. § 28-445 (Reissue 2016) and § 28-106(1) (Reissue 2016).

Controlled Substance Analogues: For purposes of Nebraska's Uniform Controlled Substance Act, controlled substance analogues (often called "designer drugs") are treated as controlled substances. Such an analogue is defined as (i) substantially similar in chemical structure to the chemical structure of a controlled substance or (ii) having a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401(30)(a) (Cum. Supp. 2018).

To view charts outlining sanctions under Nebraska law for the unlawful possession of or distribution of anabolic steroids, marijuana, and hashish or other substances containing tetrahydrocannabinols and/or illicit drugs, see the University's *Drug Free Campus Policy* at: police.unl.edu/drug-free-campus-policy.

Nebraska State Penalties and Sanctions for Selected Alcohol Offenses

Minor in Possession: It is against the law for a person under the age of 21 years to sell, dispense, consume, or possess alcohol. Neb. Rev. Stat. § 53-180.02 (Reissue 2010). In general, unless an exception applies, any person under the age of 21 years violating this law is guilty of a Class III misdemeanor; additional consequences may apply if the person is 18 years of age or younger. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Cum. Supp. 2018); § 28-106(1) (Reissue 2016). Penalties for violation of this law may include one or more of the following: the impoundment of the offender's license for thirty days or more; the requirement to attend an alcohol education class; the requirement to complete twenty hours or more of community service; submission to an alcohol assessment by a licensed counselor; imprisonment of up to three months; and/or a \$500 fine;. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Cum. Supp. 2018); § 28-106(1) (Reissue 2016). The law provides immunity from minor in possession alcohol charges when someone underage is in need of medical assistance. A penalty may not be imposed on a person who otherwise violated the law if the person (i) made a good faith request for emergency medical assistance in response to the possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent; (ii) Made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 53-180.05(4) and § 53-181(3) (Cum. Supp. 2018).

Procuring Alcohol: It is a violation of Nebraska law to sell, furnish, give away, exchange, deliver, or permit the sale, gift, or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Cum. Supp. 2018). Violation of this law is generally punishable by not more than a one-year imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Cum. Supp. 2018) and § 28-106(1) (Reissue 2016). However, if alcohol is knowingly and intentionally provided to a minor and the minor's consumption of the alcohol or impaired condition attributed to the alcohol leads to the serious bodily injury or death of any person, the person who provided the alcohol shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days' imprisonment. The penalty for a Class IIIA felony is a 3-year imprisonment and 18-month post release supervision or a \$10,000 fine or both and a minimum of a 9-month post-release supervision if imprisonment is imposed. See Neb. Rev. Stat. § 53-180.05(2) (Cum. Supp. 2018) and Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2018) available at <http://nebraskalegislature.gov/laws>.

Consumption on Public Property: It is a violation of Nebraska law for any person to consume alcoholic liquors upon property owned or controlled by the State or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such properties. Neb. Rev. Stat. § 53-186 (Cum. Supp. 2018). A violation of this statute is punishable on the first offense by a fine of up to \$100; a second offense within two years of the first is punishable by a fine between \$100 and \$300; a third offense within two years of the second is punishable by a fine between \$200 and \$500. Neb. Rev. Stat. § 53-186 (Cum. Supp. 2018) and § 29-436 (Reissue 2016).



Driving While Intoxicated: Operating or being in physical control of a vehicle while under the influence of alcoholic liquors or drugs is a violation of Nebraska law when such person has a concentration of eight□ hundredths (.08) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath. Neb. Rev. Stat. § 60□6,196 (Reissue 2010).

1. Violation of this law is punishable on first offense by seven to 60 days of imprisonment and a \$500 fine. Neb. Rev. Stat § 60□6,197.03 (Cum. Supp. 2016) and § 28□106(1) (Reissue 2018). In addition, an offender's driver's license is revoked for 6 months and the offender is ordered not to drive any motor vehicle for any purpose for a like period. Neb. Rev. Stat. § 60□ 6,197.03(1) (Cum. Supp. 2018). Suspended sentence or probation includes a mandatory requirement that probation or suspension be conditioned on an order that the offender will not drive any motor vehicle for any purpose for 60 days and pay a \$500 fine. Neb. Rev. Stat. § 60□6, 197.03(1) (Cum. Supp. 2018).
2. Penalties for a second conviction include a \$500 fine and a maximum of a 6□month imprisonment, with no less than a mandatory 30□day imprisonment. Neb. Rev. Stat. § 60□ 6,197.03 (Cum. Supp. 2018) and § 28□106(1) (Reissue 2016). As part of the judgment of conviction, the offender's operator's license is revoked for 18 months. Neb. Rev. Stat. § 60□ 6,197.03(3) (Cum. Supp. 2018). If an offender is placed on probation or the sentence is suspended, a mandatory condition is that the offender must not drive any motor vehicle for any purpose for a period of 18 months. Neb. Rev. Stat. § 60□6, 197.03(3) (Cum. Supp. 2018). In addition, the probation order shall include as one of its conditions the payment of a \$500 fine and confinement in the city or county jail for 10 days or the imposition of not less than 240 hours of community service. Neb. Rev. Stat. § 60□6, 197.03(3) (Cum. Supp. 2018).
3. Penalties for a third conviction include a \$1,000 fine and a maximum of a one□year imprisonment, with a minimum 90□day imprisonment, and an order of license revocation for 15 years. Neb. Rev. Stat. § 28□106(1) (Reissue 2016) and Neb. Rev. Stat. § 60□6,197.03(4) (Cum. Supp. 2018). If an offender is placed on probation, or the sentence is suspended, a mandatory condition is that the offender's operator's license shall be revoked for a period of at least 2 years but not more than 15 years. Neb. Rev. Stat. § 60□6, 197.03(4) (Cum. Supp. 2018). In addition, the probation order shall include the payment of a \$1,000 fine and as one of its conditions confinement in the city or county jail for 30 days. Neb. Rev. Stat. § 60□6, 197.03(4) (Cum. Supp. 2018).
4. Fourth convictions are a Class IIIA felony. Neb. Rev. Stat. § 60□6,197.03(7) (Cum. Supp. 2018). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least 180 days imprisoned in a city or county jail or an adult correctional facility. Neb. Rev. Stat. § 60□6, 197.03(7) (Cum. Supp. 2018). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60□6, 197.03(7) (Cum. Supp. 2018). In addition, the probation order shall include as one of its conditions a \$2,000 fine and confinement in the city or county jail for no less than 90 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 90 days after release. Neb. Rev. Stat. § 60□6, 197.03(7) (Cum. Supp. 2018).
5. Fifth and subsequent convictions are a Class IIA felony. Neb. Rev. Stat. § 60□6, 197.03(9) (Cum. Supp. 2018). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least two years' in prison. Neb. Rev. Stat. § 60□6, 197.03(9) (Cum. Supp. 2018). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60□6, 197.03(9) (Cum. Supp. 2018). In addition, the probation order shall include as one of its conditions a \$2,000 fine and confinement in the city or county jail for 1 8 0 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 180 days after release. Neb. Rev. Stat. § 60□6, 197.03(9) (Cum. Supp. 2018).

6. Persons with a higher concentration of alcohol, fifteen hundredths (.15) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath on a first conviction and subsequent conviction, are subject to even stiffer penalties. Neb. Rev. Stat. § 60-6, 197.03(2), (5), (6), (8) and (10) (Cum. Supp. 2018). Where a person has three prior convictions and then has another conviction involving this higher alcohol concentration, he or she shall be guilty of a Class IIA felony with a minimum sentence of one year of imprisonment, and has his or her license revoked for a period of 15 years. Neb. Rev. Stat. § 60-6, 197.03(8) (Cum. Supp. 2018). In addition, any probation order shall be applied as previously indicated under Neb. Rev. Stat. § 60-6, 197.03(7) (Cum. Supp. 2018).
7. Persons convicted of a DWI violation may be ordered to have an ignition interlock device installed at their expense on each motor vehicle operated by the convicted person during the period of revocation. Neb. Rev. Stat. §§ 60-6,197.03 and 60-6,211.05 (Cum. Supp. 2018). DWI convictions also have an impact on the ability of a person to obtain both automobile and life insurance coverage.
8. Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol, e.g. "open container" laws.



Other Applicable Laws to Know

Fake ID: It is illegal for minors to misrepresent age to obtain or attempt to obtain alcohol. It is also illegal to give a minor a fake ID for the purpose of obtaining or attempting to obtain alcohol.

1. Up to \$500 fine, up to 90 days in jail, or both
2. Student Code of Conduct violation

([Neb. Rev. Stat. §60-491](#) Prohibited Acts.) ([Lincoln Municipal Code 9.48.030](#) Minors; Misrepresenting Age.; [Lincoln Municipal Code 9.48.020](#) Furnishing False Identification.)

Hazing: It is illegal to commit or coerce the act of hazing. “Hazing means any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any organization. Such hazing activity includes whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with intent to affront or alarm any person, a lewd fondling or caressing of the body of another person, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment or the performance of any unlawful act which endangers the physical or mental health or safety of any person or the coercing of any such activity.”

1. Up to 6 months in jail, \$1,000 fine, or both
2. Organizations can be fined up to \$10,000
3. Student Code of Conduct violation

([Neb. Rev. Stat. 28-311.06](#). Hazing, defined; penalty.)

Disturbing the Peace: It is illegal to intentionally disturb the peace and quiet of any person, family, or neighborhood. ([Neb. Rev. Stat 28-1322](#)) ([Lincoln Municipal Code 9.20.050](#))

1. \$500 fine, up to 3 months in jail, or both
2. Student Code of Conduct violation

Disorderly House: It is illegal for a resident, lessee, owner, or manager to allow illegal activities or disturbing noise in a disorderly house.

1. First offense: \$250-\$500 fine, 6 months in jail or both
2. Student Code of Conduct violation

([Lincoln Municipal Code 9.20.030](#) Disorderly House; Maintaining.)

Inmate of a Disorderly House: It is illegal to occupy or visit any disorderly house and knowingly participate in illegal activities in a disorderly house.

1. First offense: \$250-500 fine, 6 months in jail, or both
2. Student Code of Conduct violation

([Lincoln Municipal Code 9.20.040](#) Inmate of Disorderly House.)

False Reporting: It is against the law to lie to law enforcement.

1. Up to \$1,000 fine, up to 1 year in jail, or both
2. Student Conduct Code violation

([Neb. Rev. Stat. 28-907](#) False reporting; penalty.)

Obstructing a Police Officer: It is illegal to interfere or obstruct law enforcement or a police investigation

1. Up to \$1,000 fine, up to 1 year in jail, or both
2. Not eligible for pre-trial diversion
3. Student Code of Conduct violation

([Nebraska Rev. Stat. 28-906](#); Obstructing a peace officer; penalty.)

Public Urination/Defecation: It is illegal for any person to urinate or defecate on a public street, alley, or any other property, public or private, open to or visible to the public.

1. \$100 fine
2. Student Code of Conduct violation

([Lincoln Municipal Code 9.16.210](#) Urinating or Defecating in Public; Prohibited.)

Disciplinary Sanctions from the University

Students: Violations of the Student Code of Conduct may result in the imposition of sanctions up to and including expulsion (see above for specific sanctions and definitions) from the University and referral for prosecution by the proper authorities under local, State and/or Federal law (as identified above).

In residence halls specifically, the minimum responses to first offense alcohol violations include a behavioral requirement and an Alcohol Skills Training Program. Second offenses include an attempt at parental notification. Minimum responses to first offense marijuana violations include an attempt at parental notification, behavioral requirement, education, and conduct probation. Second offense marijuana minimum responses include Housing contract cancellation and attempt at parental notification. Behavioral and educational requirements fit the violation in terms of kind and severity. For example, a student may be required to apologize to residents and custodians affected, spend a Friday night monitoring intakes at The Bridge, accompany the on-call custodian for clean-up in hall bathrooms, floors and stairwells, or work with staff to do a community education program. Minimum responses to both alcohol and marijuana offenses include several hours of community service.

Faculty and Staff: In the event a faculty or staff member violates this policy or is convicted of unlawful manufacture, distribution, dispensation, possession or use of controlled substances or alcohol on University property or as part of any University activity, the University will take appropriate action, including one or more of the following:

- Referral to the Faculty/Employee Assistance Program for evaluation and assessment to determine the appropriate treatment for rehabilitation;
- Participation in a drug rehabilitation program;
- Disciplinary action, up to and including termination of employment and referral for prosecution

As required by 41 U.S.C. § 8102(a) (1), part of the Drug-Free Workplace Act of 1988, faculty and staff involved in the performance of federal contracts or grants must notify their supervisor within five days if they are convicted of any criminal drug statute as a result of violation of the law that occurs at the workplace. The term “conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of the Federal or State criminal drug statutes. The supervisor will immediately notify the Academic Affairs Office when faculty members are affected or the Human Resources Office when staff members are affected. The University, in turn, will notify the applicable granting or contracting agency or agencies of the conviction within ten days after receiving notice of an employee’s criminal drug statute conviction.



Description of Health Risks Associated with Use of Illicit Drugs and Abuse of Alcohol

Serious health risks are associated with the use of illicit drugs and alcohol. The National Institute on Drug Abuse states that most drugs of abuse can alter a person's thinking and judgment, leading to health risks, including addiction, drugged driving and infectious disease. Most drugs could potentially harm an unborn baby; pregnancy-related issues are listed for drugs where there is enough scientific evidence to connect the drug use to specific negative effects. The following are some important facts to know.

Alcohol: Below are key points the National Institute on Alcohol Abuse and Alcoholism provides regarding alcohol's effects on the body at <https://www.niaaa.nih.gov>. Drinking too much – on a single occasion or over time – can take a serious toll on your health. Here's how alcohol can affect your body:

- **Brain:** Alcohol interferes with the brain's communication pathways and can affect the way the brain looks and works. These disruptions can change mood and behavior and make it harder to think clearly and move with coordination.
- **Heart:** Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including cardiomyopathy – stretching and drooping of heart muscle; arrhythmias – irregular heart beat; stroke; and high blood pressure.
- **Liver:** Heavy drinking takes a toll on the liver and can lead to a variety of problems and liver inflammations including steatosis, or fatty liver; alcoholic hepatitis; fibrosis; and cirrhosis.
- **Pancreas:** Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.
- **Cancer:** Based on extensive reviews of research studies, there is a strong scientific consensus of an association between alcohol drinking and several types of cancer. In its Report on Carcinogens, the National Toxicology Program of the US Department of Health and Human Services lists consumption of alcoholic beverages as a known human carcinogen. The research evidence indicates that the more alcohol a person drinks—particularly the more alcohol a person drinks regularly over time—the higher his or her risk of developing an alcohol-associated cancer. Based on data from 2009, an estimated 3.5 percent of all cancer deaths in the United States (about 19,500 deaths) were alcohol related. Clear patterns have emerged between alcohol consumption and the development of the following types of cancer: head and neck cancer; esophageal cancer; liver cancer; breast cancer; and colorectal cancer.
- **Immune System:** Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours after getting drunk.

Drugs: With drugs, it has been shown that while initial use may have been voluntary, drugs of abuse alter gene expression and brain circuitry, which affects human behavior and becomes an addiction. Once addiction develops, the brain changes interfere with one's ability to make voluntary decisions, leading to compulsive drug craving, seeking and use. The long-term use of drugs can be far reaching and affect cardiovascular disease, stroke, cancer, HIV/AIDS, hepatitis, and lung disease. Drugs use has respiratory, gastrointestinal and musculoskeletal effects, and can damage kidneys, the liver, the brain and lead to premature death. In addition, the changes that occur in the brain through long-term drug use can lead to paranoia, depression, aggression, and hallucinations. These issues affect not only the individual, but loved ones, fellow students, and the public in general.

The health risks of alcohol and substance abuse are more thoroughly described by the National Institute on Drug Abuse through charts available at: www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts. The link to this chart can also be found in the University's *Drug Free Campus Policy* that is available on-line at: police.unl.edu/drug-free-campus-policy.

Please also be aware that as of January 1, 2018, the University has banned the use of all smoking, tobacco and vaping products on its properties. The [tobacco-free policy](#) was formed through a student-led initiative and follows a national trend to enact smoke and tobacco-free policies designed to encourage healthier campus and work environments, and aligns with initiatives at a majority of Big Ten institutions and other universities in the state. A survey of students, faculty and staff was conducted to gauge interest in the policy and found that 83.3 percent of students as well as 88.4 percent of faculty and staff supported the enactment of restrictive smoking policies at the University.

Security of University Buildings



The University of Nebraska-Lincoln takes all available measures to ensure the security of campus buildings. Students, faculty members, staff members, and visitors at the University of Nebraska have access to facilities on campus at appropriate times. Access to some facilities is restricted to selected students, faculty members, or staff members. For example, certain classroom facilities are open only to students, faculty members, and staff members involved with classes taught there or in the operation of those facilities.

Other facilities are open to all students, faculty members, staff members, and the general public. An example of this type of facility would be the Nebraska Union dining facilities during normal business hours.

The University has developed the following policy to ensure reasonable access to its Lincoln campus facilities while maintaining appropriate levels of security.

Definitions

- **Authorized Person** – University of Nebraska faculty, staff, student, or affiliate as defined by the NCard Office, and determined by departmental authority to require access to a controlled area for University business.
- **High Security Access** – Access that opens a space that has been determined by the UNLPD, Environmental Health and Safety (EHS), or a University department to require tighter control and additional access restrictions because of the contents or activities conducted within. Because safety and security concerns are heightened during non-business hours, access via exterior entrance doors to buildings is considered High Security Access. When possible, High Security Access is programmed to an individual's campus identification card (NCard). A physical key will be issued when electronic access is not available.
- **Interior Key** – A key that provides access to an interior space that has not been determined by the UNLPD, EHS, or a University department to require tighter control or access restrictions.
- **Key Manager** – A designated person to manage and control keys and access to space assigned to a specific Department and not deemed high security. It is recommended that departments designate one or two backup key managers.

Facility Access Management

- The Building Systems Maintenance Division (BSM) of the Facilities Management and Planning Department maintains a system of keys and locks to all academic and administrative building doors. No keys may be duplicated by departments or individuals. All access devices remain the property of the University of Nebraska and will not be sold or in any other way transferred to an individual outside the limits of this policy.
- Access into University buildings is managed by the UNLPD, which will maintain the official records of the assignment of High Security Access. Department Key Managers are responsible for the department's records of key assignments to interior spaces and electronic access via NCard. The UNLPD will maintain a centralized database that may be used by departments to track interior, department issued keys.
- Employees should notify their Key Manager when any keys are lost and it is the Key Manager's responsibility to report the lost key to the UNLPD through the online Access Management Program.
- Departments that are assigned interior space shall make the determination of whether interior door security needs to be restored due to a key(s) that has been lost, stolen, improperly duplicated or not returned. For shared spaces, department(s) that originally authorized issuance of an Interior Key or the department for which the employee works who lost the keys may be required to pay the cost to restore interior building security. (The cost to restore building security includes labor and materials required to change the locking mechanism on each door that the missing key operates, and the cost to re-issue keys to all individuals who have authorized access through the affected doors). The UNLPD, after consultation with affected departments, shall make the determination of whether security needs to be restored for all High Security doors if necessary.
- A fee will be assessed to the department for an Interior Key.
- Buildings that are reserved for special events through the Office of the Registrar can be scheduled to be open.

Department Responsibilities

- University departments are responsible for security of their interior spaces.
- University departments designate the individual(s) who has access to its interior spaces.
- University departments are responsible for maintaining an inventory of keys assigned to individuals. The UNLPD will coordinate with departments annually regarding key assignments and will be available throughout the year for consultation to help effectively manage interior keys.

High Security Access

- High Security Access is issued to individuals by the UNLPD or its delegates following appropriate Departmental approval. By authorizing issuance of a High Security Access to an individual the Department agrees to:
 - Verify that the individual is authorized to conduct University business within a secure space.
 - Immediately notify the UNLPD when an individual's NCard is lost or stolen.
 - Immediately notify the UNLPD when an individual is no longer authorized for electronic High Security access or the individual is separating from the University.
 - Actively attempt recovery of Exterior Keys from individuals who are no longer authorized to use the keys or the individual is separating from the University. Recovered keys should be returned to the UNLPD.

Interior Keys

- Interior Keys are managed and issued to individuals by the Department that occupies the particular space. By issuing such an Interior Key to an individual, the Department agrees to:
 - Verify that the individual is authorized to conduct University business within a secure space.
 - Immediately notify University Police when any Interior Key is lost or stolen.
 - Secure all Interior Keys not issued to an individual.
 - Actively attempt recovery of Interior Keys from individuals who are no longer authorized to use the keys or the individual is separating from the University.
 - Maintain accurate and current records for all Interior Keys issued and recovered by the Department.

Personal Building Access Responsibilities

Individuals issued access rights to a building or interior spaces are responsible to safeguard their NCard and key and to maintain security of the campus building or area that the key opens. By accepting access rights or a key an individual agrees to:

- Protect the NCard and Interior Key from theft or loss.
- Not duplicate, loan or allow any other individual to use the key or NCard for entry.
- Assure that doors are relocked after entering or leaving.
- Assume responsibility for the conduct of any person the key holder allows to enter a locked facility.
- Immediately notify University Police when the individual's NCard or key is lost or stolen.
- Return Interior Keys to the issuing department on demand and prior to separation from the University.

Acquiring Facility Access

High Security Access

- High Security Access is issued by the UNLPD or its delegates. Procedures to obtain a High Security Access are:
- The Key Manager is responsible for managing the High Security Access for its personnel.
- Electronic High Security Access will be granted via activation of the individual's NCard. Physical key will be issued to the individual when electronic access is not available.

Non-High Security Access

- Key Managers may request Interior Keys and electronic control for areas assigned to his/her Department. Key Managers distribute and manage interior keys for department personnel.
- The Key Manager is responsible for tracking the key distribution to its personnel.
- The Key Manager submits a Key Order with the department's cost object to the UNLPD.
- Issued Interior Keys are picked up at the UNLPD by requesting department's Key Manager(s).

To obtain a physical key for roof access; a Work Order and valid NCard will need to be presented to the Key Shop. Roof keys will only be available to be checked out during normal business hours at the Key Shop, Monday – Friday, 7:00 am – 4:30 pm. All roof keys need to be back each day by 4:30 pm, unless written approval has been given by UNLPD. To obtain written approval for roof keys past normal business hours; requests will need to be submitted with at least two (2) business days prior for proper approval.

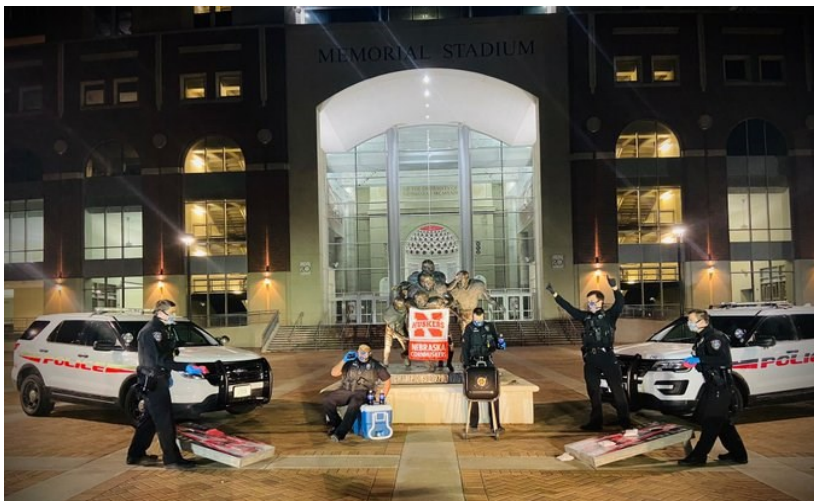
It is the policy of the University of Nebraska-Lincoln that all buildings should be locked to maintain security of the buildings and their contents after normal business hours (hours may vary among buildings), or when not in use for University classes, activities and/or special events. Faculty, students and staff members may be issued access to University buildings upon recommendation of the department Key Manager, in accordance with established procedures. Keys or access cards are issued for entry to University buildings for conducting University business only. Most non-residential campus buildings and facilities are accessible to members of the campus community and guests and visitors during normal hours of business, and some buildings for limited designated hours on Saturday and Sundays. Access times will vary depending upon the nature of the building and activity. Except for those students, faculty and staff with keys or appropriately-authorized access cards, access is generally restricted to University-affiliated personnel during recognized holidays.

Crime Prevention & Safety Programs and Information

A high percentage of campus crimes are incidents of opportunity. Often people contribute to situational crimes by needlessly placing themselves or their property at risk. Crime will occur wherever there is opportunity, but prevention efforts can be effective in reducing these opportunities. You play an essential role in crime prevention efforts. Be cautious, careful, and alert to your own safety; protect your possessions and University property.

The University of Nebraska-Lincoln Police Department is involved in providing crime prevention functions to the University community, including the provision of educational programming and the conduction of security surveys (e.g. looking at lighting, identifying trees blocking views of security cameras, reviewing incident locations, etc.). One of the missions of those involved in crime prevention is to educate the members of the University community on safety, security and crime prevention. Knowing how to protect yourself and being aware of your environment are the best ways to prevent you from becoming a victim. The UNLPD offers various presentations centered on security awareness and crime prevention, free to anyone affiliated with the University. These programs include:

- **Personal Safety:** Presentation on keeping yourself and your belongings safe in your day to day life, such as when you are working in an office, jogging on campus, etc. It also highlights how to handle suspicious persons and others that may be a potential threat.
- **Situational Awareness:** Presentation about how to handle a major incident on campus, such as major weather events or an active shooter, how to protect oneself in these situations, and the measures that should be taken. The presentation follows the Department of Homeland Security's model.
- **Theft Prevention:** Presentation addressing steps that can be taken to avoid having items stolen. It includes tips on measures one can take (keep things locked up, don't leave valuables unattended, etc.), along with information on registering bikes and electronics in the case that they are stolen.
- **Threat Assessment Partnership:** Presentation about the Threat Assessment Partnership and how it functions. It addresses how each person can be a part of an assessment, even if not part of the actual team.



These programs are available for presentation anywhere upon request, and may be scheduled at various times throughout the year, open to anyone who would like to attend. To find out more information on a program, to register or to schedule a program, please contact the UNLPD at (402) 472-2222 or <http://police.unl.edu>.

Theft is the most common crime on the University of Nebraska-Lincoln campus. Many, if not most thefts occur during the daylight hours. In your residence, living group or office, exchange information about your schedule and watch your neighbors' rooms and work areas. The UNLPD provides the following tips on personal safety and security:

Walking on Campus

- Think ahead and plan your journey, avoiding unpopulated areas.
- Try to avoid walking alone at night, stay on well-lit main roads where possible, and try to avoid short cuts like alleyways.
- Stay alert: Be aware of what's going on around you.
- It is always worth letting someone know where you are going, the route you intend to take and when you expect to return.
- Consider investing in a mobile phone. There are various services available for light users.
- Try to avoid wearing headphones; your ability to hear traffic, strangers and potential trouble can be restricted.
- Report parking lot lights that are out to Facilities Management or the UNLPD.
- Report suspicious person(s) or activity to the UNLPD immediately.

Safety in Buildings

- Being aware of your surroundings and the possibility of danger is your best defense. Be alert, and stay aware (but don't become paranoid).
- Always know where the TWO nearest exits are in any building you visit.
- If you become aware of danger (fire, violence, etc.):
 - Move to the nearest exit that takes you away from the danger.
 - Be aware of the risk from a panicked crowd, all trying to escape through a single exit.
 - Don't forget about using fire exits, delivery areas, and "employee only" exits to escape the danger.
 - If you can't get out of the building your next best option is to go to a safe area or, in the case of violence and you can't get out of the building, lock yourself in away from the danger.
 - Call 911.

Automobile Security

Always:

- Close windows and sunroof, lock the doors and activate any security devices when leaving your car unattended.
- Park with care, particularly at night or if you are leaving for a long time. If possible, park in a busy, well-lit area.
- Check on your vehicle daily and check possible hit and run damage.
- Keep your keys safe in a secure place in your office or residence hall and **never** leave them in the car, even for a second. Treat them as you would your credit cards.

Never:

- Leave cash, credit cards, check books, mobile phones, vehicle documents or other valuables in the car (if you have no choice make sure they are hidden well out of sight).
- Store weapons in your vehicle. Contact the UNLPD to set up a free storage unit for your weapons.

Identity Theft

Magazine Sales

- In the event there are magazine sales representatives in your residence hall, contact the UNLPD immediately. This solicitation is not permitted and is against the law. Protect your information and contact magazine clearing houses directly if you wish to subscribe.

Checks

- The next time you order checks, have only your initials instead of first name and last name put on them. If someone takes your checkbook, they will not know if you sign your checks with just your initials or your first name, but your bank will know how you sign your checks.

Wallets and Credit Cards

- Place the contents of your wallet on a photocopy machine, do both sides of each license, credit card, etc. You will then know what you had in your wallet and all of the account numbers and phone numbers to call and cancel. Keep the photocopy in a safe place. Here is some critical information on limiting the damage in the event that your wallet, check book, credit cards, etc. are stolen:
- Cancel your credit cards immediately. The key is having the toll free numbers and your card numbers handy so you know whom to call. Keep those where you can find them easily.
- File a police report immediately in the jurisdiction where it was stolen, as this proves to the credit providers you were diligent, and is a first step toward an investigation.
- **Here is the most important:** Call the three national credit reporting organizations immediately to place a fraud alert on your name and Social Security number. The alert means any company that checks your credit knows your information was stolen, and they have to contact you by phone to authorize new credit. Some reporting organizations are:
 - Equifax: 1-800-525-6285
 - Experian: 1-800-397-3742
 - Trans Union : 1-800-680-7289
 - Social Security Administration Fraud Line: 1-800-269-0271

The University understands that a secure environment is made possible through community involvement in crime prevention. The purpose of community crime prevention is simple: to help you recognize your own vulnerability to crime, and reduce your risk through preventive action and cooperation with the University of Nebraska-Lincoln Police Department.

The University is continually working to maintain and improve campus facility security. Landscaping and outdoor lighting on campus are frequently surveyed and modified for pedestrian safety and security. Landscape Services trim shrubs from sidewalks, walkways, and building entrances to enhance lighting and visibility. Campus safety walks are conducted at regular intervals (generally about every eighteen months, so one will occur in spring and one in the fall) to identify areas of campus which could use additional safety or security attention. These “walks” are coordinated by the UNLPD, and are open to any campus member or city officials to attend.

It is important to make sure one knows where they are going if unfamiliar with a location. Maps showing buildings and walkways thorough UNL’s campus are available at: maps.unl.edu. Printed maps may be requested from the UNLPD.



Bicycle Security

- Be aware that most bicycles stolen at the University are either **UNLOCKED** or secured with **POOR QUALITY LOCKS**.
- **ALWAYS** secure your bike in a well-lighted public bike rack.
- **NEVER** secure your bike to an access rail or park it on a ramp - Access rails and ramps are provided to help people with disabilities enter buildings. You may find your bike has been impounded by the University if secured to an access rail or parked on a ramp.
- **REGISTER your bike online** with the University of Nebraska-Lincoln Police Department. This provides important information to assist in recovering your bike if it is stolen which in turn helps the police get it back to you if it is recovered - and it's **FREE!**
- **REPORT** suspicious activity and/or persons loitering around bike racks. Help us get them before they get your bike.
- **USE** a high quality lock (a "U type" lock is recommended).
- If your bike has quick release wheels, release the front wheel and include it with the rear wheel and frame when locking your bike to the rack.
- Bikes without quick release wheels should be secured by putting the lock through both a tire and the frame when locking your bike to the rack.
- When using a cable or chain lock:
 - Use a cable or chain at least 3/8" in diameter.
 - Use a key with a 3/8" hardened shackle with heel and toe locking.
 - Pull up all slack in the cable or chain and make sure the lock is as high off the ground as possible.



Trespassing Policy

In order to further protect the safety of its students, employees and visitors, and the security of its facilities, the University has developed a specific policy concerning trespassing in order to address issues with unauthorized persons on campus or on University property. When necessary, UNL will, through the UNLPD, ban certain persons from campus due to their behavior and/or actions for a set amount of time. If this person returns to campus while banned, they are subject to arrest. The policy reads as follows:

Section 1: Persons Not Authorized in Non-Public Areas of University Buildings.

The areas of University academic, research, public service, and administrative buildings of the University used for classrooms, laboratories, faculty and staff offices, and the areas of University student residence buildings used for student living quarters are not open to the general public. Any person not authorized to be or remain in any such building area will be deemed to be trespassing on University property, and may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521.

Section 2: Persons on University Property Between the Hours of 11:00 p.m. and 6:00 a.m.

Persons who are not students, faculty, staff, tenants, licensees, agents or contractors of the University, or their employees, visitors or guests, shall not be permitted on University property between the hours of 11:00 p.m. and 6:00 a.m. Visitors and guests are expected to conduct themselves in a proper and lawful manner while on University property, and failure to do so may result in imposition of personal restrictions relating to their presence on University property. Specifically, the right of a visitor or guest to be present on University property will be restricted when the visitor or guest has harmed or has threatened to harm a member of the student body, faculty or staff. The right of a visitor or guest to be on University property will also be restricted when the visitor or guest has damaged or poses a risk of damage or loss to University property or to the property of others located on University property.

Section 3: Persons in University Buildings After Closing to the Public.

Many University Buildings are open to the public at designated times which are posted at building entrances. Some University buildings are closed and locked during the times they are not open to the public. Also, some University buildings, such as student unions, are closed to the public at designated times which are posted at building entrances, but remain unlocked for access and use by students, faculty, staff and other authorized persons. Persons who are not authorized by the University to be in a University building after the posted time of closing to the public will be deemed to be trespassing on University property, and may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521.

Section 4: Ban and Bar Notices.

University law enforcement or security personnel may issue written notices to any person who has been contacted or observed on University property while engaged in any unlawful or unauthorized activity banning and barring such person from University property, except as may be specifically authorized in such notice. Violation of any such notice will be deemed to be trespassing on University property, and the offending party may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521. The term "unlawful or unauthorized activity" shall mean any conduct, act or omission by any person that is in violation of (i) any law, rule, regulation or order of the State of Nebraska or of the United States, or (ii) any policy, rule or regulation of the University of Nebraska-Lincoln.

General Campus Emergency & Evacuation Information

The University's emergency and evacuation procedures are tailored for each type of building and situation, as each one is different. Campus buildings have placards that identify evacuation procedures. University Housing has its own emergency procedure guide, which is available to each campus security authority in the residence halls (all CSAs are trained on the guide). It lays out the procedures to follow in situations ranging from weather issues, to sexual assaults, to the death of a student. The guide also clearly defines who should be contacted in each incident, and in what order. In many cases, the University's various systems will be used to help provide alerts. In the case of tornados, for example, there will be outdoor sirens (operated by Lincoln-Lancaster County Emergency Management), voice announcements provided through building public address systems, and weather radio and designated staff alerting building occupants. Below are some specific actions that should be taken in certain emergency situations.

In cases such as a hostile intruder or external hazardous materials release, where a shelter-in-place strategy is best, the following procedures are to be followed as applicable:

- Remain calm.
- If it's possible to flee the area and avoid danger, do so.
- Notify anyone you encounter to exit the building immediately. Evacuate to a safe area away from the danger and take protective cover. Stay there until help arrives.
- Call UNLPD or 911 with your location if possible.
- If you cannot get through by phone and have text message capability, text the UNLPD at 69050. Enter the letters UNLPD and then type your message. Dispatch will receive and respond to the message.
- If flight is impossible, secure yourself in your space. Barricade doors and block windows. Turn off all the lights, close blinds and close and lock all windows and lock and barricade all doors.
- Seek protective cover for yourself and any others (concrete walls, thick desks, filing cabinets may protect you from bullets).
- Keep calm, quiet and out of sight.
- For active shooters, silence cell phones (mute or turn off ringer). Consider turning off radios and computer monitors.
- Do not answer the door. If you do not recognize the voice that is giving instructions, do not change your status; stay put. Unknown or unfamiliar voices may be false and designed to give false assurances.
- Place signs in exterior windows to identify the location of injured persons.
- **DO NOT APPROACH EMERGENCY RESPONDERS**—let them come to you.
- Remain where you are until you receive further instruction by a first responder or authorized known voice.

In cases where evacuation is needed (fire, hazardous materials release, etc.), the following procedures are to be followed:

- Always evacuate the building if the fire alarm sounds.
- In the event of an evacuation gather your personal belongings quickly (purse, keys, cell phone, NCard, etc.) and proceed to the nearest exit.
- Do not use the elevator.
- Move away from the problem and use alternative exits when necessary.
- Help those who need assistance moving.
- Be ready to be guided by additional instructions.
- In cases of hazardous material releases in buildings, once outside, move away from any apparent source or at right angles to the prevailing wind. If wind direction is variable, try to move away from the source of the leak if known.
- Gather at a safe distance from the building.

For tornados, the following procedures are to be followed:

- When sirens active, move to the lowest, interior area of building or designated tornado shelter.
- Stay away from windows.
- Do not use elevators.
- Stay near inside wall when possible.
- Keep calm. Even though a warning is issued, the chance of a tornado striking your building or location is slight.



Three (3) Year Clery Act Crime, Arrest and Referral Statistics

Reported Crimes

Clery Act Crime Type	Year	On-Campus	On-Campus Housing	Non-Campus	Public Property
*Criminal Homicide:					
Murder/Non-negligent Manslaughter	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Manslaughter by Negligence	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Sex Offenses:					
Rape	2019	13	12	2	0
	2018	16	11	0	0
	2017	116 - See 1 below	61- See 1 below	3	0
Fondling	2019	1	0	1	0
	2018	8	7	0	0
	2017	107 - See 2 below	2	0	0
Incest	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Statutory Rape	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Robbery:	2019	0	0	0	0
	2018	0	0	2	0
	2017	1	0	2	0
Aggravated Assault:	2019	4	0	0	1
	2018	8	2	1	0
	2017	6	2	0	3
Burglary:	2019	5	1	3	0
	2018	11	6	14 – See 3 below	0
	2017	8	2	0	0
Motor Vehicle Theft:	2019	6	0	2	0
	2018	3	0	2	0
	2017	3	0	1	0
**Arson:	2019	0	0	0	0
	2018	1	0	0	0
	2017	0	0	1	0
**Dating Violence:	2019	7	5	0	0
	2018	7	5	3	0
	2017	111 - See 1 below	59 - See 1 below	1	1
**Domestic Violence:	2019	1	1	2	0
	2018	3	2	1	1
	2017	2	2	0	0
**Stalking	2019	14	6	2	0
	2018	17	8	1	0
	2017	14	5	1	0

*If a homicide occurred during the commission of a sex offense, both the sex offense and homicide will appear in the statistics.

**These crimes are non-hierarchical, meaning they are reported separately; the crime may have occurred in conjunction with one of the above-noted crimes.

The 2017 totals for Rape and Dating Violence were elevated due to a single report: A student belatedly reported being in an abusive relationship where she was compelled to have unwanted sex throughout the time period, which was about a year. Some sexual encounters occurred in a dorm room (on-campus housing) and some occurred in University parking lots (on-campus). The total number of incidents was estimated from information given by the reporting party. The unwanted sexual encounters must be identified in both the Dating Violence and Rape statistics due to the existence of the dating relationship. Otherwise, excluding the above report, there were 12 reported rapes on-campus (6 in on-campus housing) and 6 reported incidents of dating violence on-campus (4 in on-campus housing) in 2017.

The 2017 totals for Fondling were elevated due to a single report: A student belatedly reported that while working at the University, her supervisor inappropriately touched her throughout the entire period she was employed, which was a few months. The total number of incidents was estimated from information given by the reporting party. Otherwise, excluding the above report, there were 5 reported incidents of fondling on-campus in 2017.

The 2018 totals for Burglary were elevated due to a rash of break-ins at the University's Agricultural Research & Development Center (ARDC) in Mead and the number of buildings entered (burglaries are counted per number of buildings entered for Non-campus property). Out of the 14 non-campus burglaries reported, 8 occurred at the ARDC from a total of 6 reports (2 buildings entered per 2 of the reports). There was 1 report from a location in Plattsmouth that involved 3 burglaries (3 buildings entered). Excluding the reports for these two locations, there were 3 Non-campus burglaries identified.

Reported Hate Crimes

On Campus:

2019—One (1) simple assault based on Ethnicity; Two (2) destruction/damage/vandalism of property based on Race; Two (2) intimidation based on Race; One (1) intimidation based on National Origin

2018—One (1) Intimidation based on Race.

2017—One (1) Intimidation based on Race; One (1) Intimidation based on Religion; One (1) Intimidation based on National Origin.

On-campus Housing:

2019—Two (2) intimidation based on Race; One (1) intimidation based on National Origin; One (1) destruction/damage/vandalism of property based on Race.

2018—No hate crimes were reported.

2017—One (1) Intimidation based on Race.

Non-campus Property:

2019—No hate crimes were reported.

2018—No hate crimes were reported.

2017—No hate crimes were reported.

Public Property:

2019—No hate crimes were reported.

2018—No hate crimes were reported.

2017—No hate crimes were reported.

Unfounded Crimes

Under the regulations of the Clery Act, an institution may withhold, or subsequently remove, a reported crime from its crime statistics if, after a full investigation, a sworn or commissioned law enforcement officer makes a formal determination that the crime is false or baseless and therefore “unfounded.” Below are the crimes that were unfounded by the UNLPD and the justification for the crime being unfounded:



Year	Crime Type	Location	Justification
2019			
	No Clery Act crimes were unfounded.		
2018			
	Rape	Non-campus	The original report indicated that a child was sexually assaulted at the location. After investigation, it was determined that a sexual assault did not occur.
2017			
	Burglary	On-campus	The original report indicated that an unknown person entered the room of an attendee of the Thespian Festival and took a wallet/money. The victim later reported that the wallet and money was found in his dress shoes and so no one had actually entered the room and took anything.

Arrests For:	Year	On-Campus	On-Campus Housing	Non-Campus	*Public Property
Weapons Law Violations	2019	0	0	0	3
	2018	4	0	0	6
	2017	3	0	0	6
Drug Law Violations	2019	96	66	4	22
	2018	172	103	4	76
	2017	144	87	4	47
Alcohol Law Violations	2019	101	73	3	13
	2018	155	103	5	54
	2017	220	146	4	68
Referrals For:					
Weapons Law Violations	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Drug Law Violations	2019	37	37	0	0
	2018	70	48	2	0
	2017	86	81	1	0
Alcohol Law Violations	2019	520	519	2	0
	2018	422	421	8	0
	2017	535	525	16	0

*The numbers for arrests on public property include violations identified in traffic stops of vehicles on the public streets that run through campus, so may not involve students, staff or faculty.

Thank you for reading this report. Please contact the UNLPD with any questions or concerns regarding this report and/or safety and security on UNL’s campus:

(402) 472-2222
unl.police@unl.edu
 300 N 17th St
 Lincoln, NE 68588-0634



▶▶▶ **APPENDIX M**

UNMC Annual Campus Security and Fire Report



2020 Annual Campus Safety and Fire Report



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Department of Public Safety

Welcome!

As the Director of the Department of Public Safety, it is my pleasure to welcome you to the University of Nebraska Medical Center, and to present the 2019 Annual Campus Safety and Fire Report (ASR).

Our Department is committed to the safety of students, faculty, staff, and visitors while on our metropolitan campus. We value you, and are here to provide the best possible service to all.

Our Department is comprised of Police Officers, Security Officers and a host of support staff committed to providing prompt and professional services to the UNMC campus community, and its guests. Our officers patrol campus on foot, on bicycle and in marked vehicles, so don't be surprised if you see one of them in your area. In fact, feel free to stop and chat.

If you ever need help, or feel unsafe in any way, the Department is here to assist you. We provide many safety-related services including escorts between buildings, or to your vehicle if needed. The Department also sponsors many outreach and training programs.

Please visit us on the public safety website <https://www.unmc.edu/aboutus/security/index.html> or contact us directly for more information regarding these any of these services.

If there is a significant safety related incident on campus, you may receive an alert through email or text messaging. This is our best way of getting information to you as fast as possible. Students are automatically enrolled in the program, but staff and faculty must sign up for the service.

I hope you enjoy your time on our campus; we look forward to seeing you.

Charlotte Evans, MA
Chief of Police
Assistant Vice Chancellor

The **Annual Campus Safety and Fire Report** (ASR) includes safety information for the University of Nebraska Medical Center, including crime & fire statistics for the 2019 calendar year, and the information required by the Drug-Free Schools and Communities Act of 1989. All data is submitted to the U.S. Department of Education according to law.



Introduction: An Overview of Campus Safety and Security Reporting

The Jeanne Clery Disclosure of Public Safety Policy and Campus Crime Statistics Act (20 USC §1092(f)) is a federal law, which requires colleges and universities, participating in federal student aid programs, to release information regarding crime statistics on and near their campus, and enact certain policies and procedures for handling incidents of sexual violence and emergencies.

Enforced by the United States Department of Education, the Clery Act requires colleges and universities to publish an Annual Security Report (ASR) by October 1. The law also requires that schools notify students, prospective students, and employees of the reports existence and make a copy available to them upon request.

The Act also requires institutions with a security department to maintain and publish a daily crime log to record all criminal incidents and alleged criminal incidents that are reported to the PUBLIC SAFETY. The log also maintains a record of all reported fires that occur in on-campus student housing. The annual ASR also includes statistical information regarding fires that occur in on-campus student housing.

On March 7, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) (Public Law 113-14) was signed into law. It requires institutions to disclose additional crime statistics, policies, and programs related to dating violence, domestic violence, sexual assault and stalking. It also included disclosure of statistical information regarding new categories of hate crimes. Additionally, it required disclosure of the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred.

The ASR is made available to all new students and employees. Current students and employees are informed of the report through a mass email on or before October 1st of each year. Prospective students and employees are made aware of the report through the enrollment materials for prospective students and through the application materials for prospective employees.

The “Clery Act” is named in memory of 19 year-old Lehigh University freshman Jeanne Ann Clery, who was raped and murdered on April 5, 1986 while asleep in her dorm room.



Crime data for UNMC and other educational agencies is found at <http://ope.ed.gov/security/>

Crimes are recorded into the Daily Activity Summary Log and can be found at:

<https://info.unmc.edu/blog/security/2019-reports/>

The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. Campus safety is an important consideration when choosing a postsecondary school.
www.ed.gov

Elements of the Clery Act

Enforced by the United States Department of Education, the Clery Act requires colleges and universities to publish an Annual Security Report (ASR) by October 1. The ASR requires the inclusion of a number of mandatory reporting elements that make up the foundation of the Act.

Daily Crime Log

Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. Reported incidents must be entered into the log within two business days. The log should be accessible to the public during normal business hours, remain open for sixty (60) days, and subsequently be made available within two business days upon request.

Fire Report

Institutions with on-campus housing must report fires that occur in campus housing, generate an annual fire report, and maintain a fire log. Both the report and the log must be accessible to the public. Public Safety combines the ASR and the annual fire safety report into one document, the "Annual Public Safety and Fire Safety Report".

Reporting of crime statistics.

Provide to the U.S. Department of Education crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus, and at certain non-campus facilities, including Greek housing and remote classrooms.

The statistics must be gathered from campus police or security, local law enforcement, and other school officials who have "significant responsibility for student and campus activities." The Clery Act requires reporting of crimes in seven major categories, some with significant sub-categories and conditions.

The Clery Act requires your institution to include four general categories of crime statistics:

- Criminal Offenses
- Hate Crimes
- VAWA Offenses
- Arrests and Referrals for Disciplinary Action

Statistics must be disclosed separately for each of these four general categories. This means that when an incident

Reporting Requirements

- Public Safety is responsible for the annual review, preparation, and distribution of the ASR.
- Document three calendar years of select crime statistics, security policies, and information on the basic rights guaranteed to victims of sexual assault, domestic violence, dating violence and stalking.
- Public Safety uses its own records and sends out formal requests for crime statistics and other necessary information to Public Safety Authorities and any applicable law enforcement agencies.
- Records including crime reports, daily incident summaries, referrals for disciplinary action, copies of timely warnings, etc., are maintained by Public Safety.
- Public Safety is also responsible for uploading statistical data regarding crime and fires to the Department of Education's website by October 1 of each year.

meets definition in more than one of these categories, it must be reported in each category.

Hate crimes

Crimes motivated by prejudice, including race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, and/or disability.

Violence against Women Act (VAWA).

Statistics for violent incidents against women must also be reported.

Arrests and Referrals for disciplinary action.

UNMC is required to report arrests or referrals for campus disciplinary action regarding Violation of Weapons, Drug Abuse and Liquor Laws, even if an arrest was not made. This does not include violations of UNMC policies if there was no violation of the law.

Timely Warnings

Timely warnings are limited to those crimes and incidents an institution is required to report and include in its ASR. There are differences between what constitutes a timely warning and an emergency notification. However, both

systems are in place to safeguard students and campus employees.

Public Safety collects Crime Statistics from a variety of reporting sources. Public Safety may receive reports from any or all of these sources in any given reporting period.

- Reports made to Public Safety for investigation.
- Reports made to Public Safety for statistical purposes only.
- Reports from Public Safety Authorities.
- Reports from the Title IX Office.
- Reports from Student Housing and Conduct.
- Reports from other Law Enforcement Agencies.
- Anonymous tip lines.
- Confidential Sources.

The Hierarchy Rule. When more than one Criminal Offense was committed during a single incident, we only count the most serious offense. There are exceptions to using the Hierarchy Rule when counting offenses. They apply to Arson, Sexual Assaults, Hate Crimes and Violence against Women Act Offenses.

Emergency notifications

Institutions are required to inform the campus community about a "significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus." An emergency notification expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (i.e., a fire or infectious disease outbreak). Colleges and universities with and without on-campus residential facilities must have emergency response and evacuation procedures in place. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test.

Missing Students

This policy attempts to minimize delays and confusion during the initial stages of a missing student investigation. Institutions must designate one or more positions or organizations to which reports of a student living in on-campus housing can be filed if it is believed that student has been missing for 24 hours.

Policies and Programs

The Act requires the University to publish relevant information regarding policies and programs related to Clery Act crimes and reporting, sexual misconduct, crime prevention, security awareness, drugs and alcohol policies, and campus safety.

The SaVE Act

The Campus Sexual Violence Elimination (SaVE) Act is an amendment to the Clery Act requiring institutions who receive federal financial aid to implement a number of changes to its reporting procedures. It also attempts to increase transparency about the scope of sexual violence on campus through the collection and reporting of additional statistics.

While States have laws that address sexual misconduct, many institutions of higher learning have policies and procedures that govern sexual misconduct on their respective campuses. The SaVE Act clarified the handling of sexual misconduct cases and set minimum standards for how such institutions responded to reports of sexual misconduct. At a very minimum, the Act increased transparency to school's processes and procedures affording more protection and accountability for both the accuser and the accused.

The Act guarantees victim rights, regardless of whether they choose to pursue a formal complaint or not. Students must be informed of any possible sanctions or protective measures that may result from an institutional disciplinary proceeding.

Certain procedures must be followed upon the report of an incident of sexual violence. Evidence must be preserved for possible criminal proceedings. The ASR must clarify to whom incidents can be reported.

Victims options regarding formal complaints, including the right not to file a complaint formally must be explained. Victims must be provided information regarding available services regarding protection orders, counseling, health services, mental health services, victim advocacy, legal assistance, and any other services available on campus or in the community.

Institutions must make changes to the academic, living, transportation, and working situations of any victim, if requested and reasonably available, regardless of whether a formal report is made.

Victims have a right to seek disciplinary action and protection directly from the institution. The institution must adopt and disclose policies that state the standard of evidence required. The institution must complete a “prompt, fair and impartial investigation and resolution”.

Requires officials who conduct proceedings to receive annual sexual violence training, including instruction on the proper conduct of an investigation, to promote the safety of victims and provide accountability.

Requires that both the accuser and accused be entitled to the same opportunities to have an attorney or advisor present at any related meeting or proceeding.

- Require that both the accuser and accused are simultaneously informed in writing of:
- The outcome of any institutional disciplinary proceeding and the appeals process.
- When the results of the proceeding become final and any changes to the results of the proceeding.
- Provide campus wide educational programming regarding prevention.
- The institution has a formal statement that prohibits sexual violence, provide a definition of domestic violence, dating violence, sexual assault, stalking and consent for sexual activity.
- Promote bystander intervention and risk reduction.
- Provide information regarding disciplinary hearings and victim’s rights as required by the act.

Clery Defined Geography



On-Campus.

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this

definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

The Clery Act requires institutions to disclose statistics for reported crimes based on:

- Where the crimes occurred.
- To whom the crimes were reported.
- The types of crimes that were reported.
- The year in which the crimes were reported.

UNMC must disclose statistics for reported Clery Act crimes that occur:

- On campus.
- On public property within or immediately adjacent to the campus.
- In or on non-campus buildings or property that your institution owns or controls.

Geographic definitions are taken directly from the “The Handbook for Campus Safety and Security Reporting 2016 Edition.”

If an institution has more than one campus, each campus must comply independently with all of the Clery Act and the fire and safety related HEA requirements.

On-campus Student Housing Facility.

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Public Property.

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Non-Campus buildings or property.

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by

students, and is not within the same reasonably contiguous geographic area of the institution.

Note Regarding UNMC Campus Geography for Reporting Purposes

UNMC owns or controls a number of buildings at other sites and/or on campuses of other institutions of higher learning in Omaha, Kearney, Lincoln, Scottsbluff and Norfolk. The University maintains a campus police or security department on the campuses in Omaha, Kearney, and Lincoln. UNMC controls or leases space from an institution of higher learning at each of these campus locations. Each institution completes its own ASR as required by the Clery Act. Considering the nature of the UNMC utilized space on these campus, each campus's reported Clery Crime statistics are included in the parent institution's crime statistics. A link to each institution's ASR is included in the crime reporting section of this report.

Lincoln Campus

The Lincoln division of the UNMC College of Nursing is located on the main campus of the University of Nebraska-Lincoln. UNMC's College of Dentistry is located on UNL's East Campus. Security is provided by the University Police Department an internationally accredited law enforcement agency through the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Kearney Campus

The Kearney divisions of the UNMC College of Nursing and the UNMC College of Allied Health Professions are located on the University of Nebraska at Kearney campus. The new Health Science Education Complex includes state-of-the-art classrooms, clinical teaching laboratories, clinical simulation facilities, a gross anatomy laboratory, and plentiful student interaction space. Campus safety is coordinated through the University of Nebraska Kearney Police Department. The University of Nebraska Kearney Police Department (UNKPD) is a professional police department that maintains a safe and secure environment on the Kearney campus. The department employs 10 Nebraska certified law enforcement officers, supplemented by security officers & administrative staff.

Norfolk Campus

The campus in Norfolk is within the campus of the Northeast Community College (NCC). NCC's Norfolk campus encompasses 771 acres with twenty-seven buildings situated at the northeast edge of Norfolk, Nebraska. The

campus also includes a farm that consists of 566 acres. NCC contracts with a local security firm to provide Public Safety.

Clery Reportable Criminal Offenses

- Criminal Homicide
- Murder & Non-negligent manslaughter
- Negligent manslaughter
- Sex Offenses
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Additional Reportable Hate Crimes

- Larceny/Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

VAWA Crimes

- Domestic Violence
- Dating Violence
- Stalking

Arrests and Referral Crimes

- Liquor Law Violations
- Drug Law Violations
- Illegal Weapons Possession

Students must be notified of Clery Act Crimes which pose a serious or ongoing threat to students and employees. Institutions must provide timely warnings in a manner likely to reach all members of the campus community. For the purposes of counting and disclosing statistics, UNMC must do so based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program

UNMC Scottsbluff-Gering

The University of Nebraska Medical Center College of Nursing-West Nebraska Division is located in the Harms Technology Center in Scottsbluff. The John N. Harms Advanced Technology Center is located on the Campus of

the Western Nebraska Community College. The West Nebraska Division was opened in the fall of 1987 to prepare nurses for a Bachelor of Science in Nursing Degree and a Master of Science in Nursing Degree. WNCC collaborates with local law enforcement and paramedics to ensure proper authorities are always nearby and ready to assist.

In August 2003, the College of Dentistry expanded its dental hygiene program to western Nebraska. Students attend classes at Community Action Partnership of Western Nebraska in Gering and use distance-learning technology to access Lincoln classes.

Crime Reporting for Statistical Purposes and Notifications

Public Safety encourages accurate and prompt reporting of all crimes. Clery Act reports and other public disclosures will never contain a victim's personally identifying information if they choose not to disclose it.

The UNMC strives to strike a balance between empowering victims to make a decision about whether and when to report a crime. At a minimum, it is important to report all crimes for statistical purposes and for the purpose of making timely warning reports or emergency notifications, even if the victim does not wish to pursue further action. In most cases, when a victim wishes to remain anonymous, the inclusion of personally identifiable information is not necessary.

To provide the University community with important information and notifications, crime statistics for four general criminal categories are tracked for all required annual reports and Web-based data collection.

- Criminal Offenses
 - Murder, Sexual Assault, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson
- Hate Crimes
 - Any of the above crimes motivated by bias.
- VAWA Offenses
 - Domestic Violence, Dating Violence and Stalking
- Arrests and Referrals for Disciplinary Action
 - Weapons, Drug Abuse and Liquor Laws

Contact Us

The Security Office can be contacted in the following ways:

- Phone: 402.559.4439 during regular business hours, Monday-Friday 8:00 am - 4:30 pm
- 24-hour emergency call - 402.559.5555
- 24-hour dispatch - call 402.559.5111
- Email: unmcsecoffice@unmc.edu

Title IX Coordinator

Student and Employee Contact:

Carmen Sirizzotti, MBA

402-559-2710 | E-mail (csirizzotti@unmc.edu)

Employee Contact:

Linda Cunningham

Division Director, Employee Relations

402-559-7394 | E-mail (lcunning@unmc.edu)

UNMC Compliance Hotline 1-866-568-5430

How to Report Crimes and Emergencies

The University allows victims and witnesses to provide information about a crime on a voluntary, confidential basis if so desired. However, it is important for the safety of other students, as well as for the community as a whole, that any crime is reported so that appropriate measures can be taken. The University understands that people may be concerned about their name becoming public and will protect the privacy of the parties involved and the confidentiality of the information to the extent possible under the law.

UNMC Omaha Campus

Emergencies

Members of the campus community are encouraged to make prompt and accurate reports to the UNMC Security Department and external law enforcement agencies. Emergencies requiring police, fire or medical aid should be reported by calling Public Safety at 402.559.5555 or 911.

Calling 911

Public Safety dispatch is NOT a 911 center. We can assess a situation and summon additional help. However, in certain situations, for example when callers who are non-English speakers, or those requiring TTY/TDD-capable terminals, calling 911 may be the best option.

Potential criminal actions, sex offenses and other emergencies on campus can be reported directly by any student, faculty member or employee to the UNMC security department by dialing (402)559-5111. Upon receipt of the call, UNMC security officers are dispatched to the site of the complaint and, if deemed necessary, will contact the Omaha police.

U-Tip Text Messaging

U-Tip is an application of the University of Nebraska Omaha alert system, but UNMC students, staff and visitors can use the system to report crimes at UNMC as well. Registration with UNO Alert is not required to use the system.

You can use the service to report suspicious activities seen on campus, such as theft, vandalism, drugs, domestic disputes, disorderly sports fans, and more.

U-Tip can be useful in reporting incidents before they escalate. U-Tip is not anonymous.

To use U-Tip enter 79516 in the To: field

In the text message field type UNO911 your message here.

For example: UNO911 possible car break-in west of DSC

“UNO911” is UNO’s campus identifier. It is essential that you provide a space between UNO911 and the body of your text message for the message to be routed to UNO Public Safety. If reporting a crime at UNMC, you must include information specifically identifying a UNMC issue. Your message is sent directly to Public Safety at UNO and appropriate action will be taken.

Blue Light Emergency Phones

Blue Light Phones are available in 33 locations throughout the campus. The phones can be seen on 9 foot poles and building walls, with the word “EMERGENCY” printed on them in large lettering. The phones have a direct line to Security Dispatch. Employees and students are encouraged to use the Emergency Phones for any emergency. This will connect you with a Public Safety dispatcher who will provide assistance.

UNMC Mobile App:

The UNMC mobile app is available for students and staff to download free of charge from the App Store. The app was design by UNMC ITS in collaboration with the Student Senate. Features include:

- Easy access to emergency numbers and the UNMC Hotline.
- A link to UNMC news, sortable and searchable by college.
- A campus events calendar, sortable and searchable by college.
- A classified ads board for books, instruments, housing options and other items.
- Easy access to the public directory for students, faculty, staff and administrators.
- A tool to provide feedback on campus activities and issues.
- An interactive campus map.
- Room schedules for the Sorrell Educational Rooms.
- Access to the McGoogan Library's catalog.
- Access to Blackboard Learn material.
- Access to your own student records.
- A link to campus student health services, including phone numbers, hours and other information.
- Access to UNMC videos.
- Easy access to UNMC student and university-wide policies and procedures.
- Links to UNMC social media and UNMC Care (campus records).

UNMC Dental College Lincoln Campus

Contact Us
UNMC College of Dentistry
4000 East Campus Loop South
Box 830740
Lincoln, NE 68583-0740 USA
Phone: 402-472-1333

Emergency after hours: 402-472-7211

For weather-related clinic closures, call 402-472-1333. Please check www.unl.edu for the most current information.

UNMC College of Nursing Lincoln Campus

550 North 19th
Lincoln, NE 68588-0620

Student Services

402-472-3657

College Administration
402-472-3657
Fax: 402-472-7345

The University of Nebraska-Lincoln Police Department is responsible for investigating all crimes and incidents occurring on UNL property. The University strongly encourages victims to report all incidents to UNL Police Department immediately, regardless of their nature.

How to Report a Crime

UNL Police Department and the Lincoln Police Department use the same computer aided dispatch (CAD) system. Regardless of which agency you call, your call is entered into the system which routes your call to the proper agency for dispatching officers to the scene. Crimes occurring on the UNL campus may be reported in person at 300 North 17th Street (17th St Parking Garage) or by calling UNL Police Department at 402-472-2222 any time of day or night.

For crimes occurring off campus, you may also contact the Lincoln Police Department at 402-441-6000.

Reporting Criminal Actions for UNMC Lincoln Sites

College of Dentistry Call (402) 472-3550 — UN-L

Campus Police College of Nursing Call 911 – Lincoln Police Department

Emergency Situations

For emergencies requiring police, fire or medical aid, please call 911. University Police can also be contacted.

Blue Emergency Phones

Blue Emergency Phones are located outside the Nebraska Union on city campus and outside the East Campus Student Union. These may be activated by simply pushing a button. This will connect you with UNL Police Department dispatch in the event you are reporting a crime. Locations of the emergency phones can be found at <https://maps.unl.edu/> and selecting the emergency phone filter.

Texting

University Police can be texted to 69050, key word UNLPD. To provide the best information in the quickest manner, it is recommended to make reports by phone, but texting is available particularly for those instances where noise or circumstances would dictate text reporting.

Agency Name & Phone Number

Equifax

1-800-525-6285

Experian (formerly TRW)

1-888-397-3742

Trans Union

1-800-680-7289

Social Security Administration (fraud line)

1-800-269-0271

Non-Emergency Situations

Non-emergency calls can be reported by calling the University Police at 402-472-2222.

Threat Assessment

University Police leads the campus threat assessment program. Police investigators conduct threat assessments in situations involving University students or employees regardless of location or for situations that could lead to significant disruption of University operations. Call University Police at 402-472-2222 to report suspicious activities or troubling behaviors that can:

- Cause harm or potential to cause harm, or
- Threat to life safety, or
- Real or potentially serious damage to University property or operations

Documents and electronic information can be delivered to the Threat Assessment team at unlpdthreatassessment@unl.edu or by calling the University Police. By calling attention to these types of behaviors we can help people who are troubled before they could harm themselves or others. The Threat Assessment Partnership is a collaborative effort among the university community.

Campus Security Authority (CSA)

The Clery Act establishes CSAs comprised of faculty and staff members who are unaffiliated with the Police Department. Students who have experienced or witnessed a crime and wish to talk to someone can contact a CSA at

<https://police.unl.edu/campus-security-authorities>

When to Report

Crimes in progress and crimes which have just occurred should be reported immediately by dialing 911. Whenever possible, please have the actual victim or witness of the crime call directly. First-hand information is always more accurate and complete. Threatening behavior should be reported to UNL Police Department as soon as possible.

You should also, at any time, contact us when you are concerned that someone at the University is exhibiting troubling or threatening behavior that can potentially:

- Cause harm or has the potential to cause harm, or
- Threaten an individual's life safety, or
- Cause real or potentially serious damage to University property or operations

By calling attention to these types of behaviors the Police Department can do a threat assessment to help people who are troubled before they could harm themselves or others.

What to Report

The dispatcher will ask a series of structured questions and have officers responding to the appropriate area. Listen carefully to each question and try to answer it the best you can. Do not hang up until the dispatcher tells you to do so. Information the dispatcher may ask you for includes:

- Where did the incident occur? Include building and room area.
- How long ago did the incident occur?
- Give a brief description of what occurred.
- Did the suspect(s) have any weapons?
- Where and when was the suspect last seen?
- Which direction was the suspect headed?
- Was the suspect on foot or in a car?
- Vehicle description, color, make, model and license plate
- What did the suspect look like:
- Gender, Race, Age, Height and Weight, Hair Color and Length, Clothing, Glasses/Facial Hair
- Was the suspect carrying anything?

Specific Crime Reporting Information

Property Theft

Theft is a crime of opportunity. Help University Police by taking that opportunity away. Most thefts reported to University Police have similar elements which led to the criminal act. The greatest reoccurring element was that of an unattended room. The victim would report they only left

the room for a minute with the door left open to walk down the hall. When they returned their wallet, purse, laptop or keys were missing. If the item in your room or office has value to you then it has value to the criminals.

Here are some helpful tips that you may employ to help curb theft.

- Report suspicious person(s) to UNL Police immediately
- Lock your items in your desk
- Secure your doors when you leave the room
- Look out for other floor members if a suspicious person is around their office or room

Identity Theft

Identity theft occurs when someone else fraudulently acquires and assumes your identity for financial gain.

Limiting the Damage

Cancel your credit cards immediately. The key is having the toll free numbers and your card numbers handy so you know whom to call. Keep those where you can find them easily.

File a police report immediately in the jurisdiction where it was stolen. This proves to the credit providers you were diligent, and is a first step toward an investigation.

Important: Call the three main national credit reporting organizations immediately to place a fraud alert on your name and Social Security number. The alert means any company that checks your credit knows your information was stolen. They will then have to contact you by phone to authorize new credit. Their numbers are below.

Harassing Communications

Harassing phone calls, text messages, and online communication of a disturbing nature could become a more serious and immediate problem if not reported. You should report obscene or annoying phone calls/texts/messaging to the University Police Department at 402-472-2222 and let us help you address the problem.

In any event, you may try some of items listed below to help combat unwanted communications:

- Hang up. As soon as you hear an obscenity, improper questions or no response to your "Hello?" hang up immediately.
- Don't talk to strangers.

- Don't play detective. Don't extend the call trying to figure out who is calling. This or any other type of reaction is exactly what the caller wants and needs.
- Keep cool, don't let the caller know you are upset or angry.
- Don't try to be clever. A witty response may be interpreted as a sign of encouragement.
- Don't be a counselor. The annoyance or obscene caller certainly needs professional help, but he/she will only be encouraged by your concern and will only continue the late night calls.
- Remember, if the caller is a wrong number, they do not need to know your number. Never give your number out to an unknown caller.

Sexual Assault

The University of Nebraska takes sexual assault incidents very seriously. Any student or employee who has been sexually assaulted or physically harmed is strongly encouraged to contact the department from the location where the assault occurred or from a safe location. In addition, Title IX applies to all educational programs and all aspects of a school's educational system and ensures that victims of sexual harassment and sexual violence are protected. Victims are also encouraged to contact a victim advocate at UNL Victim Advocacy at [402-472-3553](tel:402-472-3553) or medical or counseling services with the University Health Center at [402-472-5000](tel:402-472-5000) or a local hospital or clinic. Victims may also contact the office of Institutional Equity and Compliance for appropriate action. As a guide University Housing residents should contact any Housing/Residential Life staff. The following University Offices will act accordingly to aid and assist the victim

Victim Support Advocates or service providers will:

- Maintain the contacts as strictly confidential.
- Provide crisis intervention and advocacy, in some cases including assisting victims in seeking restraining orders.
- Assist and support the victim/survivor in contacting police and/or reporting to other University offices, if the victim consents.
- Assist the victim in obtaining medical assistance and counseling, changing academic programs or housing, etc.

Counseling and health care services will:

- Maintain the contacts as strictly confidential.

- Encourage, assist (as needed) and support the victim in reporting the incident to the police.
- Provide appropriate counseling and medical services.

Campus Police department will:

- The Department will contact the University Victim Assistance Program.
- Investigate and gather evidence or recommend processes for obtaining and preserving evidence.
- Refer for prosecution when warranted.
- Gather evidence or recommend processes for obtaining and preserving evidence.
- Obtain a statement to accurately document what occurred.
- Inform the victim of the criminal justice process.
- Provide safety planning for the victim.
- Provide the victim with updates as the investigation progresses.
- Report to office of Institutional Equity and Compliance.

Housing/Residential Life Offices will:

- Contact, or encourage contact with, the local victim service office, and assist in obtaining medical care if needed.
- Encourage the victim to report the incident to the police, and assist in making the report if requested by the victim. Housing/Residential Life may be obligated to report to the police the fact that an assault was reported, but the name of the victim will only be provided with the victim's consent, except in extenuating circumstances.
- If the person accused is a student, the incident will be reported to the office of Institutional Equity and Compliance and UNLPD.

Office of Institutional Equity and Compliance will:

- Explain reporting and resource options.
- Provide interim measures as needed.
- Encourage the victim to report the incident to the police, and assist in making the report if requested by the victim. IEC may be obligated to report to the police the fact that an assault was reported, but the name of the victim will only be provided with the victim's consent, except in extenuating circumstances.
- Investigate, and make recommendations for action, as appropriate.

- For more information please visit:
<http://www.unl.edu/equity/title-ix>

Student Affairs will:

- Assist the victim in contacting victim service office if desired.
- Encourage the victim to report the incident to the police, and will assist in making the report if requested by the victim. Student Affairs may be obligated to report to the police the fact that an assault was reported, but the name of the victim will only be provided with the victim's consent, except in extenuating circumstances.
- Report to the office of Institutional Equity and Compliance.

Child Abuse & Neglect

Nebraska Statute 28-711 requires any person to report child abuse and neglect, including sexual assault, to law enforcement or the Department of Health and Human Services. Law enforcement is required to notify DHHS on incidents reported to them. University employees and students are encouraged to notify the UNL Police Department at 402-472-2222 immediately when these situations are suspected.

This means:

- that if you suspect child abuse or neglect, you must report it
- you should give as much information about the circumstances as possible
- you are immune from liability from any civil or criminal liability if reported in good faith (Nebraska Statute 28-716)
- if you know of abuse but are not reporting it, you are breaking the law (Nebraska Statute 28-717)

UNMC College of Nursing Kearney

HSEC-CON
2402 University Drive
Kearney, NE 68849-4510
Student Services 308-865-8712
College Administration 308-865-8323
Fax: 308-865-8186

Reporting Criminal Actions UNMC Kearney Sites
College of Nursing and College of Allied Health Professions

UNK Public Safety Call (308) 237-2104 (anytime) or (308) 865-8517 8-5 M-F
or Call 911 — Kearney Police (for emergency assistance)

UNMC College of Nursing Scottsbluff

UNMC, College of Nursing
WNCC - Harms Building
1601 E. 27th Street
Scottsbluff, NE 69361

Student Services
308-632-0410
College Administration
308-632-0411

Fax: 308-632-0415

Reporting Criminal Actions UNMC Scottsbluff Sites

College of Nursing; School of Allied Health Professions Call (308) 632-7176 – Security (to report crimes of non-emergent nature) or 911 — Scottsbluff Police Department (for emergency assistance)

UNMC College of Nursing Norfolk

Where to report sexual misconduct, domestic or dating violence, and stalking:

The College encourages all students and staff to immediately consult with or report incidents of sexual misconduct, domestic or dating violence and/or stalking to the Norfolk Police (911), Sioux City Night Patrol (402-841-5163 or 7777 from a campus phone), or the Title IX Coordinator.

If Using a Campus Phone Dial (9) 841-5163 or Call 911 — Norfolk Police Department (for emergency assistance)

Title IX Coordinator

Craig Garrett,,
402-844-7046
craigg@northeast.edu
Norfolk Campus, Maclay Building 110, 801 East Benjamin Ave. Norfolk, NE 68702.

Students may also report incidents of sex discrimination, sexual harassment (including sexual violence) or sexual misconduct to any college administrator, official or staff member, who is then responsible for promptly notifying the Title IX Coordinator of the reported incident. Protection or Restraining Orders: Students who have obtained a

Restraining or Protection Order for either a student or non-student should contact the Dean of Student Life and Athletics at 402-844-7722. For violations of the order(s) call 911 or Public Safety at 402-841-5163.

UNMC, College of Nursing
McIntosh College of Nursing
801 E. Benjamin Ave
Norfolk, NE 68701-1709

Student Services
402-844-7890

College Administration
402-844-7894
Fax: 402-844-7926

Ethics Point

The University of Nebraska is an organization with strong values of responsibility and integrity. Our Code of Ethics contains general guidelines for conducting business with the highest standards of ethics.

The University is committed to providing a safe, secure, and ethical working and learning environment. The University is striving for a community where open, honest communications are the expectation, not the exception. The University relies on you to speak up if you believe you have observed unethical, illegal, or suspicious behavior.

This service is not meant to take the place of established reporting methods, such as communicating with a supervisor, but rather to serve as an additional avenue for individuals to report their concerns. You are encouraged to report any situation that may involve unethical, illegal or otherwise inappropriate activity.

In situations where you prefer to place an anonymous report in confidence, you are encouraged to use this hotline, hosted by a third party hotline provider, EthicsPoint. The information you provide will be sent to us by EthicsPoint on a totally confidential and anonymous basis if you should choose. You have our guarantee that your comments will be addressed.

To make a report go to:
<https://secure.ethicspoint.com/domain/media/en/gui/52126/index.html>

To report by phone by dial toll-free, within the United States: 844-348-9584

After you complete your report you will be assigned a unique code called a "report key." Write down your report key and password and keep them in a safe place. After 5-6 business days, use your report key and password to check your report for feedback or questions.

This is not a 911 or emergency reporting site.

Reports submitted through this service may not receive an immediate response. If you require immediate or emergency assistance, please call 911 or contact your University police or Public Safety office.

UNK (308) 865-8911
UNL (402) 472-2222
UNMC (402) 559-5555
UNO (402) 554-2911

About EthicsPoint

EthicsPoint is a comprehensive and confidential reporting tool created by NAVEX Global to help management and employees work together in addressing fraud, abuse, and other misconduct in the workplace, all while cultivating a positive work environment.

Why do we need a system like EthicsPoint?

- We believe that our employees are our most important asset. By creating open channels of communication, we can promote a positive work environment and maximize productivity.
- An effective reporting system will augment our other efforts to foster a culture of integrity and ethical decision-making.

Reporting – General

May I report using either the Internet or the telephone?

Yes. With EthicsPoint, you have the ability to file a confidential, anonymous report via either the telephone or the Internet.

What type of situations should I report?

The system is designed for employees to report any violation of our stated Code of Ethics, or other concern you may have.

If I see a violation, shouldn't I just report it to my manager, security, or human resources and let them deal with it?

When you observe some behavior that you believe violates our code of ethics, we expect you to report it. Ideally, you should bring any concerns forward to your direct manager, or other member of our management team. We recognize, however, that there may be circumstances when you are not comfortable reporting the issue in this manner. It is for such circumstances that we have partnered with EthicsPoint. We would rather you report anonymously than keep the information to yourself.

Why should I report what I know? What's in it for me?

We all have the right to work in a positive environment and with that right comes the responsibility of acting in an ethical manner and letting the appropriate people know if someone is not acting appropriately. By working together, we can maintain a healthy and productive environment. Corporate misconduct can threaten the livelihood of the entire University.

Does management really want me to report?

We certainly do. In fact, we need you to report. You know what is going on in our University – both good and bad. You may have initial knowledge of an activity that may be cause for concern. Your reporting can minimize the potential negative impact on the company and our people. Also, offering positive input may help identify issues that can improve corporate culture and performance.

Where do these reports go? Who can access them?

Reports are entered directly on the EthicsPoint secure server to prevent any possible breach in security. EthicsPoint makes these reports available only to specific individuals within the University who are charged with evaluating the report, based on the type of violation and location of the incident. Each of these report recipients has had training in keeping these reports in the utmost confidence.

Isn't this system just an example of someone watching over me?

The EthicsPoint system concentrates on being a positive aspect of our overall philosophy, and allows us to assure a safe, secure, and ethical workplace. You are encouraged to seek guidance on ethical dilemmas, provide positive suggestions, or communicate a concern. Effective communication is critical in today's workplace and this is a great tool to enhance that communication.

We have carefully chosen the best reporting tool to meet our compliance obligations while maintaining a positive reporting environment.

Reporting Security & Confidentiality

It is my understanding that any report I send from a University computer generates a server log that shows every web-site that my PC connects with, and won't this log identify me as a report originator?

EthicsPoint does not generate or maintain any internal connection logs with IP addresses, so no information linking your PC to EthicsPoint is available. In fact, EthicsPoint is contractually committed not to pursue a reporter's identity.

If you feel uncomfortable making a report on your work PC, you have the option of using a PC outside our work environment (such as one located at an Internet café, at a friend's house, etc.) through the EthicsPoint secure website. Many people choose this option, as EthicsPoint's data shows that fewer than 12% of reports are generated during business hours.

Can I file a report from home and still remain anonymous?

A report from home, a neighbor's computer, or any Internet portal will remain secure and anonymous. An Internet portal never identifies a visitor by screen name and the EthicsPoint system strips away Internet addresses so that anonymity is totally maintained. Plus, EthicsPoint is contractually committed not to pursue a reporter's identity.

I am concerned that the information I provide EthicsPoint will ultimately reveal my identity. How can you assure me that will not happen?

The EthicsPoint system is designed to protect your anonymity. However, if you wish to remain anonymous, you - as a reporting party - need to ensure that the body of the report does not reveal your identity by accident. For example, "From my cube next to Jan Smith..." or "In my 33 years..."

Is the telephone toll-free hot line confidential and anonymous too?

Yes. You will be asked to provide the same information that you would provide in an Internet based report and an interviewer will type your responses into the EthicsPoint Web site.

These reports have the same security and confidentiality measures applied to them during delivery.

What if I want to be identified with my report?

There is a section in the report for identifying yourself, if you wish.

Tips & Best Practices

I am aware of some individuals involved with unethical conduct, but it doesn't affect me. Why should I bother reporting it?

Our University chooses to promote ethical behavior. All unethical conduct, at any level, ultimately hurts the system and all employees, including you. You only have to consider what happened in recent corporate scandals to see the disastrous effects that a seemingly harmless lapse in ethics can have on an otherwise healthy company. So if you know of any incidents of misconduct or ethical violations, consider it your duty to yourself and your coworkers to report it.

I am not sure if what I have observed or heard is a violation of University policy, or involves unethical conduct, but it just does not look right to me. What should I do?

File a report. EthicsPoint can help you prepare and file your report so it can be properly understood. We'd rather you report a situation that turns out to be harmless than let possible unethical behavior go unchecked because you weren't sure.

What if my boss or other managers are involved in a violation? Won't they get the report and start a cover-up?

The EthicsPoint system and report distribution are designed so that implicated parties are not notified or granted access to reports in which they have been named.

What if I remember something important about the incident after I file the report? Or what if the company has further questions for me concerning my report? When you file a report at the EthicsPoint Web site or through the EthicsPoint Call Center, you receive a unique user name and are asked to choose a password. You can return to the EthicsPoint system again either by Internet or telephone and access the original report to add more detail or answer questions posed by a University representative and add further information that will help resolve open issues. We strongly suggest that you return to the site in the time specified to answer University questions. You and the

University now have entered into an "anonymous dialogue," where situations are not only identified, but can also be resolved, no matter how complex.

Are these follow-ups on reports as secure as the first one?

All EthicsPoint correspondences are held in the same strict confidence as the initial report, continuing under the umbrella of anonymity.

Can I still file a report if I don't have access to the Internet?

You can file an EthicsPoint report from any computer that can access the Internet. You can file from home. Many public locations, including the public library, have Internet computers. If you don't have access to or are uncomfortable using a computer, you can call the EthicsPoint toll free hotline, which is available 24 hours a day, 365 days a year.

Campus Security Authorities

Although every institution wants its campus community to report criminal incidents to law enforcement, that this doesn't always happen. A student who is the victim of a crime may report it to someone other than the campus police. For example, a victim of a sexual offense may turn to a resident advisor for assistance, or a student whose car was stolen may report the theft to the school's director. For this reason, the Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that are considered to be "Campus Security Authorities" under the law.

"Campus security authority" is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution.

- A campus police department or a Public Safety department of an institution.
- Any other individual who has responsibility for Public Safety (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- An individual or organization specified in policy to which students and employees should report criminal offenses.
- A person who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

- Sworn law enforcement officers have full police and arrest powers.
 - Officers complete certification at the State Law Enforcement Training Center.
 - Commissioned by the State of Nebraska as Special Deputy Sheriffs.
 - Undergo continuous training to upgrade and maintain their professional skills.
 - Have the authority to enforce Omaha city ordinances and state laws within Douglas County.
- Security monitors criminal activity by students at non-campus locations of officially recognized student organizations.
- Primary jurisdiction is property owned by and associated with UNMC.
- Public Safety Officers (CSOs) are unarmed and do not have arrest powers.
- CSOs are trained in first aid, CPR, AED (Automated External Defibrillator), and defensive tactics.
- May undergo other specialized training such as crisis intervention training to enhance their skills.

Reporting Criminal Actions, Sex Offenses and Other Emergencies:

Potential criminal actions, sex offenses and other emergencies on the UNMC campuses and other official campus sites can be reported directly by any student, faculty member or employee to the agencies listed below:

UNMC OMAHA SITES 42nd Street Campus Call (402) 559-5111 — UNMC Public Safety UNMC

LINCOLN SITES College of Dentistry Call (402) 472-3550 — UN-L Campus Police College of Nursing Call 911 – Lincoln Police Department

UNMC KEARNEY SITES College of Nursing and College of Allied Health Professions Call (308) 237-2104 (anytime) or (308) 865-8517 (8 a.m. to 5 p.m. M-F) - UNK Public Safety or Call 911 — Kearney Police (for emergency assistance)

UNMC NORFOLK SITES College of Nursing – Northern Division Call (402) 841-5163 — Security If Using a Campus Phone Dial (9) 841- 5163 or Call 911 — Norfolk Police Department (for emergency assistance)

UNMC SCOTTSBLUFF SITES College of Nursing; School of Allied Health Professions Call (308) 632-7176 – Security (to report crimes of non-emergent nature) or 911 — Scottsbluff Police Department (for emergency assistance)

Criminal Activity off Campus: Criminal activity off campus may be monitored and recorded by the Omaha Police Department or other law enforcement agencies.

Law Enforcement on Campus

Public Safety coordinates all functions of campus safety including the enforcement of all University and Nebraska Medicine regulations and works very closely with the Omaha Police Department, county, state and federal authorities. We are responsible for the continuous patrol of campus property and respond to calls for service 24 hours a day in an effort to deter criminal acts.

In August of 2018, Chief Evans was named interim chief of police/director of Public Safety and public safety for the University of Nebraska at Omaha (UNO) and the University of Nebraska Medical Center (UNMC).

While Chief Evans has supervision over both UNO and UNMC campuses, crime statistics are collected and separate ASR's are created for each campus. UNMC currently has one sworn investigator assigned to UNMC. Sworn law enforcement officers from the UNO campus are able to patrol UNMC's main campus as well.

Public Safety is coordinated by the UNMC security department. Security officers undergo continuous on-the-job training to upgrade their skills. Members of the UNMC security department are not armed. They conduct foot and vehicular patrols of the campus 24 hours a day in an effort to deter criminal acts. Unsafe conditions noted by UNMC security officers during campus patrol are reported to facilities management and planning.

On campus, the UNMC security department enforces all University regulations. The UNMC security department also works very closely with the Omaha Police Department and county, state and federal authorities. Students, faculty and staff members are encouraged to make accurate and prompt reports to the UNMC security department and external law enforcement agencies. The department may assist students who choose to ask for help in notifying other appropriate authorities of offenses committed.

The Public Safety Business Office is located in Academic and Research Services, southwest entrance.

Office hours are Monday through Friday, 8:00 a.m. – 4:30 p.m.
Phone: 402-559-4439.
Fax: 402-559-8625.
Office Email: unmcsecoffice@unmc.edu

Public Safety maintains a blog containing daily security logs and an intranet site containing security alerts, personal safety videos, personal safety tips, and other security and personal safety related information. Students and employees are encouraged to review the information on a routine basis and contact Public Safety with any questions or concerns.

<https://info.unmc.edu/blog/security/>

<https://info.unmc.edu/safety/campus-security/index.html>

Fire Statistics

The HEA fire safety regulations apply only to institutions with on-campus student housing facilities and focus exclusively on those facilities. The regulations do not apply to other buildings on campus or to any non-campus student housing facilities the institution might own or control. UNMC maintains a log of all reported fires that occur in those on-campus student-housing facilities and such information is included in the daily crime and fire log.

University Housing at UNMC is comprised of the following:

- Student Apartments 60 units (602 S. 38th St., 30 units) 608 S. 38th St. 30 units)
- Single-family housing units 3 buildings (3901 Dewey St., 3903 Dewey St., 3905 Dewey St.)
- Duplex 4 buildings (11 units) (3861-3863 Dewey St., 3865-3867 Dewey St., 3869-3871 Dewey St., 3873-3875 Dewey St.)
- 11-plex apartment 1 building (415 S. 41st Street)
- 6-plex apartment 1 building (411 S. 41st. St.)
- 10-plex Apartment complex (404 S. 40th St., 406 S. 40th St.)
- International House at 428 S. 38th St.

There were no reported fires in UMC housing during 2019.

Report all fires to Public Safety at 402.559.5555 or 911 if an emergency exists.

Student Apartments are equipped with sprinklers and panels, fire and smoke monitors. There are three smoke detectors per floor, and two fire extinguishers per floor.

Single family, duplexes, six and eleven-plex apartments are equipped with fire extinguishers in each kitchen and have centrally monitored wireless detection systems. The centrally monitored wireless detection systems connect directly to UNMC Public Safety Dispatch Center. Smoke detectors are installed in each bedroom, hallways and living room areas of the individual units as well as in the common hallways of the six and eleven-plex apartment buildings. Carbon Monoxide detectors are also located in each individual housing unit.

In the 2016 through 2019 calendar years, there have been no reported fires in University owned housing. Due to the nature of university owned housing, there are no regularly conducted fire drills. Persons with fire safety related questions are encouraged to call public safety and they will put you in touch with the appropriate department.



Annual Campus Safety and Fire Reports for Satellite Campuses

Safety and security information for the University of Nebraska satellite campuses, including crime & fire statistics for the 2018 calendar year, and the information required by the Drug- Free Schools and Communities Act of 1989. All data was submitted to the U.S. Department of Education according to law.

Lincoln Campus

The Lincoln division of the UNMC College of Nursing is located on the main campus of the University of Nebraska-Lincoln. UNMC's College of Dentistry is located on UNL's East Campus.

The UNL annual Public Safety and fire safety Report for 2019 can be found at:

<https://police.unl.edu/documents/ASR-2019.pdf>

Kearney Campus

The Kearney divisions of the UNMC College of Nursing and the UNMC College of Allied Health Professions are located on the University of Nebraska at Kearney campus.

The UNK annual Public Safety and fire safety Report for 2019 can be found at:

https://www.unk.edu/bf/files/p_and_p_linked_files/clery.pdf

Norfolk Campus

The campus in Norfolk is within the campus of the Northeast Community College (NCC). NCC's Norfolk campus encompasses 771 acres with twenty-seven buildings situated at the northeast edge of Norfolk, Nebraska. The campus also includes a farm that consists of 566 acres. NCC contracts with a local security firm to provide Public Safety.

The NCC annual Public Safety and fire safety Report for 2019 can be found at: <https://northeast.edu/About-Us/pdfs/Campus-Security-and-Fire-Safety-Report.pdf>

UNMC Scottsbluff-Gering

The University of Nebraska Medical Center College of Nursing-West Nebraska Division is located in the Harms Technology Center in Scottsbluff. The John N. Harms Advanced Technology Center is located on the Campus of the Western Nebraska Community College.

The WNCC annual Public Safety and fire safety Report for 2019 can be found at: <https://www.wncc.edu/about-wncc/consumer-information/consumer-info-pdfs/annual-fire-safety-2019.pdf>

Department Of Education Clery Definitions

Under the Clery Act, for the purposes of counting and disclosing Criminal Offenses, VAWA offenses, Hate Crimes, arrest and disciplinary referral statistics, the institution must do so based on definitions provided by the U.S. Department of Education and the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program.

- **Hate Crime.** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.
- **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. Dating violence does

The Clery Act requires every Title IV institution, without exception, to:

- Disclose emergency response and evacuation procedures.
- Include a statement of policy regarding your emergency response and evacuation procedures.
- Immediately notify the campus community upon confirmation of a significant emergency or dangerous situation.
- Describe the procedures your institution will use in a significant emergency or a dangerous situation.
- Describe your procedures for both response and evacuation in emergency or dangerous situations.
- Address how the institution will disseminate emergency information to individuals and/or organizations outside of the campus community.
- Test the emergency response and evacuation procedures on at least an annual basis.
- Timely alert the campus community to certain crimes surrounding a criminal incident that represents a serious and continuing threat to its students and employees.

not include acts covered under the definition of domestic violence.

- **Domestic Violence.** A felony or misdemeanor crime 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 who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of

the jurisdiction in which the crime of violence occurred.

- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.
- **Public Safety Authority.**
 - Any individual or individuals who have responsibility for Public Safety but who do not constitute a campus police department or a Public Safety department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
 - Any individual or organization specified in an institution’s statement of Public Safety policy as an individual or organization to which students and employees should report criminal offenses.

An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

- **Official.** Defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.

Emergency Notifications, Timely Warnings, Security Bulletins

The University of Nebraska Omaha will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The HEA has specific requirements intended to help keep students and employees informed about threats to their safety and health in a manner that allows them to protect themselves.

After a Clery Act crime is reported UNMC must consider whether your students and employees are at risk of becoming victims of a similar crime.

The institution must consider the potential impact on various law enforcement operations as it issues these warnings.

Institutions cannot outsource the requirement to issue timely warnings to local law enforcement agencies and must not enter into agreements that prohibit the issuance of such warnings.

The warning must be reasonably likely to reach the entire campus community.

UNMC may, in appropriate circumstances, include personally identifiable information in a timely warning. Although personally identifiable information is generally protected from disclosure under FERPA, such information may be released in an emergency situation. The Department’s FERPA regulations, at 34 CFR 99.36, describe the rule relating to the disclosure of information in health and safety emergencies.

This requirement does not apply to emergency situations in or on noncampus buildings or property.

UNMC is not required to provide a timely warning for non-Clery Act crimes or for crimes reported to a pastoral or professional counselor.

While not required by the Clery Act, Public Safety may issue security bulletins to inform the campus community of safety related situations or issues that don’t rise to the level of a timely warning.

Public Safety will issue timely alerts in order to keep the campus community informed about safety and security issues on an on- going basis. Public Safety will alert the campus community of certain crimes in a timely manner to aid in the prevention of similar crimes.

Emergency Notifications

Under the Clery Act, every institution is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or

employees. An “immediate” threat as used here includes an imminent or impending threat.

Timely Warnings

The Clery Act requires UNMC to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Although the Clery Act doesn’t define “timely,” the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves.

This means that a warning should be issued as soon as pertinent information is available. This is critical; even if UNMC doesn’t have all of the facts surrounding a criminal incident that represents a serious and continuing threat to its students and employees UNMC must issue a warning. The warning must contain information about the type of criminal incident that has occurred.

Security Bulletins

Security Bulletins may be issued in situations in which UNMC might choose to alert the campus community. However, the incident does not meet the threshold of a significant emergency or dangerous situation for the purposes of the Clery Act.

Emergency Notification and Timely Warnings: Sorting Out the Differences.

The Clery Act requires every Title IV institution, without exception, to have and disclose emergency response and evacuation procedures that would be used in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. Some other examples of significant emergencies or dangerous situations are:

- Outbreak of disease or other serious illness.
- Approaching tornado, blizzard, flooding or other extreme weather situations.
- Natural gas leak or other biohazard.
- Terrorist incident or active shooter.

Emergency Notification

Scope: Wide focus on any significant emergency or dangerous situation (may include Clery Act crimes).

Why: Emergency notification is triggered by an event that is currently occurring on or imminently threatening the campus. Initiate emergency notification procedures for any significant emergency or dangerous situation occurring on

the campus involving an immediate threat to the health or safety of students or employees.

Where: Applies to situations that occur on your campus.

When: Initiate procedures immediately upon confirmation that a dangerous situation or emergency exists or threatens.

Timely Warning

Scope: Narrow focus on Clery Act crimes.

Why: Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. Issue a timely warning for any Clery Act crime committed on your Clery Act geography that is reported to your Public Safety authorities or a local law enforcement agency, and that is considered by the institution to represent a serious or continuing threat to students and employees.

Where: Applies to crimes that occur anywhere on your Clery Act geography.

When: Issue a warning as soon as the pertinent information is available.



UNMC Alerts

UNMC Alert is UNMC's emergency notification system, designed to quickly alert faculty, staff and students should a shooting, tornado, or other life-threatening event occur on campus. The UNMC community is encouraged to subscribe to UNMC Alert, which will send messages via cell phone, landline, email, or pager in case of an extreme emergency on campus.

A number of resources are available for distributing and receiving critical information and instructions during an emergency. In the event of a major emergency affecting the campus, the administration may use one or more of the following means to communicate with the university community.

UNMC students and staff must opt in and register for this free service in order to receive emergency notifications via a text message sent to their cell phone and/or personal email account. This allows individuals to receive a text message from Security Dispatch informing them of an emergency, and the action to be taken.

There are public groups for UNMC – Omaha, UNMC CON – Lincoln, UNMC COD – Lincoln, UNMC Kearney, UNMC – Norfolk, and UNMC – Scottsbluff. The Nebraska Medical Center, Nebraska Medicine – Bellevue, Nebraska Medicine at Mutual, Nebraska Medicine – Village Point. It is also used by Clarkson College.

There are many private groups which user must be added to by the group administrator. These groups are used for Incident Command, Staff Shortages, and other emergency notifications.

Registrants can manage their own account via an Internet browser and make updates to their device or contact information, such as adding a spouse or family contact who also would receive messages should a life-threatening event occur on campus.

The system only will be used in the case of emergencies, not in the distribution of routine campus announcements or advertisements.

If you reply "stop" to any message, you will be removed from all future messages with all your devices. It is very important to make sure you keep your information updated to assure you get future alerts and to assure we are not annoying someone who did not sign up for the service. If

UNMC Alert UNMC Alert will be the list serve used for emergencies that:

- Affect normal business operations
- Could harm students, faculty, or staff; damage university property
- Come under close scrutiny by the media and the public, thereby damaging the university's reputation

You must subscribe to receive the alerts. Subscribers without an unlimited text plan must pay the cost for a text message should such an event occur, but the cost of the message should only add about 10 cents to your cellular phone bill. Employees who already are signed up for the E2 campus alerts have been switched to UNMC Alert -- no further action is necessary. New users -- employees and students - can register for UNMC Alert, formerly known as "e2Campus" as follows:

- Go to <http://unmc.UNMCAlert.net>.
- Click on "SIGN UP" in the top right-hand corner.
- Enter your full organizational username with the "@" and the rest of your email address.
- Enter a password, select public groups and enter your devices.

you change your cell number, update your information in the system or contact Campus Safety for assistance.

Fire Safety & Emergency Preparedness

All UNMC Housing facilities are equipped with notification systems that can be initiated by the presence of smoke, or via a manual pull station. The initiation of the alarm notifies residents audibly and visually and notifies a response center that immediately dispatches emergency responders to the location. All Housing facilities have fire extinguishers in compliance with the applicable code.

Fire Safety

Emergency Evacuation Procedures

The University's emergency and evacuation procedures are tailored for each type of building and situation as each one is different. Every campus building has placards that identify evacuation procedures.

Shelter in Place

In cases such as a hostile intruder or external hazardous materials release, where a shelter-in-place strategy is best, the following procedures are to be followed as applicable:

- Remain calm.
- If it is possible to flee the area and avoid danger, do so.
- Notify anyone you encounter to exit the building immediately. Evacuate to a safe area away from the danger and take protective cover. Stay there until help arrives.
- Call Public Safety or 911 with your location if possible.
- If flight is impossible, secure yourself in your space. Barricade doors and block windows. Turn off all the lights, close blinds, close and lock all windows, lock and barricade all doors.
- Seek protective cover for yourself and any others (concrete walls, thick desks, filing cabinets may protect you from bullets).
- Keep calm and quiet and stay out of sight.
- For active shooters, silence cell phones (mute or turn off ringer). Consider turning off radios and computer monitors.
- Do not answer the door. If you do not recognize the voice that is giving instructions, do not change your status, stay put. Unknown or unfamiliar voices may be false and designed to give false assurances.
- Place signs in exterior windows to identify the location of injured persons.
- DO NOT APPROACH EMERGENCY RESPONDERS—let them come to you.
- Remain where you are until you receive further instruction by a first responder or authorized known voice.

Emergency Evacuation

In cases where evacuation is needed (fire, hazardous materials release, etc.), the following procedures are to be followed:

- Always evacuate the building if the fire alarm sounds.
- In the event of an evacuation gather your personal belongings quickly (purse, keys, cell phone, MAVCard, etc.) and proceed to the nearest exit.
- Do not use the elevator.
- Move away from the problem and use alternative exits when necessary.
- Help those who need assistance moving.

- Be ready to be guided by additional instructions.
- In cases of hazardous material releases in buildings, once outside, move away from any apparent source or at right angles to the prevailing wind. If wind direction is variable, try to move away from the source of the leak if known.
- Gather at a safe distance from the building.

Specific Evacuation Procedures for Fire

If a fire has started or is reported, either a student or employee should activate a fire alarm and a University employee should instruct everyone to evacuate the building immediately. In the case of residence halls, a Resident Assistant is generally responsible for providing instructions. If possible, a student or employee should try to shut down any equipment or process that could cause a secondary fire if left unattended.

Evacuate the building using the stairs and not the elevators. Evacuees should proceed outside and gather in a designated outdoor area a safe distance from the building. If weather conditions require, a sheltered area or building away from the building in question can be used by the evacuees. The designated gathering points should be clearly identified by University personnel.

Once outside, University employees are expected to immediately call 911 as soon as a safe location is reached (unless otherwise aware, multiple employees should call 911 and not assume someone else has made the call or that the appropriate agencies are aware of the fire). The information given to the emergency operator should include the nature of the emergency and the location (i.e., building number and cross streets or address).

Employees should try to account for people known to have been in the building. If pertinent knowledge regarding the fire is known, it is important that it be relayed to Omaha Fire and Rescue or Public Safety personnel outside the main entrance of the building, including any information on injuries, students or staff needing evacuation assistance and/or people trapped in the building.

The following is an outline of procedures that should be followed in regards to student housing evacuation relating to a fire. If you discover or suspect a fire, go to a pull station and sound the fire alarm, then leave the building through the nearest exit.

- Call 911, Give as much information as possible to the dispatcher.

- Don't attempt to put out the fire or rescue others unless you can do so safely.
- TRY TO REMAIN CALM.

When you have been alerted by the fire alarm, see flashing strobe lights, or see smoke or fire:

- Stay low to the floor if there is smoke in the room.
- Feel the metal door knob before opening any doors.
- IF THE DOOR FEELS HOT, do not open the door.
- IF THE DOOR DOES NOT FEEL HOT, slightly open the door. If heat, smoke, or fire are present, close the door and stay in the room/unit.
 - Seal the cracks around the door using towels, sheets, pieces of clothing.
 - Hang an object out the window (i.e. sheet, jacket, shirt) to attract the fire department's attention.
 - Use a phone to call 911 and report that you are trapped. Be sure to give your hall name and room number.
- If heat/smoke ARE NOT PRESENT, exit the room/unit closing the door behind you.
 - Go to the nearest exit or stairway. Do not attempt to use an elevator.
 - If the nearest exit is blocked by fire, heat, or smoke, go to another exit.
 - Go back to your room/unit if all exits are blocked. Close the door, wave something out the window, and shout for help.

If you cannot safely exit, use a phone to call 911 and report that you are trapped. Be sure to give your hall name and room number.

If you are trying to escape through a smoke-filled room or hallway:

- Stay low and move quickly to the nearest clear exit.
- Place a wet towel or a wet cloth over your head and face; breathe through the towel by taking short breaths through your nose.
- Cover your body with something that can be easily discarded if it catches on fire.

After evacuating:

- Move away from the building. Emergency response personnel and equipment will be maneuvering around the building.
- Follow directions of the fire and police personnel.

Fire Evacuation Drills

The University knows that fire safety is a major area of concern. As a result, fire drills are conducted in the various buildings in order to provide residents the opportunity to become familiar with the notification system as well as the evacuation procedures.

The Fire Safety Officer oversees the inspection of all fire safety systems and equipment and maintains reports that include documentation of fire alarms, sprinkler and smoke detector inspections.

Every University employee is responsible for knowing the evacuation procedures of the building in which they are working, and all employees are required be familiar with the alarm locations nearest each office, laboratory, or other work area. In case of a fire, it will be the employees' responsibility to ensure that all students are instructed on what to do. In addition, any employee who may opt to use a fire extinguisher must receive a training through Environment Health & Safety (EHS).

The fire safety information provided to students and employees will include:

- Knowing emergency exit routes and being prepared to use an alternate route if necessary.
- To not use elevators.
- If anyone is trapped in a building, they should try to reach a point of refuge, such as a stairwell, or stay by a window and wave a white flag to attract the attention of emergency responders.
- If possible, closing doors and windows on the way out in order to confine the fire.
- Keeping low if there is smoke.
- On the way out, assist any mobility impaired persons to a stairwell or other point of refuge if possible and then reporting their location to the emergency response personnel.
- If working in an area frequented by the public, announcing that an evacuation has been ordered and asking people to exit the building.
- Assembling a safe distance away from the building.
- Not to block driveways or areas that may be used by emergency response personnel.
- Not to re-enter the building until the fire department has declared the building safe.

During fire drills and any other time that the fire alarm sounds, residents or building occupants are required to

calmly evacuate the building and follow the instructions of staff and emergency personnel. Failure to vacate or in any other way interfere with the emergency response process will be considered a violation of policy and handled accordingly.

Tampering with or theft of fire safety equipment, including tampering with or discharging fire extinguishers, disabling bells/horns, activating a fire alarm when no emergency exists or covering or removing the batteries from individual smoke detectors, removing the entire smoke detector apparatus, or tampering with, hanging objects from, or decorating sprinkler heads in rooms of halls that are thus equipped are prohibited. Violation of policies that involve fire safety is a very serious matter and typically results in termination of the residence hall contract, as well as any necessary law enforcement action.

Students who require any type of accommodation to ensure their safe evacuation are instructed to contact Residence Hall staff immediately upon moving into the facility so that the appropriate arrangements can be made.

Armed Intruder Emergency

Make a decision, trusting your instincts, to take action to protect yourself to survive the situation. You generally will have three options:

- RUN: Can you safely escape?
- HIDE: Is there a good place to hide?
- FIGHT: Will you do whatever is necessary to incapacitate the armed intruder to survive?

RUN

- Have an escape route and plan in mind.
- Leave belongings behind (except your cell phone).
- Keep your hands visible.

HIDE

- Try to hide out of the armed intruder's view.
- Find protection behind furniture if possible.
- Find a room that locks if you can.
- If possible, close and lock the outside door to the room. Blockade the door with furniture or other heavy objects.
- Close the blinds, turn off the lights, remain quiet, silence cell phones, spread out away from other individuals, and move behind available cover. Stay on the floor, away from doors or windows, and do not peek out to see what may be happening.

- If possible and safe to do so, report the location of the armed intruder.

FIGHT

As a last resort and only when your life is in imminent danger:

- Make a plan with others in the room about what you will do if the armed intruder enters.
- Attempt to incapacitate the armed intruder and do whatever is necessary to survive the situation.

IF OUTSIDE WHEN AN ARMED INTRUDER INCIDENT OCCURS

- Drop to the ground immediately, face down as flat as possible. If within 15-20 feet of a safe place or cover, duck and run to it.
- Move or crawl away from gunfire, trying to utilize any obstructions between you and the gunfire. Remember that many objects of cover may conceal you from sight, but may not be bulletproof.
- When you reach a place of relative safety, stay down and do not move. Do not peek or raise your head in an effort to see what may be happening.
- Wait and listen for directions from law enforcement personnel.

CALLING FOR HELP

- If safe to do so, call 911. Do not assume that someone else has reported the incident.
- If still safe to do so, next call Security Dispatch at 9-5555. During your call, you will be asked questions, such as:
 - What exactly is happening and how do you know? Is it still happening?
 - Where is the suspect now? What was his/her last known direction of travel?
 - Are there any wounded and how many?
 - What is the specific location of occurrence?
 - What types of weapons were used? Describe the weapon/s or other dangerous object/s if possible, and any visible ammunition:
 - Were any shots fired? Describe the sound and the number of shots fired. Do you know who the suspect/s is? If yes, identify them and provide any background knowledge you may have.

WHEN LAW ENFORCEMENT ARRIVES

- The priority of the first responders will be to identify the shooter. Law enforcement will need to ensure that you are not the shooter.
- Do not scream, yell, point, or wave your arms.
- Do not hold anything in your hands that could be mistaken for a weapon (including cell phones).
- Be quiet and compliant.
- Show the officers your empty hands and follow their instructions.
- Give the number of armed intruders.
- Give the location and physical description of the armed intruder(s).
- Give the number and types of weapons.
- When it is safe to do so, you will be given instructions as to how to safely exit your location.

Weather Emergencies

Tornado

- When sirens activate, move to the lowest, interior area of building or designated tornado shelter.
- Stay away from windows.
- Do not use elevators.
- Stay near inside wall when possible.
- Keep calm. Even though a warning is issued, the chance of a tornado striking your building or location is slight.

Winter Weather

The decision to close the university because of adverse weather conditions will be made by the Chancellor or their designee. Should a bad weather situation arise during the workday, this decision will be made in consultation with a Weather Emergency Committee to be established by the Chancellor. This committee shall have representatives from University Communications, Facilities Management and Planning, the Vice Chancellor's Office for Academic and Student Affairs, Student Services/Registrar's Office, Human Resources, and others as input is required. Any announcement regarding a bad weather closure or delay will be conveyed via the following media:

- The university homepage in the form of an emergency banner.
- All-campus email.
- Emergency alert text messages.
- The university's official social media accounts on Facebook and Twitter.

- Emergency Information Line (402.554.2255)

Mass Notification Exercises

As part of its ongoing emergency preparedness program, the University plans annual tests of tornado and fire evacuation procedures. For all tests/drills, the pertinent authorities in the applicable buildings are informed of the drill and required to explain the situation to those that will be affected by the drill (i.e. staff and students). While the University's drills will not include the entire campus all at once, the system in place will make sure that each facility goes through an annual exercise.

Student Housing

UNMC Rental Property is available for lease to full time students, residents and fellows at the Medical Center in Omaha. The UNMC Rental Properties consist of one, two and three bedroom units located on the UNMC campus. All rental agreements are made through the Business Services Department, Rental Property Management. For more information, contact Esther Collins at 402-559-5201 or email: ecollins@unmc.edu.

Rental Property at UNMC Omaha Campus

UNMC Rental Property is available for lease to full time students, residents and fellows at the Medical Center in Omaha. The UNMC Rental Properties consist of one, two and three bedroom units located on the UNMC campus. All rental agreements are made through the Business Services Department, Rental Property Management. For more information on availability contact Esther Collins at 402-559-5201 or email: ecollins@unmc.edu. For property details contact Esther Collins or visit our website: www.unmc.edu/housing.

UNMC SMOKE FREE POLICY:

Smoking is prohibited:

- In all indoor and outdoor properties maintained by UNMC, including leased and owned properties as well as parking lots.
- In all vehicles whether owned, leased or rented by UNMC.
- In all vehicles when parked on UNMC property.
- This policy includes but is not limited to cigarettes, cigars, and pipes.
- This policy encompasses all individuals whether they are working, visiting, receiving medical care or

whether they are contractors or vendors on UNMC property.

- The only exception to the policy will be University-approved research studies involving tobacco use.

SAFETY AND SECURITY

The safety of Rental Property tenants, their personal belongings and furnishings is of utmost importance to UNMC Rental Property Management. Conduct by tenants or their guests which jeopardize safety and security of others will not be tolerated. The following guidelines are reference for tenants in cooperation with Rental Property management.

Holiday Decorations:

Combustible decorations present a fire hazard. Use of such decorations in the rental units is strongly discouraged. Cut greenery, trees or branches are NOT permitted in the apartments or hallways.

Fire Safety:

Rental property units are equipped with fire safety equipment. Tenants are held responsible for keeping the equipment in their unit in working order. You must not render the smoke detector(s) in your unit inoperable. You must immediately report any malfunctions or inoperable smoke detectors (including low batteries) to Rental Property Maintenance. Any tenants or their guests who misuse the fire safety equipment will be subject to lease termination and or arrest.

Clery Act Related Public Safety Policies, and Procedures

Rape, acquaintance rape, domestic violence, dating violence, sexual assault, sexual harassment and stalking are against the law and are unacceptable behaviors under University of Nebraska policy. These unacceptable behaviors are hereafter referred to as sexual misconduct. Retaliation against the Complainant or a third party in an attempt to prevent or otherwise obstruct the reporting or remediation of sexual misconduct is prohibited.

Public Safety Departmental Policies

Select Public Safety specific policies are available on its website. The policies on mobile audio video and bias based profiling are on file with the Nebraska Crime Commission as required by State Statute.

Reports, Arrests and Disciplinary Referrals

Reports involving students and a violation of law or policy are referred to student conduct.

The information is aggregated and reported to the U.S. Department of Education on an annual basis.

Available Reports

- [Annual Clery Reportable Crimes and Referrals](#)
- [Daily Crime and Fire Log](#)
- [Omaha Police Department Crime Mapping](#)
- [Nebraska Crime Commission Stat Reports](#)

U.S. Department of Education Clery Act Reports
Select PUBLIC SAFETY Policies are available on Website

- Mobile Audio Video
- Bias Based profiling
- Organizational Structure and Principles of Authority
- Accreditation Reporting and Administration

Firearms and Weapons

Items such as, but not limited to, firearms, ammunition, martial arts weapons, knives (longer than 3”), explosives, paint ball guns, bows/arrows, Tasers, fireworks, slingshots, and other weapons are not allowed, regardless of permit status. This policy includes sporting equipment which could be used as a weapon or firearm.

Sexual Misconduct

Sexual Misconduct Prohibited Actions

The University of Nebraska at Omaha desires to provide a safe and secure learning, living, and working environment for all students and staff. The University understands the impact that sexually-based offenses have on their victims and the lasting effects. The University strictly prohibits any form of sexual misconduct. All reported incidents will be thoroughly investigated and those found responsible will be dealt with as necessary, whether criminally charged or handled through the University’s judicial process. It is the goal of the University of Nebraska at Omaha to eliminate these crimes from its campus.

Complaints of Sexual Misconduct

- a. Any person—including a university official—can complain of sexual misconduct of or by a University employee. Complaints of sexual misconduct may be made using the University’s internal processes at the same time that criminal complaints or charges are pursued with the appropriate law enforcement or external agencies. University internal investigation and disciplinary proceedings are independent of any criminal or external investigation. Sexual misconduct proceedings will be
- b. conducted by trained University officials to provide a prompt, fair, and impartial process from initial investigation to the final result.
- c. A complaint of sexual misconduct by or against a University employee can be made to the Human Resource Officer or Title IX Coordinator of the major administrative unit where the misconduct occurred or where the affected employee or accused employee works. The University will investigate reported allegations of sexual misconduct and may take appropriate action even if the person allegedly subject to misconduct or Complainant does not wish to pursue formal charges. Any response by the University may be hindered by person’s or Complainant’s desire for anonymity and/or inaction.
- d. No process implemented under this Sexual Misconduct Procedure shall be open to the public. The accuser and the accused are entitled to the same opportunities to have others present during an Informal Resolution or Formal Hearing subject to conditions established by the University-designated Investigator or Hearing Officer. Witnesses may be sequestered and attendance at Informal Resolution or Formal Hearing proceedings may be restricted to the Complainant, Respondent and advisors.
- e. Any allegations of any other violations of University conduct standards in addition to allegations of sexual misconduct that are directly related to the alleged sexual misconduct can be considered by an Investigator or Hearing Officer. Findings of sexual misconduct or other conduct violations shall be made using the greater weight of the evidence standard. The burden of proof shall rest upon the party making the claim.
- f. Evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs may be admitted and given probative effect. Incompetent, irrelevant, immaterial,

and unduly repetitious evidence should be excluded. The rules of privilege recognized by law shall be given effect. Evidence that would not be admissible in a State Court criminal proceeding by reason of the method or manner in which it was acquired shall not be admitted.

Protective Measures

- a. Regardless of whether a person subjected to sexual misconduct chooses to report an incident of sexual misconduct as a crime to university police or security or local law enforcement, the University may provide interim protective measures. If interim protective measures are requested, and they are reasonably available, the University may provide assistance in changing academic, living, transportation, and working situations. Alterations may be made to the work assignments and conditions of a University employee accused of sexual misconduct as an interim protective measure while an investigation is pending or before a hearing is concluded.
- b. Protective measures that the University may offer following an allegation of sexual misconduct include the following: “no contact” orders, changing work schedules or work stations, reporting relationships.

Investigation of Allegations

- a. An Investigator shall be assigned to conduct an investigation to determine if the allegation(s) of sexual misconduct have merit. Investigations of the allegations should be concluded within sixty (60) calendar days of receipt of a report, and may be permitted a longer completion period under extraordinary circumstances, but both parties must be informed in writing of the extension of the timeline.
- b. If the investigation determines it is more likely than not that sexual misconduct or other prohibited behavior did not occur, the complaint may be dismissed without further proceedings. If both the Complainant and the Respondent agree to the dismissal, the complaint is resolved without any further rights of appeal by either party. If the Complainant objects, he or she may appeal the dismissal decision to the person designated to review dismissals within seven (7) University business days. Findings of fact made by the Investigator shall be accepted unless clearly erroneous. The designated reviewer will either affirm the investigative determination to dismiss, or refer the complaint for

further proceedings. The designated reviewer's decision of the appeal will be final.

- c. If the investigation concludes with a finding that it is more likely than not that sexual misconduct occurred, the investigative report should include sanction recommendations. The claim may be resolved through Informal Resolution or following a Formal Hearing.
- d. After the fact-finding investigation, the accuser, the accused employee, and appropriate university officials shall be given timely access to any information that will be used during Informal Resolution and/or Formal Hearing proceedings.

Informal Resolution

Both the Complainant and the Respondent may elect to dispose of the claim by Informal Resolution. Participation in Informal Resolution may not be required of either party. An Informal Resolution conference will be scheduled not less than three (3), or more than fourteen (14) University business days after the investigation is complete. The Respondent may elect to acknowledge his or her actions and take responsibility. The Investigator could propose a resolution and an appropriate sanction. If both the Complainant and the Respondent agree to the proposed sanction, the complaint is resolved without a Formal Hearing. Informal Resolution procedures may be discontinued at the request of any participant, or terminated by the Investigator. When a claim of sexual misconduct against an employee is not concluded through Informal Resolution, a Formal Hearing by a Hearing Officer must be held.

Formal Hearings

- a. Formal Hearing will determine whether sexual misconduct occurred or not.
- b. Charges shall be presented to the Respondent and the Complainant in written form by a University official within seven (7) University business days after the investigation is complete.
- c. Both the Respondent and the Complainant have a right to confidentiality during sexual misconduct proceedings to the fullest extent possible. The duty of confidentiality shall also extend to all persons involved in a Formal Hearing.
- d. In all cases, whether the Respondent presents evidence or not, the evidence in support of the allegations shall be presented and considered. The Respondent may not be found to have committed

sexual misconduct solely because Respondent failed to participate in a Formal Hearing.

- e. A Respondent and the Complainant have the right to inspect all documents used as evidence and a list of all witnesses for the Formal Hearing in advance of the hearing.
- f. Both Respondent and Complainant have a right to prepare a written statement in advance of a Formal Hearing. Both parties will have the right to view each other's statement.
- g. The Complainant and the Respondent have the right to be assisted by any advisor they choose, including legal counsel, at their own expense.
 - i. The role of the advisor is limited. The only appropriate role for the advisor is to provide advice to the party who has requested his/her presence in a manner which does not disturb Formal Hearing. If an advisor fails to act in accordance with these guidelines, he/she may be barred from participation in the proceedings.
- h. A Respondent and the Complainant have the right to hear all evidence, present evidence, testify, and to hear and submit questions for witnesses during formal hearings.
 - i. Questions shall be addressed to the Hearing Officer, who will determine if the question is appropriate, and then ask the witness.
- i. Sexual misconduct proceedings should be completed in a reasonably prompt time frame.
- j. If sexual misconduct is found by a greater weight of the evidence to have occurred, the Hearing Officer will recommend that the University official authorized to do so impose or seek to impose sanctions.
- k. A Respondent and the Complainant have the right to be notified of the decision rendered. Any initial, interim, and final decision to resolve disciplinary matters must include a statement of any University sanctions imposed together with the rationale for the decision.

Possible Employment Sanctions

- a. The types of sanctions that are possible as the result of a sexual misconduct disciplinary proceeding are:
 - i. verbal warning;
 - ii. written warning;
 - iii. transfers;
 - iv. completion of mandatory conditions;
 - v. suspension without pay;

- vi. nonrenewal or non-reappointment;
- vii. loss of rank or position;
- viii. denial of salary increase;
- ix. activity termination;
- x. demotion in rank or pay;
- xi. termination of employment;
- xii. ban on University re-employment.

b. Sanctions i-vii may be imposed in combination with one another.

Definitions

Unless otherwise provided, the definitions found in section 6 of The University of Nebraska Sexual Misconduct Policy, R.P. 2.1.8, apply to this statement of policy and procedure for response to allegations of employee sexual misconduct.

Dating Violence (R.R.S. Neb. §79-2.140)

A pattern of behavior where one person uses threats of, or actually uses physical, sexual, verbal, or emotional abuse to control his or her dating partner. Dating partner means any person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate/sexual involvement, whether casual (e.g. “friends with benefits”), serious, or long-term. It is based on a consideration of length of relationship, type of relationship and the frequency of interaction between those involved in the relationship.

Domestic Violence (R.R.S. Neb. §28-323)

A person intentionally and knowingly causes bodily injury to his or her intimate partner, threatens an intimate partner with imminent bodily injury, or threatens an intimate partner in a menacing manner. Intimate partner, regardless of gender, means a spouse, a former spouse, persons who have a child in common, whether or not they have been married or lived together at any time, and persons who are or were involved in a serious dating relationship. Serious dating relationship means frequent, intimate associations primarily characterized by the expectation of affectionate or sexual involvement. It does not include a casual relationship or an ordinary association between persons in a business or social context.

Sexual Assault (R.R.S. Neb. §28-318 through 320)

Sexual penetration and/or sexual contact without the consent of the victim, regardless of either person’s gender, including situations where coercion, force, or the threat of force was used; situations where the perpetrator knew or should have known that the victim was mentally or

physically incapable of resisting or evaluating the nature of his or her conduct (i.e. mentally challenged, disabled, intoxicated, etc.); or where the perpetrator is 19 years of age or older and the victim is at least 12 but younger than 16. A victim must simply provide enough verbal or physical resistance to make the perpetrator aware of the lack of consent. Victims do not have to show continued resistance when they feel as though further resistance would be futile. The following definitions apply:

- **Force or threat of force:** The use of physical force which overcomes the victim's resistance or the threat of physical force, expressed or implied, against the victim or a third person, where the threat places the victim in fear of their own death or serious personal injury, or that of a third person, and the victim reasonably believes that the perpetrator has the present or future ability to follow through with the threat.
- **Intimate parts:** The genital area, groin, inner thighs, buttocks, or breasts.
- **Serious personal injury:** Great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
- **Sexual contact:** The intentional touching of the victim's sexual or intimate parts, or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact also means the touching, by the victim, of the perpetrator’s sexual or intimate parts or the clothing covering the immediate area of the perpetrator’s sexual or intimate parts, when this touching is intentionally caused by the perpetrator. Sexual contact includes only that conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.
- **Sexual penetration:** Sexual intercourse in its ordinary meaning, cunnilingus, fellatio and anal intercourse. It also includes the intrusion, however slight, of any part of the perpetrator’s or victim's body, or any object manipulated by the perpetrator, into the genital or anal openings of the victim's body. Sexual penetration does not require emission of semen.

Consent to Sexual Activity (R.R.S. Neb. §28-318)

“Consent” means agreement, approval, or permission as to some act or purpose, given voluntarily by a competent person.

1. "Without consent" means:
 - a. The person was compelled to submit due to the use of force or threat of force or coercion; or
 - b. The person expressed a lack of consent through words; or
 - c. The person expressed a lack of consent through conduct; or
 - d. The consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor.
2. The person need only resist, either verbally or physically, so as to make the person's refusal to consent genuine and real and so as to reasonably make known to the actor the person's refusal to consent; and
3. A person need not resist verbally or physically where it would be useless or futile to do so.

In the above text, the word "person" means the individual against whom a wrongful act was allegedly committed, and the word "actor" is the individual alleged to have committed a wrongful act. When the actor knew or should have known that a person was mentally or physically incapable of resisting or understanding the nature of his or her conduct, there is no consent. A person may be incapacitated due to intoxication, mental illness or deficiency or by physical illness or disability to the extent that personal decision-making is impossible. Surprise may also prevent resistance, as where a person is grabbed from behind.

There are some persons who the law presumes are incapable of consenting to sexual contact or penetration by an actor by reason of their age. Under Nebraska law an actor 19 years of age or older may not subject a person under the age of sixteen years of age to sexual penetration or a person under 15 years of age to sexual contact.

Sexual Harassment

Unwelcome conduct or behavior of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Conduct that is sufficiently serious to limit or deny student's ability to participate in or benefit from the University's educational program creates a hostile environment and is prohibited.

Stalking (R.R.S. Neb. § 28-311.03)

Engaging in a course of willful harassment of another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking. Actions include, but are not limited to, deliberately following, detaining, contacting, or harassing the person(s), or imposing any restraints on their personal liberty.

1. **Harass.** To engage in a knowing and willful course of conduct directed at a specific person that seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose.
2. **Course of conduct.** A pattern of conduct composed of a series of acts over a period of time, however short, indicating a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or physically stalking the person or telephoning, texting, contacting, or otherwise communicating with the person.
3. **Family or household member.** Regardless of gender, a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by a blood relationship or marriage, or any person presently (or in the past) involved in a dating relationship with the victim.

Most of the definitions above are based on Nebraska State Statutes and can be viewed at:

<https://nebraskalegislature.gov/laws/statutes.php?statute=28-311.02>

Disciplinary Action for Sexual Misconduct

The University of Nebraska at Omaha shall take the appropriate measures to immediately address sexual misconduct whenever it is reported. In doing so, the University shall provide equal consideration to both the victim and the accused during any disciplinary proceeding and make decisions based on what has been justly determined and is in the best interest of the victim and/or the University; proceedings shall include a prompt, fair, and impartial process from the initial investigation to the final result. Mediation shall not be used to resolve sexual assault complaints.

Any student or employee that is the victim of sexual misconduct and wants administrative action can file a disciplinary complaint against another student and/or

employee by contacting the Title IX Coordinator in any situation, a Student Affairs Officer (Judicial Affairs) if the victim is a student, and the Human Resources Officer (Human Resources Department) if the victim is an employee. If necessary, a Formal Hearing shall occur.

For all cases of crimes of violence, non-forcible sex offenses, and/or stalking where the University has taken action against a student who is the alleged perpetrator of the crime, the University will provide, upon request by the victim, a report of the disciplinary proceedings conducted against the student and the result. In cases where the alleged victim is deceased as a result of the crime, the next of kin will be treated as the alleged victim in regards to the report requests.

Title IX

A federal law that prohibits sex discrimination in federally funded education programs and activities. Title IX applies to students, faculty, staff, or anyone present on campus regardless of sexual orientation, gender identity, immigration status, or disability status. The ban on sex discrimination includes sexual harassment, sexual assault, intimate partner violence, and stalking.

Report known or suspected incidents immediately to UNMC's Title IX Coordinator.

UNMC Title IX Coordinator:

Student and Employee Contact:

Carmen Sirizzot, MBA

402-559-2710 | E-mail (csirizzot@unmc.edu)

Employee Contact:

Linda Cunningham

Division Director, Employee Relations

402-559-7394 | E-mail (lcunning@unmc.edu)

UNMC Compliance Hotline 1-866-568-5430

Student Sexual Misconduct Procedures:

<http://catalog.unmc.edu/general-information/student-policies-procedures/sexual-misconduct/Employee>

Sexual Misconduct Procedures:

https://wiki.unmc.edu/index.php/Sexual_Misconduct

For more information, visit:

<http://www.unmc.edu/titleix/index.html>

The University of Nebraska Medical Center is committed to maintaining an environment for all students, faculty, staff,

and visitors, that is fair and responsible – an environment which is based on one's ability and performance.

The University of Nebraska at Omaha declares and affirms a policy of equal education and employment opportunities, and non-discrimination in providing services to the public. Therefore, the University of Nebraska at Omaha shall not discriminate against anyone based upon age, race, ethnicity, color, national origin, gender-identity, sex, pregnancy, disability, sexual orientation, genetic information, veteran's status, marital status, religion or political affiliation. The University of Nebraska at Omaha prohibits sexual harassment, including sexual violence. This policy is applicable to all University administered programs including educational programs, financial aid, admission policies and employment policies.

Title IX Prevention/Awareness Programs and Training:

- Prevention and Awareness Programs: It's on US campaign and on-going Empower Programs
- Required Title IX Online Training for all Employees and Students
 - Title IX training is facilitated at UNMC in:
 - New Student Orientations (Every Fall)
 - New International Students Orientation (Every Fall)
 - New Employee Orientation (Every month)
 - Faculty Training Sessions
 - Staff Training Sessions

The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws. Officers of the University are to cooperate with State and Federal agencies in the prevention of drug abuse. In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988, 41 U.S.C. § 701, and the Drug Free Schools and Communities Act of 1989, 20 U.S.C. § 1145g.

Sexual Assault Policy for Northeast Community College

UNMC Norfolk

Sexual Assault Prevention and Response

Northeast Community College prohibits sexual assault (rape, fondling, incest and statutory rape), on all College-owned or rented property and in connection with College-sponsored activities. Throughout each academic year, the

College implements educational sexual assault programs. These programs are offered through (but not limited to) the offices of Student Activities, Student Health Services, Student Life, Human Resources, or Residence Life to prevent sex offenses on campus, at College locations, and at College-sponsored events. The programs include education to promote the awareness of rape and other sexual assault offenses.

The following prevention, counseling, and educational services are available to students and employees:

- On-campus counseling for students;
- Off-campus counseling referrals for students at Extended Campus locations;
- Off-campus counseling referral for employees (EAP);
- Student Health Services.

The Student Leadership Association (SLA), the Student Activities Council (SAC), and/or the RA/SA Team sponsor student and staff educational programs to promote the awareness of sexual assault crimes (rape, fondling, incest and statutory rape), prevention techniques, and procedures that victims are advised to follow;

- Any employee or student may obtain educational literature regarding sexual violence/ sexual assault from Student Health Services (Student Center); the Counseling office (College Welcome Center), or Human Resources (Maclay Building 110);
- On-campus 24-hour emergency, dial 911;
- Public Safety officers are professionally trained in crime prevention; and
- Public Safety provides escorts to cars or buildings when classes are in session.

To request accommodations or protective measures after an incident of sexual assault (rape, fondling, incest and statutory rape), domestic or dating violence, or stalking has occurred, contact Craig Garrett, Title IX Coordinator 402-844-7046 craig@northeast.edu.

Conduct, Drugs and Alcohol Policies

The UNMC Student Code of Conduct

The mission of the University of Nebraska Medical Center is to lead the world in transforming lives for all individuals and communities through premier educational programs, innovative research and extraordinary patient care.

UNMC has a reputation of integrity and excellence in teaching, research and patient care. To maintain this

reputation, UNMC expects all faculty, staff and students to conform to the highest ethical standards and meet all legal obligations in the performance of their duties. This Code of Conduct applies to all UNMC faculty, staff and students (hereinafter "UNMC Community") and guides them in carrying out daily activities within appropriate ethical and legal standards. The Code reflects the values of UNMC and may be modified to address changes in culture, as well as changes in the regulatory environment.

Professional and Ethical Conduct.

Professional and ethical conduct must be shown in all relationships. Professionalism is fostered by a supportive climate emphasizing respect and dignity. The UNMC Community should strive to create an environment characterized by:

- Avoidance of and no tolerance for harassment, threats, intimidations, physical, verbal, or written (including electronic) abuse;
- Respect for individual and cultural differences in race, religion, ethnicity, national origin, age, gender, sexual orientation, and disabilities;
- Openness in communication;
- Honest, respectful and fair dealing within the UNMC community, and with external customers, suppliers, competitors, and other entities;
- Truthful and positive feedback with constructive, corrective feedback in a private setting whenever possible;
- Assignment of duties and tasks that promote professional development;
- Performance of duties and assignments in an exemplary manner;
- An emphasis on solving problems and modifying systems, not blaming people;
- No tolerance for cheating, fabricating, falsifying, plagiarizing, or inappropriately communicating research, academic, or clinical information;
- No tolerance for falsifying signatures includes signing on behalf of another where the person signing does not have delegated authority for such signature under the Board of Regents Memorandum 13 and/ or 14 or other appropriately documented authorization.

Leadership Responsibilities.

While all members of the UNMC Community are obligated to follow this Code of Conduct, leaders set the example, to

be in every respect a model. Teachers and supervisors should provide instruction, guidance, and leadership. Leadership involves helping others to achieve their highest levels of performance, discerning those who need individual assistance, and then facilitating improvement. Similarly, the teacher or supervisor can expect the student or employee to make the necessary investment of energy and intellect to acquire the knowledge, understanding and skills concomitant with being a competent professional.

Compliance.

All members of the UNMC Community are expected to understand and comply with federal and state laws and regulations related to their duties and University of Nebraska and UNMC policies and procedures. UNMC has an obligation to provide education to Community members so they understand their responsibilities. Areas of regulatory responsibility applicable to UNMC may include but are not limited to the following:

- Civil rights;
- Health and safety in the workplace;
- Grants and contracts;
- Financial compliance and standard business practices;
- Conflict of interest;
- Scientific misconduct;
- Protection of human and animal subjects in research;
- Employment, including wage and hour, disabilities and immigration laws;
- Confidentiality of student, patient and other proprietary information;
- Protection of intellectual property such as patents, trademarks and copyright;
- Publication of scholarly work and authorship;
- Information technology and security.

Report conduct that concerns you.

If you have questions regarding this Code or encounter any situation which you believe violates provisions of this Code, you should immediately consult your supervisor or academic advisor, another member of your department, the Human Resources Department, the Vice Chancellor for Student Success, the Compliance Officer at 402-559-6767, the Nebraska Ombudsman's office at 1-800-742-7690, or the UNMC Compliance Hotline at 1-844-348-9584.

Reports to the Compliance Hotline may be made anonymously. There will be no retribution for asking questions or raising concerns about the Code or reporting

possible improper conduct. Individuals shall not intentionally make false allegations. Any employee making a report regarding this Code may not be discharged, demoted or otherwise discriminated against, as a reprisal for disclosing to information that the employee reasonably believes is evidence of abuse of this policy.

Abide by this Code of Conduct policy.

The integrity and reputation of UNMC is diminished when any of these standards is violated. All allegations of violations of the Code of Conduct will be thoroughly and appropriately investigated, without exception, and corrective action will be taken consistent with the circumstances. UNMC Community members who violate the Code of Conduct may be subject to corrective action up to and including termination of employment or academic disciplinary action, including dismissal.

UNMC Code of Conduct

https://wiki.unmc.edu/index.php/Code_of_Conduct

Standards of Conduct for Employees and Students Regarding Alcohol and Drugs RP-2.1.5

The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws. Officers of the University are to cooperate with State and Federal agencies in the prevention of drug abuse. In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988, 41 U.S.C. § 701, and the Drug Free Schools and Communities Act of 1989, 20 U.S.C. § 1145g, the University has formulated standards of conduct for both its employees and its students, which prohibit the following acts:

- Use, possession, manufacture, distribution, or sale of illegal drugs or drug paraphernalia on University premises, or while on University business, or at University activities, or in University supplied vehicles either during or after working hours.
- Unauthorized use, possession, manufacture, distribution or sale of a controlled substance as defined by the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., or Nebraska Drug Control Laws, Neb. Rev. Stat. §§ 28-401 et seq., on University premises, or while engaged on University business, or at University activities, or in University-supplied vehicles either during or after working hours.

- Unauthorized use, manufacture, distribution, possession, or sale of alcohol on University premises or while on university business, or at University activities, or in University-supplied vehicles either during or after working hours.
- Storing in a locker, desk, vehicle, or other place on University-owned or occupied premises, any unauthorized controlled substances, drug paraphernalia, or alcohol.
- Use of alcohol off University premises that adversely affects an employee's or student's work or academic performance or an employee's or student's safety or the safety of others.
- Possession, use, manufacture, distribution, or sale of illegal drugs off University premises that adversely affects the employee's work performance or the student's academic performance or an employee's or student's safety or the safety of others.
- Violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution, or sale of alcohol, controlled substances, or drug paraphernalia.
- In the case of employees, failure to notify an employee's supervisor of an employee's arrest or conviction under any criminal drug statute as a result of a violation of law which occurs at the University of Nebraska workplace. Reference: BRUN, Minutes, 55, p. 205 (October 12, 1990). BRUN, Minutes, 56, p. 149 (September 6, 1991).

Disciplinary Sanctions Regarding Drugs and Alcohol Students

Violations of the Student Code of Conduct may result in the implication of sanctions up to and including expulsion (see above for specific sanctions and definitions) from the University and referral for prosecution by the proper authorities under local, State, and/or Federal law (as identified above).

Faculty and Staff

Violation of the employee standards of conduct may result in the implication of sanctions up to and including termination of employment and referral for prosecution by the proper authorities under local, State, and/or Federal law. A University of Nebraska who violates drug laws and/or abuses substances prior to or during University work hours and/or activities will be subject to disciplinary action.

In the event a faculty or staff member violates this policy or is convicted of unlawful manufacture, distribution, dispensation, possession or use of controlled substances or alcohol on University property or as part of any University activity, the University will take appropriate action.

As required by 41 U.S.C. § 8102(1), part of the Drug-Free Workplace Act of 1988, faculty and staff involved in the performance of federal contracts or grants must notify their supervisor within five days if they are convicted of any criminal drug statute as a result of violation of the law that occurs at the workplace. The term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of the Federal or State criminal drug statutes. The supervisor will immediately notify the Academic Affairs Office when faculty members are affected or the Human Resources Office when staff members are affected. The University, in turn, will notify the applicable granting or contracting agency or agencies of the conviction within ten days after receiving notice of an employee's criminal drug statute conviction.

Description of applicable legal sanctions under Federal, State or Local law

The information on the following pages summarizes selected provisions of Federal, State, and local laws that provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol. While PUBLIC SAFETY believes this information is accurate, the reader is cautioned to investigate the matter more fully or consult their personal attorney.

Federal Penalties and Sanctions for Illegal Possession of Controlled Substances

First Conviction: Up to 1-year imprisonment and fine of at least \$1,000 or both. After one prior drug conviction: At least 15 days in prison, not to exceed 2 years, and a fine of at least \$2,500. After 2 or more prior drug convictions: at least 90 days in prison, not to exceed 3 years, and a fine of at least \$5,000. 21 U.S.C. 844(a)

Forfeiture of tangible and intangible personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment. Forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for use, to transport or in any manner to facilitate the

transportation, sale, receipt, possession, or concealment of controlled substances. 21 U.S.C. §§ 853(a) and 881(a)

Denial of Federal benefits, such as financial aid grants, contracts, student loans, and professional and commercial licenses, for individuals convicted of distributing controlled substances (drug trafficking). The denial can last up to 5 years for the first conviction and up to 10 years for the second conviction. Those who have three or more convictions will be permanently ineligible for all Federal benefits. 21 U.S.C. § 862

Ineligible to receive or possess a firearm or ammunition. 18 U.S.C. § 922(g)

Authority to revoke certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., is vested with the officials of individual Federal agencies.

State Penalties and Sanctions for Illegal Possession of Controlled Substances

The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. In addition, there are other Nebraska State laws which establish penalties for various drug related offenses which are summarized below.

Crimes Involving Minors

Any person 18 years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver or dispense a controlled substance or a counterfeit controlled substance (i) to a person (under the age of 18 years); (ii) in, on, or within 1,000 feet of a school, college, university, or playground; or (iii) within 100 feet of a youth center, public swimming pool, or video arcade shall be punished more severely. The law also provides for an enhanced penalty for anyone 18 years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. See Neb. Rev. Stat. § 28-416(4)(a) and (5)(a) (Reissue 2016). Persons under the age of eighteen who violate the drug laws may be subject to additional sentencing provisions found in Neb. Rev. Stat. § 28-416(18) and (19) (Reissue 2016), these include impounding licenses or permits issued under the Motor Vehicle Operator's

License Act, completion of community service, and attending drug education classes.

Probation Conditions

Any person convicted of a drug law violation, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse. Neb. Rev. Stat. § 28-416 (14) (Reissue 2016).

Tax Provisions

Anyone who possesses or sells the following amounts of controlled substances or imitation controlled substances must pay the appropriate taxes to the Nebraska Department of Revenue and have the stamps attached to the controlled substances. Marijuana is not included in the definition of "controlled substances" here but is also taxed, as follows:

- Illegal marijuana is taxed at \$100 for each ounce or portion of an ounce. Neb. Rev. Stat. § 77-4303 (Reissue 2009).
- Any controlled substance that is sold by weight or volume (i.e., cocaine, crack, methamphetamine, etc.) is taxed at \$150 for each gram or portion of a gram. Neb. Rev. Stat. § 77-4303 (Reissue 2009).
- Any controlled substance that is not sold by weight (i.e., LSD, Quaaludes, methamphetamine in tablets, PCP, etc.) is taxed at \$500 for each 50 dosage units or portion thereof. Neb. Rev. Stat. § 77-4303 Reissue 2009).

Failure to have the proper tax stamps attached to the controlled substance is a Class IV felony, with a criminal penalty of up to a 2- year imprisonment and 12-month post- release supervision or a \$10,000 fine or both. If imprisonment is imposed, there will be a minimum of a 9-month post- release supervision. Neb. Rev. Stat. § 28-105(1) (Reissue 2016) available at <http://nebraskalegislature.gov/laws>; Neb. Rev. Stat. §§ 77-4301 to 77-4316 (Reissue 2009).

Property Forfeiture

Property used to manufacture, sell, or deliver controlled substances can be seized and forfeited to the State. Property subject to forfeiture may include cash, cars, boats, and airplanes, as well as drug paraphernalia, books, records, and research, including formulas, microfilm, tapes, and data. Neb. Rev. Stat. § 28-431 (Reissue 2016).

Being Under the Influence of Any Controlled Substance for Unauthorized Purpose

It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner. In a prosecution, the State need not prove that the accused was under the influence of a specific controlled substance, only that the accused manifested symptoms or reactions caused by the use of any controlled substance. Neb. Rev. Stat. § 28-417(1)(g) (Reissue 2016).

Drug Paraphernalia Offenses

It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Reissue 2016). Individuals who make a good faith request for emergency medical assistance in response to their drug overdose or when assisting another person may experience limited immunity from drug possession and paraphernalia charges if they meet certain requirements, such as requesting medical assistance as soon as the drug overdose is apparent and remaining on the scene and cooperating with medical assistance or law enforcement personnel. Neb. Rev. Stat. § 28-441(1) (Reissue 2016 and Supp. 2017).

"Drug paraphernalia" is defined to include such things as hypodermic syringes, needles, pipes, bong, roach clips, and other items used, intended for use, or designed for use with controlled substances. Neb. Rev. Stat. § 28-439 (Reissue 2016).

It is unlawful to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances in which one should reasonably know, that it will be used to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. This section does not apply to pharmacists, pharmacist interns, pharmacy technicians, and pharmacy clerks who sell hypodermic syringes or needles for the prevention of the spread of infectious diseases. Neb. Rev. Stat. § 28-442 (Reissue 2016 and Supp. 2017).

It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under the age of 18 who is at least three years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 2016).

A violation of Neb. Rev. Stat. § 28-441 (use or possession of drug paraphernalia) is an infraction and is punishable on the first offense by a fine of up to a maximum of \$100; a second offense within two years of the first is punishable by a fine between \$100 and \$300; a third offense within two years of the second is punishable by a fine between \$200 and \$500. Neb. Rev. Stat. §§ 28-441 and 29-436 (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-442 (delivery or manufacture of drug paraphernalia), which is a Class II misdemeanor, is up to a 6-month imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 28-442 (Reissue 2016) and § 28-106(1) (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-443 (delivery of drug paraphernalia to a minor), a Class I misdemeanor, is imprisonment for up to one year or a \$1,000 fine or both. Neb. Rev. Stat. § 28-443 (Reissue 2016) and § 28-106(1) (Reissue 2016).

Imitation Controlled Substances

It is a violation of Nebraska law to knowingly or intentionally manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 2016). "Imitation controlled substance" is a substance that is not a controlled substance or controlled substance analogue but which is represented to be an illicit controlled substance or controlled substance analogue. Neb. Rev. Stat. § 28-401 (29) (Reissue 2016). The first violation of this law is a Class III misdemeanor and the penalty may be a 3-month imprisonment or a \$500 fine or both. A second offense violation of this law is a Class II misdemeanor and the penalty may be imprisonment for up to six months or a \$1,000 fine or both. Neb. Rev. Stat. § 28-445 (Reissue 2016) and § 28-106(1) (Reissue 2016).

Controlled Substance Analogues

For purposes of Nebraska's Uniform Controlled Substance Act, controlled substance analogues (often called "designer drugs") are treated as controlled substances. Such an analogue is defined as (i) substantially similar in chemical structure to the chemical structure of a controlled substance or (ii) having a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401 (30)(a) (Reissue 2016; Supp. 2017).

Minor in Possession

It is against the law for a person under the age of 21 years to sell, dispense, consume, or possess alcohol. Neb. Rev.

Stat. § 53- 180.02 (Reissue 2010). Penalties for violation of this law may include one or more of the following: the impoundment of the offender's license for thirty days or more; the requirement to attend an alcohol education class; the requirement to complete twenty hours or more of community service; submission to an alcohol assessment by a licensed counselor; imprisonment of up to three months; and/or a \$500 fine;. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Cum. Supp. 2016; Supp. 2017); § 28- 106(1) (Reissue 2016).

The law provides immunity from minor in possession alcohol charges when someone underage is in need of medical assistance. A penalty may not be imposed on a person who otherwise violated the law if the person (i) made a good faith request for emergency medical assistance in response to the possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent; (ii) Made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 53- 180.05(4) and § 53-181(3) (Supp. 2017).

Procuring Alcohol

It is a violation of Nebraska law to sell, furnish, give away, exchange, deliver, or permit the sale, gift, or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Cum. Supp. 2016). Violation of this law is generally punishable by not more than a one-year imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Cum. Supp. 2016) and § 28-106(1) (Reissue 2016). However, if alcohol is knowingly and intentionally provided to a minor and the minor's consumption of the alcohol or impaired condition attributed to the alcohol leads to the serious bodily injury or death of any person, the person who provided the alcohol shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days' imprisonment. The penalty for a Class IIIA felony is a 3-year imprisonment and 18-month post release supervision or a \$10,000 fine or both and a minimum of a 9-month post-release supervision if imprisonment is imposed. See Neb. Rev. Stat. § 53-180.05(2) (Cum. Supp. 2016) and Neb. Rev. Stat. § 28- 105(1) (Reissue 2016) available at <https://nebraskalegislature.gov/laws>.

Consumption on Public Property

It is a violation of Nebraska law for any person to consume alcoholic liquors upon property owned or controlled by the State or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such properties.

Neb. Rev. Stat. § 53-186 (Cum. Supp. 2016). A violation of this statute is punishable on the first offense by a fine of up to \$100; a second offense within two years of the first is punishable by a fine between \$100 and \$300; a third offense within two years of the second is punishable by a fine between \$200 and \$500. Neb. Rev. Stat. § 53-186 (Cum. Supp. 2016) and § 29-436 (Reissue 2016).

Driving While Intoxicated

Operating or being in physical control of a vehicle while under the influence of alcoholic liquors or drugs is a violation of Nebraska law when such person has a concentration of eight- hundredths (.08) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath. Neb. Rev. Stat. § 60-6,196 (Reissue 2010).

Violation of this law is punishable on first offense by seven to 60 days of imprisonment and a \$500 fine. Neb. Rev. Stat. § 60- 6,197.03 (Cum. Supp. 2016) and § 28-106(1) (Reissue 2016). In addition, an offender's driver's license is revoked for 6 months and the offender is ordered not to drive any motor vehicle for any purpose for a like period. Neb. Rev. Stat. § 60- 6,197.03(1) (Cum. Supp. 2016).

Suspended sentence or probation includes a mandatory requirement that probation or suspension be conditioned on an order that the offender will not drive any motor vehicle for any purpose for 60 days and pay a \$500 fine. Neb. Rev. Stat. § 60-6,197.03(1) (Cum. Supp. 2016). Penalties for a second conviction include a \$500 fine and a maximum of a 6-month imprisonment, with no less than a mandatory 30-day imprisonment. Neb. Rev. Stat. § 60- 6,197.03 (Cum. Supp. 2016) and § 28-106(1) (Reissue 2016). As part of the judgment of conviction, the offender's operator's license is revoked for 18 months. Neb. Rev. Stat. § 60- 6,197.03(3) (Cum. Supp. 2016). If an offender is placed on probation or the sentence is suspended, a mandatory condition is that the offender must not drive any motor vehicle for any purpose for a period of 18 months. Neb. Rev. Stat. § 60-6,197.03(3) (Cum. Supp. 2016). In addition, the probation order shall include as one of its conditions the payment of a \$500 fine and confinement in the city or county jail for 10 days or the imposition of not less than 240

hours of community service. Neb. Rev. Stat. § 60-6,197.03(3) (Cum. Supp. 2016).

Penalties for a third conviction include a \$1,000 fine and a maximum of a one-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15 years. Neb. Rev. Stat. § 28-106(1) (Reissue 2016) and Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp. 2016). If an offender is placed on probation, or the sentence is suspended, a mandatory condition is that the offender's operator's license shall be revoked for a period of at least 2 years but not more than 15 years. Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp. 2016). In addition, the probation order shall include the payment of a \$1,000 fine and as one of its conditions confinement in the city or county jail for 30 days. Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp. 2016).

Fourth convictions are a Class IIIA felony. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2016). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least 180 days imprisoned in a city or county jail or an adult correctional facility. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2016). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2016). In addition, the probation order shall include as one of its conditions a \$2,000 fine and confinement in the city or county jail for no less than 90 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 90 days after release. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2016).

Fifth and subsequent convictions are a Class IIA felony. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2016). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least two years' in prison. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2016). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2016). In addition, the probation order shall include as one of its conditions a \$2,000 fine and confinement in the city or county jail for 180 days with

required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 180 days after release. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2016).

Persons with a higher concentration of alcohol, fifteen-hundredths (.15) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath on a first conviction and subsequent conviction, are subject to even stiffer penalties. Neb. Rev. Stat. § 60-6,197.03(2), (5), (6), (8) and (10) (Cum. Supp. 2016). Where a person has three prior convictions and then has another conviction involving this higher alcohol concentration, he or she shall be guilty of a Class IIA felony with a minimum sentence of one year of imprisonment, and has his or her license revoked for a period of 15 years. Neb. Rev. Stat. § 60-6,197.03(8) (Cum. Supp. 2016). In addition, any probation order shall be applied as previously indicated under Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2016).

Persons convicted of a DWI violation may be ordered to have an ignition interlock device installed at their expense on each motor vehicle operated by the convicted person during the period of revocation. Neb. Rev. Stat. §§ 60-6,197.03 and 60-6,211.05 (Cum. Supp. 2016). DWI convictions also have an impact on the ability of a person to obtain both automobile and life insurance coverage.

Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol, e.g. "open container" laws.

Missing Students Policy

Students who reside in an on-campus housing facility will be given the opportunity during their housing registration process to designate an individual or individuals to be contacted by UNMC "in case of emergency". In the event a student is reported missing, UNMC personnel will attempt to contact his/her emergency designee(s) no more than 24 hours after the time that student is determined to be missing, in accordance with the procedures set forth below. An emergency contact designee(s) will remain in effect until changed by the student.

The University is dedicated to looking out for the welfare of each one of its students. The following information pertains to students that live in on-campus housing and details how a report regarding any missing student is to be processed. Anyone who suspects or confirms another adult has been

missing for 24 hours should immediately contact Public Safety.

Incidents of missing juveniles should be reported immediately. For purposes of this policy, a student will be considered missing, if a roommate, classmate, faculty member, family member or other campus person has not seen the student in a reasonable amount of time. A reasonable amount of time may vary with the time of day and information available regarding the missing student's daily schedule, habits, punctuality, and reliability. Individuals will be considered missing immediately, if their absence has occurred under circumstances that are suspicious or cause concerns for their safety. If the initial report that a student is missing is made to a department other than the Department of Public Safety, the employee receiving the report will ensure the Department of Public Safety is contacted immediately. Concerned parties can always notify Public Safety at any point, even if an individual has not yet been missing for a full 24 hours.

UNMC personnel will attempt to contact his/her emergency designee(s) no more than 24 hours after the time that student is determined to be missing, in accordance with the procedures set forth below. An emergency contact designee(s) will remain in effect until changed by the student.

Official notification procedures for missing persons

- a. Any individual on campus who has information that a student residing in campus housing may be a missing person must notify the Department of Public Safety as soon as possible.
- b. The Department of Public Safety will gather information about the student in question from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.
- c. If the above actions are unsuccessful in locating the student within 24 hours of the report or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), the 17 Department of Public Safety will contact the Omaha Police Department to report the student as a missing person and the local

law enforcement agency will take over the investigation.

- d. No later than 24 hours after determining that a residential student is missing, Public Safety will notify the emergency contact that the student is believed to be missing.
- e. If the missing student is under 18 years of age and is not emancipated, the student's custodial parent or guardian or other designated contact person will be notified within 24 hours of determining the student is missing. II. Campus communications about missing students In all cases of a missing student, where the student is declared missing by the Department of Public Safety after an initial investigation, the law enforcement agency conducting the subsequent investigation will provide information to the media that is designed to obtain public assistance in the search for any missing student. UNMC Public Relations Office is available to provide consultation on communication with the investigating law enforcement agency. Any media requests to UNMC will be directed to the Public Relations Office.

NOTE: The Omaha Police Department will be notified to investigate any reports of a missing student residing off-campus property.

It is preferred that the reporting party talk directly to a Public Safety officer.

Missing students can be reported to any CSA who must then immediately report that information to Public Safety. Public Safety will immediately initiate an investigation which may include contacting campus acquaintances, friends or relatives, and, if appropriate, a preliminary inspection of their residence hall room. Public Safety will gather as much information as possible from the reporting person(s) in order to determine an appropriate course of action. In addition, Public Safety will check the access control system to determine the last time the student used their card to access a University building. This will assist in determining the student's activity and/or to see who they may have entered the building with. Information that will be gathered by Public Safety includes:

- Details of why the person suspects or knows the individual is missing (may include changes to behavior, state of mind, known plans).
- The last place and time the individual was seen and by whom.

- Contact information for the individual suspected to be missing (cell and other phone numbers, e-mail addresses, social networking names).
- Contact information for friends who may know of their location.
- Contact information for the concerned individual(s) so they can be reached with additional questions or follow-up information.
- Other personal information including photograph, vehicle, employer, and other activities the person may be engaged in.

Once a student has been determined to be missing, PUBLIC SAFETY will inform local law enforcement, and make appropriate notifications to the missing student's emergency contacts within the first 24 hours.

Crime Prevention and Information Programs for Students and Staff

UNMC provides students and staff with safety-related awareness activities. Online and printed materials are available to enhance awareness of personal safety, security, and substance abuse issues. The following resources are used to inform students and staff members:

- Educational posters and brochures
- Videos promoting awareness of crime and personal safety
- Speakers addressing specific issues, i.e., armed intruder, emergency notification, harassment, domestic violence, etc. Use of UNMC publications, i.e., "UNMC Today" press releases regarding safety awareness issues
- Public Safety Website and other online resources
Public Safety provides the following tips on personal safety and security: Improving Your Personal Safety While Walking on City Streets:
 1. Try to have others with you while walking. There is safety in numbers and attacks are less likely to occur if you are with other people.
 2. iPods or other devices that use headphones should not be used when walking. Criminals look for easy targets and not only are headphones a good sign you are not paying attention to your surroundings, but the devices they are attached to can also be a tempting target of thieves.
 3. If you are confronted by someone looking to cause you harm, yell, scream and attract as much attention to yourself as possible. The

Unwanted attention may be enough to scare away your attacker.

Using Public Transportation:

1. Check your route schedule in advance.
2. Keep a copy of the transit schedule for reference should you need to leave earlier or later than usual.
3. Be aware of your surroundings walking to and from the bus stop.
4. Remember that cell phones and mp3 players can be distracting and limit your ability to hear what is going on around you and could prevent you from being alert to potential signs of danger.
5. Walk with purpose and a confident stride.
6. Plan to arrive at the bus stop only a few minutes before departure time.
7. Sit near the front of the bus.
8. If you are on the bus and someone bothers you, tell the driver immediately.
9. Where possible, and especially at night, coordinate your transit travel with companions you know and trust.

Working Alone/Working at Night

1. Keep doors between you and the public locked when working alone
2. Review with your supervisor and follow established working alone check-in procedures.
3. When leaving your office for the night, proceed cautiously and look and listen for suspicious persons or situations before leaving the security of your office.
4. Remain cautious as you are leaving.
5. If you have any concerns stay in or immediately return to your office with the door locked and call Security Dispatch at (402) 559-5111.

Vehicle/Parking Lot Safety

1. Close the windows and sunroof; lock the doors and activate any security devices when leaving your car unattended.
2. Never leave cash, credit cards, cell phones, sunglasses, vehicle documents or other valuables in the car.
3. Never leave your keys in the car, even for a second - treat them as you would your cash and credit cards.

4. Park with care, particularly at night; if possible, park in a busy, well-lit area, park near classmates/colleagues.
5. Be aware of your surroundings as you approach your vehicle, even looking underneath as you approach it.
6. Have your keys in your hand as you approach your vehicle.
7. Check the backseat and floor before entering your vehicle. 19
8. If you notice something unusual in or around your vehicle, keep walking to a safe place and call Security Dispatch at (402) 559-5111 if you are on campus; if you are off campus call the police at 911.
9. Arrange for a Public Safety escort to your vehicle. Protecting your Bike Bicycles are also attractive targets for thieves and vandals.

The following tips can make your bike a less attractive target for crime:

1. Lock it up. Use a heavy-duty bike lock (a U-bar lock is recommended).
2. Lock your bike to a bike rack. For your own personal use, record the identifying characteristics and the serial number of your bike, and remember to keep the information in a safe place. Always lock your bike, even if you are leaving it for just a minute. If your bike is stolen or vandalized (while on campus), report the incident promptly to Public Safety (ext. 9-5111) and the Omaha Police Department (OPD). Bikes stolen or vandalized off campus should be reported to OPD.

Encountering Strangers in the Workplace

If you encounter a person who appears to have no purpose or legitimate reason for being on campus:

1. Project calmness and confidence. Be friendly but professional. Challenge persons only when you can do so safely and never alone.
2. Never jeopardize your safety by acting alone when challenging or even approaching a person, regardless of how unthreatening the person may appear.
3. Never provide personal information to someone you don't know. How to challenge a stranger: Be alert to people entering your work or learning area. Approach a stranger only when safe to do so, without risking your safety, or the safety of others. Greet people with a friendly and professional tone of voice:
 - a. "Good morning. May I help you?"

- b. "Are you looking for someone, perhaps I can help?"
- c. "Are you looking for a particular room?" Perhaps I can direct you."

Things to look for. If people have no legitimate reason for being on campus, they may react in a variety of ways:

1. Mumble and quickly leave.
2. Provide an explanation for their presence that causes you to feel doubtful or suspicious.
3. Reply defensively e.g. "Why are you bothering me?" "This is a public place."
4. Stare at you in an attempt to intimidate.
5. React negatively and show no apparent intention to leave. If you believe he/she has no legitimate purpose on campus, call Security Dispatch at (402) 559- 5111 to alert them to the individual and give a location, description of the person, and details of the incident.

Never try to physically remove someone yourself. Trust your intuition. It's important to remember if a situation feels wrong, it probably is. If you feel uncomfortable or threatened in any way, remove yourself from the situation as soon as possible and call Security Dispatch at (402) 559-5111. Do not feel embarrassed to ask for help or to report an incident, no matter how insignificant it may seem. Any situation that causes you fear or concern is a legitimate reason for contacting Security. If you encounter a stranger in your path and you are unable to avoid them:

1. Do not confront them or block their exit route.
2. Act unconcerned and confidently continue on your way.
3. Be assertive. Do not worry about being rude. Assertiveness is not rudeness.
4. Lead the stranger to believe that there are others in the area.
5. As soon as you can do so safely, call and alert Public Safety (402) 559-5111.

Elevator Safety:

1. Look inside an elevator before entering.
2. If there is someone in the elevator that makes you uncomfortable do not get in, wait for the next one.
3. When you are in the elevator, stand beside the control panel. Most elevators have emergency call button on the control panel.
4. If a suspicious person enters the elevator, get out before the doors close.

The Social Scene:

1. Plan ahead. Let someone know where you are going, who you are going/meeting with and when you plan to return. Plan in advance how you are going to get home. Stick to your plan.
2. Use a buddy system, go out with friends you trust and keep an eye out for each other.
3. Know your limits. Alcohol can affect your judgment and cause you to make poor decisions.
4. If you drink, never let your drink out of your sight; don't sample drinks from other people – even if you know them.
5. Do not drink and drive. If you are threatened: If you are threatened anywhere or at any time, you should notify the police (911) immediately. If the threat occurs on campus or pertains to your work or study on campus, or could impact your safety, and/or the safety of others, on campus, report the situation immediately to Security Dispatch at (402) 559-5111 and your Administrator. Personal Safety Escorts: Security provides safety escorts on campus for persons late at night that can be accessed by calling (402) 559-5111.

Sex Offender Information

Whenever a convicted sex offender enrolls at or is employed at a postsecondary institution, they are required to notify the state, and the state is then required to notify the University. As a matter of policy, Public Safety will review the information of each reported sexual offender who becomes a student, volunteer, or employee and determine the seriousness of the threat to campus safety. In cases where it has been determined that the sex offender's crimes were of a serious nature and the offender's presence may threaten the security of those on campus, the University will provide notification to all students and staff of the sex offender's status.

Nebraska State Statute 29-4002 declares that sex offenders present a high risk to commit repeat offenses and that efforts of law enforcement agencies to protect their communities, conduct investigations, and quickly apprehend sex offenders are impaired by the lack of available information about individuals who have pleaded guilty to or have been found guilty of sex offenses and who live in their jurisdiction. Because of that, the legislature determined that state policy should assist efforts of local law enforcement agencies to protect their communities by requiring sex offenders to register with local law

enforcement agencies as provided by the Sex Offender Registration Act.

This information is to be used to provide public notice and information about a registrant so a community can develop constructive plans to prepare themselves and their family. Sex Offenders have "always" been in our communities. The notification process will remove their ability to act secretly.

Sex offenders who are required to register for 15 years may request a reduction in the registration period to ten years, upon completion of ten years of the registration period after the date of discharge from probation, parole, supervised release, or incarceration, whichever date is most recent. To obtain the necessary forms to complete, click on the link below.

Sex offender registry information shall not be used to retaliate against the registrants, their families, or their employers in any way. Vandalism, verbal or written threats of harm are illegal and will result in arrest and prosecution.

Registry Information

The Campus Sex Crimes Prevention Act includes several acts of federal legislation that require the following:

- Each state must create a very narrowly drawn specific program to register sex offenders.
- Each state must provide for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education or working or volunteering on campus.
- Each state requires sex offenders already required to register in another State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

The University is committed to protecting its students and staff from sexual predators. The University will provide any applicable information regarding sexual predators to its students and staff when necessary.

Listings of registered sex offenders in Nebraska can be found at: <https://sor.nebraska.gov/>

Programs

Sometimes it's difficult to know what to do when your friend needs help. We're here to help navigate this situation. If you have a friend who is in need of help, get

this friend the help they need. Remember, you will not get in trouble for helping a friend who you're concerned about. When helping a friend with alcohol or drug issues, it is important to focus on how their behaviors have affected you. These discussions can occur in a very caring and non-judgmental fashion and still be direct without the need to blame. For many who are not willing to seek help, having these conversations occur more than once and with more than one person over a period of time, can further the likelihood they will eventually seek help. It is always best to avoid these conversations when the other person is or is suspected to be intoxicated. In an event where someone has taken drugs or alcohol and is not responsive or you cannot wake them up, call 911 immediately.

Knowing when your friend needs help and knowing what to do for them isn't always easy. It's hard to watch our friends struggle with things like addiction, break ups, and health issues. Knowing what to do and say is important, and this collection of resources should give you a start on getting the background you need to help your friend recover. UNMC wants to make sure that we support you as you support your friends. Remember, you are not alone.

Illicit Substances

The illicit use of drugs and alcohol and the dependency on these substances is a major issue facing college campuses across the United States. To combat the problems caused by the use of drugs and alcohol, the University of Nebraska at Omaha wants to ensure that resources are available to not only promote the awareness of drug and alcohol abuse and the large number of related issues, but also to help students and staff determine if they have a problem and deal with dependency issues. To this end, there are a number of programs and resources available for use to students, faculty, and staff.

Health Risks Associated with Substance Abuse

Serious health risks are associated with the use of illicit drugs and alcohol. The National Institute on Drug Abuse states that most drugs of abuse can alter a person's thinking and judgment, leading to health risks, including addiction, drugged driving and infectious disease. Most drugs could potentially harm an unborn baby; pregnancy-related issues are listed for drugs where there is enough scientific evidence to connect the drug use to specific negative effects. These drugs and their effects are more thoroughly described by the National Institute on Drug Abuse through charts and information available at:

<http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Drugs

With drugs, it has been shown that while initial use may have been voluntary, drug abuse alters gene expression and brain circuitry, which affects human behavior and becomes an addiction. Once addiction develops, the brain changes interfere with one's ability to make voluntary decisions, leading to compulsive drug craving, seeking, and use. The long-term use of drugs can be far reaching in harm to the body, including, but not limited to cardiovascular disease, stroke, cancer, hepatitis, and lung disease. Drug use has respiratory effects, gastrointestinal effects, musculoskeletal effects, can damage kidneys, the liver, and the brain, and lead to premature death. In addition, changes that occur in the brain through long-term drug use can lead to paranoia, depression, aggression, and hallucinations. These issues affect not only the individual, but also loved ones, fellow students, and the public in general.

Sex Offense Victim Counseling and Other Services

Counseling services for victims of sexual assault are available both on the UNMC campus and in the Omaha community. Students enrolled at UNMC may be eligible for assistance in changing their academic and/or living arrangement after an alleged sexual assault or other crime

of violence if changes are requested by the victim and such changes are reasonably available. The UNMC student housing office can provide further information about options that are available. Additional resources and programs available throughout the state can be found on the Nebraska Domestic Violence Sexual Assault Coalition site at <http://ndvsac.org/get-help>.

Counseling and Student Development Center

Counseling

Counseling is made available to students at the University of Nebraska Medical Center campus through the Student Counseling Center. Services are available on either a walk-in or appointment basis. All services are free of charge and strictly confidential. Services can be provided on an individual, couple, or group basis. Students can contact the Center by calling 402-559-7276.

David Carver, Ph.D., Executive Director, Licensed Psychologist
Phone: 402-559-7276
E-mail: dcarver@unmc.edu

Susan Bauer, LMHP, Clinical Counselor
Phone: 402-559-7276
E-mail: susan.bauer@unmc.edu

Kelly Swoboda, MHR, LMHP, Academic Success Counselor
Phone: 402-559-7276
E-mail: kelly.swoboda@unmc.edu

Pat Oberlander, BS, Office Manager
Phone: 402-559-7276
E-mail: poberlander@unmc.edu
Bennett Hall, Room 6001

For information and appointment scheduling, call 402-559-7276

The UNMC Counseling and Student Development Center offers a wide range of professional counseling and psychological services, including general problem-solving, individual psychotherapy, stress management training, couples/marital counseling, communication consultations, psychological testing, substance dependency screening and academic skills enhancement. These services are provided free-of-charge to all UNMC students and medical residents. Counseling Center staff members are licensed and have advanced degrees in mental health counseling, clinical

social work or psychology. Medical referrals are available if needed.

The Counseling Center staff makes confidentiality the highest priority. With the exception of life-threatening situations (clear danger to self or others), no private information is released without the written consent of the student. Counseling files cannot be accessed through UNMC or hospital electronic medical records systems. Since there is no charge to students, there is no need to file insurance claims for services provided in our office.

In addition to personal counseling and consultation services, the Counseling Center houses a wide variety of academic support and student development programs that enhance the overall quality of campus life. Programs include: the Academic Success Program (learning styles assessment, study skills improvement, test-taking strategies); Student Senate advising and administrative support; Services for Students with Disabilities; Student Health Major Medical Insurance (policy interpretation, claims filing); Substance Abuse Education; and the Ombudsperson Referral Service (call 402-559-2491).

The Counseling Center also provides information and confidential services for students and residents with concerns regarding substance abuse or dependency. The initial counseling interview may lead to a referral for a comprehensive chemical dependency evaluation. The office has information on: 1) volunteer UNMC faculty and staff with specialized training in substance abuse issues who are willing to meet with students on an informal, confidential basis, 2) local meetings of support groups such as alcoholics anonymous (AA), Al-Anon (for family and friends of the alcoholic), Narcotics Anonymous (NA), and Gamblers Anonymous (GA). These programs use similar 12-step recovery programs as a foundation, 3) inpatient and outpatient chemical dependency treatment programs in Nebraska, and 4) UNMC student health insurance coverage for chemical dependency treatment.

The goal of the Counseling & Student Development Center is to help students have the most productive, enjoyable learning experience while enrolled at the University of Nebraska Medical Center. We invite students from every UNMC academic program to stop by our office or call if you have any questions. If we don't know the answer, we can probably help you find the right person. Information is also available on our website at: <http://www.unmc.edu/stucouns/>.

Academic Success Programs



Academic support services are provided free-of-charge for students by the Counseling and Student Development Center and the Recruitment and Student Engagement Office. These services are focused on enhancing the academic performance of UNMC students. Although students admitted to UNMC programs are among the most academically accomplished, the demands of health science education sometimes outstrip a student's ability to maintain an adequate learning pace using their customary study habits. Student-to-student academic tutoring services are coordinated by the Office of Recruitment and Student Engagement.

Academic counseling for improved study skills, test taking, concentration, time management, and stress management services are offered through the Counseling & Student Development Center. For further information go to: <http://www.unmc.edu/stucouns/services/academic-success.html>.

Services for Students with Disabilities

Kelly Swoboda, MHR, LMHP, Coordinator of Services for Students with Disabilities
Counseling & Student Development Center
Bennett Hall, 6001
402-559-7276
FAX: 402-559-9671

Student Documentation of Disability Policy Statement

To be eligible for disability-related services, students must have a documented or visible impairment as defined by the Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA) 1990 and the ADA Amendments Act of 2008. The ADA regulations broadly define impairments to include a wide variety of disorders or conditions affecting any number of body systems, including the neurological or musculoskeletal systems, special sense organs, respiratory, cardiovascular, reproductive, digestive, genitor-urinary, hemic, lymphatic, or endocrine systems, or the skin.

Impairments also include mental or psychological disorders, including mental retardation, organic brain syndrome, emotional or mental illness, and certain learning disorders.

The University of Nebraska's Student Individual Accommodation Procedure relies on documentation from appropriate, licensed professionals including educational information such as Individual Education Plan (IEP), 504 plan, Summary of Progress (SOP) or other information about a student's education and accommodation history and interview information from the student. The cost of obtaining documentation will be borne by the student. If the initial documentation is incomplete or inadequate and the student interview does not provide the relevant information, the services for students with disabilities office will have the discretion to request additional information focused on providing the clarification needed to provide the student reasonable accommodation.

Determination and Provision of Reasonable Accommodations

Accommodations, modifications, or adjustments to a course, academic program, service, or activity may enable a qualified student with a disability to have an equal opportunity to attain the same level of performance or to enjoy equal benefits and privileges as are available to similarly-situated individuals without a disability.

The University of Nebraska is obligated to provide reasonable accommodations, adjustments, and/or auxiliary services only to the known limitations of an otherwise qualified student with a disability. The student with a disability is responsible for informing the Services for Students with Disabilities Office that an accommodation or change in accommodation is needed and to participate in the interactive process to formulate a reasonable accommodation plan. When a qualified student with a disability requests accommodation, reasonable efforts to provide the accommodation, adjustment and/or auxiliary service that is deemed effective will be made.

Evaluation of performance, including admissions decisions, course examinations and other measures of achievement, will be provided with appropriate reasonable accommodations or modifications to ensure that the evaluation represents achievement rather than reflecting the impact of disability.

Process for Application

To be eligible for accommodations, students are responsible for completing a Request for Services form and providing documentation of disability. Please go to the Counseling and Student Development web site at www.unmc.edu/stucouns/ to complete the form and find additional information, or contact the Disabilities Coordinator (see above).

This must be done well in advance of the semester for which the accommodation is needed (6 weeks is suggested). Instructors are not required to provide classroom accommodations without prior approval.

Once the request has been approved, an individualized accommodation plan will be formulated and an official "Letter of Disability Accommodation" will be issued to the student. With this letter, it is then the student's duty to discuss with each course instructor how to best implement the plan.

Ombudsperson for Students

David S. Carver, Ph.D.
Bennett Hall, Room 6001, 402-559-2491
(Call for a confidential appointment)

Purpose of the Ombudsperson

The word "ombudsman" originated in Sweden and means "representative of the people." UNMC has established a team of ombudspersons to help students, residents, faculty and staff resolve problems and to promote fair and equitable treatment for all members of the UNMC community. Dr. David Carver is the student/employee ombudsperson and Dr. Susan Swindells is the faculty/employee ombudsperson. Although Dr. Carver is the designated student ombudsperson, Dr. Swindells is also available for consultation with students. More specifically, the Ombudsperson services are:

Confidential – no written records are kept, and any information shared by a student remains private except in cases of direct threats of physical harm to self or others

Informal – the ombudsperson is a "behind the scenes" sounding board or consultant; but is not an UNMC "officer of notice" for filing formal complaints, grievances, or appeals and does not participate in formal hearings or disciplinary processes

Independent – the ombudsperson program is not part of the formal UNMC administrative chain of command and

reports only general problem trends and other summary data (without identifying individuals) to the Vice Chancellor for Academic Affairs and the Chancellor

Neutral – the ombudsperson advocates for fair processes but does not take sides or serve as an advocate for a student in formal complaints, appeals, or grievances

Functions of the Ombudsperson

Information and Referral Source — The ombudsperson is an information source on policies, procedures and regulations that apply to students, staff or faculty. In a complex organization like UNMC, it is often difficult to figure out where to go with an issue or concern. The ombudsperson can answer the question "Where do I start?" by referring the student to the appropriate person or office. The ombudsperson can also help students to locate and interpret relevant policies.

Identification of Options – the ombudsperson listens carefully and non-judgmentally to a student's concern and then assists the student in identifying various options for solving a particular problem. This confidential conversation may help the student to decide on a specific course of action after weighing the potential rewards and risks of various options.

Facilitating Conversations — With the permission of the student, the ombudsperson may act as an informal, neutral facilitator between parties in a dispute. This can be done by bringing the parties together for a face-to-face conversation with the ombudsperson present, or it can be accomplished through "shuttle diplomacy" where the ombudsperson talks with each party separately. The dispute may be between a student and a faculty member, two or more students, or a student and an employee. The ombudsperson may also provide information about formal "due process" grievance procedures, but the ombudsperson will not participate directly in any formal grievance or appeal hearings.

Policy Recommendations — Ombudspersons gather facts and data on recurring problems experienced by students, faculty or staff. Ombudsperson team members may recommend changes in policies, procedures and organizational structures to promote greater fairness and equity.

Consult an Ombudsperson . . .

- If you are unsure about which UNMC policies, procedures or regulations apply in your situation.

- If you have a specific problem or complaint that you have not been able to resolve through regular UNMC channels (or if you are unclear about where to start or what to do next).
- If you need help in deciding whether to appeal an evaluation, a grade, or an administrative decision.
- If you feel that you have been treated improperly or unfairly and would like to identify your options.
- If you have a problem that requires assistance in facilitating communication and understanding between you and another party.
- If you need help in deciding whether to file a formal complaint or grievance.
- Students and residents can get more information about the Ombudsperson service by calling the Ombuds Team Hotline at 402-559-2491.

UNMC has designated areas where limited, independent access/egress (exit) is necessary to provide security and safety for employees, faculty, students, patients, visitors, and staff. Various means will be utilized to help control access/egress to these secured areas. These include card access, alarms, and other means of securing the area.

Access to Campus Facilities:

Students, faculty and employees at UNMC have access to most facilities on campus. However, certain classroom facilities at UNMC are open only to students, faculty and employees involved with classes taught in those facilities. Other facilities are open to all faculty, students, employees and members of the general public. Examples of this type of facility are the Hospital, Clinic Building, and the McGoogan Library of Medicine during normal business hours.

The UNMC security department allows after-hour access to campus facilities to students, faculty and employees having proper authorization and identification. UNMC owns campus residential properties that provide apartment-style living for a limited number of students and hospital guests. The hospital also operates The Lied Transplant Center (LTC), which provides motel-type accommodations for inpatients, outpatients, and their families.

The LTC has a desk attendant stationed at the main entrance 24 hours a day. These desk attendants have telephone contact with security dispatch if necessary. All access doors to the LTC are secured between the hours of 8:30 p.m. and 6 a.m. daily. Individuals living in campus accommodations are encouraged to contact UNMC security

department for assistance and to make accurate and prompt reports to UNMC security department and external law enforcement agencies as deemed necessary.

Designated Access Control Representatives (ACRs) will have final authority to authorize independent card access and access locations for their department(s). Criteria for authorizing independent access shall include but not be limited to:

- The secured area is the staff's designated primary work area (includes department employees and may include physicians and other health care providers designated by the department ACR)
- Staff who need to access the secured area for patient care emergencies and no staff is available to give them access
- Designated Security personnel

Visitors, staff and health care providers without proper identification may be asked to sign in and out before they enter and exit a secured area with controlled access. Any secured area with controlled access should have staff available to permit access/egress or a means shall be available to allow access.

The UNMC Identification and Access Control Office administers the access control system in coordination with UNMC Facilities Management and Planning and UNMC Public Safety. They are located in the Student Life Center at 3908 Jones St, room 1048. Visitor parking is now located in the row on the east side of our building. We recommend using the south building entrance, then go through the double doors at the end of the vestibule, and immediately turn right. There are signs directing people towards the office.

Obtaining access to a secured area

The UNMC Photo ID Card office DOES NOT authorize or approve access to secured areas. You must contact the Access Control Representative at the building or department where you need access. The Access Control Representative acts as a local "gatekeeper" and determines who will be granted access to their area. The UNMC Photo ID Card office maintains a list of Access Control Reps and can help you find the right one.

It is not necessary to go to the UNMC Photo ID Card office. Your ID card does not need to be physically encoded or modified in any way.

An Access Control Representative must submit a secure online "Access Control" request form, located on the Management Resources web site (Note to Nebraska Medicine Access Reps: Remember to check the box "Olympus ID" when logging in.)

Facility Security Policy

It is the policy of the University of Nebraska Medical Center (UNMC) to comply with authoritative guidelines, to ensure a safe and secure workplace for faculty, students, staff, patients and visitors, and to protect the University. Further, it is the policy of UNMC to protect confidentiality and privacy through appropriate use of information gathered in the course of employment or other affiliation with UNMC or entrusted to UNMC for academic, research, patient care, or administrative purposes.

All exterior doors to buildings and interior doors to clinics and offices housing protected health information (PHI) or confidential proprietary information will be locked after normal business hours, including weekends and holidays.

Exterior and interior doors are secured by means of mechanical and/or electronic locking mechanisms.

Department Personnel Responsibilities

- Knowing who should legitimately be in their work area
- Observing and reporting immediately any suspicious activities and/or individuals acting in a suspicious manner:
- Contact Public Safety, Ext. 9-5111 for occurrences on main campus
- Contact 911 for occurrences off main campus
- Securing offices and other areas containing PHI or confidential proprietary information when not in use

Securing Campus Buildings After Normal Business Hours

- Campus buildings which include, but are not limited to Clarkson Tower, University Tower and Durham Outpatient Center which house confidential information are protected by a variety of physical security measures to prevent unauthorized individuals from gaining access.
- Public Safety will control facility access, including locking, unlocking, and restricting access during designated hours.
- Public Safety will conduct routine patrols of all buildings (both interior and exterior) after normal business hours.

- Public Safety will check any individual found in a secured area after hours for proper authorization.

After Hours Access to Campus Buildings/Departments

- Workforce authorized to access specific buildings and/or departments within a building may have a key issued to them in accordance with Key Control Procedures.
- If card access is available to a building or department, workforce authorized access to the building/department may be granted access via card access in accordance with UNMC Policy No. 6009, Secure Area Card Access Control.

Securing Clinics and Health Care Centers Located Off Main Campus

- Managers of locations off the main campus are responsible for:
- Evaluating and performing a risk assessment for their Clinic/Healthcare Center
- Working with Facilities Management and Planning and Public Safety to develop appropriate policies and procedures for securing their work areas
- Training and instructing staff members on how to properly secure patient related information
- Securing buildings after hours
- Securing Department Areas During Cleaning
- Department management, in conjunction with Environmental Services (EVS) management, is responsible for performing a risk assessment of the physical security of the area when cleaning of the area takes place
- It is department management responsibility to know the cleaning schedule and to inform EVS of any changes, which might affect the physical security of the area during the cleaning hours.
- If after normal business hours, EVS will ensure that the main door to the area remains locked where possible. If it is not possible to lock off the area, EVS and department management will evaluate options to mitigate the risk.

Crime Statistics

Criminal Offenses	On-Campus				Non-Campus				Public Property				On-Campus Housing			
	2016	2017	2018	2019	2016	2017	2018	2019	2016	2017	2018	2019	2016	2017	2018	2019
University of NE Med Center ID#181428-001	2016	2017	2018	2019	2016	2017	2018	2019	2016	2017	2018	2019	2016	2017	2018	2019
Murder, Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense (Forcible)	0	1	0	0	0	0	0	0	3	3	0	0	0	0	1	0
Sex Offense (non-Forcible)	0	0	2	3	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0
Aggravated Assault	3	1	4	2	0	0	0	0	7	6	1	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	1	4	23	7	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	4	10	13	10	0	0	0	0	6	9	1	2	0	0	0	0
Liquor Law Arrests	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0
Liquor Law Referral for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	20	10	0	0	0	0	9	16	0	0	0	0	0	0
Drug Law Referral for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Arrests	0	0	2	0	0	0	0	0	1	4	0	0	0	0	0	0
Weapons Laws Referral Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Crimes																
Dating Violence	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	4	1	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	3	4	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes																
Intimidation Race	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation Sexual orientation	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction Vandalism Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction Vandalism Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Omaha Police Department (OPD) notes to Clery Act Data Request
 Prior to 2017 OPD was unable to supply Clery data.

Coding process does not distinguish between murder, non-negligent manslaughter, negligent manslaughter, or between forcible and non-forcible sex offenses. These distinctions are found in the charges filed by prosecutors. Also, the coding systems do not distinguish hate crimes. Under Nebraska statutes, hate/bias charges are filed by the prosecutor in addition to the underlying charges as a sentence enhancement. multiple victims/offense, hierarchy etc.

In order to maintain complete and accurate records in the data bases, all files used to compile this report are dynamic. Dynamic files allow continuous data entry, which could result in additions, deletions, and/or modifications at any time. Due to the dynamic nature of the data, number may vary in previous or subsequent reports. Public property burglary does not include private residences.

The University of Nebraska Omaha Department of Public Safety (Campus Security) is responsible for the creation and distribution of the "Annual Campus Safety and Fire Report" (ASR). The ASR includes safety and security information for the University of Nebraska Omaha, including crime & fire statistics for the 2018 calendar year, and the information required by the Drug-Free Schools and Communities Act of 1989. All data is submitted to the U.S. Department of Education according to law.

The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status and/or political affiliation in its programs, activities, or employment.

DEPARTMENT OF PUBLIC SAFETY

University of Nebraska Medical center



▶▶▶ **APPENDIX N**

UNO Annual Campus Security and Fire Report

2020 Annual Campus Safety and Fire Report



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UNO Department of Public Safety

Welcome!

As the Director of the University of Nebraska Omaha Department of Public Safety, it is my pleasure to welcome you to the University of Nebraska at Omaha, and to present the 2020 Annual Campus Safety and Fire Report.

Our Department is committed to the safety of students, faculty, staff, and visitors while on our metropolitan campus. We value you, and are here to provide the best possible service to all.

Comprised of Police Officers, Security Officers and a host of support staff, the Department is committed to providing prompt and professional services to the UNO campus community, and its guests. Our officers patrol campus on foot, on bicycle and in marked vehicles, so don't be surprised if you see one of them in your area. In fact, feel free to stop and chat.

If you ever need help, or feel unsafe in any way, the Department is here to assist you. We provide many safety-related services including escorts between buildings, or to your vehicle if needed. The Department also sponsors many outreach and training programs.

Please visit us on the public safety website <https://www.unomaha.edu/public-safety/index.php> or contact us directly for more information regarding any of these services.

If there is a significant safety related incident on campus, you may receive an alert through email or text messaging. This is our best way of getting information to you as fast as possible. Students are automatically enrolled in the program. However, staff and faculty must sign up for the service.

I hope you enjoy your time on our campus. We look forward to seeing you.

Charlotte Evans, Director

The **Annual Campus Safety and Fire Report** (ASR) includes safety information for the University of Nebraska Omaha, including crime & fire statistics for the 2019 calendar year, and the information required by the Drug-Free Schools and Communities Act of 1989. All data is submitted to the U.S. Department of Education according to law.

The University of Nebraska Omaha Department of Public Safety (UNODPS) is located in the Eppley Administration Building, Room 100, and provides services to the University community 24-hours a day. Call 402.554.2648 for information regarding any service offered by the UNODPS.

The University of Nebraska shall not discriminate based upon age, race, ethnicity, color, national origin, gender-identity, sex, pregnancy, disability, sexual orientation, genetic information, veteran's status, marital status, religion, or political affiliation.



Introduction: An Overview of Campus Safety and Security Reporting

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC §1092(f)) is a federal law, which requires colleges and universities, participating in federal student aid programs, to release information regarding crime statistics on and near their campus, and enact certain policies and procedures for handling incidents of sexual violence and emergencies.

Enforced by the United States Department of Education, the Clery Act requires colleges and universities to publish an Annual Security Report (ASR) by October 1. The law also requires that schools notify students, prospective students, and employees of the reports existence and make a copy available to them upon request.

The Act also requires institutions with a security department to maintain and publish a daily crime log to record all criminal incidents and alleged criminal incidents that are reported to the UNODPS. The log also maintains a record of all reported fires that occur in on campus student housing. The annual ASR also includes statistical information regarding fires that occur in on-campus student housing.

On March 7, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) (Public Law 113-14) was signed into law. It requires institutions to disclose additional crime statistics, policies, and programs related to dating violence, domestic violence, sexual assault and stalking. It also included disclosure of statistical information regarding new categories of hate crimes. Additionally, it required disclosure of the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred.

The ASR is made available to all new students and employees. Current students and employees are informed of the report through a mass email on or before October 1st of each year. Prospective students and employees are made aware of the report through the enrollment materials for prospective students and through the application materials for prospective employees.

The “Clery Act” is named in memory of 19 year-old Lehigh University freshman Jeanne Ann Clery, who was raped and murdered on April 5, 1986 while asleep in her dorm room.



The ASR, crime prevention and safety information can be found at

https://www.unomaha.edu/public-safety/_doc/annual-campus-safety-fire-report-2020.pdf

Crime data for UNO and other educational agencies is found at:

<http://ope.ed.gov/security/>

Link to the UNO Daily Crime & Fire Log:

<https://scsapps.unl.edu/UNO-PoliceReports/MainPage.aspx>

The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. Campus safety is an important consideration when choosing a postsecondary school.

www.ed.gov

Elements of the Clery Act

Daily Crime Log

Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. Reported incidents must be entered into the log within two business days. The log should be accessible to the public during normal business hours, remain open for sixty (60) days, and subsequently be made available within two business days upon request.

Reporting Requirements

- UNODPS is responsible for the annual review, preparation, and distribution of the ASR.
- UNODPS must document three calendar years of select crime statistics, security policies, and information on the basic rights guaranteed to victims of sexual assault, domestic violence, dating violence and stalking.
- UNODPS uses its own records and sends out formal requests for crime statistics and other necessary information to Campus Security Authorities and any applicable law enforcement agencies.
- Records including crime reports, daily incident summaries, referrals for disciplinary action, copies of timely warnings, etc., are maintained by UNODPS.
- UNODPS is also responsible for uploading statistical data regarding crime and fires to the Department of Education's website as required each year.

Fire Report

Institutions with on-campus housing must report fires that occur in campus housing, generate an annual fire report, and maintain a fire log. Both the report and the log must be accessible to the public. UNODPS combines the ASR and the annual fire safety report into one document, the "UNODPS Annual Campus Security and Fire Safety Report".

Reporting of Crime Statistics

Provide to the U.S. Department of Education crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the

campus, and at certain non-campus facilities, including Greek housing and remote classrooms.

The statistics must be gathered from campus police or security, local law enforcement, and other school officials who have "significant responsibility for student and campus activities." The Clery Act requires reporting of crimes in seven major categories, some with significant sub-categories and conditions.

The Clery Act requires your institution to include four general categories of crime statistics:

- Criminal Offenses
- Hate Crimes
- VAWA Offenses
- Arrests and Referrals for Disciplinary Action

Statistics must be disclosed separately for each of these four general categories. This means that when an incident meets definition in more than one of these categories, it must be reported in each category.

Hate Crimes

Crimes motivated by prejudice, including race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, and/or disability.

Violence Against Women Act (VAWA)

Statistics for violent incidents against women must also be reported.

Arrests and Referrals for disciplinary action

UNO is required to report arrests or referrals for campus disciplinary action regarding Violation of Weapons, Drug Abuse and Liquor Laws, even if an arrest was not made. This does not include violations of UNO policies if there was no violation of the law.

Enforced by the United States Department of Education, the Clery

Act requires colleges and universities to publish an Annual Security Report (ASR) by October 1. The ASR requires the inclusion of a number of mandatory reporting elements that make up the foundation of the Act.

Timely Warnings

Timely warnings are limited to those crimes and incidents an institution is required to report and include in its ASR. There are differences between what constitutes a timely warning and an emergency notification. However, both systems are in place to safeguard students and campus employees.

Emergency Notifications

Institutions are required to inform the campus community about a **“significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.”** An emergency notification expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (i.e., a fire or infectious disease outbreak). Colleges and universities with and without on-campus residential facilities must have emergency response and evacuation procedures in place. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test.

Missing Students

This policy attempts to minimize delays and confusion during the initial stages of a missing student investigation. Institutions must designate one or more positions or organizations to which reports of a student living in on-campus housing can be filed if it is believed that student has been missing for 24 hours.

Policies and Programs

The Act requires the University to publish relevant information regarding policies and programs related to Clery Act crimes and reporting, sexual misconduct, crime prevention, security awareness, drugs and alcohol policies, and campus safety.

The SaVE Act

While States have laws that address sexual misconduct, many institutions of higher learning have policies and procedures that govern sexual misconduct on their respective campuses. The SaVE Act clarified the handling of sexual misconduct cases and set minimum standards for how such institutions responded to reports of sexual misconduct. At a very minimum, the Act increased transparency to school’s processes and procedures affording more protection and accountability for both the accuser and the accused.

The Act guarantees victim/survivor rights, regardless of whether they choose to pursue a formal complaint or not.

UNODPS collects Crime Statistics from a variety of reporting sources. UNODPS may receive reports from any or all of these sources in any given reporting period.

- Reports made to UNODPS for investigation.
- Reports made to UNODPS for statistical purposes only.
- Reports from Campus Security Authorities.
- Reports from the Title IX Office.
- Reports from Student Housing and Conduct.
- Reports from other Law Enforcement Agencies.
- Anonymous tip lines.
- Confidential Sources.

The Hierarchy Rule. When more than one Criminal Offense was committed during a single incident, we only count the most serious offense. There are exceptions to using the Hierarchy Rule when counting offenses. They apply to Arson, Sexual Assaults, Hate Crimes and Violence against Women Act Offenses.

Students must be informed of any possible sanctions or protective measures that may result from an institutional disciplinary proceeding.

Certain procedures must be followed upon the report of an incident of sexual violence. Evidence must be preserved for possible criminal proceedings. The ASR must clarify to whom incidents can be reported.

Victims options regarding formal complaints, including the right not to file a complaint formally must be explained. Victims must be provided information regarding available services regarding protection orders, counseling, health services, mental health services, victim advocacy, legal assistance, and any other services available on campus or in the community.

Institutions must make changes to the academic, living, transportation, and working situations of any victim, if requested and reasonably available, regardless of whether a formal report is made.

Victims have a right to seek disciplinary action and protection directly from the institution. The institution must adopt and disclose policies that state the standard of evidence required. The institution must complete a “prompt, fair and impartial investigation and resolution”.

Requires officials who conduct proceedings to receive annual sexual violence training, including instruction on the proper conduct of an investigation, to promote the safety of victims and provide accountability.

- Requires that both the accuser and accused be entitled to the same opportunities to have an attorney or advisor present at any related meeting or proceeding.
- Require that both the accuser and accused are simultaneously informed in writing of:
 - The outcome of any institutional disciplinary proceeding and the appeals process.
 - When the results of the proceeding become final and any changes to the results of the proceeding.
- Provide campus wide educational programming regarding prevention.
- The institution has a formal statement that prohibits sexual violence, provide a definition of domestic violence, dating violence, sexual assault, stalking and consent for sexual activity.
- Promote bystander intervention and risk reduction.
- Provide information regarding disciplinary hearings and victim's rights as required by the act.

The Campus Sexual Violence Elimination (SaVE) Act is an amendment to the Clery Act requiring institutions who receive federal financial aid to implement a number of changes to its reporting procedures. It also attempts to increase transparency about the scope of sexual violence on campus through the collection and reporting of additional statistics.

Clery Defined Geography



On-Campus. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct

Clery Reportable Criminal Offenses

- Criminal Homicide
- Murder & Non-negligent manslaughter
- Negligent manslaughter
- Sex Offenses
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Additional Reportable Hate Crimes

- Larceny/Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

VAWA Crimes

- Domestic Violence
- Dating Violence
- Stalking

Arrests and Referral Crimes

- Liquor Law Violations
- Drug Law Violations
- Illegal Weapons Possession

Students must be notified of Clery Act Crimes which pose a serious or ongoing threat to students and employees. Institutions must provide timely warnings in a manner likely to reach all members of the campus community.

For the purposes of counting and disclosing statistics, UNO must do so based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program.

support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-campus Student Housing Facility. Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Public Property. All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Non-Campus buildings or property. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

The Clery Act requires institutions to disclose statistics for reported crimes based on:

- Where the crimes occurred.
- To whom the crimes were reported.
- The types of crimes that were reported.
- The year in which the crimes were reported.

UNO must disclose statistics for reported Clery Act crimes that occur:

- On campus.
- On public property within or immediately adjacent to the campus.
- In or on non-campus buildings or property that your institution owns or controls.

Geographic definitions are taken directly from "The Handbook for Campus Safety and Security Reporting 2016 Edition."

If an institution has more than one campus, each campus must comply independently with all of the Clery Act and the fire and safety related HEA requirements.

Crime Reporting for Statistical Purposes and Notifications

The UNODPS strives to strike a balance between empowering victims to make a decision about whether and when to report a crime. At a minimum, it is important to report all crimes for statistical purposes and for the purpose of making timely warning reports or emergency notifications, even if the victim does not wish to pursue further action. In most cases, when a victim wishes to

remain anonymous, the inclusion of personally identifiable information is not necessary.

To provide the University community with important information and notifications, crime statistics for four general criminal categories are tracked for all required annual reports and Web-based data collection.

- Criminal Offenses
 - Murder, Sexual Assault, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson
- Hate Crimes
 - Any of the above crimes motivated by bias.
- VAWA Offenses
 - Domestic Violence, Dating Violence and Stalking
- Arrests and Referrals for Disciplinary Action
 - Weapons, Drug Abuse and Liquor Laws

The UNO Department of Public Safety encourages accurate and prompt reporting of all crimes.

Clery Act reports and other public disclosures will never contain a victim's personally identifying information if they choose not to disclose it.

How to Report Crimes and Emergencies

The University allows victims and witnesses to provide information about a crime on a voluntary, confidential basis if so desired. However, it is important for the safety of other students, as well as for the community as a whole, that any crime is reported so that appropriate measures can be taken. The University understands that people may be concerned about their name becoming public and will protect the privacy of the parties involved and the confidentiality of the information to the extent possible under the law.

Emergencies

Emergencies requiring police, fire or medical aid should be reported by calling Public Safety at 402.554.2911 or 911.

Calling 911

UNODPS dispatch is NOT a 911 center. We can assess a situation and summon additional help. However, in certain situations, for example when callers who are non-English speakers, or those requiring TTY/TDD-capable terminals, calling 911 may be the best option.

U-Tip Text Messaging

Using U-Tip is an application of the UNO Alert system, but registration with UNO Alert is not required to use the system.

You can use the service to report suspicious activities seen on campus, such as theft, vandalism, drugs, domestic disputes, disorderly sports fans, and more.

U-Tip can be useful in reporting incidents before they escalate. U-Tip is **not** anonymous.

To use U-Tip enter **79516** in the To: field

In the text message field type **UNO911** *your message here*.
For example: UNO911 possible car break-in west of DSC

“UNO911” is UNO's campus identifier. **It is essential that you provide a space between UNO911 and the body of your text message for the message to be routed to UNO Public Safety.** Your message is sent directly to Public Safety and appropriate action will be taken.

Blue Light Emergency Phones



Blue light emergency phones are located throughout campus and may be activated by simply pushing a button.

This will connect you with a Public Safety dispatcher who will provide assistance.

Campus Security Authorities

Although every institution wants its campus community to report criminal incidents to law enforcement, that this doesn't always happen. A student who is the victim of a crime may report it to someone other than the campus police. For example, a victim of a sexual offense may turn to a resident advisor for assistance, or a student whose car was stolen may report the theft to the school's director. For this reason, the Clery Act requires all institutions to collect crime reports from a variety of individuals and

organizations that are considered to be “campus security authorities” under the law.

“Campus security authority” is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution.

- A campus police department or a campus security department of an institution.
- Any other individual who has responsibility for campus security (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- An individual or organization specified in policy to which students and employees should report criminal offenses.
- A person who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

Counseling Center

Counseling and Psychological Services (CAPS)

CAPS provides programs and services on campus that assist students in maximizing their potential while at UNO. Counseling services are confidential and all conducted by Licensed Mental Health Practitioners and a graduate student.

Offered by Counseling and Psychological Services Center (CAPS)

- Short-Term Counseling
- Consultation
- Emergency Services
- Group Counseling
- Prevention Services
- Outreach Education
- Wellness Education

Some of the areas of concern commonly addressed in short-term counseling include:

- Anxiety
- Depression
- Loneliness
- Grief
- Life transitions
- Accepting self
- Effects of trauma

Health Services

- Primary care for common illnesses and injuries
- Urgent care (faculty/staff eligible)
- Annual physicals and women's and men's health exams

- Psychiatry
- Blood pressure health screenings
- Sexually Transmitted Infection screenings and care
- Wellness profiles
- Pregnancy testing (prenatal care not offered)

How Do You Know What To Do?

Below is a brief summary of an emergency or urgent situation. However, you are always welcome to call 402.554.2409, for consultation and assistance.

Emergency

An emergency is defined as a life-threatening situation and requires an immediate intervention or response. Examples of an emergency include, but are not limited to:

- Suicidal/homicidal thoughts
- Intent, plans, life threatening behaviors

In the event of an emergency, please call 911, or contact UNO Public Safety by dialing 402.554.2911. You may also go to the nearest emergency room. Counselors are available at 102 H&K M-F from 8 AM to 5 PM. On weekends, please immediately contact Public Safety at 402.554.2911, call 911, or go to the nearest hospital. **You may also contact the Boys Town National Hotline at 1.800.448.3000 if that support would be helpful.**

Urgency

An urgent situation is a non-life threatening, immediate situation where a student may feel overwhelmed. Including, but are not limited to:

- Grief and loss of significant people or relationships
- Severe stress or anxiety over academic challenges
- Intense feelings of sadness and lack of motivation without thoughts of suicide

Because the UNO Health Center is an independent entity, the organization is not obligated to follow university reporting requirements for sexual misconduct. If a student wishes to report sexual misconduct through the university, please see the university policy outlined in the Sexual Misconduct Procedures document available on the Counseling and Psychological Services (CAPS) website.

Law Enforcement on Campus

UNODPS coordinates all functions of campus safety. We are responsible for the continuous patrol of campus property and respond to calls for service. UNODPS law enforcement officers and security officers patrol Dodge Campus, Scott Campus, and Center Campus locations 24/7 by foot, bicycle, and motorized patrols.

Prior to October 2015, UNODPS also contracted with Omaha Police Department to provide School Resource Officers. These officers focused on crime prevention

through a visible law enforcement presence on campus and responded to calls for service as necessary.

In June of 2015, Chief Evans was hired as the first Director of Public Safety, and UNO’s Campus Security Department began its transition to the UNO Department of Public Safety. This process started with the hiring of three full time police officers, a position dedicated to emergency preparedness, the hiring of an investigator, and a plan to increase the number of sworn officers.

- UNODPS’ sworn law enforcement officers have full police and arrest powers.
- Officers complete certification at the State Law Enforcement Training Center.
- Are commissioned by the State of Nebraska as Special Deputy Sheriffs.
- Undergo continuous training to upgrade and maintain their professional skills.
- Have the authority to enforce Omaha city ordinances and state laws within Douglas County.
- UNODPS Monitors criminal activity by students at non-campus locations of officially recognized student organizations.
- Primary jurisdiction is property owned by and associated with UNO.
- Campus Security Officers (CSOs) are unarmed and do not have arrest powers.
- CSOs are trained in first aid, CPR, AED (Automated External Defibrillator), and defensive tactics.
- May undergo other specialized training such as crisis intervention training to enhance their skills.

In August of 2018, Chief Evans was named interim chief of police/director of campus security and public safety for the University of Nebraska at Omaha (UNO) and the University of Nebraska Medical Center (UNMC).

While Chief Evans has supervision over both UNO and UNMC campuses, crime statistics are collected and separate ASR’s are created for each campus.

The Clery Act requires every Title IV institution, without exception, to:

- Disclose emergency response and evacuation procedures.
- Include a statement of policy regarding your emergency response and evacuation procedures.
- Immediately notify the campus community upon confirmation of a significant emergency or dangerous situation.
- Describe the procedures your institution will use in a significant emergency or a dangerous situation.
- Describe your procedures for both response and evacuation in emergency or dangerous situations.
- Address how the institution will disseminate emergency information to individuals and/or organizations outside of the campus community.
- Test the emergency response and evacuation procedures on at least an annual basis.
- Timely alert the campus community to certain crimes surrounding a criminal incident that represents a serious and continuing threat to its students and employees.

Emergency Notifications, Timely Warnings, Security Bulletins

The HEA has specific requirements intended to help keep students and employees informed about threats to their safety and health in a manner that allows them to protect themselves.

UNODPS will issue timely alerts in order to keep the campus community informed about safety and security issues on an on-going basis. UNODPS will alert the campus community of certain crimes in a timely manner to aid in the prevention of similar crimes.

Emergency Notifications

Under the Clery Act, every institution is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. An “immediate” threat as used here includes an imminent or impending threat.

Timely Warnings

The Clery Act requires UNO to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Although the Clery Act doesn’t define “timely,” the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves.

This means that a warning should be issued as soon as pertinent information is available. This is critical; even if UNO doesn’t have all of the facts surrounding a criminal incident that represents a serious and continuing threat to its students and employees UNO must issue a warning. The warning must contain information about the type of criminal incident that has occurred.



Security Bulletins

Security Bulletins may be issued in situations in which UNO might choose to alert the campus community. However, the incident does not meet the threshold of a significant emergency or dangerous situation for the purposes of the Clery Act.

Emergency Notification and Timely Warnings: Sorting Out the Differences

The Clery Act requires every Title IV institution, without exception, to have and disclose emergency response and evacuation procedures that would be used in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

Some other examples of significant emergencies or dangerous situations are:

- Outbreak of disease or other serious illness.

- Approaching tornado, blizzard, flooding or other extreme weather situations.
- Natural gas leak or other biohazard.
- Terrorist incident or active shooter.

Emergency Notification

Scope: Wide focus on any significant emergency or dangerous situation (may include Clery Act crimes).

Why: Emergency notification is triggered by an event that is currently occurring on or imminently threatening the campus. Initiate emergency notification procedures for any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.

Where: Applies to situations that occur on your campus.

When: Initiate procedures immediately upon confirmation that a dangerous situation or emergency exists or threatens.

Timely Warning

Scope: Narrow focus on Clery Act crimes.

Why: Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. Issue a timely warning for any Clery Act crime committed on your Clery Act geography that is reported to your campus security authorities or a local law enforcement agency, and that is considered by the institution to represent a serious or continuing threat to students and employees.

Where: Applies to crimes that occur anywhere on your Clery Act geography.

When: Issue a warning as soon as the pertinent information is available.



Department of Education Clery Definitions

Under the Clery Act, for the purposes of counting and disclosing Criminal Offenses, VAWA offenses, Hate Crimes, arrest and disciplinary referral statistics, the institution

must do so based on definitions provided by the U.S. Department of Education and the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program.

Hate Crime. A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

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. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence. A felony or misdemeanor crime 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;

After a Clery Act crime is reported UNO must consider whether your students and employees are at risk of becoming victims of a similar crime.

The institution must consider the potential impact on various law enforcement operations as it issues these warnings.

Institutions cannot outsource the requirement to issue timely warnings to local law enforcement agencies and must not enter into agreements that prohibit the issuance of such warnings.

The warning must be reasonably likely to reach the entire campus community. UNO may, in appropriate circumstances, include personally identifiable information in a timely warning. Although personally identifiable information is generally protected from disclosure under FERPA, such information may be released in an emergency situation. The Department's FERPA regulations, at 34 CFR 99.36, describe the rule relating to the disclosure of information in health and safety emergencies.

This requirement does not apply to emergency situations in or on noncampus buildings or property.

UNO is not required to provide a timely warning for non-Clery Act crimes or for crimes reported to a pastoral or professional counselor.

While not required by the Clery Act, UNODPS may issue security bulletins to inform the campus community of safety related situations or issues

- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the

domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

Campus Security Authority.

- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

Official. Defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

UNO Alerts

When there is an emergency on campus, the university website is updated as necessary with an emergency banner containing information about the incident or alert. The university will continually review, train and exercise the emergency response plan and will collaborate with local emergency response agencies to foster relationships and coordinate responsibilities. These preparedness and response plans will help provide a smooth transition to restoring normal services and implementing recovery programs.

A number of resources are available for distributing and receiving critical information and instructions during an

emergency. In the event of a major emergency affecting the UNO campus, the administration may use one or more of the following means to communicate with the university community.

Emergency banner on the UNO homepage

www.unomaha.edu

When there is an emergency on campus, the university website is updated as necessary with an emergency banner containing information about the incident or alert, and information regarding campus resources or services available to the UNO community.

UNO Alert

UNO Alert will be the list serve used for emergency situations that:

- Affect normal business operations
- Could harm students, faculty, or staff; damage university property
- Come under close scrutiny by the media and the public, thereby damaging the university's reputation

These emails will be delivered immediately and there is no limit to how many can be sent.

The following positions are authorized to request an all campus UNO Alert email:

- Incident Command System (ICS) Communications Team

The following positions are authorized to send an all campus UNO Alert email:

- Incident Command System Communications Team
- University Communications as directed by the ICS Communications Team

Sign Up for Alerts Using Your Net ID

The UNO Net ID is your username and password for online services that are specific to UNO, like your email.

If you need assistance in this process, please email Sgt. Dave Points at dpoints@unomaha.edu

Opt-In Via Text Message

Text **unoalert** to 79516 to opt-in.

A Net ID is not required for this process.

Standard messaging and data rates apply.

All-campus email

An all campus email is a mass email that reaches the entire UNO community. The purpose of this document is to instruct users on appropriate use of all-- campus emails in order to:

- Reduce recipient complaints and confusion
- Reinforce network security best practices
- Effectively and efficiently use campus resources

Our policy is to ensure there is no abuse of the all- campus list serve options by sending only relevant, necessary, high quality information through this channel.

UNO Alert text message and email alerts

UNO uses text message capabilities to reach a broader area than other methods permit. You can also elect to receive an email of the emergency message. This service is free to the UNO community.

Posts on UNO's official Facebook and Twitter accounts

Over 33,000 people follow the UNO Facebook homepage, creating another opportunity to inform the University Community of a significant event.

Overhead pages and indicator lights on campus

In the event of a hostile or emergency situation on campus or in the surrounding community, the university may enact "Shelter in Place." In this situation, the Campus Wide Paging System would instruct all members of the campus community to stay in place. All residents and staff members should follow the directions given through the broadcast system.

Emergency information line (402.554.2255)

Callers can obtain pre-recorded information regarding emergency situations related to campus operations. This includes weather related closures, and any other situations that significantly impact campus operations. University Communications maintains this line.

All University of Nebraska at Omaha Housing facilities are equipped with notification systems that can be initiated by the presence of smoke, heat, or via a manual pull station. The initiation of the alarm notifies residents audibly and visually and notifies a response center that immediately dispatches emergency responders to the location. All Housing facilities have fire extinguishers in compliance with the applicable code.

Fire Safety & Emergency Preparedness

Fire Safety

Housing & Residence Life buildings are equipped with safety equipment including smoke detectors and sprinklers in each room. Maverick Village, Scott Court, Scott Crossing, and Scott Village suites are equipped with carbon monoxide detectors. Because University Village and Scott Hall are heated differently, there is no need for carbon monoxide detectors in those suites. As a member of the Housing & Residence Life community, you are held responsible for keeping the fire safety equipment in good working order. Therefore, you may not render any fire safety equipment in your room/suite (or anywhere on campus) inoperable, and you should report any malfunctions or inoperable smoke detectors or sprinklers to Housing & Residence Life as soon as possible. Any person who misuses fire safety equipment will be subject to severe disciplinary action, fines, and/or arrest.

The University is continually evaluating and improving all aspects of its fire and safety systems. During 2016, an upgrade of the fire panel in SAP Fieldhouse was initiated. This will allow for the fire panel to report directly through the Fireworks panel located at UNODPS Dispatch. Durham Science Center also received a new fire alarm system. This upgrade allows for more complete monitoring of the fire alarm system within the building from the Fireworks panel.

University Housing is currently in compliance with Fire Life Safety codes. Other UNO fire safety facts:

- Fire Life Safety systems (alarm panels, sprinklers, smoke detectors, etc.) are inspected annually.
- Smoke detectors in student rooms are inspected two times a year (required only once by code).
- Emergency generators/battery backup lights are used to light paths to fire exits leading outside.
- All student room doors are fire rated.
- Buildings are never without fire protection. If any alarm or sprinkler system is down, personnel walk the areas affected until the systems are back on line.
- All residence hall facilities have fire extinguishers in compliance with the applicable code.
- According to the State Fire Marshal, the residence halls at UNO meet, and in many cases exceed, the state fire and life safety codes.

Fire Hazards

You may not store any items in the furnace closet area of your suite or block air intake vents outside the furnace closet area. Failure to comply can result in a fire that endangers not only your life but the lives of others in the

building. Anyone who fails to adhere to this policy will be held responsible for any resulting damages. No storage of flammable materials in the buildings is allowed. Fire regulations state that hallways may not be used for storage of any personal property at any time. Never prop open any door for any reason. Never block your utility door in the kitchen area. We do not allow any type of space heater in the bedrooms or suites. Any fire hazards may result in a fine for a first offense and removal from housing for repeated offenses.

Objects are not to be hung on or within six inches of the sprinkler heads or on the ceiling or ceiling light/fan. Any sprinkler head discharge will lead to immediate dispatch of the Omaha Fire Department, evacuation of the affected areas and a prompt and thorough investigation. Residents who violate this policy are responsible for any damage done to Housing & Residence Life property and the personal property of any other residents/guests.

Please notify the RA on duty if you set off a building fire alarm for any reason.

Candles, Appliances & Extension Cords

You may not light candles or burn/use incense anywhere in the suite. Candle warmers (with the wicks cut) and Scentsy-like products are permitted, so long as they are attended by the resident. If the power goes out, use flashlights only. You may bring small electric grills (i.e. George Foreman), popcorn poppers, toasters, blenders, coffee pots, etc. for use in the kitchen. Kitchen appliances with an open flame will not be permitted. Housing & Residence Life staff will use their discretion if they see a kitchen appliance that might be considered a fire hazard. Grills designed for outdoor use, including gas and electric, are not permitted within or outside of the suite. Grilling facilities are available in the courtyard area of some of the properties. Lighter fluid should not be stored in any suite. All extension cords must be U.L. approved. Multiple outlet "octopus" plugs are not allowed. However, surge protectors are allowed. Prohibited items may be removed by Housing & Residence Life Staff.

Tobacco/Smoking Policy

The UNO Campus is a smoke and tobacco-free university. Therefore, all UNO Housing buildings – inside and outside, including patios and balconies – are smoke and tobacco-free. This includes the use of cigarettes, cigars, hookahs, chewing tobacco, e-cigs, pipes, nicotine liquid, and similar products or instruments. Those who are found in violation of this policy will be held responsible for any costs associated with damages, cleaning, and/or removing

allergens from smoke; you will also go through the conduct process and may receive additional sanctions (i.e. fines, educational sanctions, university service, etc.).

The complete handbook of Housing and Residence Life Community Policies can be found at:

https://www.unomaha.edu/student-life/housing-and-residential-life/docs/HRL_Policy_Book_Final_6_26_18.pdf

Emergency Evacuation Procedures

The University's emergency and evacuation procedures are tailored for each type of building and situation as each one is different. Every campus building has placards that identify evacuation procedures.

University Housing has its own emergency procedure guide, which is available to each staff member. It lays out the procedures to follow in situations ranging from weather issues, to sexual assaults, to the death of a student. The guide also clearly defines who should be contacted in each incident and in what order.

Shelter in Place

In cases such as a hostile intruder or external hazardous materials release, where a shelter-in place strategy is best, the following procedures are to be followed as applicable:

- Remain calm.
- If it is possible to flee the area and avoid danger, do so.
- Notify anyone you encounter to exit the building immediately. Evacuate to a safe area away from the danger and take protective cover. Stay there until help arrives.
- Call UNODPS or 911 with your location if possible.
- If you cannot get through by phone and have text message capability, text the UNODPS at 79516.
 - Enter the letters UNO911 and then type your message. Dispatch will receive the message and relay information in UNODPS officers.
- If flight is impossible, secure yourself in your space. Barricade doors and block windows. Turn off all the lights, close blinds, close and lock all windows, lock and barricade all doors.
- Seek protective cover for yourself and any others (concrete walls, thick desks, filing cabinets may protect you from bullets).
- Keep calm and quiet and stay out of sight.
- For active shooters, silence cell phones (mute or turn off ringer). Consider turning off radios and computer monitors.

- Do not answer the door. If you do not recognize the voice that is giving instructions, do not change your status, stay put. Unknown or unfamiliar voices may be false and designed to give false assurances.
- Place signs in exterior windows to identify the location of injured persons.
- DO NOT APPROACH EMERGENCY RESPONDERS—let them come to you.
- Remain where you are until you receive further instruction by a first responder or authorized known voice.

Emergency Evacuation

In cases where evacuation is needed (fire, hazardous materials release, etc.), the following procedures are to be followed:

- Always evacuate the building if the fire alarm sounds.
- In the event of an evacuation gather your personal belongings quickly (purse, keys, cell phone, MavCARD, etc.) and proceed to the nearest exit.
- Do not use the elevator.
- Move away from the problem and use alternative exits when necessary.
- Help those who need assistance moving.
- Be ready to be guided by additional instructions.
- In cases of hazardous material releases in buildings, once outside, move away from any apparent source or at right angles to the prevailing wind. If wind direction is variable, try to move away from the source of the leak if known.
- Gather at a safe distance from the building.

Specific Evacuation Procedures for Fire

If a fire has started or is reported, either a student or employee should activate a fire alarm and a University employee should instruct everyone to evacuate the building immediately. In the case of residence halls, a Resident Assistant is generally responsible for providing instructions. If possible, a student or employee should try to shut down any equipment or process that could cause a secondary fire if left unattended.

Evacuate the building using the stairs and not the elevators. Evacuees should proceed outside and gather in a designated outdoor area a safe distance from the building. If weather conditions require, a sheltered area or building away from the building in question can be used by the evacuees. The designated gathering points should be clearly identified by University personnel.

Once outside, University employees are expected to immediately call 911 as soon as a safe location is reached (unless otherwise aware, multiple employees should call 911 and not assume someone else has made the call or that the appropriate agencies are aware of the fire). The information given to the emergency operator should include the nature of the emergency and the location (i.e., building number and cross streets or address).

Employees should try to account for people known to have been in the building. If pertinent knowledge regarding the fire is known, it is important that it be relayed to Omaha Fire and Rescue or UNODPS personnel outside the main entrance of the building, including any information on injuries, students or staff needing evacuation assistance and/or people trapped in the building.

The following is an outline of procedures that should be followed in regards to student housing evacuation relating to a fire. If you discover or suspect a fire, go to a pull station and sound the fire alarm, then leave the building through the nearest exit.

- Call 911, Give as much information as possible to the dispatcher.
- Don't attempt to put out the fire or rescue others unless you can do so safely.
- TRY TO REMAIN CALM.

When you have been alerted by the fire alarm, see flashing strobe lights, or see smoke or fire:

- Stay low to the floor if there is smoke in the room.
- Feel the metal door knob before opening any doors.
- **IF THE DOOR FEELS HOT**, do not open the door.
- **IF THE DOOR DOES NOT FEEL HOT, but you open the door and heat/smoke/fire are present**, close the door and stay in the room/unit.
- Seal the cracks around the door using towels, sheets, pieces of clothing.
- Hang an object out the window (i.e. sheet, jacket, shirt) to attract the fire department's attention.
- Use a phone to call 911 and report that you are trapped. Be sure to give your hall name and room number.
- **IF THE DOOR DOES NOT FEEL HOT**, brace yourself against the door and open it slightly. **If heat/smoke ARE NOT PRESENT**, exit the room/unit closing the door behind you.
- Go to the nearest exit or stairway. Do not attempt to use an elevator.
- If the nearest exit is blocked by fire, heat, or smoke, go to another exit.

- Go back to your room/unit if all exits are blocked. Close the door, wave something out the window, and shout for help.

If you cannot safely exit, use a phone to call 911 and report that you are trapped. Be sure to give your hall name and room number.

If you are trying to escape through a smoke-filled room or hallway:

- Stay low and move quickly to the nearest clear exit.
- Place a wet towel or a wet cloth over your head and face; breathe through the towel by taking short breaths through your nose.
- Cover your body with something that can be easily discarded if it catches on fire.

After evacuating:

- Move away from the building. Emergency response personnel and equipment will be maneuvering around the building.
- Follow directions of the fire and police personnel.

Fire Evacuation Drills

The University knows that fire safety is a major area of concern, especially in student housing facilities. As a result, fire drills are conducted in the various housing facilities in order to provide residents the opportunity to become familiar with the notification system as well as the evacuation procedures. Fire drills may also be conducted in other campus buildings at various times.

The UNO Fire Safety Officer oversees the inspection of all fire safety systems and equipment and maintains reports that include documentation of fire alarms, sprinkler and smoke detector inspections. University Housing also maintains records that include information about planned drills, alarm malfunctions, false alarms, station pulls, working fires, and corrective or disciplinary action taken as a result of the alarm.

In order to educate students in on campus housing, residential staff talk about fire safety and fire safety equipment with incoming residents. Signs and evacuation procedures are posted on all floors in residence halls. Each residence hall complex has specific procedures particular to its situation.

Every University employee is responsible for knowing the evacuation procedures of the building in which they are working, and all employees are required be familiar with the alarm locations nearest each office, laboratory, or other

work area. In case of a fire, it will be the employees' responsibility to ensure that all students are instructed on what to do. In addition, any employee who may opt to use a fire extinguisher must receive a training through Environment Health & Safety (EHS).

The fire safety information provided to students and employees will include:

- Knowing emergency exit routes and being prepared to use an alternate route if necessary.
- To not use elevators.
- If anyone is trapped in a building, they should try to reach a point of refuge, such as a stairwell, or stay by a window and wave a white flag to attract the attention of emergency responders.
- If possible, closing doors and windows on the way out in order to confine the fire.
- Keeping low if there is smoke.
- On the way out, assist any mobility impaired persons to a stairwell or other point of refuge if possible and then reporting their location to the emergency response personnel.
- If working in an area frequented by the public, announcing that an evacuation has been ordered and asking people to exit the building.
- Assembling a safe distance away from the building.
- Not to block driveways or areas that may be used by emergency response personnel.

During fire drills and any other time that the fire alarm sounds, residents or building occupants are required to calmly evacuate the building and follow the instructions of staff and emergency personnel. Failure to vacate or in any other way interfere with the emergency response process will be considered a violation of policy and handled accordingly.

Tampering with or theft of fire safety equipment, including tampering with or discharging fire extinguishers, disabling bells/horns, activating a fire alarm when no emergency exists or covering or removing the batteries from individual smoke detectors, removing the entire smoke detector apparatus, or tampering with, hanging objects from, or decorating sprinkler heads in rooms of halls that are thus equipped are prohibited. Violation of policies that involve fire safety is a very serious matter and typically results in termination of the residence hall contract, as well as any necessary law enforcement action.

Students who require any type of accommodation to ensure their safe evacuation are instructed to contact

Residence Hall staff immediately upon moving into the facility so that the appropriate arrangements can be made.

Armed Intruder Emergency

Make a decision, trusting your instincts, to take action to protect yourself to survive the situation. You generally will have three options:

- RUN: Can you safely escape?
- HIDE: Is there a good place to hide?
- FIGHT: Will you do whatever is necessary to incapacitate the armed intruder to survive?

RUN

- Have an escape route and plan in mind.
- Leave belongings behind (except your cell phone).
- Keep your hands visible.

HIDE

- Try to hide out of the armed intruder's view.
- Find protection behind furniture if possible.
- Find a room that locks if you can.
- If possible, close and lock the outside door to the room. Blockade the door with furniture or other heavy objects.
- Close the blinds, turn off the lights, remain quiet, silence cell phones, spread out away from other individuals, and move behind available cover. Stay on the floor, away from doors or windows, and do not peek out to see what may be happening.
- If possible and safe to do so, report the location of the armed intruder.

FIGHT

As a last resort and only when your life is in imminent danger:

- Make a plan with others in the room about what you will do if the armed intruder enters.
- Attempt to incapacitate the armed intruder and do whatever is necessary to survive the situation. IF OUTSIDE WHEN AN ARMED INTRUDER INCIDENT OCCURS
- Drop to the ground immediately, face down as flat as possible. If within 15-20 feet of a safe place or cover, duck and run to it.
- Move or crawl away from gunfire, trying to utilize any obstructions between you and the gunfire. Remember that many objects of cover may conceal you from sight, but may not be bulletproof.
- When you reach a place of relative safety, stay down and do not move. Do not peek or raise your head in an effort to see what may be happening.
- Wait and listen for directions from law enforcement personnel.

CALLING FOR HELP

- If safe to do so, call 911. Do not assume that someone else has reported the incident.
- If still safe to do so, next call Security Dispatch at 9-5555. During your call to 911, you will be asked questions, such as:
 - What exactly is happening and how do you know? Is it still happening?
 - Where is the suspect now? What was his/her last known direction of travel?
 - Are there any wounded and how many?
 - What is the specific location of occurrence?
 - What types of weapons were used? Describe the weapon/s or other dangerous object/s if possible, and any visible ammunition:
 - Were any shots fired? Describe the sound and the number of shots fired.
 - Do you know who the suspect/s is? If yes, identify them and provide any background knowledge you may have.

WHEN LAW ENFORCEMENT ARRIVES

- The priority of the first responders will be to identify the shooter. Law enforcement will need to ensure that you are not the shooter.
- Do not scream, yell, point, or wave your arms.
- Do not hold anything in your hands that could be mistaken for a weapon (including cell phones).
- Be quiet and compliant.
- Show the officers your empty hands and follow their instructions.
- Give the number of armed intruders.
- Give the location and physical description of the armed intruder(s).
- Give the number and types of weapons.
- When it is safe to do so, you will be given instructions as to how to safely exit your location.

Active shooter information can be found on the UNO Public Safety website at:

<https://www.unomaha.edu/public-safety/active-shooter-training.php>

Weather Emergencies

Tornado

- When sirens activate, move to the lowest, interior area of building or designated tornado shelter.
- Stay away from windows.
- Do not use elevators.
- Stay near inside wall when possible.
- Keep calm. Even though a warning is issued, the chance of a tornado striking your building or location is slight.

Winter Weather

The decision to close the university because of adverse weather conditions will be made by the UNO Chancellor or their designee. Should a bad weather situation arise during the workday, this decision will be made in consultation with a Weather Emergency Committee to be established by the Chancellor. This committee shall have representatives from University Communications, Facilities Management and Planning, the Vice Chancellor's Office for Academic and Student Affairs, Student Services/Registrar's Office, Human Resources, and others as input is required. Any announcement regarding a bad weather closure or delay will be conveyed via the following media:

- The university homepage in the form of an emergency banner.
- All-campus email.
- Emergency alert text messages.
- The university's official social media accounts on Facebook and Twitter.
- Emergency Information Line (402.554.2255)

Mass Notification Exercises

As part of its ongoing emergency preparedness program, UNO conducts tests of the UNO Alert Emergency Notification System. The University plans annual tests of tornado and fire evacuation procedures. For all tests/drills, the pertinent authorities in the applicable buildings are informed of the drill and required to explain the situation to those that will be affected by the drill (i.e. staff and students). While the University's drills will not include the entire campus all at once, the system in place will make sure that each facility goes through an annual exercise.

While the University does not commonly publicize its tests (outside of tornado drills) or emergency response procedures when conducting drills/tests, it does ensure that all Building Directors, Residence Directors and other necessary staff members are well aware of what must be done in an emergency situation, and trained on changes whenever it is needed. In addition, all residents in campus housing are made thoroughly aware of emergency procedures through meetings, and evacuation information is posted on doors and in buildings so that it is readily available. Furthermore, all students and staff are informed that the annual security and fire report contains pertinent information. The University will make certain that everyone is aware of how to evacuate facilities and handle emergency situations.



Clery Act Related Campus Security Policies, and Procedures

UNODPS Departmental Policies

Select UNODPS specific policies are available on its website. The policies on mobile audio video and bias based profiling are on file with the Nebraska Crime Commission as required by State Statute.

<https://www.unomaha.edu/public-safety/>

Reports, Arrests and Disciplinary Referrals

Every report that is generated by a member of the UNODPS that involves a student and a violation of law or policy is referred to student conduct.

The information is aggregated and reported to the U.S. Department of Education on an annual basis. The information is also included in the AQIP Systems Portfolio and in the Annual Fire and Safety Report.

Firearms and Weapons

Items such as, but not limited to, firearms, ammunition, martial arts weapons, knives (longer than 3"), explosives, paint ball guns, bows/arrows, Tasers, fireworks, slingshots, and other weapons are not allowed, regardless of permit status. This policy includes sporting equipment which could be used as a weapon or firearm.

Sexual Misconduct

Sexual Misconduct Prohibited Actions

The University of Nebraska at Omaha desires to provide a safe and secure learning, living, and working environment for all students and staff. The University understands the impact that sexually based offenses have on their victims and the lasting effects. The University strictly prohibits any

form of sexual misconduct. All reported incidents will be thoroughly investigated and those found responsible will be dealt with as necessary, whether criminally charged or handled through the University's judicial process. It is the goal of the University of Nebraska at Omaha to eliminate these crimes from its campus.

Complaints of Sexual Misconduct

- a. Any person—including a university official—can complain of sexual misconduct of or by a University employee. Complaints of sexual misconduct may be made using the University's internal processes at the same time that criminal complaints or charges are pursued with the appropriate law enforcement or external agencies. University internal investigation and disciplinary proceedings are independent of any criminal or external investigation. Sexual misconduct proceedings will be conducted by trained University officials to provide a prompt, fair, and impartial process from initial investigation to the final result.
- b. A complaint of sexual misconduct by or against a University employee can be made to the Human Resource Officer or Title IX Coordinator of the major administrative unit where the misconduct occurred or where the affected employee or accused employee works. The University will investigate reported allegations of sexual misconduct and may take appropriate action even if the person allegedly subject to misconduct or Complainant does not wish to pursue formal charges. Any response by the University may be hindered by person's or Complainant's desire for anonymity and/or inaction.
- c. No process implemented under this Sexual Misconduct Procedure shall be open to the public. The accuser and the accused are entitled to the same opportunities to have others present during an Informal Resolution or Formal Hearing subject to conditions established by the University-designated Investigator or Hearing Officer. Witnesses may be sequestered and attendance at Informal Resolution or Formal Hearing proceedings may be restricted to the Complainant, Respondent and advisors.
- d. Any allegations of any other violations of University conduct standards in addition to allegations of sexual misconduct that are directly related to the alleged sexual misconduct can be considered by an Investigator or Hearing Officer. Findings of sexual misconduct or other conduct violations shall be made using the greater weight of the evidence standard. The burden of proof shall rest upon the party making the claim.

- e. Evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs may be admitted and given probative effect. Incompetent, irrelevant, immaterial, and unduly repetitious evidence should be excluded. The rules of privilege recognized by law shall be given effect. Evidence that would not be admissible in a State Court criminal proceeding by reason of the method or manner in which it was acquired shall not be admitted.

Protective Measures

- a. Regardless of whether a person subjected to sexual misconduct chooses to report an incident of sexual misconduct as a crime to university police or security or local law enforcement, the University may provide interim protective measures. If interim protective measures are requested, and they are reasonably available, the University may provide assistance in changing academic, living, transportation, and working situations. Alterations may be made to the work assignments and conditions of a University employee accused of sexual misconduct as an interim protective measure while an investigation is pending or before a hearing is concluded.
- b. Protective measures that the University may offer following an allegation of sexual misconduct include the following: "no contact" orders, changing work schedules or work stations, reporting relationships.

Investigation of Allegations

- a. An Investigator shall be assigned to conduct an investigation to determine if the allegation(s) of sexual misconduct have merit. Investigations of the allegations should be concluded within sixty (60) calendar days of receipt of a report, and may be permitted a longer completion period under extraordinary circumstances, but both parties must be informed in writing of the extension of the timeline.
- b. If the investigation determines it is more likely than not that sexual misconduct or other prohibited behavior did not occur, the complaint may be dismissed without further proceedings. If both the Complainant and the Respondent agree to the dismissal, the complaint is resolved without any further rights of appeal by either party. If the Complainant objects, he or she may appeal the dismissal decision to the person designated to review dismissals within seven (7) University business days. Findings of fact made by the Investigator shall be accepted unless clearly erroneous. The designated reviewer will either affirm the investigative

determination to dismiss, or refer the complaint for further proceedings. The designated reviewer's decision of the appeal will be final.

- c. If the investigation concludes with a finding that it is more likely than not that sexual misconduct occurred, the investigative report should include sanction recommendations. The claim may be resolved through Informal Resolution or following a Formal Hearing.
- d. After the fact-finding investigation, the accuser, the accused employee, and appropriate university officials shall be given timely access to any information that will be used during Informal Resolution and/or Formal Hearing proceedings.

Informal Resolution

Both the Complainant and the Respondent may elect to dispose of the claim by Informal Resolution. Participation in Informal Resolution may not be required of either party. An Informal Resolution conference will be scheduled not less than three (3), or more than fourteen (14) University business days after the investigation is complete. The Respondent may elect to acknowledge his or her actions and take responsibility. The Investigator could propose a resolution and an appropriate sanction. If both the Complainant and the Respondent agree to the proposed sanction, the complaint is resolved without a Formal Hearing. Informal Resolution procedures may be discontinued at the request of any participant, or terminated by the Investigator. When a claim of sexual misconduct against an employee is not concluded through Informal Resolution, a Formal Hearing by a Hearing Officer must be held.

Formal Hearings

- a. Formal Hearing will determine whether sexual misconduct occurred or not.
- b. Charges shall be presented to the Respondent and the Complainant in written form by a University official within seven (7) University business days after the investigation is complete.
- c. Both the Respondent and the Complainant have a right to confidentiality during sexual misconduct proceedings to the fullest extent possible. The duty of confidentiality shall also extend to all persons involved in a Formal Hearing.
- d. In all cases, whether the Respondent presents evidence or not, the evidence in support of the allegations shall be presented and considered. The Respondent may not be found to have committed sexual misconduct solely because Respondent failed to participate in a Formal Hearing.

- e. A Respondent and the Complainant have the right to inspect all documents used as evidence and a list of all witnesses for the Formal Hearing in advance of the hearing.
- f. Both Respondent and Complainant have a right to prepare a written statement in advance of a Formal Hearing. Both parties will have the right to view each other's statement.
- g. The Complainant and the Respondent have the right to be assisted by any advisor they choose, including legal counsel, at their own expense.
 - i. The role of the advisor is limited. The only appropriate role for the advisor is to provide advice to the party who has requested his/her presence in a manner which does not disturb Formal Hearing. If an advisor fails to act in accordance with these guidelines, he/she may be barred from participation in the proceedings.
- h. A Respondent and the Complainant have the right to hear all evidence, present evidence, testify, and to hear and submit questions for witnesses during formal hearings.
 - i. Questions shall be addressed to the Hearing Officer, who will determine if the question is appropriate, and then ask the witness.
- i. Sexual misconduct proceedings should be completed in a reasonably prompt time frame.
- j. If sexual misconduct is found by a greater weight of the evidence to have occurred, the Hearing Officer will recommend that the University official authorized to do so impose or seek to impose sanctions.
- k. A Respondent and the Complainant have the right to be notified of the decision rendered. Any initial, interim, and final decision to resolve disciplinary matters must include a statement of any University sanctions imposed together with the rationale for the decision.

Possible Employment Sanctions

- a. The types of sanctions that are possible as the result of a sexual misconduct disciplinary proceeding are:
 - i. verbal warning;
 - ii. written warning;
 - iii. transfers;
 - iv. completion of mandatory conditions;
 - v. suspension without pay;
 - vi. nonrenewal or non-reappointment;
 - vii. loss of rank or position;
 - viii. denial of salary increase;
 - ix. activity termination; x. demotion in rank or pay;
 - x. termination of employment;

- xi. ban on University re-employment.
- b. Sanctions i-vii may be imposed in combination with one another.

Definitions

Unless otherwise provided, the definitions found in section 6 of The University of Nebraska Sexual Misconduct Policy, R.P. 2.1.8, apply to this statement of policy and procedure for response to allegations of employee sexual misconduct.

Dating Violence (R.R.S. Neb. §79-2.140)

A pattern of behavior where one person uses threats of, or actually uses physical, sexual, verbal, or emotional abuse to control his or her dating partner. Dating partner means any person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate/sexual involvement, whether casual (e.g. “friends with benefits”), serious, or long-term. It is based on a consideration of length of relationship, type of relationship and the frequency of interaction between those involved in the relationship.

Domestic Violence (R.R.S. Neb. §28-323)

A person intentionally and knowingly causes bodily injury to his or her intimate partner, threatens an intimate partner with imminent bodily injury, or threatens an intimate partner in a menacing manner. Intimate partner, regardless of gender, means a spouse, a former spouse, persons who have a child in common, whether or not they have been married or lived together at any time, and persons who are or were involved in a serious dating relationship. Serious dating relationship means frequent, intimate associations primarily characterized by the expectation of affectionate or sexual involvement. It does not include a casual relationship or an ordinary association between persons in a business or social context.

Sexual Assault (R.R.S. Neb. §28-318 through 320)

Sexual penetration and/or sexual contact without the consent of the victim, regardless of either person’s gender, including situations where coercion, force, or the threat of force was used; situations where the perpetrator knew or should have known that the victim was mentally or physically incapable of resisting or evaluating the nature of his or her conduct (i.e. mentally challenged, disabled, intoxicated, etc.); or where the perpetrator is 19 years of age or older and the victim is at least 12 but younger than 16. A victim must simply provide enough verbal or physical resistance to make the perpetrator aware of the lack of consent. Victims do not have to show continued resistance when they feel as though further resistance would be futile. The following definitions apply:

- **Force or threat of force:** The use of physical force which overcomes the victim's resistance or the threat of physical force, expressed or implied, against the victim or a third person, where the threat places the victim in fear of their own death or serious personal injury, or that of a third person, and the victim reasonably believes that the perpetrator has the present or future ability to follow through with the threat.
- **Intimate parts:** The genital area, groin, inner thighs, buttocks, or breasts.
- **Serious personal injury:** Great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
- **Sexual contact:** The intentional touching of the victim's sexual or intimate parts, or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact also means the touching, by the victim, of the perpetrator’s sexual or intimate parts or the clothing covering the immediate area of the perpetrator’s sexual or intimate parts, when this touching is intentionally caused by the perpetrator. Sexual contact includes only that conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.
- **Sexual penetration:** Sexual intercourse in its ordinary meaning, cunnilingus, fellatio and anal intercourse. It also includes the intrusion, however slight, of any part of the perpetrator’s or victim's body, or any object manipulated by the perpetrator, into the genital or anal openings of the victim's body. Sexual penetration **does not** require emission of semen.

Consent to Sexual Activity (R.R.S. Neb. §28-318)

“Consent” means agreement, approval, or permission as to some act or purpose, given voluntarily by a competent person.

1. “Without consent” means:
 - a. The person was compelled to submit due to the use of force or threat of force or coercion; or
 - b. The person expressed a lack of consent through words; or
 - c. The person expressed a lack of consent through conduct; or
 - d. The consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor.
2. The person need only resist, either verbally or physically, so as to make the person's refusal to

consent genuine and real and so as to reasonably make known to the actor the person's refusal to consent; and

3. A person need not resist verbally or physically where it would be useless or futile to do so.

In the above text, the word "person" means the individual against whom a wrongful act was allegedly committed, and the word "actor" is the individual alleged to have committed a wrongful act. When the actor knew or should have known that a person was mentally or physically incapable of resisting or understanding the nature of his or her conduct, there is no consent. A person may be incapacitated due to intoxication, mental illness or deficiency or by physical illness or disability to the extent that personal decision-making is impossible. Surprise may also prevent resistance, as where a person is grabbed from behind.

There are some persons who the law presumes are incapable of consenting to sexual contact or penetration by an actor by reason of their age. Under Nebraska law an actor 19 years of age or older may not subject a person under the age of sixteen years of age to sexual penetration or a person under 15 years of age to sexual contact.

Sexual Harassment

Unwelcome conduct or behavior of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Conduct that is sufficiently serious to limit or deny student's ability to participate in or benefit from the University's educational program creates a hostile environment and is prohibited.

Stalking (R.R.S. Neb. § 28-311.03)

Engaging in a course of willful harassment of another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking. Actions include, but are not limited to, deliberately following, detaining, contacting, or harassing the person(s), or imposing any restraints on their personal liberty.

1. **Harass.** To engage in a knowing and willful course of conduct directed at a specific person that seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose.
2. **Course of conduct.** A pattern of conduct composed of a series of acts over a period of time, however short, indicating a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of,

or physically stalking the person or telephoning, texting, contacting, or otherwise communicating with the person.

3. **Family or household member.** Regardless of gender, a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by a blood relationship or marriage, or any person presently (or in the past) involved in a dating relationship with the victim.

Most of the definitions above are based on Nebraska State Statutes and can be viewed at: <https://nebraskalegislature.gov/laws/statutes.php?statute=28-311.02>

Disciplinary Action for Sexual Misconduct

The University of Nebraska at Omaha shall take the appropriate measures to immediately address sexual misconduct whenever it is reported. In doing so, the University shall provide equal consideration to both the victim and the accused during any disciplinary proceeding and make decisions based on what has been justly determined and is in the best interest of the victim and/or the University; proceedings shall include a prompt, fair, and impartial process from the initial investigation to the final result. Mediation shall not be used to resolve sexual assault complaints. Any student or employee that is the victim of sexual misconduct and wants administrative action can file a disciplinary complaint against another student and/or employee by contacting the Title IX Coordinator in any situation, a Student Affairs Officer (Judicial Affairs) if the victim is a student, and the Human Resources Officer (Human Resources Department) if the victim is an employee. If necessary, a Formal Hearing shall occur.

For all cases of crimes of violence, non-forcible sex offenses, and/or stalking where the University has taken action against a student who is the alleged perpetrator of the crime, the University will provide, upon request by the victim, a report of the disciplinary proceedings conducted against the student and the result. In cases where the alleged victim is deceased as a result of the crime, the next of kin will be treated as the alleged victim in regards to the report requests.

Title IX

A federal law that prohibits sex discrimination in federally funded education programs and activities. Title IX applies to students, faculty, staff, or anyone present on campus regardless of sexual orientation, gender identity, immigration status, or disability status. The ban on sex

discrimination includes sexual harassment, sexual assault, intimate partner violence, and stalking. Report known or suspected incidents immediately to UNO's Title IX Coordinator, Sarah Weil at 402.554.2120, sweil@unomaha.edu

Investigator & Education Coordinator Scott Seeba 402.554.3985 sseeba@unomaha.edu

For more information, please visit UNO's [Office of Equity, Access & Diversity's website](#).

The University of Nebraska at Omaha (UNO) is committed to maintaining an environment for all students, faculty, staff, and visitors, that is fair and responsible – an environment which is based on one's ability and performance.

The University of Nebraska at Omaha declares and affirms a policy of equal education and employment opportunities, and non-discrimination in providing services to the public. Therefore, the University of Nebraska at Omaha shall not discriminate against anyone based upon age, race, ethnicity, color, national origin, gender-identity, sex, pregnancy, disability, sexual orientation, genetic information, veteran's status, marital status, religion or political affiliation. The University of Nebraska at Omaha prohibits sexual harassment, including sexual violence. This policy is applicable to all University administered programs including educational programs, financial aid, admission policies and employment policies.

Bias Based Crimes

The Bias Assessment and Response Team UNO is committed to creating and maintaining a welcoming and inclusive campus community. Every individual is valued and should feel welcomed and included as a member of this community. The Bias Assessment and Response Team (BART) serves to make sure ALL people at UNO feel safe to be themselves.

UNO's Bias Assessment and Response Team (BART) gathers information about non-emergency bias incidents and supports those who have become or witnessed someone become a target of an act of bias. It is also our goal to increase opportunities for communication and restorative justice for students, staff, and faculty; collect data demonstrating how student, staff, and faculty experiences affect overall campus climate. BART will address incidents and trends as they are identified through trainings or other means. We take every report of bias very seriously and want to provide the appropriate support and follow up.

Please feel free to report any information that you may think is useful. The Bias Assessment and Response Team

wants to gather information related to the experience of students, faculty, and staff. Reports may even include hearing comments that were offensive and bias related. All reports will help the BART make recommendations, or take action, to make our campus a safe environment for all.

The Bias Assessment and Response Team does not adjudicate Student Code of Conduct violations. The BART will help connect students, faculty, and staff to the appropriate resources as needed.

How to Report a Bias Incident

The Bias Assessment and Response Team receives and responds to reports of bias incidents that have been experienced or witnessed. If you, or a friend, believe you have witnessed or experienced a bias related incident please report it here: [Click here to file a report](#). Reports will be reviewed in a timely manner. For emergencies, please contact Public Safety (402.554.2911) or the appropriate police agency.

When reporting an incident you have the option of reporting it as "information only" or "request for follow up." Information only reports are intended to give the Bias Assessment and Response Team information on the student experience at UNO. These reports help BART keep a pulse on the campus climate. Things to report as information only would include hearing insensitive remarks or language not directed at an individual, noticing certain trends of bias that have not targeted a specific individual, etc. Please note that if a report is marked as information only there may be no follow up made to the reporter.

If you have experienced or witnessed a bias related incident, please mark it as a request for follow up. A member of the Bias Assessment and Response Team will follow up with you to connect you to any resources you may need. The BART member will inform you of options on campus and in the community. BART is here to assist you and provide you with the support you may need.

Reports can be filed anonymously. However, if the report is filed anonymously it may limit the response the Bias Assessment and Response Team can have. Every effort will be made to keep your report confidential. However, the members of BART, as administrative agents in an educational institution, adhere to the laws and standards governing the disclosure of information to third parties both within and external to the University. Such information is only disclosed on an administrative need to know basis and only according to the relevant laws/policies that govern such disclosure.

If you believe you have been the victim/survivor of a crime, please contact [Public Safety](#) or the appropriate police agency.

What Happens Once a Report is Submitted?

Once a report is submitted it is delivered to members of the Bias Assessment and Response Team. They make a determination on the immediacy of a response. You may be contacted by a member of BART to provide support and follow up. The report may be deemed as “information only” and used to continue to collect information on experiences on campus. The reports submitted ultimately assist the Bias Assessment and Response Team in working with the appropriate departments on campus to work towards making UNO a safer and inclusive environment.

Bias Assessment and Response Team Core Members

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The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws. Officers of the University are to cooperate with State and Federal agencies in the prevention of drug abuse. In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988, 41 U.S.C. § 701, and the Drug Free Schools and Communities Act of 1989, 20 U.S.C. § 1145g

Drug and Alcohol Policies

The illicit use of drugs and alcohol by University students and employees will not be tolerated, and any incidents involving these substances will be handled accordingly.

The UNO Student Code of Conduct

The University of Nebraska at Omaha (UNO) is a community of scholars, which values the freedoms of inquiry and expression. The Code of Conduct presents a statement of student rights and responsibilities along with the procedures established by the University of Nebraska at Omaha to protect those rights and address the responsibilities. The Student Code of Conduct describes the types of acts that are not acceptable in an academic community as well as the general processes used to address those acts.

Procedures act as an educationally-based fact finding process, not a court of law. Its proceedings are not civil or criminal trials. The hearings are not adversarial proceedings, but rather inquiries conducted by the Conduct Officer and/or Board. Students must be aware that, as citizens, they are subject to all federal and state laws in addition to all University regulations governing student conduct and responsibilities.

The Student Code of Conduct, found at:

<https://www.unomaha.edu/student-life/student-conduct-and-community-standards/policies/code-of-conduct.php>

Standards of Conduct for Employees and Students Regarding Alcohol and Drugs RP-2.1.5

The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws. Officers of the University are to cooperate with State and Federal agencies in the prevention of drug abuse. In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988, 41 U.S.C. § 701, and the Drug Free Schools and Communities Act of 1989, 20 U.S.C. § 1145g, the University has formulated standards of conduct for both its employees and its students, which prohibit the following acts:

- Use, possession, manufacture, distribution, or sale of illegal drugs or drug paraphernalia on University premises, or while on University business, or at University activities, or in University supplied vehicles either during or after working hours.
- Unauthorized use, possession, manufacture, distribution or sale of a controlled substance as defined by the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., or Nebraska Drug Control Laws, Neb. Rev. Stat. §§ 28-401 et seq., on University premises, or while engaged on University business, or at University activities, or in University-supplied vehicles either during or after working hours.

- Unauthorized use, manufacture, distribution, possession, or sale of alcohol on University premises or while on university business, or at University activities, or in University-supplied vehicles either during or after working hours.
- Storing in a locker, desk, vehicle, or other place on University-owned or occupied premises, any unauthorized controlled substances, drug paraphernalia, or alcohol.
- Use of alcohol off University premises that adversely affects an employee's or student's work or academic performance or an employee's or student's safety or the safety of others.
- Possession, use, manufacture, distribution, or sale of illegal drugs off University premises that adversely affects the employee's work performance or the student's academic performance or an employee's or student's safety or the safety of others.
- Violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution, or sale of alcohol, controlled substances, or drug paraphernalia.
- In the case of employees, failure to notify an employee's supervisor of an employee's arrest or conviction under any criminal drug statute as a result of a violation of law which occurs at the University of Nebraska workplace. Reference: BRUN, Minutes, 55, p. 205 (October 12, 1990). BRUN, Minutes, 56, p. 149 (September 6, 1991).

Disciplinary Sanctions Regarding Drugs and Alcohol

Students

Violations of the Student Code of Conduct may result in the implication of sanctions up to and including expulsion (see above for specific sanctions and definitions) from the University and referral for prosecution by the proper authorities under local, State, and/or Federal law (as identified above).

Faculty and Staff

Violation of the employee standards of conduct may result in the implication of sanctions up to and including termination of employment and referral for prosecution by the proper authorities under local, State, and/or Federal law. A University of Nebraska at Omaha employee who violates drug laws and/or abuses substances prior to or during University work hours and/or activities will be subject to disciplinary action as outlined in *Human Resources Policies and Procedures*.

In the event a faculty or staff member violates this policy or is convicted of unlawful manufacture, distribution, dispensation, possession or use of controlled substances or alcohol on University property or as part of any University activity, the University will take appropriate action.

For Administrators, staff, and faculty not included in the UNK or UNO collective bargaining units, one or more of the following actions may be taken:

- Referral to the Faculty/Employee Assistance Program for evaluation and assessment to determine the appropriate treatment for rehabilitation;
- Participation in a drug rehabilitation program;
- Disciplinary action, up to and including termination of employment and referral for prosecution.

For faculty included in the UNK or UNO collective bargaining units, conviction of drug law offenses may be considered adequate cause for imposition of the disciplinary process provided in the Collective Bargaining Agreement. Violation of this policy may also be considered adequate for imposition of the disciplinary process and referral for prosecution.

As required by 41 U.S.C. § 8102(1), part of the Drug Free Workplace Act of 1988, faculty and staff involved in the performance of federal contracts or grants must notify their supervisor within five days if they are convicted of any criminal drug statute as a result of violation of the law that occurs at the workplace. The term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of the Federal or State criminal drug statutes. The supervisor will immediately notify the Academic Affairs Office when faculty members are affected or the Human Resources Office when staff members are affected. The University, in turn, will notify the applicable granting or contracting agency or agencies of the conviction within ten days after receiving notice of an employee's criminal drug statute conviction.

Description of applicable legal sanctions under Federal, State or Local law

The information on the following pages summarizes selected provisions of Federal, State, and local laws that provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol. While UNODPS believes this information is accurate, the reader is cautioned to investigate the matter more fully or consult their personal attorney.

Federal Penalties and Sanctions for Illegal Possession of Controlled Substances

First Conviction: Up to 1-year imprisonment and fine of at least \$1,000 or both. After one prior drug conviction: At least 15 days in prison, not to exceed 2 years, and a fine of at least \$2,500. After 2 or more prior drug convictions: at least 90 days in prison, not to exceed 3 years, and a fine of at least \$5,000. 21 U.S.C. 844(a)

Forfeiture of tangible and intangible personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment. Forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for use, to transport or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances. 21 U.S.C. §§ 853(a) and 881(a)

Denial of Federal benefits, such as financial aid grants, contracts, student loans, and professional and commercial licenses, for individuals convicted of distributing controlled substances (drug trafficking). The denial can last up to 5 years for the first conviction and up to 10 years for the second conviction. Those who have three or more convictions will be permanently ineligible for all Federal benefits. 21 U.S.C. § 862

Ineligible to receive or possess a firearm or ammunition. 18 U.S.C. § 922(g)

Authority to revoke certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., is vested with the officials of individual Federal agencies.

State Penalties and Sanctions for Illegal Possession of Controlled Substances

The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. In addition, there are other Nebraska State laws which establish penalties for various drug related offenses which are summarized below.

Crimes Involving Minors

Any person 18 years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver or dispense a controlled substance or a counterfeit controlled substance (i) to a person (under the age of 18 years); (ii) in, on, or within 1,000 feet of a school, college, university, or playground; or (iii) within 100 feet of a youth center, public swimming pool, or video arcade shall be punished more severely. The law also provides for an enhanced penalty for anyone 18 years of age or older to

knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. See Neb. Rev. Stat. § 28-416(4)(a) and (5)(a) (Reissue 2016).

Persons under the age of eighteen who violate the drug laws may be subject to additional sentencing provisions found in Neb. Rev. Stat. § 28-416(18) and (19) (Reissue 2016), these include impounding licenses or permits issued under the Motor Vehicle Operator's License Act, completion of community service, and attending drug education classes.

Probation Conditions

Any person convicted of a drug law violation, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse. Neb. Rev. Stat. § 28-416 (14) (Reissue 2016).

Tax Provisions

Anyone who possesses or sells the following amounts of controlled substances or imitation controlled substances must pay the appropriate taxes to the Nebraska Department of Revenue and have the stamps attached to the controlled substances. Marijuana is not included in the definition of "controlled substances" here but is also taxed, as follows:

- Illegal marijuana is taxed at \$100 for each ounce or portion of an ounce. Neb. Rev. Stat. § 77-4303 (Reissue 2009).
- Any controlled substance that is sold by weight or volume (i.e., cocaine, crack, methamphetamine, etc.) is taxed at \$150 for each gram or portion of a gram. Neb. Rev. Stat. § 77-4303 (Reissue 2009).
- Any controlled substance that is not sold by weight (i.e., LSD, Quaaludes, methamphetamine in tablets, PCP, etc.) is taxed at \$500 for each 50 dosage units or portion thereof. Neb. Rev. Stat. § 77-4303 Reissue 2009).

Failure to have the proper tax stamps attached to the controlled substance is a Class IV felony, with a criminal penalty of up to a 2-year imprisonment and 12-month post-release supervision or a \$10,000 fine or both. If imprisonment is imposed, there will be a minimum of a 9-month post-release supervision. Neb. Rev. Stat. § 28-105(1) (Reissue 2016) available at <https://nebraskalegislature.gov/laws/laws.php>; Neb. Rev. Stat. §§ 77-4301 to 77-4316 (Reissue 2009).

Property Forfeiture

Property used to manufacture, sell, or deliver controlled substances can be seized and forfeited to the State.

Property subject to forfeiture may include cash, cars, boats, and airplanes, as well as drug paraphernalia, books, records, and research, including formulas, microfilm, tapes, and data. Neb. Rev. Stat. § 28-431 (Reissue 2016).

Being Under the Influence of Any Controlled Substance for Unauthorized Purpose

It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner. In a prosecution, the State need not prove that the accused was under the influence of a specific controlled substance, only that the accused manifested symptoms or reactions caused by the use of any controlled substance. Neb. Rev. Stat. § 28-417(1)(g) (Reissue 2016).

Drug Paraphernalia Offenses

It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Reissue 2016). Individuals who make a good faith request for emergency medical assistance in response to their drug overdose or when assisting another person may experience limited immunity from drug possession and paraphernalia charges if they meet certain requirements, such as requesting medical assistance as soon as the drug overdose is apparent and remaining on the scene and cooperating with medical assistance or law enforcement personnel. Neb. Rev. Stat. § 28-441(1) (Reissue 2016 and Supp. 2017).

"Drug paraphernalia" is defined to include such things as hypodermic syringes, needles, pipes, bong, roach clips, and other items used, intended for use, or designed for use with controlled substances. Neb. Rev. Stat. § 28-439 (Reissue 2016).

It is unlawful to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances in which one should reasonably know, that it will be used to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. This section does not apply to pharmacists, pharmacist interns, pharmacy technicians, and pharmacy clerks who sell hypodermic syringes or needles for the prevention of the spread of infectious diseases. Neb. Rev. Stat. § 28-442 (Reissue 2016 and Supp. 2017).

It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under the age of 18 who is at least three years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 2016).

A violation of Neb. Rev. Stat. § 28-441 (use or possession of drug paraphernalia) is an infraction and is punishable on the first offense by a fine of up to a maximum of \$100; a second offense within two years of the first is punishable by a fine between \$100 and \$300; a third offense within two years of the second is punishable by a fine between \$200 and \$500. Neb. Rev. Stat. §§ 28-441 and 29-436 (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-442 (delivery or manufacture of drug paraphernalia), which is a Class II misdemeanor, is up to a 6-month imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 28-442 (Reissue 2016) and § 28-106(1) (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-443 (delivery of drug paraphernalia to a minor), a Class I misdemeanor, is imprisonment for up to one year or a \$1,000 fine or both. Neb. Rev. Stat. § 28-443 (Reissue 2016) and § 28-106(1) (Reissue 2016).

Imitation Controlled Substances

It is a violation of Nebraska law to knowingly or intentionally manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 2016). "Imitation controlled substance" is a substance that is not a controlled substance or controlled substance analogue but which is represented to be an illicit controlled substance or controlled substance analogue. Neb. Rev. Stat. § 28-401 (29) (Reissue 2016). The first violation of this law is a Class III misdemeanor and the penalty may be a 3-month imprisonment or a \$500 fine or both. A second offense violation of this law is a Class II misdemeanor and the penalty may be imprisonment for up to six months or a \$1,000 fine or both. Neb. Rev. Stat. § 28-445 (Reissue 2016) and § 28-106(1) (Reissue 2016).

Controlled Substance Analogues

For purposes of Nebraska's Uniform Controlled Substance Act, controlled substance analogues (often called "designer drugs") are treated as controlled substances. Such an analogue is defined as (i) substantially similar in chemical structure to the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401 (30) (a) (Reissue 2016; Supp. 2017).

Minor in Possession

It is against the law for a person under the age of 21 years to sell, dispense, consume, or possess alcohol. Neb. Rev. Stat. § 53-180.02 (Reissue 2010). Penalties for violation of

this law may include one or more of the following: the impoundment of the offender's license for thirty days or more; the requirement to attend an alcohol education class; the requirement to complete twenty hours or more of community service; submission to an alcohol assessment by a licensed counselor; imprisonment of up to three months; and/or a \$500 fine; Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Cum. Supp. 2016; Supp. 2017); § 28-106(1) (Reissue 2016).

The law provides immunity from minor in possession alcohol charges when someone underage is in need of medical assistance. A penalty may not be imposed on a person who otherwise violated the law if the person (i) made a good faith request for emergency medical assistance in response to the possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent; (ii) Made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 53-180.05(4) and § 53-181(3) (Supp. 2017).

Procuring Alcohol

It is a violation of Nebraska law to sell, furnish, give away, exchange, deliver, or permit the sale, gift, or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Cum. Supp. 2016). Violation of this law is generally punishable by not more than a one-year imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Cum. Supp. 2016) and § 28-106(1) (Reissue 2016). However, if alcohol is knowingly and intentionally provided to a minor and the minor's consumption of the alcohol or impaired condition attributed to the alcohol leads to the serious bodily injury or death of any person, the person who provided the alcohol shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days' imprisonment. The penalty for a Class IIIA felony is a 3-year imprisonment and 18-month post release supervision or a \$10,000 fine or both and a minimum of a 9-month post-release supervision if imprisonment is imposed. See Neb. Rev. Stat. § 53-180.05(2) (Cum. Supp. 2016) and Neb. Rev. Stat. § 28-105(1) (Reissue 2016) available at <http://nebraskalegislature.gov/laws>.

Consumption on Public Property

It is a violation of Nebraska law for any person to consume alcoholic liquors upon property owned or controlled by the State or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over

such properties. Neb. Rev. Stat. § 53-186 (Cum. Supp. 2016). A violation of this statute is punishable on the first offense by a fine of up to \$100; a second offense within two years of the first is punishable by a fine between \$100 and \$300; a third offense within two years of the second is punishable by a fine between \$200 and \$500. Neb. Rev. Stat. § 53-186 (Cum. Supp. 2016) and § 29-436 (Reissue 2016).

Driving While Intoxicated

Operating or being in physical control of a vehicle while under the influence of alcoholic liquors or drugs is a violation of Nebraska law when such person has a concentration of eight-hundredths (.08) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath. Neb. Rev. Stat. § 60-6,196 (Reissue 2010).

Violation of this law is punishable on first offense by seven to 60 days of imprisonment and a \$500 fine. Neb. Rev. Stat. § 60-6,197.03 (Cum. Supp. 2016) and § 28-106(1) (Reissue 2016). In addition, an offender's driver's license is revoked for 6 months and the offender is ordered not to drive any motor vehicle for any purpose for a like period. Neb. Rev. Stat. § 60-6,197.03(1) (Cum. Supp. 2016). Suspended sentence or probation includes a mandatory requirement that probation or suspension be conditioned on an order that the offender will not drive any motor vehicle for any purpose for 60 days and pay a \$500 fine. Neb. Rev. Stat. § 60-6,197.03(1) (Cum. Supp. 2016).

Penalties for a second conviction include a \$500 fine and a maximum of a 6-month imprisonment, with no less than a mandatory 30-day imprisonment. Neb. Rev. Stat. § 60-6,197.03 (Cum. Supp. 2016) and § 28-106(1) (Reissue 2016). As part of the judgment of conviction, the offender's operator's license is revoked for 18 months. Neb. Rev. Stat. § 60-6,197.03(3) (Cum. Supp. 2016). If an offender is placed on probation or the sentence is suspended, a mandatory condition is that the offender must not drive any motor vehicle for any purpose for a period of 18 months. Neb. Rev. Stat. § 60-6,197.03(3) (Cum. Supp. 2016). In addition, the probation order shall include as one of its conditions the payment of a \$500 fine and confinement in the city or county jail for 10 days or the imposition of not less than 240 hours of community service. Neb. Rev. Stat. § 60-6,197.03(3) (Cum. Supp. 2016).

Penalties for a third conviction include a \$1,000 fine and a maximum of a one-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15 years. Neb. Rev. Stat. § 28-106(1) (Reissue 2016) and Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp. 2016). If an offender is placed on probation, or the sentence is suspended, a

mandatory condition is that the offender's operator's license shall be revoked for a period of at least 2 years but not more than 15 years. Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp.2016). In addition, the probation order shall include the payment of a \$1,000 fine and as one of its conditions confinement in the city or county jail for 30 days. Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp. 2016).

Fourth convictions are a Class IIIA felony. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2016). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least 180 days imprisoned in a city or county jail or an adult correctional facility. Neb. Rev. Stat. § 60 6,197.03(7) (Cum. Supp. 2016). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60 6,197.03(7) (Cum. Supp. 2016). In addition, the probation order shall include as one of its conditions a \$2,000 fine and confinement in the city or county jail for no less than 90 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 90 days after release. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2016).

Fifth and subsequent convictions are a Class IIA felony. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2016). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least two years' in prison. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2016). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60 6,197.03(9) (Cum. Supp. 2016). In addition, the probation order shall include as one of its conditions a \$2,000 fine and confinement in the city or county jail for 180 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 180 days after release. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2016).

Persons with a higher concentration of alcohol, fifteen-hundredths (.15) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath on a first conviction and subsequent conviction, are subject to even stiffer penalties. Neb. Rev. Stat. § 60-6,197.03(2), (5), (6), (8) and (10) (Cum. Supp. 2016). Where a person has three prior convictions and then has another conviction involving this higher alcohol concentration, he or she shall be guilty

of a Class IIA felony with a minimum sentence of one year of imprisonment, and has his or her license revoked for a period of 15 years. Neb. Rev. Stat. § 60-6,197.03(8) (Cum. Supp. 2016). In addition, any probation order shall be applied as previously indicated under Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2016).

Persons convicted of a DWI violation may be ordered to have an ignition interlock device installed at their expense on each motor vehicle operated by the convicted person during the period of revocation. Neb. Rev. Stat. §§ 60-6,197.03 and 60-6,211.05 (Cum. Supp. 2016). DWI convictions also have an impact on the ability of a person to obtain both automobile and life insurance coverage.

Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol, e.g. "open container" laws.

Missing Students Policy

When completing their Housing Contract, the student will have the opportunity to specify an individual, other than their emergency contact, to be informed in the event the student is confirmed as missing. The name will be kept confidential by the University and only disclosed to personnel in order to aid in a missing persons' investigation. If a student does not specify such a contact, then the student's emergency contact will be utilized. The University will also contact custodial parent(s) or guardian(s) if students are younger than 18 years old and not emancipated.

The University is dedicated to looking out for the welfare of each one of its students. The following information pertains to students that live in on campus housing and details how a report regarding any missing student is to be processed. Anyone who suspects or confirms another adult has been missing for 24 hours should immediately contact UNODPS. Incidents of missing juveniles should be reported immediately. However, concerned parties can always notify UNODPS at any point, even if an individual has not yet been missing for a full 24 hours. The reporting person may also notify the Residence Director or other residence hall staff, as these positions are instructed to notify UNODPS of a suspected missing student immediately.

It is preferred that the reporting party talk directly to a UNODPS officer.

Missing students can be reported to any CSA who must then immediately report that information to UNODPS. UNODPS will immediately initiate an investigation which

may include contacting campus acquaintances, friends or relatives, and, if appropriate, a preliminary inspection of their residence hall room. UNODPS or Residence Hall staff will gather as much information as possible from the reporting person(s) in order to determine an appropriate course of action. In addition, Residence Directors will check the Lenel Control System to determine the last time the student used their MavCARD to access the residence hall or other University building. This will assist in determining the student's activity and/or to see who they may have entered the building with. Information that will be gathered by UNODPS includes:

- Details of why the person suspects or knows the individual is missing (may include changes to behavior, state of mind, known plans).
- The last place and time the individual was seen and by whom.
- Contact information for the individual suspected to be missing (cell and other phone numbers, e-mail addresses, social networking names).
- Contact information for friends who may know of their location.
- Contact information for the concerned individual(s) so they can be reached with additional questions or follow-up information.
- Other personal information including photograph, vehicle, employer, and other activities the person may be engaged in.

Once a student has been determined to be missing, UNODPS will inform local law enforcement, and make appropriate notifications to the missing student's emergency contacts within the first 24 hours.

Student Life and University Housing

The University of Nebraska at Omaha and campus housing fully support and value an inclusive community. We strive to maintain a climate of equity and respect, where we protect the rights of all in order to ensure that every member feels empowered, valued, and respected for their contributions to the mission of the university and our department. The University of Nebraska at Omaha is committed to providing all residents equitable access to services, benefits, and opportunities. Housing & Residence Life is committed to working to meet the housing needs of all residents by providing a nurturing community that values diversity and promotes the dignity of all community members.



Please review the [Link to Housing and Residence Life Community Policies](#).

Students, parents, and guardians are strongly encouraged to read about housing policies and procedures in detail. Not only does this include the rules, standards, and expectations that come with living in a community, but it also includes emergency procedures and helpful information intended to ensure students have a safe and successful experience while living on campus.

As with any community, there are expectations and policies that must be followed to maintain a positive living learning environment and enable all residents to live together cooperatively. Housing & Residence Life allows residents a great deal of freedom and responsibility. This living space requires that residents possess the life skills that are needed to live in an independent setting. Residents are expected to exhibit mature and responsible behavior.

State law and university regulations state that the possession or consumption of alcohol in any Housing & Residence Life property/parking facility is prohibited regardless of the resident's age. In addition, it is a violation of university policy to be in a room where alcohol is present, whether you are drinking or not.

Sex Offender Information

Whenever a convicted sex offender enrolls at or is employed at a postsecondary institution, they are required to notify the state, and the state is then required to notify the University. As a matter of policy, UNODPS will review the information of each reported sexual offender who becomes a student, volunteer, or employee and determine the seriousness of the threat to campus safety. In cases where it has been determined that the sex offender's crimes were of a serious nature and the offender's presence may threaten the security of those on campus, the University will provide notification to all students and staff of the sex offender's status.

Nebraska State Statute 29-4002 declares that sex offenders present a high risk to commit repeat offenses and that efforts of law enforcement agencies to protect their communities, conduct investigations, and quickly apprehend sex offenders are impaired by the lack of available information about individuals who have pleaded guilty to or have been found guilty of sex offenses and who live in their jurisdiction. Because of that, the legislature determined that state policy should assist efforts of local law enforcement agencies to protect their communities by requiring sex offenders to register with local law enforcement agencies as provided by the Sex Offender Registration Act.

This information is to be used to provide public notice and information about a registrant so a community can develop constructive plans to prepare themselves and their family. Sex Offenders have "always" been in our communities. The notification process will remove their ability to act secretly.

Sex offenders who are required to register for 15 years may request a reduction in the registration period to ten years, upon completion of ten years of the registration period after the date of discharge from probation, parole, supervised release, or incarceration, whichever date is most recent. To obtain the necessary forms to complete, click on the link below.

Sex offender registry information shall not be used to retaliate against the registrants, their families, or their employers in any way. Vandalism, verbal or written threats of harm are illegal and will result in arrest and prosecution.

Registry Information

The Campus Sex Crimes Prevention Act includes several acts of federal legislation that require the following:

- Each state must create a very narrowly drawn specific program to register sex offenders.
- Each state must provide for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education or working or volunteering on campus.
- Each state requires sex offenders already required to register in another State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

The University is committed to protecting its students and staff from sexual predators. The University will provide any

applicable information regarding sexual predators to its students and staff when necessary.

Listings of registered sex offenders in Nebraska can be found at:

<https://sor.nebraska.gov/>

Listings of registered sex offenders in the United States can be found at:

<https://www.nsopw.gov/>

Programs

Sometimes it's difficult to know what to do when your friend needs help. We're here to help navigate this situation. If you have a friend who is in need of help, get this friend the help they need. Remember, you will not get in trouble for helping a friend who you're concerned about. When helping a friend with alcohol or drug issues, it is important to focus on how their behaviors have affected you. These discussions can occur in a very caring and non-judgmental fashion and still be direct without the need to blame. For many who are not willing to seek help, having these conversations occur more than once and with more than one person over a period of time, can further the likelihood they will eventually seek help. It is always best to avoid these conversations when the other person is or is suspected to be intoxicated. **In an event where someone has taken drugs or alcohol and is not responsive or you cannot wake them up, call 911 immediately.**

Knowing when your friend needs help and knowing what to do for them isn't always easy. It's hard to watch our friends struggle with things like addiction, break ups, and health issues. Knowing what to do and say is important, and this collection of resources should give you a start on getting the background you need to help your friend recover. UNO wants to make sure that we support you as you support your friends. **Remember, you are not alone.**

Illicit Substances

The illicit use of drugs and alcohol and the dependency on these substances is a major issue facing college campuses across the United States. To combat the problems caused by the use of drugs and alcohol, the University of Nebraska at Omaha wants to ensure that resources are available to not only promote the awareness of drug and alcohol abuse and the large number of related issues, but also to help students and staff determine if they have a problem and deal with dependency issues. To this end, there are a number of programs and resources available for use to students, faculty, and staff.

Health Risks Associated with Substance Abuse
Serious health risks are associated with the use of illicit drugs and alcohol. The National Institute on Drug Abuse states that most drugs of abuse can alter a person's thinking and judgment, leading to health risks, including addiction, drugged driving and infectious disease. Most drugs could potentially harm an unborn baby; pregnancy-related issues are listed for drugs where there is enough scientific evidence to connect the drug use to specific negative effects. These drugs and their effects are more thoroughly described by the National Institute on Drug Abuse through charts and information available at:

<https://www.drugabuse.gov/> and <https://www.drugabuse.gov/drug-topics/commonly-used-drugs-charts>

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Drugs

With drugs, it has been shown that while initial use may have been voluntary, drug abuse alters gene expression and brain circuitry, which affects human behavior and becomes an addiction. Once addiction develops, the brain changes interfere with one's ability to make voluntary decisions, leading to compulsive drug craving, seeking, and use. The long term use of drugs can be far reaching in harm to the body, including, but not limited to cardiovascular disease, stroke, cancer, hepatitis, and lung disease. Drug use has respiratory effects, gastrointestinal effects, musculoskeletal effects, can damage kidneys, the liver, and the brain, and lead to premature death. In addition, changes that occur in the brain through long-term drug use can lead to paranoia,

depression, aggression, and hallucinations. These issues affect not only the individual, but also loved ones, fellow students, and the public in general.

Drugs and Alcohol Programs

For someone who is willing to seek help, they can be referred to UNO's alcohol and drug counseling services (102 H&K). They should also be encouraged to attend the AA meeting that occurs on campus Monday, Wednesday, and Fridays at noon in 101 H&K.

Appointments to help students put together a more specific plan to help a loved one and/or friend are always welcome. To set up an appointment with Nate Bock or Mark Frillman, call 402.554.2409.

Employees and students needing help in dealing with drug or alcohol problems are encouraged to make voluntary use of their campus Employee Assistance Programs and Student Counseling Centers. The Employee Assistance Programs and Student Counseling Centers can help by offering the following services:

- Objectively assessing the situation and referring employees or students to the proper resources.
- Supplying short-term personal counseling and problem solving.
- Providing education and training to supervisors on how to intervene with troubled employees.

Alcohol is the number one drug used on the UNO campus. While the majority of college students do not have substance use disorders, it is estimated that between 3 and 10 percent of all college students who choose to drink will eventually meet the criteria for a substance use disorder. The Counseling Center in the H&K building utilizes the Addiction Survey Index (ASI) for substance use evaluations that are generally accepted for criminal justice purposes. There is a \$75.00 fee for the evaluation.

The counseling center can also assist individuals with co-occurring disorders. These are individuals who have a mental health diagnosis and a substance use disorder. Individuals can receive simultaneous treatment from licensed mental health counselors and licensed substance abuse counselors. Some counselors are dually licensed.

UNO counselors can also assist with unhealthy patterns to assist individuals in developing new healthy relationships.

An open Alcoholics Anonymous meeting is held on Monday, Wednesday, and Fridays at 12 p.m. in 101 H&K Building. The meeting is open to the public, including students, staff, and faculty.

More information regarding alcohol and drug support can be found online at:

<https://www.unomaha.edu/student-life/student-safety/help-myself/alcohol-and-drug-support.php>

Counseling and Referral Services

Counseling and Psychological Services (CAPS) provides programs and services on campus that assist students in maximizing their potential while at UNO. Counseling services are confidential and all conducted by Licensed Mental Health Practitioners and a graduate student. In addition to the services provided in the office, CAPS provides Gatekeeper Training, an interactive workshop that teaches participants to recognize the warning signs of suicide and make the appropriate referrals.

Counseling and Psychological Services Center (CAPS)

CAPS is dedicated to working with students to provide services that can assist with challenges that have impacted their overall wellbeing. These could include adjusting to life events, relationship issues and mental health changes. Some of the ways this can be accomplished are through individual or couples counseling as well as psycho-educational groups.

The goal of CAPS is to provide services to best meet the needs of the students within our current scope of practice. Short-term counseling may not be the best method to meet the needs of all students. Some areas of concern might be better addressed by a professional with more specialized expertise or by someone who can provide a long term treatment model. The staff will work with each individual to determine the best course of action, such as referral to a UNO counselor, referral to a group, or referral to a community provider.

Counseling staff work closely with Nebraska Medicine Health Services to provide on-campus referrals and collaboration with their services. In the case that an outside referral is recommended, counselors will assist in providing a community referral that will best meet the needs of the individual. The decision for a community referral will typically occur within the initial intake assessment but may also occur during the course of counseling services as appropriate. If you, or a friend, are not a student at UNO, and therefore not eligible for our services, counseling is available through the College of Education Community Counseling Clinic. More information can be found at the [https://www.unomaha.edu/college-of-](https://www.unomaha.edu/college-of-education/counseling-and-psychological-services/)

[education/counseling/community-counseling-clinic/index.php](https://www.unomaha.edu/college-of-education/counseling-and-psychological-services/education/counseling/community-counseling-clinic/index.php)

Best Care Employee Assistance for Faculty and Staff

UNO has contracted with Best Care Employee Assistance Program to provide confidential counseling and referral services to benefit-eligible faculty and staff and their eligible dependents. The Faculty/Staff Employee Assistance Program (FEAP) at the University of Nebraska at Omaha is available to all benefit-eligible UNO faculty and staff and their immediate family members in need of information and/or assistance with any personal concern, including alcohol or drug-related problems. You do not need a referral from a manager or supervisor to use these services. The FEAP provides confidential, free, professional, short-term counseling, assessment, and referral for employees and/or family members who need assistance regarding substance abuse or dependency. Tenure or any other employment status will **NOT** be jeopardized for employees seeking help from FEAP.

When you contact FEAP, a qualified Best Care staff member will speak with you to assess the nature of the problem and to identify the best course of action to be taken. In most instances, problems can be resolved within a number of confidential and private sessions with a Best Care Professional provided at their location. If a referral to a community resource is necessary, the FEAP staff will refer you to the most appropriate resource available.

Best Care services are provided by UNO and available to you at no cost. The program offered to you provides five (5) counseling sessions for you and your eligible dependent family members. Some situations may require the use of ongoing or specialized support. In this case, your Best Care counselor will work with you to find the most appropriate and cost effective resource. Any fees related to using that resource then become your responsibility.

The FEAP office is located in the Eppley Admin Building, Room 205, on Dodge Campus. Office telephone numbers are 402.554.3120 or 1.800.801.4182, and the website is: <https://www.unomaha.edu/human-resources/employee-relations/feap.php>

Health and Wellness Services



Health Services offers on-campus appointments with Board Certified Professionals. There is NO CHARGE for students to consult with the office staff, medical doctors, or nurse practitioners. Additional fees are required for X-ray services, lab tests, and immunizations. Appointments with a physician or practitioner may be made in person or by phone. No appointment necessary for nurse visits and walk-ins are seen as schedules permit.

Health Services offers a variety of services to make sure you get the care you need. Services offered include:

- Flu shots
- Family Medicine
- Reproductive Health
- Medical Screenings
- Pregnancy
- Health Insurance Assistance
- Laboratory Services
- Wellness Profiles
- Radiology Services
- Medical Exams

Helping students in need. Counseling center resources can be found at: <https://www.unomaha.edu/student-life/wellness/counseling-and-psychological-services/index.php>

Suicide Prevention

If you are experiencing suicidal feelings or thoughts, there is help available. Suicidal thoughts or feelings are a medical emergency. Individuals can summon emergency assistance by dialing 911, or contacting UNO Public Safety by calling 402.554.2911, or by visiting a local hospital emergency room. The Boys Town National Hotline can be reached at 1.800.448.3000.

Counseling and Psychological Services (CAPS) counselors are prepared to offer assistance in 102 H&K Monday through Friday from 8a.m. to 5 p.m.

Assistance is also available for urgent but non-emergency situations. Grief, loss, severe stress, sadness, lack of motivation, or anxiety can affect anyone, at any time. Students can schedule an appointment with CAPS if they have an urgent situation. Appointments are scheduled as soon as possible based on staff availability.

More information on available services and assistance can be found at:

CAPS

<https://www.unomaha.edu/student-life/wellness/counseling-and-psychological-services/index.php>

Boystown Suicide Hotline

<https://www.yourlifeyourvoice.org/Pages/home.aspx>
1.800.448.3000

The JED Foundation

<https://www.jedfoundation.org/>
Text START to 741-741

American Foundation for Suicide Prevention

<https://afsp.org/>

National Suicide Prevention Lifeline

<https://suicidepreventionlifeline.org/>
1.800.273.TALK (8255). Contact the Crisis Text Line by texting TALK to 741-741

Advocacy, Victims & Survivor Services

Advocates serve the needs of victims and survivors of sexual assault, dating/domestic violence, and stalking. This includes those who are directly experiencing violence or friends or family members trying to offer the survivor support. Advocates provide affirming, empowering, and confidential support for survivors and bring a non-judgmental, caring approach to exploring all options and resources. UNO provides free, confidential advocacy services and resources for students who have experienced relationship violence and sexual assault. Advocacy response will:

- Meet with you privately on campus or at a place of your choice to make a report
- Assist you in receiving hospital, medical, counseling, and other support services even if you choose not to pursue criminal charges

- NOT prejudice you, and you will not be blamed for what occurred
- Treat you and your particular situation with courtesy, sensitivity, dignity, understanding, and professionalism
- Consider your situation, regardless of your gender identity and sexual orientation, and regardless of the gender identity and sexual orientation of the suspect(s)

Regardless of whether or not a victim chooses to report the crime, protective measures will be provided if the victim requests them and if they are reasonably available. If you are a victim of a crime, you should do the following immediately:

- Call UNODPS or 911 to report the crime.
 - Victims should preserve as much evidence as possible to provide to the police. This may include texts, and phone messages.
- You may also contact any local law enforcement agency:
 - **Omaha Police Department:** 505 S. 15th St., Omaha, NE 68102, 402.444.5666
 - **Douglas County Sheriff:** 3601 N. 156th St., Omaha, NE 68116, 402.444.6641
 - **Nebraska State Patrol:** 4411 S. 108th St, Omaha, NE 68137, 402.331.3333
- As appropriate, seek medical attention in an emergency room or from another medical provider. For sexual offenses, it is important to seek medical attention from a facility that performs legal sexual assault exams. In addition, for sexual assaults and incidents of dating or domestic violence, it is especially important that the victim not bathe, shower, douche, change clothes, or apply medication in order to preserve evidence that can be used as proof of a criminal offense and aid in the acquiring of protection orders.
 - **Local Hospital Emergency Rooms:**
 - **Bergan Mercy:** 7500 Mercy Road. 402.398.6060
 - **Immanuel Medical Center:** 6901 N. 72nd St. 402.572.2121
 - **Methodist Hospital:** 8303 Dodge St. 402.354.4000
 - **Nebraska Medicine (UNMC):** 42nd and Dewey St. 402.559.6637
 - **Non-emergency care:**
 - **Campus Health Services:** H & K 102. 402.554.2374 Medical professionals are

available by appointment or walk-in on Monday - Friday 8 am - 5 pm.

- Seek support and assistance:
 - Victim/Survivor Advocacy Services On-campus: 402.554.2918
 - UNO Counseling and Psychological Services 102 H&K 402.554.2409 M-F 8am to 5pm
 - University Housing (24/7) Contact Residence Hall Director
 - Vice Chancellor for Student Success: Welcome Center 402.554.2779
 - Employee Assistance Program: Eppley Admin Building 800.801.4182, 402.554.3120
 - International Student and Admissions Office: ASH 241, 402.554.2293
 - Women's Center for Advancement (WCA): 402.345.6555
 - Planned Parenthood: 3105 N. 93rd St. 877.811.7526
 - Heartland Family Service: 6805 Pine St. 402.451.6244
 - Nebraska Domestic Violence Sexual Assault Coalition website: ndvsac.org/get-help
 - Scholarships & Financial Aid: Eppley Admin Building 103, 402.554.2327, unofinaid@unomaha.edu
 - Private Physician
 - Friend/Relative

The University also has an online non-emergency reporting system. It is not the University's intent to replace direct contact with University officials, but instead to provide an additional avenue for reporting campus incidents, concerns, or comments. It is important to note that reports submitted on line may not receive an immediate response. While anonymous reporting is an option, individuals should be aware that, if they wish to remain anonymous, a follow-up cannot be provided. This reporting system is meant to provide an additional option for the campus community to work together to ensure our university maintains a welcoming and safe environment. To report information about:

- A Student: https://cm.maxient.com/reportingform.php?UnivofNebraskaOmaha&layout_id=10
- A Staff, Faculty, or Other Person: https://cm.maxient.com/reportingform.php?UnivofNebraskaOmaha&layout_id=40

With the assistance of The University of Nebraska Omaha, School of Criminology and Criminal Justice, Juvenile Justice Institute, the Nebraska Crime Commission solicited a

review of victim services in Nebraska. The goal of Nebraska's 2015 – 2020 Strategic Plan for Victims and Survivors of Crime (NSPVSC) is to provide recommendations to permanently improve and enhance services available to all victims of crime in Nebraska. (Source: Nebraska Crime Commission)

<https://www.unomaha.edu/college-of-public-affairs-and-community-service/juvenile-justice-institute/index.php>

Victim's Rights

- Be informed of all reporting options.
- Be free from pressure to make a criminal report.
- Have any allegations investigated and adjudicated by the appropriate campus, civil, and criminal authorities. This includes:
 - Sexual assault
 - Domestic violence
 - Dating violence
 - Stalking
- Be notified of exiting campus community services whether or not the crime is reported to campus or civil authorities. This includes:
 - Medical
 - Victim advocacy
 - Legal assistance
 - Visa and immigration assistance
 - Student financial aid assistance
 - Counseling and mental health services
- Be informed of options for, available assistance in, and how to request changes to academic, living, and working situations, as well as protective measures offered by UNO.



Gender & Sexuality Resource Center (GSRC)

All staff members of GSRC are free and confidential victim and survivor advocates certified by the state of Nebraska. Advocates serve the needs of victims and survivors of sexual assault, dating/domestic violence, and stalking. This includes those who are directly experiencing violence or

friends or family members trying to offer the survivor support. Advocates provide affirming, empowering, and confidential support for survivors and bring a non-judgmental, caring approach to exploring all options and resources.

After experiencing trauma associated with sexual assault, intimate partner violence, or stalking, a survivor might not know what their options are. Our state-certified advocates are here to help you navigate your options, provide you with support, connect you with resources on-campus or within the community, and serve as a trusted point of contact throughout the whole process. GSRC Advocates believe that it is always the survivor's choice in whether or not they choose to report and which resources they choose to use. Individual advocacy may include:

- Providing emotional support and information on healthy relationships.
- Educating navigating on-campus & community resources & reporting options, including, UNO or Omaha Police Department.
- Accompanying to hospital, Title IX or Law Enforcement/Legal Meetings.
- Helping with filing of a protection order and developing a safety plan.

Public Safety is responsible for keys and card access additions/revocations for personnel, adjusting electronic door schedules, monitoring alarmed areas, and assisting the university in its access control needs. The UNODPS Access Control Specialist maintains a system of keys and locks to all academic and administrative building doors.

Facility Access Management

Individual UNO departments are responsible for the security of their interior spaces and designate the individuals who have access to its interior spaces.

No keys may be duplicated by departments or individuals. All access devices remain the property of UNO and will not be sold or in any other way transferred to an individual outside the limits of this policy.

During non-business hours, the entrance doors of all buildings will be locked to maintain a safe campus. The Chancellor, Vice Chancellors, Deans, Directors, or designees may authorize UNODPS to grant access to areas under their control to persons conducting University business outside of normal operating hours or may submit requests to extend or reduce normal building hours when necessary to fulfill the University's mission. Requests will be submitted in writing to the UNODPS.

Residence Halls Access

Residential living for UNO has had a history of being very safe, due in part to the security precautions in place. All housing with interior living space doors are linked to the MavCARD, which is activated upon move in. Regardless of door locking system, there are safety precautions to consider in order to maintain the safest living space possible.

- Violations of the housing security policies and procedures, including tampering with fire safety equipment or failure to comply with fire alarm evacuation protocol, may result in severe disciplinary sanctions (possibly including termination of your housing contract and/or referral to the judicial officer).
- Guests are only allowed with the consent of the other roommates.
- All guests should be escorted to and from the suite.
- Visitation and overnight guests of one resident may not infringe on the rights of others.
- All windows and patio doors have locking devices and securely attached screens.
- Unescorted persons should not be given access to residence halls after hours.
- Doors should never be propped open
- Keeping every room door locked at all times will deter crime. Almost every theft in a residence hall is a result of an unsecured room or unattended belongings.
- Every security measure taken by the residence hall staff depends on the responsible actions of each resident for its effectiveness.
- Do not allow strangers to tag along into a residence hall while residents are entering.
- Lock room doors and windows when anyone leaves, even if only for a minute, and take keys with you.
- Politely offer assistance to persons in a building or residence if they are not recognized. If they have legitimate business, they will appreciate the help. If they do not have legitimate business, they should be asked to leave.
- Keep residence hall rooms locked when going out during move-in, and do not leave your car unlocked when loading or unloading.
- Do not leave coats, books, or other valuable items in common areas. Keep them in your room.

The names, phone numbers, and locations of on-call housing staff is provided to students upon move-in. If anyone hears or sees something suspicious, they should call the police immediately, by dialing 911 or 402.554.2648.

All UNO building access requests are completed through the helpful links listed below.

Questions can be emailed to

unoaccesscontrol@unomaha.edu

[How to Navigate the Online Key Request](#)

[How to Navigate Online Card Access Request](#)

[Online Key/Card Request](#)

[Room Transfer Form](#)

Non-Residential Building Access

The University of Nebraska at Omaha takes all available measures to ensure the security of campus buildings, including limiting access to authorized personnel only. It is the policy of UNO that after normal working hours, all buildings should be locked to maintain the security of the buildings and their contents. Faculty, students, and staff members may be issued access to University buildings upon recommendation of the department Dean or Director in accordance with established procedures. Keys or access cards are issued for entry to University buildings for conducting University business only.

Most non-residential campus buildings and facilities are accessible to members of the campus community and guests and visitors during normal business hours and for limited designated hours on weekends. Access times will vary depending upon the nature of the building and activity. Except for those students, faculty and staff with keys or authorized access cards, access is generally restricted to University affiliated personnel during recognized holidays.

High Security Access

Access is determined by UNODPS, Environmental Health and Safety (EHS), or a UNO department to require additional access restrictions because of the contents or activities conducted within. Because safety and security concerns are heightened during nonbusiness hours, exterior entrance doors to buildings are considered High Security Access.

When possible, access is programmed to an individual's campus identification card (MavCARD). A traditional key will only be issued when electronic access is not available. For access, the key authorizer:

- Submits a request through the on-line request system to the UNODPS Access Control Specialist, with authorization from the Dean or a Director. The request must include the name of the person who will be assigned access, the person's NUID number and any access limitations.

- Access will be granted via activation of the individual's MavCARD. A physical key will be issued only when electronic access is not available.

Key Authorizer

A designated person in each department to authorize access to that department. By authorizing access, the Department agrees to:

- Verify that the individual is authorized to conduct University business within a secure space.
- Immediately notify UNODPS when an individual's MavCARD or key is lost or stolen.
- Immediately notify UNODPS when an individual is no longer authorized access or is separating from the University.
- Actively attempt to recover any exterior keys from individuals who are no longer authorized to use the keys or is separating from the University.
 - Recovered keys should be returned to UNODPS.

Interior Key

A key that provides access to an interior space that does not require increased restrictions to access. Keys are authorized by the Department that occupies the particular space. When UNODPS issues an Interior Key to an individual, the Department agrees to:

- Verify that the individual is authorized to conduct University business within a secure space.
- Immediately notify UNODPS when any Interior Key is lost or stolen.
- Actively attempt recovery of Interior Keys from individuals who are no longer authorized to use the keys, or the individual is separating from the University.
- Maintain accurate and current records for all Interior Keys issued and recovered by the Department.

Personal Responsibilities

Individuals issued access rights to a building or interior spaces are responsible to safeguard their MavCARD and key and to maintain security of the campus building or area that the key opens. By accepting access rights or a key, an individual agrees to:

- Protect the MavCARD and Interior Key from theft or loss.
- Not duplicate, loan, or allow any other individual to use the key or MavCARD for entry.
- Assure that doors are relocked after entering or leaving.
- Assume responsibility for the conduct of any person the key holder allows to enter a locked facility.

- Immediately notify UNODPS when the individual's MavCARD or key is lost or stolen.
- Return Interior Keys to UNODPS on demand and upon separation from the University.

Lost Keys

Departments that are assigned interior space shall make the determination of whether interior door security needs to be restored due to a key(s) that has been lost, stolen, improperly duplicated, or not returned. For shared spaces, department(s) that originally authorized issuance of a key may be required to pay the cost to restore interior building security. (The cost to restore building security includes labor and materials required to change the locking mechanism on each door that the missing key operates and the cost to re-issue keys to all individuals with authorized access to the affected doors). UNODPS, after consultation with the affected departments, shall make the determination of whether security needs to be restored for High Security doors.



2019 Crime Statistics

Criminal Offenses University of NE Omaha OPE ID#00255400	On-Campus				Non-Campus				Public Property				On-Campus Housing			
	2016	2017	2018	2019	2016	2017	2018	2019	2016	2017	2018	2019	2016	2017	2018	2019
Murder, Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense (Forcible)	6	3	1	1	0	0	1	1	2	0	0	0	4	3	1	1
Sex Offense (non-Forcible)	0	0	3	0	0	0	1	0	0	0	0	0	0	0	1	0
Robbery	0	1	0	1	0	0	0	0	0	2	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0
Arson	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	12	5	1	2	0	0	0	0	0	0	0	0	8	3	1	2
Motor Vehicle Theft	6	5	6	10	0	0	0	0	3	0	1	0	0	0	0	0
Liquor Law Arrests	51	21	3	9	0	0	0	0	0	0	3	0	35	13	3	9
Liquor Law Referral for Disciplinary Action	177	162	153	169	0	0	0	0	0	0	0	0	173	155	153	169
Drug Law Arrests	28	34	39	19	0	0	0	0	2	2	6	0	0	17	13	12
Drug Law Referral for Disciplinary Action	29	72	40	14	0	0	0	0	7	2	0	0	12	55	31	8
Weapons Law Arrests	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Laws Referral Disciplinary Action	1	2	5	3	0	0	0	0	0	0	0	0	1	1	3	3
VAWA Crimes																
Dating Violence	1	1	5	2	2	0	0	0	0	1	1	0	0	0	5	0
Domestic Violence	3	6	4	4	0	0	0	0	0	1	0	0	1	5	4	4
Stalking	6	5	8	4	1	0	0	0	0	3	1	0	1	2	6	0
Hate Crimes																
Intimidation Religion	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Destruction Vandalism Religion	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction Vandalism Sexual Orientation	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction Vandalism Race	0	0	2	2	0	0	0	0	0	0	0	0	0	0	0	0

The UNODPS notes an increase in reported crime from the 2015 to 2016 calendar year. UNODPS does not believe this represents an increase in crime at UNO, rather than an increase in reporting due to the addition of sworn law enforcement, enhanced cooperation with resident life staff and campus security authorities in accurate and complete reporting.

Omaha Police Department (OPD) notes to Clery Act Data Request

Prior to 2017 OPD was unable to supply Clery data.

Coding process does not distinguish between murder, non-negligent manslaughter, negligent manslaughter, or between forcible and non-forcible sex offenses. These distinctions are found in the charges filed by prosecutors. Also, the coding systems do not distinguish hate crimes. Under Nebraska statutes, hate/bias charges are filed by the prosecutor in addition to the underlying charges as a sentence enhancement. multiple victims/offense, hierarchy etc.

In order to maintain complete and accurate records in the data bases, all files used to compile this report are dynamic. Dynamic files allow continuous data entry, which could result in additions, deletions, and/or modifications at any time. Due to the dynamic nature of the data, number may vary in previous or subsequent reports. Public property burglary does not include private residences.

2019 Fire Statistics

Fire Statistics							
Residential Facility	Number of Fires	Cause	Injuries requiring treatment at a medical facility	Deaths	Value of Property Damage		
Maverick Village	1	Electrical	None	None	\$100.00		
University Village	1	Cooking	None	None	None		
Scott Court	0						
Scott Hall	0						
Scott Village	0						
Scott Crossing	0						
Fire Safety Systems in Residential Facilities							
Residential Facility	Fire alarm monitoring by UNODPS	Fire alarm monitoring by Outside Company	Warning System	Duct Smoke Detection	Fire extinguishers	Number of evacuation drills annually	
Maverick Village	X	SEI	Voice Paging	N/A	X	2	
University Village	X	SEI	Strobe/Siren	N/A	X	2	
Scott Court	N/A	MPS	Voice Paging	N/A	X	2	
Scott Hall	N/A	MPS	Voice Paging	N/A	X	2	
Scott Village	N/A	MPS	Strobe/Siren	N/A	X	2	
Scott Crossing	N/A	MPS	Voice Paging	X	X	2	
All student housing is 100% covered by an automated sprinkler system.							
In student housing all rooms have smoke detectors. However they are NOT connected to main annunciator panel.							
Students must call UNODPS, call 911, or activate a pull station for assistance.							
There are pull stations and fire extinguishers in all hallways							
All student housing has smoke detectors in common areas that are directly connected to the annunciator panel.							

The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status and/or political affiliation in its programs, activities, or employment.

The University of Nebraska Omaha Department of Public Safety (UNODPS) is responsible for the creation and distribution of the “Annual Campus Safety and Fire Report” (ASR). The ASR includes safety and security information for the University of Nebraska Omaha, including crime & fire statistics for the 2018 calendar year, and the information required by the Drug-Free Schools and Communities Act of 1989. All data is submitted to the U.S. Department of Education according to law.

DEPARTMENT OF PUBLIC SAFETY

University of Nebraska Omaha



▶▶▶ **APPENDIX 0**

UNK Resources for Sexual Misconduct and Title IX

UNK Campus Resources

- ▶ UNK Police Department
(308) 865-8911
Conducts unbiased investigations with respect and dignity. Offers safe walk program.

- ▶ Title IX Office
(308) 865-8655
Investigates sexual harassment/violence and addresses the impact on campus.

- ▶ Residence Life
(308) 865-8519
Provides resources and support including addressing housing issues which may arise after an incident. Housing Staff are available after hours.

- ▶ Office of the Dean - Division of Student Affairs
(308) 865-8528
Delivers a variety of supports and services to help students.

- ▶ Office of Financial Aid
(308) 865-8520
Helps students access federal, state, and institution student aid; Supports military/veteran students using GI Bill and tuition assistance.

- ▶ International Student Services
(308) 865-8873
Assists with visa and immigration questions and provides support for international students.

- ▶ Disability Services for Students (DSS)
(308) 865-8214
Offers support, resources, and services to students with disabilities.

- ▶ Ombudsperson
(308) 865-8404
Serves as an alternate source of information on options/supports/resources.

- ▶ Athletics
(308) 865-8863
Assists student-athletes with resources/supports.

- ▶ Fraternity & Sorority Life
(308) 865-8057
Supports students involved in the Greek community.

Confidential UNK Campus Resources

- ▶ Gender & Sexuality Resource Office
(308) 865-8751
Your primary resource for confidential access to professional personnel such as specialty counselors, RNs, and nurse practitioners. May also serve as a victim advocate.

- ▶ Counseling (24/hr Crisis Line)
(308) 865-8248
A mental health clinic offering confidential personal counseling and support.

- ▶ Student Health
(308) 865-8218
On-campus medical clinic offering medical care, support, and resources.

Off-Campus Resources

- ▶ Kearney Police Department
(308) 237-2104
Responds immediately to take reports, investigate the incident and connect individuals with resources.

- ▶ Family Advocacy Network (FAN)
(308) 865-7492
Provides investigative interviews and medical examinations for law enforcement agencies.

- ▶ Victim/Witness Assistance
(308) 233-5263
Assists individuals through the sometimes complex criminal justice system.

Confidential Off-Campus Entities

- ▶ S.A.F.E. Center
(308) 237-2599
Provides 24-hour free, confidential options, information, and services including advocacy and counseling following dating/domestic violence, sexual assault, or stalking.

Off-Campus Legal Aid Services

- ▶ Legal Aid of Nebraska
www.legalaidofnebraska.org;
(toll-free) (877) 250-2016
The only non-profit law firm in the state of Nebraska. Attorneys and paralegals offer advice, brief service, and referrals.

UNK Anonymous Campus Reporting

- ▶ Silent Witness
https://www.unk.edu/offices/police/police_services/unk_silent_witness.php
Offers a confidential and anonymous way to report a crime. This is an online form allowing the witness to include as many details as desired.

▶▶▶ **APPENDIX P**

UNL Resources for Sexual Misconduct & Title IX

Confidential UNK Campus Resources

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UNK Anonymous Campus Reporting

- ▶ Silent Witness
https://www.unk.edu/offices/police/police_services/unk_silent_witness.php
Offers a confidential and anonymous way to report a crime. This is an online form allowing the witness to include as many details as desired.

UNL encourages any person subjected to sexual misconduct to seek assistance and support. There are several resources available to you.

Call 911

If there is a crime in progress or you need immediate medical care or safety measures, call 911. You can also text campus police by texting to 69050 with keyword UNLPD.

Seek Help from Law Enforcement

Contact Campus Police (UPD) or local law enforcement to seek safety measures or report a crime. UPD is obligated to report allegations of sexual misconduct to the Title IX Coordinator for investigation of Title IX violations.

- ▶ University Police Department
300 N. 17th St., Lincoln, NE 68508
(402) 472-2222
UPD Specific Crime Reporting Information - Sexual Assault

- ▶ Lincoln Police Department
575 S. 10th St., Lincoln, NE 68508
(402) 441-6000

- ▶ Lancaster County Sheriff's Office
575 S. 10th St., Lincoln, NE 68508
(402) 441-6500

Seek Medical Care

Contact a Medical Facility if you need medical care or a rape kit.

- ▶ Bryan Medical Center West
2300 S. 16th St., Lincoln NE 68502
(402) 481-1111

- ▶ Bryan Medical Center East
1600 S. 48th St., Lincoln NE 68506
(402) 481-1111

- ▶ Saint Elizabeth Regional Medical Center
555 S. 70th St., Lincoln NE 68510
(402) 219-8000

- ▶ University Health Center
550 N. 19th St., Lincoln, NE 68588
(402) 472-5000
Check the UHC website for hours. UHC can provide ongoing medical care. UHC does not have an emergency room and is unable to conduct rape kits.

Talk to a friend, parent or other supportive person

UNL encourages you to report to local law enforcement and university authorities any sexual harassment or misconduct directed toward you. However, not everyone is ready to make such a call or report concerns right away. Your safety and welfare are of utmost concern to the university. Therefore, to the extent you are not ready to report to local or campus authorities, we encourage you to seek guidance from those closest to you. When doing so, please keep in mind the university's obligations to investigate received reports.

Confidential Resources

There are certain individuals on campus and in the community who you can talk to in near-complete confidence. These individuals have no responsibility to take action, report to law enforcement, or report to the university the information you share with them, so long as the individual is acting in their role as counselor, advocate, medical provider, or attorney at the time you share your concerns. Please be advised, if you share your concerns only with these individuals, the university will not conduct an investigation unless you take further action to inform campus authorities of your concerns, or the university learns about your situation from another source.

The following are UNL confidential contacts:

- ▶ Center for Advocacy, Response and Education (CARE)
(402) 472-3553

- ▶ Voices of Hope 24-Hour Crisis Line
(402) 475-7273

- ▶ Counseling and Psychological Services
(402) 472-7450

- ▶ Student Legal Services
(402) 472-3350

- ▶ Psychological Consultation Center (PCC)
325 Burnett Hall, City Campus
(402) 472-2351

- ▶ Counseling and School Psychology Clinic
49 Teachers College Hall, City Campus
(402) 472-1152

- ▶ UNL Athletics (for athletes)
Osborne Athletic Complex
800 Stadium Drive, City Campus
(402) 472-2276

- ▶ Athletic Psychologist, Brett Haskell
Associate AD of Athletic Medicine, Lonnie Albers
Director of Sports Psychology, Todd Stull
Team Doctors: David Clare, Robert Dugas, Justin Harris

- ▶ UNL Employee Assistance Program (for UNL employees only)
128 501 Bldg.
(402) 472-3107
<http://hr.unl.edu/eap>

While Confidential Resources do not have an obligation to take action or to initiate a campus investigation, they do have an obligation to report statistical information regarding some crimes, including sexual assault, dating violence, domestic violence and stalking to campus police for the purpose of annual crime statistic reporting. They may also have an obligation to report non-identifying information to the Title IX Coordinator for the purpose of addressing campus climate. Medical providers may have a responsibility to report certain crimes to local law enforcement as required by state law.

The following are persons outside of the UNL community who you may talk to on a confidential basis and who do not have any reporting obligation to UNL:

- ▶ Pastors of your choice.
- ▶ Licensed psychologists, therapists or counselors. Some of these providers will charge a fee for their services. Here are some community providers:
 - ▶ Lincoln Behavioral Health Clinic
3201 Pioneers Blvd., Suite 202, Lincoln, NE 68502
(402) 489-9959
 - ▶ The DOVES Program, Gering, NE
(308) 436-4357
Spanish: (877) 215-0167
 - ▶ RADP (Rape Domestic Abuse Program), Valentine, NE
(877) 376-2080
 - ▶ Domestic Abuse/Sexual Assault Services, McCook, NE
(308) 345-5534
 - ▶ Parent-Child Center, Lexington, NE
Office: (308) 324-2336 or (308) 324-2337
Crisis Line: (308) 324-3040
Español: (308) 324-1942
 - ▶ Sandhills Crisis Center, Ogallala, NE
(877) 836-6055
 - ▶ Rape/Domestic Abuse Program, North Platte, NE
Office: (308) 532-0624
Crisis Line: (308) 534-3495

- ▶ The S.A.F.E Center, Kearney, NE
(877) 237-2513
- ▶ The Crisis Center, Inc., Grand Island, NE
(308) 381-0555
- ▶ Spouse Abuse/Sexual Assault Crisis Center, Hastings, NE
(402) 463-4677
- ▶ Center for Sexual Assault and Domestic Violence Survivors, Columbus, NE
(800) 658-4482
- ▶ Haven House, Wayne, NE
Crisis Line: (800) 440-4633
- ▶ Bright Horizons, Norfolk, NE
Crisis Line: (877) 379-3798
- ▶ Project Response, Auburn, NE
(800) 456-5764
- ▶ Hope Crisis Center, Fairbury, NE
(877) 388-4673
- ▶ The Bridge, Fremont, NE
(888) 721-4340
- ▶ Heartland Family Service Domestic Abuse Program, Papillion, NE
Crisis Line: (402) 292-5888
- ▶ Catholic Charities - The Shelter, Omaha, NE
(402) 558-5700

▶ **Lawyers or legal assistance. Below are free or reduced legal services that may be helpful to you.**

- ▶ Legal Aid of Nebraska
Omaha - 209 S. 19th St #200, Omaha, NE 68102
Phone: (402) 348-1069
Fax: (402) 348-1068
- ▶ Lincoln - 941 "O" St., Suite 825, Lincoln, NE 68508
Phone: (402) 435-2161
Fax: (402) 435-2171

- ▶ Scottsbluff - 1423 1st Ave., Scottsbluff, NE 69363
Phone: (308) 632-4734
Fax: (308) 632-3844
- ▶ North Platte - 102 E. 3rd St., Suite 102, North Platte, NE 69101
Phone: (877) 250-2016
- ▶ Norfolk - 214 N. 7th St., Suite 10, Norfolk, NE 68701
Phone: (402) 644-4761

Other Legal Aid office locations can be found at <https://www.legalaidofnebraska.org/about-us/locations/>

Legal Aid of Nebraska, Nebraska State Bar Association, Jean McNeil, (800) 927-0117. Information about the services provided by the NSBA is available at <http://www.nebar.com/?page=ForthePublic>

Contact the Title IX Coordinator

Contact the Title IX Coordinator or the Office of Institutional Equity and Compliance at (402) 472-3417 to seek supportive measures and file a formal complaint.

- ▶ Meagan Counley, Title IX Coordinator (mcounley2@unl.edu)
University of Nebraska–Lincoln
Office of Institutional Equity and Compliance
128 Canfield Administration Building, Lincoln, NE 68588-0437
Phone: (402) 472-3417

Supportive Measures

Supportive measures are individualized services offered to Complainants and Respondents. Supportive measures are meant to restore or preserve equal access to the university activities without unreasonably burdening the other party. Supportive measures may include

- ▶ Counseling
- ▶ Extensions of deadlines or other course-related adjustments
- ▶ Modifications of work or class schedules
- ▶ Campus safety escort services
- ▶ Mutual restrictions on contact between the parties
- ▶ Changes in work or housing locations
- ▶ Leaves of absence
- ▶ Increased security and monitoring of certain areas of the campus

The measures may be offered before or after a Formal Complaint has been filed, or in situations where no Formal Complaint has been filed. Institutional Equity and Compliance will keep supportive measures confidential to the extent possible while being able to enact the measures.

See University of Nebraska Board of Regents Policies RP-2.1.8 Sexual Misconduct Policy (**Appendix G**) for details.

Other UNL Resources

- ▶ LGBTQA+ Resource Center
Director, Pat Tetreault
346 Nebraska Union
(402) 472-1752

- ▶ Women's Center
Director, Pat Tetreault
340 Nebraska Union
(402) 472-2598

- ▶ Student Affairs
Vice-Chancellor, Laurie Bellows
106 Canfield Administration South
(402) 472-9685

- ▶ Services for Students with Disabilities
Director, Sam Goodin
232 Canfield Administration Building
(402) 472-3787

- ▶ Human Resources (for employees)
Assistant Vice-Chancellor, Bruce Currin
407 Canfield Administration South
(402) 472-3105

Other Community Resources

- ▶ End Sexual and Domestic Violence
(402) 476-6256

- ▶ Women's Center for Advancement, 222 S. 29th St., Omaha
(402) 345-6555
24/7 Crisis Hotline: (402) 345-7273
Español Hotline: (402) 672-7118

- ▶ National Sexual Assault Hotline
1-800-656-4673

▶▶▶ **APPENDIX Q**

UNMC Resources for Sexual Misconduct & Title IX

From: [Sirizzotti, Carmen N](#)
To: [Nielsen, Drew](#)
Subject: Follow up - LB534 Information - E-mail 2
Date: Tuesday, July 20, 2021 7:00:00 AM
Importance: High

Drew,

We distribute to UNMC/Colleges Student Services/Academic Offices the below Brochures and Posters which are also available in the [UNMC Title IX](#) Web site – [Campus Resources](#) web page:

Kearney Students:

- [Female](#)
- [Male](#)
- [Confidential Resources Poster](#)

Lincoln Students:

- [Female](#)
- [Male](#)
- [Confidential Resources Poster](#)

Norfolk Students:

- [Female](#)
- [Male](#)
- [Confidential Resources Poster](#)

Omaha Students:

- [Female](#)
- [Male](#)
- [Confidential Resources Poster](#)

Scottsbluff Students:

- [Female](#)
- [Male](#)
- [Confidential Resources Poster](#)

Faculty and Staff (all campuses)

- [Printable Brochure](#)
- [Confidential Resources Poster](#)

Campus Security Web Page which includes all campuses Annual Security Reports and Fire Safety Reports

1. [Report Campus Crime](#)
2. [Crime Stats & Resources](#)
3. [UNMC Annual Security Report and Fire Safety Report](#)
4. [UNL Annual Security Report and Fire Safety Report](#)
5. [UNO Annual Security Report and Fire Safety Report](#)
6. [UNK Annual Security Crime Report and Safety Report](#)
7. [Northeast Community College, Norfolk NE Annual Security Report and Fire Safety Report](#)

8. [Western Nebraska Community College, Scottsbluff NE - Annual Security and Fire Safety Report](#)
9. [City of Omaha Crime Statics Reported to The Omaha Police Department](#)

Training Video Library:

Recognizing and Preventing Violence on Campus

- ["Flash Point" Recognizing Violence in the Workplace - Office Version](#)
- ["Flash Point" Recognizing Violence in the Workplace - Student Edition](#)
- ["Silent Storm" Intimate Partner Violence and Stalking, the Impact on the Workplace](#)
- [Threat Assessment Information](#)
-

360 Degrees Stay Safe at College Series:

- [Introduction](#)
- [Common Sense Defense](#)
- [Everyday Safety](#)
- [Controlling Behavior](#)
- [Stalking](#)
- [Protecting Your Possessions and Identity](#)
- [Sexual Assault](#)
- [Travel Safe](#)

I will send a third e-mail with additional documents.

I appreciate your patience and sorry for delay.

Thanks a bunch,

Carmen N. Sirizzotti, MBA, SPHR, CCP, CBP
Associate Director, Human Resources
UNMC & UNO Compensation, Staffing, Payroll & HRIS
UNMC Title IX Coordinator

Human Resources

University of Nebraska Medical Center
985470 Nebraska Medical Center | Omaha, NE 68198-5470
402.559.2710 | fax 402.559.7373
csirizzotti@unmc.edu

[UNMC](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#) | [Flickr](#)

WE ARE NEBRASKA MEDICINE & UNMC

Our mission is to lead the world in transforming lives to create a healthy future for all individuals and communities through premier educational programs, innovative research and extraordinary patient care.

“Commit yourself to lifelong learning. The most valuable asset you’ll ever have is your mind and what you put into it” - Brian Tracy.

“An investment in knowledge pays the best interest” - Benjamin Franklin

The information in this email and any files attached are intended only for the addressee and may contain confidential or privileged material or work product. Any interception, review, forward, dissemination or other use of this information by persons or entities other than the intended recipient is expressly prohibited absent permission from the sender or original owner. If you believe you have received this communication in error, please delete the email and notify the sender by return email or at the above telephone number.

▶▶▶ **APPENDIX R**

UNO Title IX Resource Guide for Students



UNO IS A PLACE OF RESPECT AND SAFETY.

The University of Nebraska at Omaha is committed to providing an environment that is free of discrimination and safe for all members of our campus community.

Know your IX

Title IX is not limited to athletics.

Where to Report Incidents

UNO responds to all complaints involving discrimination and harassment, and has dedicated administrators to handle Title IX concerns.



Connect with the Office of Diversity, Equity, Access, and Inclusion

211 Eppley Administration Building

6001 Dodge Street, Omaha, NE 68132

about.unomaha.edu/titleix

equity@unomaha.edu

402.554.2120

The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its programs, activities, or employment. 0223BRODEAI1020

THE POWER OF

IX

**A RESOURCE GUIDE
FOR STUDENTS ON
SEXUAL MISCONDUCT:
CAMPUS POLICIES,
PROCEDURES, AND
VICTIM SERVICES**



ABOUT TITLE IX

Title IX of the Education Amendments of 1972 stated the following:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Beginning with the University of Nebraska charter in 1869, Nebraska law has provided that no person shall be deprived of the privileges of this institution because of sex. Discrimination on the basis of sex is also prohibited by federal law. All members of the University community are expected to conduct themselves in a manner that maintains an environment free from sexual misconduct. Sexual misconduct, which includes domestic violence, dating violence, sexual harassment, sexual assault, sexual exploitation, and stalking, is unacceptable behavior under University of Nebraska policy and against the law.

The University of Nebraska has programs to promote awareness of and to help prevent sexual misconduct, and to assist members of the university community who are affected by such behavior. Members of the University community are offered education and training regarding awareness and risk reduction of sexual violence, dating violence, stalking, and consent in compliance with Title IX, Clery Act, and the Violence Against Women Act (VAWA).

Title IX prohibits sex discrimination in educational institutions that receive federal funding.



The ban includes sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking.

Applies to students, faculty, staff, or anyone present on campus regardless of sexual orientation, immigration status, gender identity, or disability status.



Retaliation for reporting is prohibited by law and covered under Title IX.

CONTENTS

- 3 HOW TO REPORT MISCONDUCT
- 4 PROCESS AND PROCEDURES
- 5 DEFINITIONS TO KNOW
- 8 ADDITIONAL INFORMATION
- 10 TITLE IX CONTACT INFORMATION & RESOURCES

Those who have been subjected to sexual misconduct are encouraged to report and may utilize any or all of the following options:

- Make a formal complaint to the Title IX Coordinator. This begins an administrative process that could result in university-related sanctions. This is not a criminal process.
- Make a report to the appropriate law enforcement agency. This could result in criminal action being taken, such as criminal charges.
- Engage with confidential resources such as advocacy and counseling. This will not result in any criminal charges or university-related sanctions. This does not limit your ability to report to law enforcement or Title IX in the future.

Confidentiality & Disclosure

If reporting parties wish that the details of an incident be kept confidential, they should speak with resources that can maintain confidentiality. This typically includes victim and survivor advocates, counseling, health service providers, clergy, chaplains, and rape crisis center staff. These individuals have no duty to report your information to UNO.

Employees of the university are expected to report disclosures of sexual misconduct to the Title IX Coordinator. Upon receiving notice of sexual misconduct, the Title IX Office will provide resources, reporting options, and offer support.

While a reporting party may request confidentiality or anonymity with the Title IX Office at UNO, the university may be obligated to pursue an investigation depending on the circumstances. In addition, the decision to remain anonymous may limit or hinder the university's response to any allegations of sexual misconduct.

Disclosure of unreported abuse or neglect of a minor (someone younger than 19) will result in a call to the Department of Health and Human Services as a part of Nebraska's mandatory reporting law (Statute 28-711).

Non-Discrimination Statement

The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its programs, activities, or employment.

PROCESS & PROCEDURES

1. Title IX Office receives report.
2. Title IX Office reaches out to reporting party with resources and reporting options.
3. If requested or needed, Title IX Coordinator implements supportive measures.
4. If reporting party is interested in filing a complaint, the Title IX Coordinator will assign the case to an investigator.
5. A Notice of Investigation and Allegations (NOIA) is sent to the reporting party (now called complainant) as well as the respondent. If dismissed under Title IX, both parties have a chance to appeal. If still being investigated under a different policy, information regarding the investigation will be included in this NOIA.
6. The investigator will conduct interviews with the complainant, respondent, and any witnesses. After the interview, the interviewee has the opportunity to review the interview summary from the investigator and give feedback if they feel any corrections are needed.
7. After all interviews are conducted, the investigator will send a link containing the evidence collected to the complainant and respondent. Both will have 10 university days to review and provide feedback or responses.
8. The investigator will write an Investigative Report utilizing the relevant information obtained as part of the investigation.
9. Once this is complete, the investigator will turn all evidence, including the executive summary, to the Title IX Coordinator and the Hearing Officer.
10. A pre-hearing meeting will be conducted with advisors, the hearing board, investigator, and all parties.
11. A hearing will be held and parties will be questioned as part of the process.
12. The hearing will make a determination as to responsibility, as well as recommended sanctions if applicable.

Further detail regarding the procedures, as well as appeals, can be obtained by visiting the **UNO Title IX webpage**. Procedures are separated by “Procedures for Sexual Misconduct Complaints Against Students” or “Procedures for Sexual Misconduct Complaints Against Employees.”

[ABOUT.UNOMAHA.EDU/TITLEIX]

DEFINITIONS TO KNOW

The following are the definitions of sexual misconduct as provided by University Board of Regent’s Policy in RP2.1.8

SEXUAL MISCONDUCT

“Sexual misconduct” includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.

SEXUAL HARASSMENT

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity;

It also includes: Sexual assault (see definition herein); Dating violence (see definition herein); Domestic violence (see definition herein); or Stalking (see definition herein).

To be considered sexual harassment for the purposes of Title IX, the conduct must meet the additional requirements of occurring in the University’s education program or activity and against a person in the United States.

For employees, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual’s employment and create an abusive working environment.

DATING VIOLENCE

“Dating violence” means 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 a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

DOMESTIC VIOLENCE

“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 who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to 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 acts under the domestic or family violence laws of the jurisdiction.

Domestic violence includes domestic assault. Under Nebraska law, a person commits domestic assault if the person (i) intentionally and knowingly causes bodily injury to their intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner.

Under Nebraska law an “intimate partner” means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or where involved in a dating relationship.

STALKING

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

SEXUAL EXPLOITATION

“Sexual exploitation” includes, but is not limited to: prostituting another person; non-consensual visual or audio recording of sexual activity; non-consensual display or distribution of photos, images or information of an individual’s sexual activity or intimate body parts; non-consensual voyeurism; coercing someone against their will to engage in sexual activity, or; knowingly transmitting sexually transmitted disease (STD) without disclosing STD status.

INCAPACITATION

An individual is unable to understand the facts, nature, extent or implications of the situation due to drugs, alcohol, a mental disability, being asleep, unconscious or in any other state where the individual is unaware that sexual contact is occurring, or based on their age (pursuant to Nebraska law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation. Consent does not exist when the individual initiating sexual activity knew or should have known of the other individual’s incapacitation.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

SEXUAL ASSAULT

“Sexual assault” means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim’s age or because of the victim’s temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

RETALIATION

“Retaliation” means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

CONSENT

“Consent” is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.

Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.

Consent cannot be coerced or compelled by force, threat, deception, or intimidation.

Consent cannot be given by someone who is incapacitated or does not have the legal capacity to consent, as defined below in the definition of “incapacitated”.

Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

Rights

As part of the process, you have the following rights:

- Be treated with respect and dignity by University officials
- Have your complaint resolved in accordance with the procedures outlined in University policy and by the utilization of the preponderance of evidence standard
- Have the ability to access campus support resources (e.g. Survivor/Advocates, Counseling and Psychological Services, Accessibility Services Center, etc.)
- Be able to request protective measures be put in place during the course of the resolution process
- Have the right to consult with advisors of your choice throughout the resolution process (including accompaniment to all interviews, meetings, and proceedings)
- Have the ability to provide information to the investigative team both in person (interview) and in written form (statement)
- Have the ability to provide relevant evidence and the names of potential witnesses to the investigative team
- Be allowed to review and respond to the evidence and information gathered by the investigative team prior to the conclusion of the investigation and the completion of the investigative report
- Be informed in writing of the findings, rationale, and sanctions resulting
- Have the ability to review the entire investigative report from the Title IX Investigator
- Have the ability to appeal the findings determined by a hearing panel
- Be protected, by UNO policy, from retaliation related to your report and participation in the investigative process
- Be able to report to law enforcement or other agencies outside of UNO should you chose to do so, including but not limited to requesting harassment or protection orders
- Be able to experience a prompt, fair, and impartial process conducted by officials that receive annual training on topics related to sexual misconduct and how to investigate

Amnesty for Reports of Sexual Misconduct

To encourage reporting, and except as provided within policy, an individual who makes a good faith report of sexual misconduct and/or participates in an investigation will not be subject to disciplinary action for a policy violation related to consuming unauthorized alcohol or using illegal drugs or unauthorized prescription drugs.

Preserving Evidence

Individuals involved in a report of sexual misconduct should preserve evidence to the extent possible, as it may assist the University or law enforcement in making factual determinations about the reported violence or misconduct, or might be helpful to a court's determination regarding the issuance of a Personal Protection Order. The University encourages individuals to go to the police or another resource in order to assist in the preservation of evidence

Supportive Measures

"Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures or remedies may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. A party should contact the Title IX Coordinator if they are interested in supportive measures. Supportive measures may be provided even if the reporting party does not want to file a formal complaint.

Sanctions

If a respondent is found responsible for a violation sanctions may be imposed. Institutional sanctions that may be imposed against students for sexual misconduct range from warning to expulsion. Institutional sanctions against employees range from warning to termination. Institutional sanctions against third parties range from loss of privileges to trespass exclusion orders.

Confidentiality

The University shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual misconduct, any Complainant, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of Title IX, including conducting any investigation, hearing, or judicial proceeding arising thereunder. The University may be required to share information with other individuals in accordance with FERPA, Title IX, or other applicable law, including lawfully issued subpoenas in criminal, administrative, and civil matters.

TITLE IX CONTACT INFORMATION & RESOURCES

Title IX Contact Information

TITLE IX COORDINATOR

equity@unomaha.edu

INTERIM TITLE IX COORDINATOR

Sarah Weil | sweil@unomaha.edu
211 EAB | 402.554.2120

TITLE IX INVESTIGATOR/EDUCATION COORDINATOR

Scott Seeba | sseeba@unomaha.edu
211 EAB | 402.554.3985

On Campus Resources

PUBLIC SAFETY

402.554.2911

NEBRASKA MEDICINE – UNO HEALTH CENTER

102 H&K | healthservices.unomaha.edu | 402.554.2374

REQUEST AN ESCORT

To arrange an escort between classes or to and from your vehicle.
Main UNO Public Safety | 402.554.2648

On Campus Confidential Support Services

UNO'S VICTIM/SURVIVOR ADVOCACY SERVICES

A confidential resource available to assist victims in explaining the different options available to them.
112 MBSC | gsrc.unomaha.edu | 402.554.2890

UNO COUNSELING AND PSYCHOLOGICAL SERVICES

102 H&K | caps.unomaha.edu | 402.554.2409 (ext. 2 after hours)

Relevant University Policies

SEXUAL MISCONDUCT POLICY

Official documentation of the University of Nebraska Board of Regents Sexual Misconduct Policy and Procedures for Sexual Misconduct Complaints Against Students can be found at:

studentsafety.unomaha.edu/misconduct



In Case of Emergency

If you have experienced sexual or domestic violence, get to a safe place and seek medical attention at the nearest hospital.

On Campus dial: 4.2911 | Off Campus dial: 911

Local Off Campus Resources

POLICE

Omaha Police Department | 402.444.5600 or 911

CONFIDENTIAL SUPPORT AND ADVOCACY

An advocate from the Women's Center for Advancement (WCA) would also be able to help you complete a protection order request. There is also an advocate at the court house in the protection order office.

Women's Center for Advancement (WCA) | 402.345.6555

WCA 24-Hour Crisis Line (Se Habla Español) | 402.345.7273

MEDICAL/MENTAL HEALTH

Methodist Hospital | 8303 Dodge Street | 402.345.4000

Methodist Women's Hospital | 707 N. 190th Plz. | 402.815.4000

Methodist Hospital Sexual Assault and Domestic Violence Hotline | 402.354.4424

Available 24 hours per day, 7 days per week.

PROTECTION ORDER OFFICE

Douglas County Court House | 402.444.4350

LEGAL

Nebraska Legal Aid | 402.348.1069

Lawyer Referral Service | 402.280.3603

FINANCIAL

Nebraska Crime Victim's Compensation | 402.471.2828

NATIONAL SUPPORT SERVICES

National Domestic Violence Hotline | 1.800.799.SAFE (7233)

National Sexual Assault Hotline | 1.800.656.HOPE (4673)

National Teen Dating Abuse Hotline | 1.866.331.9474

We encourage survivors or witnesses to report misconduct online.

[ABOUT.UNOMAHA.EDU/TITLEIX]

▶▶▶ **APPENDIX S**

UNO Title IX Pocket Brochure

VICTIM'S BILL OF RIGHTS

Victims are not required to file a crime report, but are encouraged to do so.

Regardless of whether or not a victim chooses to report the crime, protective measures will be provided if the victim requests them and if they are reasonably available.

You Have The Right To...

- Be informed of all reporting options.
- Be free from pressure to make a criminal report.
- Have any allegations of sexual harassment, sexual assault, domestic violence, dating violence, and stalking investigated and adjudicated by the appropriate campus, civil, and criminal authorities.
- Be notified of existing campus and community medical, victim advocacy, legal assistance, visa and immigration assistance, student financial aid assistance, counseling, and mental health services whether or not the crime is reported to campus or civil authorities.
- Be informed of options for, available assistance in, and how to request changes to academic, living, and working situations, as well as protective measures offered by the University of Nebraska at Omaha.

OPTIONS FOR MAKING A REPORT

Filing a criminal complaint

Victims of sexual assault can file a criminal complaint by contacting UNO Public Safety or calling the Omaha Police Department.

PUBLIC SAFETY: 402.554.2911 OR 402.554.2648
100 EAB | 6001 Dodge Street | Omaha, NE 68182
OMAHA POLICE: 402.444.5600 OR 9-1-1

Filing a complaint with UNO

In addition to or in lieu of filing a criminal complaint, students who feel they have been the victim of sexual harassment, assault or misconduct have the right to file a complaint with the university at any time even if police conclude they do not have sufficient evidence for a criminal violation.

A complaint of this nature against a student, employee, or other person connected to the University of Nebraska at Omaha can be filed with the Title IX Coordinator.

Complete Online Misconduct Report at: studentsafety.unomaha.edu/incident
Call to report: **402.554.2120**
Mail to: Diversity, Equity, Access, and Inclusion 211 EAB, Omaha, NE 68182

OPTIONS FOR NO-CONTACT ORDERS

Victims of sexual harassment, sexual assault, domestic violence, dating violence, and stalking may wish to prevent their attacker from contacting them.

3 types of no-contact orders:

1. **Criminal No-Contact Orders**
2. **Civil Protection Orders**
3. **University-Based No-Contact Orders**

All three are issued through different processes and can all be active concurrently.

UNO will assist in the enforcement of any type of no-contact order if the order is known. Violations for criminal no-contact orders and civil protection orders could result in criminal charges, while violations of university-based no-contact orders may result in disciplinary action by the university.

UNO's Victim/Survivor Advocates are available to assist in explaining the different options available.

Criminal No-Contact Orders

When a criminal charge has been filed, the court can issue a no-contact order prohibiting the defendant from contacting victim(s). These may expire at the end of a criminal case, and victims should keep in contact with their victim witness coordinator and prosecutor to be informed of if and when a no-contact order has been imposed or will expire.

Civil Protection Orders

Unlike criminal no-contact orders, victims can obtain petitions for civil protection orders at their local courthouse at no cost, even if there is no related criminal case. Whether or not a victim qualifies for a civil protection order depends on the prior relationship between the victim and attacker and the nature of the abuse.

Civil protection orders are set for a determined period of time, and a victim may petition the court to have the time extended.

The law permits the following people to request a civil protection order:

- Spouses, former spouses, persons related by blood, adoption or marriage
- Persons who live or have lived together
- Persons who have a child in common regardless of if they have been married or lived together
- Adults who have had or are in a dating relationship
- Minor children who have had or are in a dating relationship
- Parents, non-custodial parents, or guardians on behalf of minor children who have had or are in a dating relationship

University-Based No-Contact Orders

UNO may choose to impose a university-based no-contact order when appropriate. To request a university-based no-contact order, please contact:

INTERIM TITLE IX COORDINATOR

Sarah Weil | sweil@unomaha.edu
211 Eppley Administration Building | 402.554.2120

TITLE IX INVESTIGATOR/EDUCATION COORDINATOR

Scott Seeba | sseeba@unomaha.edu
211 Eppley Administration Building | 402.554.3985

UNO'S VICTIM/SURVIVOR ADVOCACY SERVICES

A confidential resource available to assist victims in explaining the different options available to them.

402.554.2890 | gsrc.unomaha.edu

The University of Nebraska at Omaha shall not discriminate based upon age, race, ethnicity, color, national origin, gender-identity, sex, pregnancy, disability, sexual orientation, genetic information, veteran's status, marital status, religion, or political affiliation. 0222BRODEAI1020

THE POWER OF

IX

Resources for survivors of sexual assault, domestic violence, dating violence, and stalking.

UNIVERSITY OF
Nebraska
Omaha



WHAT TO DO IF YOU ARE A VICTIM OF SEXUAL ASSAULT



Get To A Safe Place

Your safety is important. If you're not feeling safe, consider reaching out to someone you trust for support.



Seek Counseling

Confidential counseling is available to all students through UNO's Counseling and Psychological Services.



Talk To Someone You Trust

UNO's Gender and Sexuality Resource Center offers confidential, no-cost support and advocacy to people of all genders. Staff can help identify resources and options.



Seek Medical Attention

Local hospitals can provide medical services and evidence collection. Medical services are also provided on campus by Health Services.

FOR SEVERE INJURIES CALL 9-1-1 IMMEDIATELY



Preserve Physical Evidence

Physical evidence may be necessary to prosecute the offender and be helpful in obtaining a protection order. If at all possible, do not bathe, wash your hands, use the toilet, drink, smoke, change clothing, use the restroom or brush your teeth following an assault. Collection of evidence is conducted at local hospitals.



Report The Incident

Students are encouraged to report incidents of sexual assault to UNO Public Safety or to Omaha Police. This is NOT a requirement and students have additional reporting options that can be reviewed with a confidential Victim/Survivor Advocate the UNO Gender and Sexuality Resource Center.

VICTIM/SURVIVOR ADVOCACY SERVICES ON CAMPUS

UNO provides free, confidential advocacy services and resources for students, staff, and faculty who have experienced relationship violence and sexual assault.

VICTIM/SURVIVOR ADVOCACY SERVICES

Gender and Sexuality Resource Center

6001 Dodge Street | Omaha, NE 68182

112 Milo Bail Student Center | 402.554.2890

UNO 24-HOUR CRISIS LINE | 402.554.2409 ext. 2



ADVOCACY RESPONSE

- We will meet with you privately or at a place of your choice to make a report.
- We will assist you in receiving hospital, medical, counseling, and other support services even if you choose not to pursue criminal charges.
- Our advocates will not prejudge you, and you will not be blamed for what occurred.
- We will treat you and your particular situation with courtesy, sensitivity, dignity, understanding, and professionalism.
- We will consider your situation, regardless of your gender identity and sexual orientation, and regardless of the gender identity and sexual orientation of the suspect(s).

OFFICE OF DIVERSITY, EQUITY, ACCESS, AND INCLUSION

6001 Dodge Street | Omaha, NE 68182

211 EAB | 402.554.2120

equity@unomaha.edu | about.unomaha.edu/titleix

On Campus Resources

PUBLIC SAFETY

402.554.2911

INTERIM TITLE IX COORDINATOR

211 EAB | equity@unomaha.edu | 402.554.2120

TITLE IX INVESTIGATOR/EDUCATION COORDINATOR

211 EAB | 402.554.3985

NEBRASKA MEDICINE – UNO HEALTH CENTER

102 H&K | 402.554.2374

On Campus Confidential Support Services

UNO COUNSELING AND PSYCHOLOGICAL SERVICES

102 H&K | 402.554.2409

GENDER AND SEXUALITY RESOURCE CENTER

112 Milo Bail Student Center | 402.554.2890

Relevant University Policies

SEXUAL MISCONDUCT POLICY

Official documentation of the University of Nebraska Board of Regents Sexual Misconduct Policy and Procedures for Sexual Misconduct Complaints Against Students can be found at:

studentsafety.unomaha.edu/misconduct

Local Off Campus Resources

POLICE

Omaha Police Department | 402.444.5600 or 911

CONFIDENTIAL SUPPORT AND ADVOCACY

Women's Center for Advancement (WCA) | 402.345.6555

WCA 24-Hour Crisis Line (Se Habla Español)

402.345.7273

MEDICAL/MENTAL HEALTH

Methodist Hospital

8303 Dodge Street | 402.345.4000

Methodist Women's Hospital

707 N. 190th Plz. | 402.815.4000

Methodist Hospital Sexual Assault

and Domestic Violence Hotline

402.354.4424

PROTECTION ORDER OFFICE

Douglas County Court House | 402.444.4350

LEGAL

Nebraska Legal Aid | 402.348.1069

Lawyer Referral Service | 402.280.3603

FINANCIAL

Nebraska Crime Victim's Compensation | 402.471.2828

IN CASE OF EMERGENCY: CALL 911

REPORTING OPTIONS

Retaliation against anyone who reports sexual assault is strictly prohibited. Reports of retaliatory behavior will be addressed immediately.

UNIVERSITY OF
Nebraska
Omaha



▶▶▶ **APPENDIX T**

UNO Title IX Poster

THE POWER OF IX

Title IX prohibits sex discrimination in educational institutions that receive federal funding.



The ban includes sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking.



Applies to students, faculty, staff, or anyone present on campus regardless of sexual orientation, immigration status, gender identity, or disability status.



Retaliation for reporting is prohibited by law and covered under Title IX.



DIVERSITY, EQUITY,
ACCESS, AND INCLUSION

UNO IS A PLACE OF RESPECT AND SAFETY.

The University of Nebraska at Omaha is committed to providing an environment that is free of discrimination and safe for all members of our campus community.

WHERE TO REPORT INCIDENTS

UNO responds to all complaints concerning discrimination and harassment, and has dedicated administrators to handle Title IX concerns.

TITLE IX REPORTS
equity@unomaha.edu

INTERIM TITLE IX COORDINATOR
Sarah Weil | sweil@unomaha.edu
211 Eppley Administration Building | 402.554.2120

TITLE IX INVESTIGATOR/EDUCATION COORDINATOR
Scott Seeba | sseeba@unomaha.edu
211 Eppley Administration Building | 402.554.3985

IN CASE OF EMERGENCY

If you have experienced sexual or domestic violence, get to a safe place and seek medical attention at the nearest hospital.

ON CAMPUS DIAL: 4.2911 or 4.2648 **OFF CAMPUS DIAL:** 911

ON CAMPUS CONFIDENTIAL SUPPORT RESOURCES

GENDER & SEXUALITY RESOURCE CENTER (GSRC)
Victim/Survivor Advocates 402.554.2890 | gsrc.unomaha.edu

COUNSELING & PSYCHOLOGICAL SERVICES (CAPS)
402.554.2409 (after hours press '2') | caps.unomaha.edu

NEBRASKA MEDICINE – UNO HEALTH CENTER
402.554.2374 | healthservices.unomaha.edu

**WE ENCOURAGE SURVIVORS OR WITNESSES
TO REPORT MISCONDUCT ONLINE.**

[ABOUT.UNOMAHA.EDU/TITLEIX]

UNIVERSITY OF
Nebraska
Omaha

▶▶▶ **APPENDIX U**

Memorandum of Understanding (MOU) with the Buffalo County Attorney's Office

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
BUFFALO COUNTY ATTORNEY'S OFFICE
AND BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA**

1. Parties.

1.1 The Buffalo County Attorney's Office (hereinafter BCAO) has among its responsibilities the duty to prosecute criminal cases arising under the laws of the State of Nebraska as provided in Neb. Rev. Stat. §§ 23-1201 *et seq.*, to inform crime victims and witnesses of their rights under Neb. Const. art. I, § 28 and Neb. Rev. Stat. §§ 81-1843 to 81-1851, and to conduct investigations and issue subpoenas as authorized under Neb. Rev. Stat. § 86-2,112.

1.2 The Board of Regents of the University of Nebraska (hereinafter BRUN) is responsible for the general governance of the University of Nebraska, which includes the University of Nebraska at Kearney (UNK). See Neb. Const. art. VII, § 10, Neb. Rev. Stat. §§ 85-101 *et seq.* The campuses and physical facilities of UNK are located in the City of Kearney, Buffalo County, Nebraska. UNK has a Department of Police and Parking Services (UNKPD) that employs certified law enforcement officers with powers of arrest.

2. Purpose

2.1 BRUN is a recipient of federal funds and required to comply with provisions of Title IX of the Education Amendments of 1972 as amended (Title IX), 20 U.S.C. §§ 1681 *et seq.*, which prohibits various forms of sexual discrimination, including sexual harassment. BRUN must also comply with the Crime Awareness and Campus Security Act of 1990 (Clery Act) as amended, 20 U.S.C. § 1092(a)(O) and (f), which among other things, encourages working relationships of campus security personnel with State and local law enforcement agencies.

2.2. BRUN has responsibilities under Title IX and the Clery Act to address violations of civil and criminal law which affect members of the UNK campus community. UNK has codes of student and employee conduct which proscribe acts which are also violations of civil and or criminal law. BRUN may need to respond to the needs of victims and the campus community and sanction violators as a result of the same facts which give rise to civil litigation or criminal prosecution.

2.3 One goal of this MOU is to allow BRUN to respond to wrongful acts without interfering with criminal prosecution by BCAO.

3. Referral

3.1 BRUN and UNK shall refer persons to, and encourage accurate and prompt reporting of all crimes to the UNKPD and the appropriate law enforcement agencies.

3.2 BCAO shall notify victims and witnesses of sexual or domestic assault of

their Title IX rights and the UNK sexual harassment procedures if they or the alleged perpetrator have an association with UNK.

4. Investigation

4.1 BRUN agrees that UNK will contact BCAA before beginning a Title IX or other disciplinary investigation to avoid interfering with any ongoing criminal investigation being handled by BCAA.

4.2 BCAA agrees to promptly inform UNK of the time when UNK can commence its Title IX investigation to comply with the time frame specified by the United States Department of Education, Office of Civil Rights.

4.3 If UNKPD is the law enforcement agency investigating a case being handled by BCAA, UNK shall not request UNKPD to investigate the matter for Title IX or UNK disciplinary purposes.

5. Access

5.1 BCAA shall not be expected by BRUN to provide access to law enforcement investigation materials relevant to a UNK Title IX or disciplinary investigation until BCAA has provided such information to the defense in discovery.

5.2 BRUN shall not provide BCAA access to UNK Title IX or disciplinary investigation, hearing or appeal materials without a valid subpoena conforming with regulations implementing the Family Education Privacy Rights Act (FERPA), 20 U.S.C. § 1232g.

Buffalo County Attorney's Office

Board of Regents of the University
of Nebraska on behalf of UNK

By: 

Shawn R. Eatherton
Buffalo County Attorney

By: 

John C. Wiltse
Deputy General Counsel
University of Nebraska

▶▶▶ **APPENDIX V**

Memorandum of Understanding (MOU) with the Buffalo County SAFE Project



UNIVERSITY OF NEBRASKA KEARNEY

DIVISION OF STUDENT AFFAIRS
Counseling & Health Care Department

January 11, 2021

To Whom it May Concern,

For many years, the Department of Student Health and Counseling at the University of Nebraska at Kearney, and the SAFE Center have enjoyed a collaborative relationship in support of victims of domestic violence and sexual assault. We share a vision for a healthy and thriving Kearney community where women and men who have experienced a significant trauma receive comfort, support, and advocacy. The SAFE Center has been an invaluable resource to UNK faculty and students not only for counseling services, but also for creative programming associated with prevention, education and awareness on sexual and domestic violence as well as stalking. This relationship is necessary and vital toward keeping our campus and community educated, aware and ultimately, safe.

Please consider this letter as our commitment toward utilizing the SAFE Center as a referral source for counseling, advocacy, and as well as prevention and education services. We will continue to work shoulder to shoulder in serving the community to assist victims of violence in providing the individualized support that they need.

Sincerely,

Wendy L. Schardt, NCC, MHP, CPM
Director of Student Health and Counseling, UNK

Memorial Student Affairs Building / 2510 Eleventh Avenue / Kearney, NE 68849 / www.unk.edu
Counseling Care / (308) 865-8248 / FAX (308) 865-8897 / Health Care / (308) 865-8218 / FAX (308) 865-8680

▶▶▶ **APPENDIX W**

Memorandum of Understanding (MOU) with the Lancaster County Attorney's Office

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
LANCASTER COUNTY ATTORNEY'S OFFICE
AND BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA**

1. Parties.

1.1 The Lancaster County Attorney's Office (hereinafter LCAO) has among its responsibilities the duty to prosecute criminal cases arising under the laws of the State of Nebraska as provided in Neb. Rev. Stat. §§ 23-1201 *et seq.*, to inform crime victims and witnesses of their rights under Neb. Const. art. I, § 28 and Neb. Rev. Stat. §§ 81-1843 to 81-1851, and to conduct investigations and issue subpoenas as authorized under Neb. Rev. Stat. § 86-2,112.

1.2 The Board of Regents of the University of Nebraska (hereinafter BRUN) is responsible for the general governance of the University of Nebraska, which includes the University of Nebraska at Kearney (UNL). See Neb. Const. art. VII, § 10, Neb. Rev. Stat. §§ 85-101 *et seq.* The campuses and physical facilities of UNL are primarily located in the City of Lincoln, Lancaster County, Nebraska. UNL has a Police Department (UNLPD) that employs certified law enforcement officers with powers of arrest.

2. Purpose

2.1 BRUN is a recipient of federal funds and required to comply with provisions of Title IX of the Education Amendments of 1972 as amended (Title IX), 20 U.S.C. §§ 1681 *et seq.*, which prohibits various forms of sexual discrimination, including sexual harassment. BRUN must also comply with the Crime Awareness and Campus Security Act of 1990 (Clery Act) as amended, 20 U.S.C. § 1092(a)(O) and (f), which among other things, encourages working relationships of campus security personnel with State and local law enforcement agencies.

2.2. BRUN has responsibilities under Title IX and the Clery Act to address violations of civil and criminal law which affect members of the UNL campus community. UNL has codes of student and employee conduct which proscribe acts which are also violations of civil and or criminal law. BRUN may need to respond to the needs of victims and the campus community and sanction violators as a result of the same facts which give rise to civil litigation or criminal prosecution.

2.3 One goal of this MOU is to allow BRUN to respond to wrongful acts without interfering with criminal prosecution by LCAO.

3. Referral

3.1 BRUN and UNL shall refer persons to, and encourage accurate and prompt reporting of all crimes to the UNLPD and the appropriate law enforcement agencies.

3.2 LCAO shall notify victims and witnesses of sexual or domestic assault of

their Title IX rights and the UNL sexual harassment procedures if they or the alleged perpetrator have an association with UNL.

4. Investigation

4.1 BRUN agrees that UNL will contact LCAO before beginning a Title IX or other disciplinary investigation to avoid interfering with any ongoing criminal investigation being handled by LCAO.

4.2 LCAO agrees to promptly inform UNL of the time when UNL can commence its Title IX investigation to comply with the time frame specified by the United States Department of Education, Office of Civil Rights.

4.3 If UNLPD is the law enforcement agency investigating a case being handled by LCAO, UNL shall not request UNLPD to investigate the matter for Title IX or UNL disciplinary purposes.

5. Access

5.1 LCAO shall not be expected by BRUN to provide access to law enforcement investigation materials relevant to a UNL Title IX or disciplinary investigation until LCAO has provided such information to the defense in discovery.

5.2 BRUN shall not provide LCAO access to UNL Title IX or disciplinary investigation, hearing or appeal materials without a valid subpoena conforming with regulations implementing the Family Education Privacy Rights Act (FERPA), 20 U.S.C. § 1232g.

Lancaster County Attorney's Office

Board of Regents of the University
of Nebraska on behalf of UNL

By: _____

Joe Kelly

Lancaster County Attorney

By: _____

John Wiltse

Deputy General Counsel
University of Nebraska

▶▶▶ **APPENDIX X**

Memorandum of Understanding (MOU) between IEC and UNLPD

MEMORANDUM OF OPERATING PROCEDURES

THIS MEMORANDUM OF OPERATING PROCEDURES is approved by the Chancellor of University of Nebraska-Lincoln (UNL) effective **January 19, 2016**, to provide written operating procedures related to UNL's response to allegations of sexual misconduct between two departments at UNL: the Office of Institutional Equity and Compliance (IEC) and the University Police (UNLPD).

WHEREAS, UNL is committed to maintaining a strong, safe, and vibrant UNL community;

WHEREAS, UNL employs a unit of commissioned law enforcement officers, (UNLPD), that exercises such authority and jurisdiction granted by the laws of the State of Nebraska; and

WHEREAS, IEC houses the Title IX Coordinator and is responsible for administratively investigating complaints of discrimination and sexual harassment, including sexual assault, domestic violence, dating violence and stalking;

WHEREAS, UNL acknowledges that crime occurring on campus and in certain areas off campus is a serious problem that warrants continued cooperation, collaboration, and communication, to the extent allowable under law, and UNL desires to optimize its institutional capability to assist crime victims and facilitate appropriate prosecution and/or administrative responses when a crime or incident affecting a UNL student or employee occurs;

WHEREAS, the Chancellor desires to further clarify how IEC and UNLPD may cooperate in their response to allegations of sexual misconduct in certain circumstances as more fully described herein.

NOW, THEREFORE, the Chancellor approves the following operating procedures for IEC and UNLPD:

1. Incidents of sexual misconduct.

- a. Incidents required to be reported to or investigated by IEC under Title IX include sexual harassment, sexual assault, sexual misconduct, stalking and domestic or dating violence. **(Incidents)** As set forth herein, IEC and UNLPD agree to confer and cooperate, to the extent permitted by law, especially regarding the following Incidents:
 - i. on campus incidents;
 - ii. off campus incidents that involve a UNL student or employee;
 - iii. incidents involving a UNL student, employee, visitor or other person attending a UNL-sponsored event or activity that occurred on or off UNL owned or controlled property; and/or
- b. IEC and UNLPD will communicate regularly during their respective investigations, to the extent permitted by law. IEC and UNLPD recognize the need to balance the interests of the criminal process and UNL's obligations under Title IX.

- c. UNLPD will notify IEC of any Incident. UNLPD will provide IEC with the victim's name and basic information about the Incident. In some cases, IEC may need to take immediate action to provide interim academic, housing or other measures, take steps to protect the victim(s) and take steps to keep the UNL campus safe. UNLPD will cooperate with IEC to provide such interim measures. IEC will delay initiating its own investigation to the extent reasonably possible to prevent interference with a criminal investigation. Upon notice of an investigation by UNLPD, IEC will limit information regarding the incident to only those administrative units with an absolute need to know to provide interim measures and protect the campus community. In such cases, UNLPD will notify IEC when it has completed its initial investigation and will provide notification to IEC when initiation of its investigation will not interfere with the criminal investigation. IEC will delay its investigation to allow UNLPD to conduct its investigation only to the extent the delay is consistent with applicable federal law or guidance.
 - d. UNLPD investigators will provide victims with a victim's resource and information sheet regarding IEC's complaint process, the availability of interim measures, and campus resources.
 - e. UNLPD investigators will provide victims with a safety plan, upon request from IEC. Safety plans will be provided by UNLPD, even if a victim does not wish to report the incident for purposes of a criminal investigation.
 - f. UNLPD will conduct a threat assessment when behaviors warrant.
 - g. When IEC receives a report of sexual violence, it will inform the victim of the right to file a criminal complaint. Upon request and written consent, IEC will coordinate and assist the victim in contacting UNLPD.
 - h. Upon request, IEC and UNLPD will provide one another with information and records to the extent allowed or required by law and in accordance with applicable policy in order to effectuate investigations and ensure safety.
 - i. If IEC believes there is a threat of safety and/or harm to the victim or UNL community, IEC may request a threat assessment be performed by UNLPD. UNLPD will call a meeting of the appropriate threat assessment team members to evaluate the perceived threat. The threat assessment team will work collaboratively to evaluate the perceived threat and recommend a plan to address the threat, to the extent one is deemed to be necessary.
2. **Collection of Crime Statistics.** UNL is required by federal law to collect and publish statistics for reports of certain crimes, including crimes that occur on and

around campus. Information will be provided by each unit as necessary to comply with federal reporting requirements.

3. Emergency Notification and Crime Alerts.

- a. IEC and UNLPD acknowledge that UNL is required by federal law to have an emergency notification process to alert the campus community about significant emergencies or dangerous situations that pose an immediate threat to the health or safety of students or employees occurring on campus. UNL is also required by federal law to issue timely warnings to alert the campus community about crimes that pose a serious or continuing threat to safety when a crime is ongoing or may be repeated. UNL has delegated the responsibility of these notifications to UNLPD.
- b. When IEC is aware of a significant emergency, dangerous situation, or ongoing crime that poses an immediate threat to the health and safety of UNL's students, faculty or staff, IEC may notify UNLPD so UNLPD can determine whether an emergency notification or timely warning should be issued.

4. Training. IEC and UNLPD will continue to collaborate to provide education and training opportunities of interest to the UNL community. Specific education and training opportunities will be separately agreed to by IEC and UNLPD, and may include the following:

- a. IEC and UNLPD agree to share information about education and training opportunities that may be of interest to the other party and to share information from training sessions of mutual interest.
- b. Upon request, IEC agrees to provide relevant training to UNLPD personnel regarding UNL's obligations under federal law, including Title IX, to respond to incidents of sexual violence involving members of the UNL community. This training may include information about UNL policies and procedures, the differences between IEC's investigation process and the criminal process, university resources, and other information that would be of value to UNLPD.
- c. Upon request, UNLPD agrees to provide relevant training to IEC employees, including those with responsibility for investigating, responding to or reporting incidents and those providing support services to IEC and UNLPD involved in Title IX incidents.
- d. Upon mutual concurrence, IEC and UNLPD may extend invitations to community partners or the UNL community at large to participate in any training program.

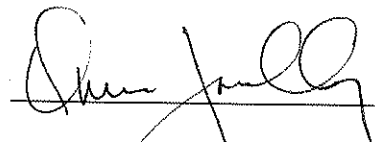
5. **Quarterly Meetings.** IEC and UNLPD will meet quarterly or as otherwise agreed, to discuss matters relating to this Memorandum, including:
- a. Critically evaluate and discuss the effectiveness of their cooperation and identify areas for improvement;
 - b. Review and confirm the accuracy of the information contained on sexual misconduct materials (such as the information sheet and victim resource card); and
 - c. Discuss any other matters of importance.
6. **Modification.** This Memorandum may be modified only in writing approved by the Chancellor. IEC and UNLPD shall endeavor to examine this Memorandum biennially, to advise the Chancellor on compatibility and effectiveness with any changes in laws, policies, or circumstances.

IN WITNESS WHEREOF, the undersigned hereto have acknowledged and approved this Memorandum 19th day of January, 2016.

Acknowledged:

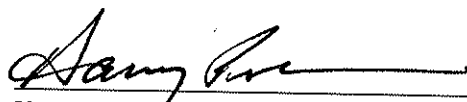


Director
UNL Institutional Equity and Compliance



Chief of Police
UNL Police

Approved:



Chancellor

▶▶▶ **APPENDIX Y**

Memorandum of Understanding (MOU) with the Frontier County Attorney's Office

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
FRONTIER COUNTY ATTORNEY'S OFFICE
AND BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA**

1. Parties.

1.1 The Frontier County Attorney's Office (hereinafter FCAO) has among its responsibilities the duty to prosecute criminal cases arising under the laws of the State of Nebraska as provided in Neb. Rev. Stat. §§ 23-1201 *et seq.*, to inform crime victims and witnesses of their rights under Neb. Const. art. I, § 28 and Neb. Rev. Stat. §§ 81-1843 to 81-1851, and to conduct investigations and issue subpoenas as authorized under Neb. Rev. Stat. § 86-2,112.

1.2 The Board of Regents of the University of Nebraska (hereinafter BRUN) is responsible for the general governance of the University of Nebraska, which includes the Nebraska College of Technical Agriculture (NCTA). *See* Neb. Const. art. VII, § 10, Neb. Rev. Stat. § 85-121. The campuses and physical facilities of NCTA are located in Curtis, Frontier County, Nebraska. The University of Nebraska at Kearney (UNK) has a Department of Police and Parking Services (UNKPD), and the University of Nebraska-Lincoln has a Police Department (UNLPD) that employ certified law enforcement officers with powers of arrest.

2. Purpose

2.1 BRUN is a recipient of federal funds and required to comply with provisions of Title IX of the Education Amendments of 1972 as amended (Title IX), 20 U.S.C. §§ 1681 *et seq.*, which prohibits various forms of sexual discrimination, including sexual harassment. BRUN must also comply with the Crime Awareness and Campus Security Act of 1990 (Clery Act) as amended, 20 U.S.C. § 1092(a)(O) and (f), which among other things, encourages working relationships of campus security personnel with State and local law enforcement agencies.

2.2. BRUN has responsibilities under Title IX and the Clery Act to address violations of civil and criminal law which affect members of the NCTA campus community. NCTA has codes of student and employee conduct which proscribe acts which are also violations of civil and or criminal law. BRUN may need to respond to the needs of victims and the campus community and sanction violators as a result of the same facts which give rise to civil litigation or criminal prosecution.

2.3 One goal of this MOU is to allow BRUN to respond to wrongful acts without interfering with criminal prosecution by FCAO.

3. Referral

3.1 BRUN and NCTA shall refer persons to, and encourage accurate and prompt reporting of all crimes to the Frontier County Sheriff's Office and the appropriate law enforcement agencies.

3.2 FCAO shall notify victims and witnesses of sexual or domestic assault of

their Title IX rights and the NCTA sexual harassment procedures if they or the alleged perpetrator have an association with NCTA.

4. Investigation

4.1 BRUN agrees that NCTA will contact FCAO before beginning a Title IX or other disciplinary investigation to avoid interfering with any ongoing criminal investigation being handled by FCAO.

4.2 FCAO agrees to promptly inform NCTA of the time when NCTA can commence its Title IX investigation to comply with the time frame specified by the United States Department of Education, Office of Civil Rights.

4.3 If UNKPD or UNLPD is the law enforcement agency investigating a case being handled by FCAO, NCTA shall not request UNKPD or UNLPD to investigate the matter for Title IX or NCTA disciplinary purposes.

5. Access

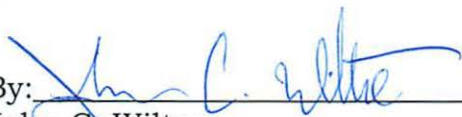
5.1 FCAO shall not be expected by BRUN to provide access to law enforcement investigation materials relevant to a NCTA Title IX or disciplinary investigation until FCAO has provided such information to the defense in discovery.

5.2 BRUN shall not provide FCAO access to UNK Title IX or disciplinary investigation, hearing or appeal materials without a valid subpoena conforming with regulations implementing the Family Education Privacy Rights Act (FERPA), 20 U.S.C. § 1232g.

Frontier County Attorney's Office

By: 
Jon S. Schroeder
Frontier County Attorney

Board of Regents of the University
of Nebraska on behalf of NCTA

By: 
John C. Wiltse
Deputy General Counsel
University of Nebraska

▶▶▶ **APPENDIX Z**

Memorandum of Understanding (MOU) with the Douglas County Attorney's Office

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
DOUGLAS COUNTY ATTORNEY'S OFFICE
AND BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA
FOR UNIVERSITY OF NEBRASKA MEDICAL CENTER (UNMC)**

1. Parties.

1.1 The Douglas County Attorney's Office (hereinafter DCAO) has among its responsibilities the duty to prosecute criminal cases arising under the laws of the State of Nebraska as provided in Neb. Rev. Stat. §§ 23-1201 *et seq.*, to inform crime victims and witnesses of their rights under Neb. Const. art. I, § 28 and Neb. Rev. Stat. §§ 81-1843 to 81-1851, and to conduct investigations and issue subpoenas as authorized under Neb. Rev. Stat. § 86-2,112.

1.2 The Board of Regents of the University of Nebraska (hereinafter BRUN) is responsible for the general governance of the University of Nebraska, which includes the University of Nebraska Medical Center (UNMC). See Neb. Const. art. VII, § 10, Neb. Rev. Stat. §§ 85-101 *et seq.* The campuses and physical facilities of UNMC are primarily located in the City of Omaha, Douglas County, Nebraska.

2. Purpose

2.1 BRUN is a recipient of federal funds and required to comply with provisions of Title IX of the Education Amendments of 1972 as amended (Title IX), 20 U.S.C. §§ 1681 *et seq.*, which prohibits various forms of sexual discrimination, including sexual harassment. BRUN must also comply with the Crime Awareness and Campus Security Act of 1990 (Clery Act) as amended, 20 U.S.C. § 1092(a)(O) and (f), which among other things, encourages working relationships of campus security personnel with State and local law enforcement agencies.

2.2 BRUN has responsibilities under Title IX and the Clery Act to address violations of civil and criminal law which affect members of the UNMC campus community. UNMC has codes of student and employee conduct which proscribe acts which are also violations of civil and or criminal law. BRUN may need to respond to the needs of victims and the campus community and sanction violators as a result of the same facts which give rise to civil litigation or criminal prosecution.

2.3 One goal of this MOU is to allow BRUN to respond to wrongful acts without interfering with criminal prosecution by DCAO.

3. Referral

3.1 BRUN and UNMC shall refer persons to, and encourage accurate and prompt reporting of all crimes to the Omaha Police Department and other appropriate law enforcement agencies.

3.2 DCAO shall notify victims and witnesses of sexual or domestic assault of their Title IX rights and the UNMC sexual harassment procedures if they or the alleged perpetrator have an association with UNMC.

4. Investigation

4.1 BRUN agrees that UNMC will contact DCAO before beginning a Title IX or other disciplinary investigation to avoid interfering with any ongoing criminal investigation being handled by DCAO.


4.2 DCAO agrees to promptly inform UNMC of the time when UNMC can commence its Title IX investigation to comply with the time frame specified by the United States Department of Education, Office of Civil Rights.

5. Access

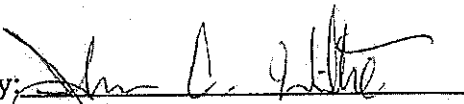
5.1 DCAO shall not be expected by BRUN to provide access to law enforcement investigation materials relevant to a UNMC Title IX or disciplinary investigation until DCAO has provided such information to the defense in discovery.

5.2 BRUN shall not provide DCAO access to UNMC Title IX or disciplinary investigation, hearing or appeal materials without a valid subpoena conforming with regulations implementing the Family Education Privacy Rights Act (FERPA), 20 U.S.C. § 1232g.

Douglas County Attorney's Office

By: 
Donald W. Kleine
Douglas County Attorney

Board of Regents of the University
of Nebraska on behalf of UNMC

By: 
John Wiltse
Deputy General Counsel
University of Nebraska

▶▶▶ **APPENDIX AA**

Memorandum of Understanding (MOU) with the Madison County Attorney's Office

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
MADISON COUNTY ATTORNEY'S OFFICE
AND BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA**

1. Parties.

1.1 The Madison County Attorney's Office (hereinafter MCAO) has among its responsibilities the duty to prosecute criminal cases arising under the laws of the State of Nebraska as provided in Neb. Rev. Stat. §§ 23-1201 *et seq.*, to inform crime victims and witnesses of their rights under Neb. Const. art. I, § 28 and Neb. Rev. Stat. §§ 81-1843 to 81-1851, and to conduct investigations and issue subpoenas as authorized under Neb. Rev. Stat. § 86-2,112.

1.2 The Board of Regents of the University of Nebraska (hereinafter BRUN) is responsible for the general governance of the University of Nebraska, which includes the University of Nebraska Medical Center (UNMC). *See* Neb. Const. art. VII, § 10, Neb. Rev. Stat. §§ 85-101 *et seq.* UNMC has health care education programs and physical facilities located in the City of Norfolk, Madison County, Nebraska. The University of Nebraska at Kearney (UNK) has a Department of Police and Parking Services (UNKPD), and the University of Nebraska-Lincoln (UNL) has a Police Department (UNLPD) that employ certified law enforcement officers with powers of arrest.

2. Purpose.

2.1 BRUN is a recipient of federal funds and required to comply with provisions of Title IX of the Education Amendments of 1972 as amended (Title IX), 20 U.S.C. §§ 1681 *et seq.*, which prohibits various forms of sexual discrimination, including sexual harassment. BRUN must also comply with the Crime Awareness and Campus Security Act of 1990 (Clery Act) as amended, 20 U.S.C. § 1092(a)(O) and (f), which among other things, encourages working relationships of campus security personnel with State and local law enforcement agencies.

2.2 BRUN has responsibilities under Title IX and the Clery Act to address violations of civil and criminal law which affect members of the UNMC campus community. UNMC has codes of student and employee conduct which proscribe acts which are also violations of civil and or criminal law. BRUN may need to respond to the needs of victims and the campus community and sanction violators as a result of the same facts which give rise to civil litigation or criminal prosecution.

2.3 One goal of this MOU is to allow BRUN to respond to wrongful acts without interfering with criminal prosecution by MCAO.

3. Referral.

3.1 BRUN and UNMC shall refer persons to, and encourage accurate and prompt reporting of all crimes to the Norfolk Police Department and appropriate law enforcement agencies.

3.2 MCAO shall notify victims and witnesses of sexual or domestic assault of their Title IX rights and the UNMC sexual harassment procedures if they or the alleged perpetrator have an association with UNMC.

4. Investigation.

4.1 BRUN agrees that UNMC will contact MCAO before beginning a Title IX or other disciplinary investigation to avoid interfering with any ongoing criminal investigation being handled by MCAO.

4.2 MCAO agrees to promptly inform UNMC of the time when UNMC can commence its Title IX investigation to comply with the time frame specified by the United States Department of Education, Office of Civil Rights.

4.3 If UNKPD or UNLPD is the law enforcement agency investigating a case being handled by MCAO, UNMC shall not request UNKPD or UNLPD to investigate the matter for Title IX or UNMC disciplinary purposes.

5. Access.

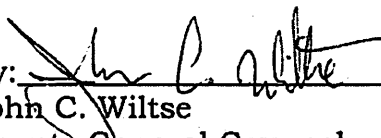
5.1 MCAO shall not be expected by BRUN to provide access to law enforcement investigation materials relevant to a UNMC Title IX or disciplinary investigation until MCAO has provided such information to the defense in discovery.

5.2 BRUN shall not provide MCAO access to UNMC Title IX or disciplinary investigation, hearing or appeal materials without a valid subpoena conforming with regulations implementing the Family Education Privacy Rights Act (FERPA), 20 U.S.C. § 1232g.

Madison County Attorney's Office

By: 
Joseph M. Smith
Madison County Attorney

Board of Regents of the University
of Nebraska on behalf of UNMC

By: 
John C. Wiltse
Deputy General Counsel
University of Nebraska

▶▶▶ **APPENDIX BB**

Memorandum of Understanding (MOU) with the Scottsbluff County Attorney's Office

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
SCOTTSBLUFF COUNTY ATTORNEY'S OFFICE
AND BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA**

1. Parties.

1.1 The Scottsbluff County Attorney's Office (hereinafter SCAO) has among its responsibilities the duty to prosecute criminal cases arising under the laws of the State of Nebraska as provided in Neb. Rev. Stat. §§ 23-1201 *et seq.*, to inform crime victims and witnesses of their rights under Neb. Const. art. I, § 28 and Neb. Rev. Stat. §§ 81-1843 to 81-1851, and to conduct investigations and issue subpoenas as authorized under Neb. Rev. Stat. § 86-2,112.

1.2 The Board of Regents of the University of Nebraska (hereinafter BRUN) is responsible for the general governance of the University of Nebraska, which includes the University of Nebraska Medical Center (UNMC). *See* Neb. Const. art. VII, § 10, Neb. Rev. Stat. §§ 85-101 *et seq.* UNMC has health care education programs and physical facilities located in the City of Scottsbluff, Scottsbluff County, Nebraska. The University of Nebraska at Kearney (UNK) has a Department of Police and Parking Services (UNKPD), and the University of Nebraska-Lincoln (UNL) has a Police Department (UNLPD) that employ certified law enforcement officers with powers of arrest.

2. Purpose.

2.1 BRUN is a recipient of federal funds and required to comply with provisions of Title IX of the Education Amendments of 1972 as amended (Title IX), 20 U.S.C. §§ 1681 *et seq.*, which prohibits various forms of sexual discrimination, including sexual harassment. BRUN must also comply with the Crime Awareness and Campus Security Act of 1990 (Clery Act) as amended, 20 U.S.C. § 1092(a)(O) and (f), which among other things, encourages working relationships of campus security personnel with State and local law enforcement agencies.

2.2. BRUN has responsibilities under Title IX and the Clery Act to address violations of civil and criminal law which affect members of the UNMC campus community. UNMC has codes of student and employee conduct which proscribe acts which are also violations of civil and or criminal law. BRUN may need to respond to the needs of victims and the campus community and sanction violators as a result of the same facts which give rise to civil litigation or criminal prosecution.

2.3 One goal of this MOU is to allow BRUN to respond to wrongful acts without interfering with criminal prosecution by SCAO.

3. Referral.

3.1 BRUN and UNMC shall refer persons to, and encourage accurate and prompt reporting of all crimes to the Scottsbluff Police Department and appropriate law enforcement agencies.

3.2 SCAO shall notify victims and witnesses of sexual or domestic assault of their Title IX rights and the UNMC sexual harassment procedures if they or the alleged perpetrator have an association with UNMC.

4. Investigation.

4.1 BRUN agrees that UNMC will contact SCAO before beginning a Title IX or other disciplinary investigation to avoid interfering with any ongoing criminal investigation being handled by SCAO.

4.2 SCAO agrees to promptly inform UNMC of the time when UNMC can commence its Title IX investigation to comply with the time frame specified by the United States Department of Education, Office of Civil Rights.

4.3 If UNKPD or UNLPD is the law enforcement agency investigating a case being handled by SCAO, UNMC shall not request UNKPD or UNLPD to investigate the matter for Title IX or UNMC disciplinary purposes.

5. Access.

5.1 SCAO shall not be expected by BRUN to provide access to law enforcement investigation materials relevant to a UNMC Title IX or disciplinary investigation until SCAO has provided such information to the defense in discovery.

5.2 BRUN shall not provide SCAO access to UNMC Title IX or disciplinary investigation, hearing or appeal materials without a valid subpoena conforming with regulations implementing the Family Education Privacy Rights Act (FERPA), 20 U.S.C. § 1232g.

Scottsbluff County Attorney's Office

Board of Regents of the University
of Nebraska on behalf of UNMC

By:  _____

Douglas Warner
Scottsbluff County Attorney

By:  _____

John C. Wiltse
Deputy General Counsel
University of Nebraska

▶▶▶ **APPENDIX CC**

Memorandum of Understanding (MOU) with the Douglas County Attorney's Office

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
DOUGLAS COUNTY ATTORNEY'S OFFICE
AND BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA
FOR UNIVERSITY OF NEBRASKA AT OMAHA (UNO)**

1. Parties.

1.1 The Douglas County Attorney's Office (hereinafter DCAO) has among its responsibilities the duty to prosecute criminal cases arising under the laws of the State of Nebraska as provided in Neb. Rev. Stat. §§ 23-1201 *et seq.*, to inform crime victims and witnesses of their rights under Neb. Const. art. I, § 28 and Neb. Rev. Stat. §§ 81-1843 to 81-1851, and to conduct investigations and issue subpoenas as authorized under Neb. Rev. Stat. § 86-2,112.

1.2 The Board of Regents of the University of Nebraska (hereinafter BRUN) is responsible for the general governance of the University of Nebraska, which includes the University of Nebraska at Omaha (UNO). See Neb. Const. art. VII, § 10, Neb. Rev. Stat. §§ 85-101 *et seq.* The campuses and physical facilities of UNO are located in the City of Omaha, Douglas County, Nebraska.

2. Purpose

2.1 BRUN is a recipient of federal funds and required to comply with provisions of Title IX of the Education Amendments of 1972 as amended (Title IX), 20 U.S.C. §§ 1681 *et seq.*, which prohibits various forms of sexual discrimination, including sexual harassment. BRUN must also comply with the Crime Awareness and Campus Security Act of 1990 (Clery Act) as amended, 20 U.S.C. § 1092(a)(O) and (f), which among other things, encourages working relationships of campus security personnel with State and local law enforcement agencies.

2.2 BRUN has responsibilities under Title IX and the Clery Act to address violations of civil and criminal law which affect members of the UNO campus community. UNO has codes of student and employee conduct which proscribe acts which are also violations of civil and or criminal law. BRUN may need to respond to the needs of victims and the campus community and sanction violators as a result of the same facts which give rise to civil litigation or criminal prosecution.

2.3 One goal of this MOU is to allow BRUN to respond to wrongful acts without interfering with criminal prosecution by DCAO.

3. Referral

3.1 BRUN and UNO shall refer persons to, and encourage accurate and prompt reporting of all crimes to the Omaha Police Department and other appropriate law enforcement agencies.

3.2 DCAO shall notify victims and witnesses of sexual or domestic assault of their Title IX rights and the UNO sexual harassment procedures if they or the alleged perpetrator have an association with UNO.

4. Investigation

4.1 BRUN agrees that UNO will contact DCAO before beginning a Title IX or other disciplinary investigation to avoid interfering with any ongoing criminal investigation being handled by DCAO.

4.2 DCAO agrees to promptly inform UNO of the time when UNO can commence its Title IX investigation to comply with the time frame specified by the United States Department of Education, Office of Civil Rights.

5. Access

5.1 DCAO shall not be expected by BRUN to provide access to law enforcement investigation materials relevant to a UNO Title IX or disciplinary investigation until DCAO has provided such information to the defense in discovery.

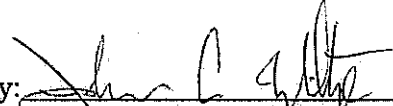
5.2 BRUN shall not provide DCAO access to UNO Title IX or disciplinary investigation, hearing or appeal materials without a valid subpoena conforming with regulations implementing the Family Education Privacy Rights Act (FERPA), 20 U.S.C. § 1232g.

Douglas County Attorney's Office

Board of Regents of the University
of Nebraska on behalf of UNO

By: 

Donald W. Kleine
Douglas County Attorney

By: 

John Wiltse
Deputy General Counsel
University of Nebraska