

UNIVERSITY OF NEBRASKA
SYSTEM SEXUAL HARASSMENT
AND TITLE IX COMPLIANCE REPORT

September 2023

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September 14, 2023

Senator Dave Murman, Chair
Members of the Education Committee
Nebraska Legislature

Dear Chairman Murman and members of the Education Committee,

On behalf of the University of Nebraska System, I respectfully submit the attached biennial report on sexual harassment and Title IX compliance at public postsecondary institutions pursuant to 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,

A handwritten signature in black ink that reads "Ted Carter". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ted Carter
President

▶▶▶ TITLE IX OVERVIEW

Background

The following report regarding sexual harassment and Title IX compliance is provided by the University of Nebraska System 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 System 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 SYSTEM SEXUAL HARASSMENT AND TITLE IX COMPLIANCE REPORT

Campus Climate Survey Results Related to Sexual Harassment

In 2021, the University of Nebraska System partnered with Gallup to develop two distinct climate surveys to identify strengths and opportunities related to the university's goal to proactively assess and improve its campus climate — one of students and the other of faculty and staff.

The student survey focused on students' education, campus diversity and inclusiveness, and relationships with other students. The faculty and staff survey concentrated on workplace satisfaction, diversity and inclusion, and communication. The studies 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 these surveys were 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 full report of the University of Nebraska System Climate Study can be found in **Appendix A**. The addendums breaking down the climate survey by campus and constituency, as well as security and safety reports (see Appendices B-D) for each campus, can be found [online](#).

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

As described below, University of Nebraska System 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 System 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 E

University of Nebraska–Lincoln

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

University of Nebraska Medical Center

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

University of Nebraska at Omaha

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

Policies, Initiatives & Grievance Procedures Adopted to Address Sexual Misconduct

University of Nebraska System Sexual Misconduct Policy

University of Nebraska System 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 I**.

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 System, 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 System 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 System 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 J**) and Executive Memorandum No. 39, Procedures for Sexual Misconduct Reports Against Employees (See **Appendix K**) 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.

The University of Nebraska System Sexual Misconduct Minimum Training Standards

The University of Nebraska System has implemented system-wide sexual misconduct minimum training standards that apply to all NU students, faculty and staff. Executive Memorandum No. 44, Sexual Misconduct Minimum Training Standards (See **Appendix L**) is available at <https://nebraska.edu/offices-policies/policies>

The policy includes requirements such as:

- ▶ In-person, peer-led sexual misconduct training for all students.
- ▶ Annual sexual misconduct training for all faculty and staff with compliance being incorporated into annual performance evaluations.
- ▶ Trauma-informed training on sexual misconduct for key campus programs and organizations.
- ▶ Implementation of bystander training programs on every campus.
- ▶ Student training on drug and alcohol use, including a review of relevant campus policies and the risks associated with drugs and alcohol.
- ▶ The further development of resources to report incidents of sexual misconduct, mental health and wellness resources, and resources for survivors.
- ▶ Enforcement tools to ensure compliance with every university stakeholder.
- ▶ Biennial climate surveys to assess issues relevant to sexual misconduct

The sexual misconduct minimum standards outlined in Executive Memorandum No. 44 are intended to increase consistency and collaboration on every campus.

Initiatives

Sexual Misconduct Awareness and Prevention Training Programs:

The University of Nebraska System 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. The University of Nebraska System requires all students, faculty, staff and campus community members to complete an annual online training course on the subjects of sexual harassment and bystander intervention. 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.

UNL's Collaborative on Sexual Misconduct

Formed in 2019, the University of Nebraska--Lincoln Collaborative on Sexual Misconduct is made up of students, faculty and staff. The Collaborative is charged with the role of expanding efforts to improve education, training and policy development to address sexual misconduct.

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

University of Nebraska System 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 UNOP) 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 Health Center Sexual Assault Nurse Examiner (SANE) Services		
The University of Nebraska Health Center offers confidential, no-cost sexual assault examinations for UNL students Monday through Friday, 8:00 a.m. to 5:00 p.m.	550 N. 19th St. Lincoln, NE 68588 (402) 472-5000	

University of Nebraska Medical Center		
Public Safety (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 System 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
University of Nebraska–Lincoln
128 Canfield Administration Building
(402) 472-3417
mcounley2@unl.edu

Alex Straatmann
University of Nebraska at Kearney
2113 Warner Hall
(308) 865-8655
straatmanna2@unk.edu

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

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

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

Drew Nielsen
University of Nebraska System
3835 Holdrege St., Lincoln, NE 68583
(402) 554-3715
dnielsen17@nebraska.edu

Alternative Reporting Mechanisms

Individual campus Title IX webpages maintain information about the various ways students and employees may report concerns of sexual harassment, including reporting forms that can be submitted through a secure portal.

- ▶ The University of Nebraska System has various online reporting mechanisms. Information can be found on each campus webpage.
- ▶ 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 System has various online reporting mechanisms. Information can be found on each campus webpage., 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 System Students and Employees to Address Concerns of Sexual Misconduct

There are numerous resources, programs, and support available to University of Nebraska System 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 Public Safety
 - Frontier County Sheriff
- ▶ Campus Advocacy Resources (Confidential)
 - UNK S.A.F.E. Center
 - UNL Center for Advocacy, Response & Education (CARE)
 - UNMC: Victim & Survivor Advocacy & Resources
 - UNO: Victim & Survivor Advocates
- ▶ Student Counseling Resources (Confidential)
 - UNK Counseling Center
 - UNL Counseling and Psychological Services (CAPS)
 - UNMC Counseling and Psychological Services (CAPS)
 - 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 M**.

University of Nebraska–Lincoln

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

University of Nebraska Medical Center

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

University of Nebraska at Omaha

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

Campus Informational Posters and Brochures

Examples of campus brochures, pamphlets, and other printed material can be found in **Appendix Q**.

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

Each University of Nebraska System 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 M** 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 N** for resources.

- ▶ Center for Advocacy Response and Education (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.
- ▶ Huskers CARE Peer Educators (HSPE): Comprised of UNL undergraduate students passionate about creating a positive change, Peer Educators are trained to raise awareness and educate fellow students about power-based violence, university policies, and resources available on campus and in the community. Their primary role is facilitating in-person Sexual Assault and Relationship Violence (SARV) workshops.
- ▶ 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>
- ▶ Student Affairs – Step UP! Campaign: Step Up! is a 90-minute, comprehensive bystander intervention training that provides an overview of bystander education, alcohol and alcohol poisoning, discrimination, disordered eating, gambling, hazing, relationship abuse, and sexual assault. <https://resilience.unl.edu/step>
- ▶ 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.
- ▶ ASUN Student Government Campus Life and Safety Committee: Academic Committee: The Campus Life & Safety Committee works toward improving the well-being and safety of all students on campus in a number of areas. Recent programming initiatives include policy areas including, but not limited to: mental health, sexual assault, and campus lighting

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 Program: EMPOWER is a student-led, inter-professional initiative founded at UNMC with a twofold mission focused on awareness and education of domestic and sexual violence that provides opportunities for students, health care providers, and community members to become involved in efforts to minimize domestic and sexual violence through on-campus activities and community outreach events.

Victim & Survivor Advocacy and Resources:

Victim & Survivor Advocacy and Resources: Housed within the Gender and Sexuality Resource Center, Nebraska-certified victim and survivor advocates are available to provide free and confidential services. Individual advocacy may include:

- ▶ Providing emotional support
- ▶ Educating on resources and reporting options
- ▶ Navigating on-campus and community resources
- ▶ Accompanying survivor to the hospital, Title IX or Law Enforcement/Legal Meetings
- ▶ Developing a Safety plan.

University of Nebraska at Omaha

Please see the list below and **Appendix O** 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 bystander training, Consent 101, and Healthy Relationships training, which allows other students and employees to have the skills to identify sexual harassment, intervene, and support victims and survivors.

Agreements between the University of Nebraska System 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 System 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 R**)
- ▶ Memorandum of Understanding between The S.A.F.E. Center and the University of Nebraska at Kearney (**Appendix S**)

University of Nebraska-Lincoln

- ▶ Memorandum of Understanding between Lancaster County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix T**)
- ▶ Memorandum of Operating Procedures between the UNL Office of Institutional Equity & Compliance (IEC) and the University Police (UNLPD) (**Appendix U**)
- ▶ Memorandum of Understanding between Frontier County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix V**)

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 R**)
- ▶ Memorandum of Understanding between the Douglas County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix W**)
- ▶ Memorandum of Understanding between the Norfolk County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix X**)
- ▶ Memorandum of Understanding between the Scottsbluff County Attorney's Office and the Board of Regents of the University of Nebraska (**Appendix Y**)
- ▶ Memorandum of Understanding between the University of Nebraska at Omaha, the University of Nebraska Medical Center, the Women's Center for Advancement, the Omaha Police Department and the Douglas County Attorney's Office (**Appendix Z**)

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 AA**)
- ▶ Memorandum of Understanding between the University of Nebraska at Omaha, the University of Nebraska Medical Center, the Women's Center for Advancement, the Omaha Police Department and the Douglas County Attorney's Office (**Appendix Z**)

▶▶▶ **APPENDIX A**

NU System Climate Survey Results



University of Nebraska System Climate Study

The Student, Faculty and
Staff Experience

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Foreword From the University

In the following pages you will find the results of a system-wide climate survey that the University of Nebraska initiated in 2021 in partnership with Gallup. This is the first in what will become a regular climate assessment so that over time we gain a meaningful understanding of our strengths, challenges, areas of progress and opportunities to do more to become a better place for all members of the University of Nebraska community to learn and work.

We thank the many students, faculty and staff who took time to complete the survey. With their input, we now have a valuable baseline on which we can — and will — build. Each of us, together with our leadership teams, will use the data to inform our ongoing planning with regard to climate, the student experience, and our goal of becoming an employer of choice for all.

Gallup research reminds us that it's important to identify and celebrate what we do well. In that vein, we're pleased to see that strong majorities of our students, faculty and staff say they are treated with respect, well above national averages — suggesting that we have the right foundation in place for ensuring inclusive, welcoming, trustworthy campus communities.

We are also pleased that high shares of students say their instructors get them excited about learning, and that students say their University of Nebraska education is preparing them well for life after college. To us, this is evidence of the high quality of our faculty and staff and their commitment to our fundamental mission to educate Nebraska's future leaders. Students also reported regular exposure to diverse people and ideas, and agreed they have opportunities to share their opinions in meaningful ways — both vital to our role as a forum for the robust and free exchange of ideas.

Survey results also point to opportunities for action. In particular:

- While faculty and staff report high levels of collaboration with their colleagues, they also indicate a desire for more advancement opportunities, particularly among our staff members; greater clarity around the vision for the future of the university and their role in achieving it; and more direct communication, including at the leadership levels.
- As is the case nationally during this period of unprecedented challenge, many of our colleagues report battling burnout, including higher shares of women.
- People of color, and our Black students and colleagues in particular, responded less favorably on some measures of inclusiveness and engagement. We are not an outlier nationally in this regard. Yet these results tell us that while we can be proud of our strong foundation, we must make certain that our work to make the University of Nebraska a destination of choice is inclusive of people of all backgrounds.

Strengthening our campus climate will always be a work in progress. It is vital that we turn our intent into action, and that our strategies are informed by thoughtful input from our students, faculty and staff. That's one reason we are pleased to have this initial set of data in hand and available for all members of the university community to review. While this is only one survey, it will serve as another tool as we consider opportunities to refine our existing plans and focus new energy and efforts. And it gives us a baseline for future years so that we can assess our progress in a holistic way.

Thank you again to all those who are working every day to help us become a better university. Your input makes a real difference for our faculty, staff and 52,000 students.

Ted Carter

President, University of Nebraska System

Jeffrey P. Gold, M.D.

Chancellor, University of Nebraska Medical Center

Ronnie D. Green, Ph.D.

Chancellor, University of Nebraska–Lincoln

Douglas A. Kristensen, J.D.

Chancellor, University of Nebraska at Kearney

Joanne Li, Ph.D., CFA

Chancellor, University of Nebraska at Omaha

Introduction

Cultivating trust, diversity and inclusion is a key priority at the University of Nebraska. In its [five-year strategy](#), the university outlined its desire to be “a place where diverse backgrounds and ideas are welcomed and celebrated, where robust dialogue is encouraged, and where we are intentional and transparent in exploring how we can be a better place to learn, work and study.”

Gallup partnered with the University of Nebraska (NU) to develop two distinct climate surveys to identify strengths and opportunities related to the university’s goal to proactively assess and improve its campus climate — one of students and the other of faculty and staff. The student survey focused on students’ education, campus diversity and inclusiveness, and relationships with other students. The faculty and staff survey concentrated on workplace satisfaction, diversity and inclusion, and communication.

This report includes findings from both NU web surveys, which were conducted in the fall of 2021. Results are from surveys of more than 6,700 currently enrolled students, 2,000 faculty, 3,900 staff members and 350 administrators.

Where available, data is shown to provide nationally representative comparisons to the NU study. These data are from three primary sources:

- students enrolled in degree-granting institutions nationally, from the Gallup-Lumina Foundation 2020 State of the Student Experience study¹
- employees nationally from Gallup’s 2021 employee experience Overall and Education-Postsecondary/Higher Ed Workgroup Level databases, which include more than 13 million employees across industries and more than 118,000 employees at degree-granting institutions
- the Gallup 2021 Faculty and Staff Survey, which includes over 9,000 employees at degree-granting institutions nationally

Like any survey, the NU surveys represent one moment in time and should be viewed as a valuable baseline upon which the university can build. The surveys identify several key strengths and opportunities for the university.

In some areas, NU outperforms or matches national averages. In areas where there is opportunity for improvement, national data show many other higher education institutions are facing similar challenges. This report details the findings.

¹ <https://www.gallup.com/education/327485/state-of-the-student-experience-fall-2020.aspx>

Key Findings

- Majorities of students at the University of Nebraska feel respected by their classmates (53%), faculty (53%) and staff (58%), which is above college graduates nationally. Like national trends, historically underrepresented students and marginalized groups are less likely to report feeling respected.
- On par with their peers nationally, about four in 10 NU students strongly agree they feel as though they belong at the university. While an identical percentage of NU students (38%) think the institution is welcoming to all students, the national average is higher (49%).
- Few NU students, 16%, strongly agree the climate on their campus prevents people from saying things others might find offensive. At the same time, 17% strongly agree they are comfortable sharing an opinion held by few people.
- Roughly six in 10 NU students strongly agree they have at least one professor who makes them excited about learning. NU students rate the institution less positively on key supportive metrics — mentorship and perceived care.
- Nearly three-quarters of NU students say they have never experienced harassment or discrimination while enrolled at the University of Nebraska because of their race or ethnicity, which is 12 points more favorable than the national average. Fewer Black (51%) and Asian (56%) students say the same.
- Most students report feeling safe at the university, but, as is the case nationally, NU female students are less likely than males to report feeling safe and are less confident about sexual assault reporting processes.
- NU faculty and staff exceed national averages in strongly agreeing they are respected (42%), feeling valued for their unique strengths (28%) and believing the institution would do the right thing if faced with an ethics complaint (32%).
- Three in 10 NU faculty and staff strongly agree they are treated equitably, which is 10 points greater than higher education employees nationally.
- Almost four in 10 NU employees strongly agree someone at work went out of their way to help them recently, but just one-quarter register the same level of agreement when asked if they are satisfied with cooperation from colleagues in other departments.
- NU employees are in roughly the 25th percentile of all workgroups in Gallup's employee database for job satisfaction and having opportunities for advancement.
- One-third of NU employees, including nearly two in five women, say they struggle with burnout "always" or "very often." These readings, however, are at least 10 points lower than national averages.



The Student Experience

Gallup research confirms that how you go to college matters far more than where you go to college. That is, students' experiences during their time in college shape their lives after graduation, and having supportive experiences is linked to long-term outcomes, including wellbeing, workplace engagement and alumni's attachment to their alma mater.²

Majorities of NU students feel classmates, staff and faculty respect them.

Feeling respected is an essential component of creating an inclusive campus culture. When students feel respected, they are more likely to feel like they belong and are able to engage more effectively in their coursework and the greater community.^{3,4} University of Nebraska leaders share a deep commitment to embracing diverse backgrounds and creating a "university for everyone."

Overall, majorities of NU undergraduates feel respected by one another, university staff and faculty members. While 53% of NU students strongly agree they are treated with respect by both their classmates and faculty members, slightly more (58%) say the same of their treatment by staff members.

NU students are significantly more likely than students nationally to strongly agree they are treated with respect by each of these three groups — other students (+10 percentage points), staff members (+8) and faculty (+5).

2 <https://news.gallup.com/poll/168848/life-college-matters-life-college.aspx>

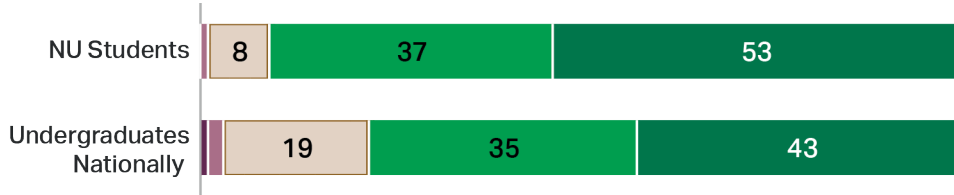
3 <https://www.gallup.com/workplace/242108/diversity-inclusion-perspective-paper.aspx>

4 <https://news.gallup.com/poll/311249/half-grads-treated-respect-fellow-students.aspx>

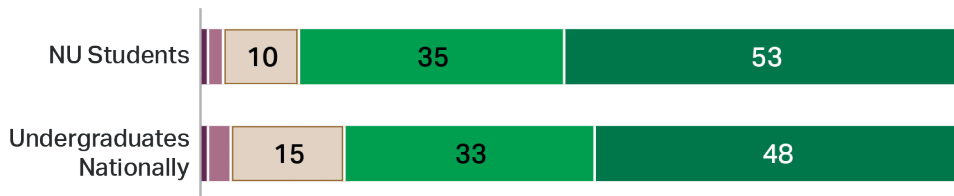
Majorities of Students Feel Treated With Respect

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree

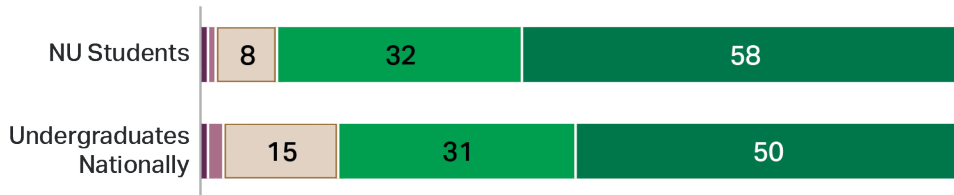
I am treated with respect by other students at the University of Nebraska.



I am treated with respect by faculty members at the University of Nebraska.



I am treated with respect by staff members at the University of Nebraska.



Percentages shown when >4%; "Don't know" responses are omitted.

Black students at NU are significantly less likely than those of other races and ethnicities to report feeling respected. Forty-five percent of Black NU students strongly agree they are treated with respect by their peers, 49% by faculty and 53% by staff members, while majorities of White, Hispanic and Asian students do.

This trend among racial and ethnic groups is not unique to the University of Nebraska. According to the 2020 Lumina-Gallup national student study,⁵ 43% of Black undergraduates nationwide feel respected by other students, 46% by faculty and 50% by staff members.

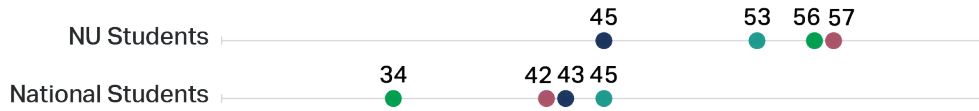
⁵ <https://www.gallup.com/education/327485/state-of-the-student-experience-fall-2020.aspx>

Racial and Ethnic Differences in Perceptions of Respect

■ Asian ■ Black ■ Hispanic ■ White

% Strongly agree

I am treated with respect by other students.



I am treated with respect by faculty members.



I am treated with respect by staff members.



There are also differences in perceptions of respect between male and female students. While 51% of female NU students strongly agree they are treated with respect by both other students and faculty members, they are significantly less likely than male NU students to feel that way. Meanwhile, nearly equal shares of female (57%) and male (60%) students strongly agree staff members treat them with respect.

Both male and female NU undergraduates are more likely than students nationally to feel respected by all three groups.

Gender Differences in Perceptions of Respect

■ Female ■ Male

% Strongly agree

I am treated with respect by other students.



I am treated with respect by faculty members.



I am treated with respect by staff members.



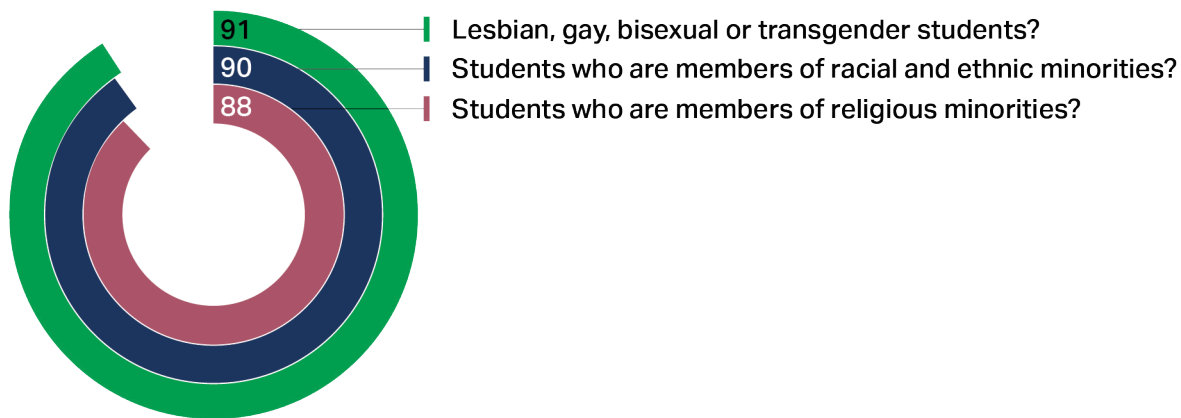
The University of Nebraska is viewed as a good place for historically marginalized groups, although it has opportunities to be more inclusive, foster an even greater sense of belonging and be more welcoming to all students.

Gallup asked NU students whether they feel NU is a “good place” or “not a good place” for certain student populations. Overall, strong majorities of NU undergraduates feel their university is a good place for racial and ethnic minorities (90%), lesbian, gay, bisexual or transgender students (91%), and members of religious minorities (88%).

Most Students Feel the University of Nebraska Is a “Good Place” For Historically Marginalized Student Groups

Is the University of Nebraska a good place or not a good place for:

% Good place



Nine in 10 White NU students (91%) think NU is a good place for members of racial/ethnic minorities, while 83% of Black, 89% of Hispanic and 91% of Asian students think the same.

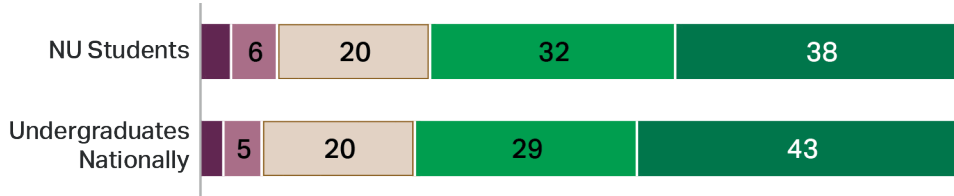
Likewise, there is little difference in views of NU as a good place based on sexual orientation and gender identity. Ninety-one percent of male and female students and 86% of those who identify as another gender say it is a good place for LGBTQIA+ students.

Meanwhile, two-thirds of NU students agree that the university is committed to ensuring an inclusive environment for all. Shares of NU students who reported feeling as if they belong at the University of Nebraska are in line with national trends.

Percentage of Students Who Feel as if They “Belong” at the University of Nebraska

I feel as if I belong at the University of Nebraska.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Percentages shown when >4%; “Don’t know” responses are omitted.

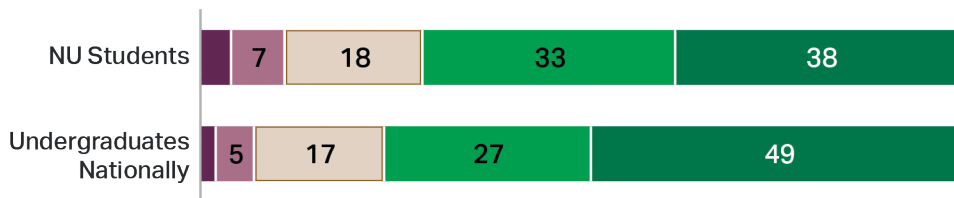
There are also differences by race and ethnicity on this measure of belonging, with 28% of Black students strongly agreeing they feel like they belong at the university, which is 10 percentage points lower than White and Hispanic students and seven points lower than Asian students.

On perceptions of the University of Nebraska as a “welcoming place for all students,” 38% of NU undergraduate students strongly agree NU is a welcoming place for all. This finding trails the 49% of students nationally who say the same.

Percentage of Students Who Strongly Agree the University of Nebraska Is a “Welcoming Place For All Students”

The University of Nebraska is a welcoming place for all students.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Percentages shown when >4%; “Don’t know” responses are omitted.

Black students (37%) are about as likely as White students (35%) to strongly agree NU is a welcoming place for all, while more Hispanic (44%) and Asian students (43%) strongly agree.

Many NU students are regularly exposed to people with a diverse range of backgrounds and ideas.

Inclusive Experiences Produce Emotionally Attached Alumni

Nationally, alumni who strongly agree they felt very comfortable sharing ideas that were held by a small number of students are more emotionally attached to their institution.

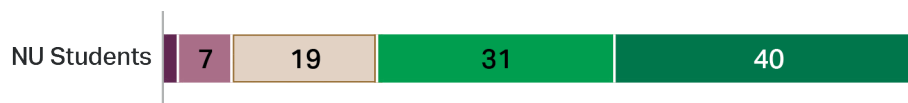
Students who are exposed to more diversity when enrolled are also more likely to report their degree was worth the cost after graduation.

A welcoming, equitable university culture fosters learning and free exchange of ideas and helps students feel confident they can trust one another, faculty and staff. In this type of environment, students are not only more engaged, but also more likely to feel valued, respected and accepted.

As described in its five-year strategy, the University of Nebraska aims to foster a robust dialogue, celebrate diverse perspectives and encourage students to speak their ideas freely and comfortably. Currently, a strong majority of NU students agree they have regular opportunities at the university to interact with people from different backgrounds.

While attending the University of Nebraska, I interact with people from different backgrounds on a regular basis.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Percentages shown when >4%; "Don't know" responses are omitted.

Few NU students (16%), strongly agree the climate on their campus prevents people from saying things they believe because others might find them offensive. Male students are more likely than female students to strongly agree the climate on their campus prevents them from "saying things they believe because others might find them offensive" (20% vs. 13%).

Most NU students agree they have "many opportunities" to share their opinions in a meaningful way. At the same time, less than half report feeling "very comfortable sharing ideas in class that are probably held by only a small number of students."

Given that a recent Knight Foundation-Gallup study⁶ found 70% of U.S. college students say they want an open learning environment, there is an opportunity for the University of Nebraska to continue to promote an inclusive atmosphere that encourages all students to express themselves freely.

6 <https://www.gallup.com/education/257939/inclusive-environments-produce-attached-alumni.aspx>

Students feel supported by their professors and many have strong peer relationships at the University of Nebraska.

Prior to entering the workforce, undergraduates often rely on their university’s support to guide their learning and development in a meaningful way. Gallup measures the support a university provides its undergraduate students by asking whether graduates strongly agree they had at least one professor who made them excited about learning, had a mentor who encouraged them to pursue their goals and dreams and had a professor who cared about them as a person. Gallup research shows mentorship and supportive student experiences are predictive of long-term outcomes, including wellbeing and preparedness for life outside of college.^{7,8}

Mentorship experiences (involving friends, professors, family members or others) are strongly linked to increased employee engagement, higher wellbeing later in life and graduates feeling their degree was worth the cost.⁹

A strong majority of NU students agree they have at least one professor who makes them excited about learning.

I have at least one professor at the University of Nebraska who makes me excited about learning.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Percentages shown when >4%; “Don’t know” responses are omitted.

In addition, almost four in 10 NU students strongly agree their professors care about them as a person, and more than three in 10 strongly agree they have a mentor at UN who encourages them to pursue their goals and dreams. Both readings are identical to the national comparison group of undergraduates.

My professors at the University of Nebraska care about me as a person.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Percentages shown when >4%; “Don’t know” responses are omitted.

7 2014 Gallup-Purdue Index Report

8 <https://news.gallup.com/poll/182306/big-six-college-experiences-linked-life-preparedness.aspx>

9 Gallup-Purdue Index Report 2016

I have a mentor at the University of Nebraska who encourages me to pursue my goals and dreams.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree

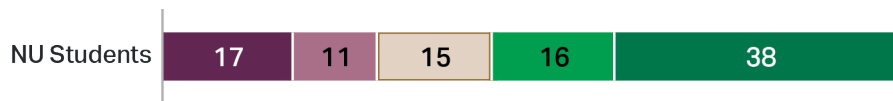


"Don't know" responses are omitted.

Social support from friends and family has been directly linked to a student's persistence in college.¹⁰ Overall, 38% of students strongly agree they have a best friend at the University of Nebraska.

I have a best friend at the University of Nebraska.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Percentages shown when >4%; "Don't know" responses are omitted.

Students of different racial and ethnic groups report different experiences with friends. Black NU students (26%) are significantly less likely than White (40%), Asian (34%) and Hispanic (38%) students to strongly agree they have a best friend at the university. This trend is consistent with national research that confirms historically marginalized and underrepresented students are less likely to experience the same sense of community and belonging as their peers.¹¹

While most NU students agree that students "look out for one another," Black students were less likely to agree with that statement than their White, Asian and Hispanic classmates.

¹⁰ <https://www.gallup.com/workplace/236063/using-strengths-based-approach-retain-college-students.aspx>

¹¹ "Do I Belong? Underrepresented Students Sense of Belonging," 2021;

"Ten Simple Rules for Supporting Historically Underrepresented Students in Science," 2021;

"Promoting Persistence and Success of Underrepresented Students: Lessons for Teaching and Learning," 2008

Students from every background feel NU is preparing them well for life after college.

More than eight in 10 NU students agree they are challenged academically at the University of Nebraska, and 80% expressed confidence that their major field of study will lead to a good job. Three-quarters of students also agree the knowledge and skills they are learning at the university will be relevant in the workplace. Overall, two-thirds of NU students agree the university is preparing them well for life outside of college and that the University of Nebraska is a “perfect place” for someone like them.

Great Experiences, Great Jobs, Great Lives

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree

I am challenged academically at the University of Nebraska



I am confident my major field of study/studies will lead to a good job.



The University of Nebraska is preparing me well for life outside of college.



The knowledge and skills I am learning in my coursework at the University of Nebraska will be relevant in the workplace.



Percentages shown when >4%; “Don’t know” responses are omitted.

NU students across racial and ethnic groups are about as likely to report they feel prepared for life outside of college. There are some differences in their overall assessments.

Demographic Differences in Students' Perceptions of Their Overall University Experience

■ Asian ■ Black ■ Hispanic ■ White

% Strongly agree

I am challenged academically at the University of Nebraska.



I am confident my major field of study/studies will lead to a good job.



The knowledge and skills I am learning in my coursework at the University of Nebraska will be relevant in the workplace.



The University of Nebraska is preparing me well for life outside of college.



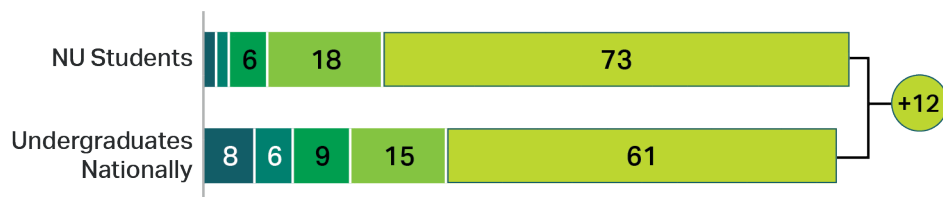
A strong majority of NU students overall say they have never experienced racial discrimination, but fewer Black and Asian students agree.

Overall, 73% of NU students say they have never experienced harassment or discrimination while enrolled at the University of Nebraska because of their race or ethnicity. This is more favorable than the national average of 61%.

Experiences With Harassment or Discrimination

How often, if at all, have you experienced harassment or discrimination while enrolled at [SCHOOL] because of your race or ethnicity?

■ % Very often ■ % Often ■ % Sometimes ■ % Rarely ■ % Never



Percentages shown when >4%.

However, the numbers are not as positive for Black, Asian and Hispanic NU students. While 79% of White students say they have never experienced harassment or discrimination while enrolled at NU, 51% of Black, 56% of Asian and 65% of Hispanic students say the same. These findings are similar to, though marginally better, than national trends.

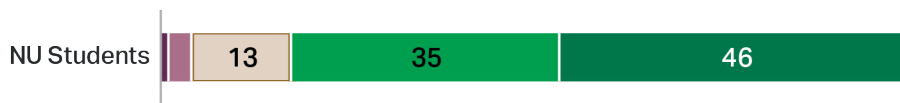
Most students agree, if they raised a concern about discrimination on campus, the university would “do what is right.” However, Black students are less likely to express confidence in the university doing what is right. This is in line with Gallup’s findings that historically marginalized and underrepresented students are less likely to feel confident in reporting systems at their schools.

Most students feel safe at NU, but fewer female students do.

An atmosphere that promotes learning and collaboration is not only psychologically safe, but also physically safe. A strong majority of students report feeling safe at the University of Nebraska.

I feel safe at the University of Nebraska.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



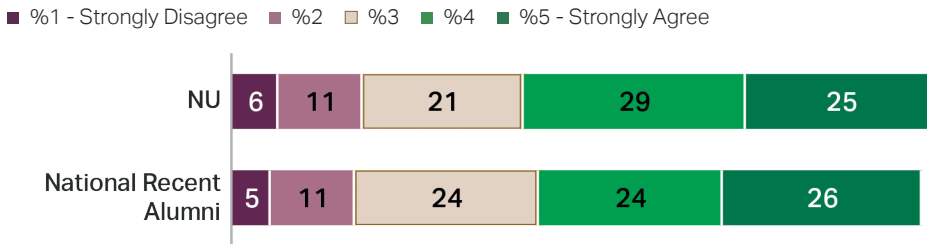
Percentages shown when >4%; “Don’t know” responses are omitted.

Slight differences exist by race and ethnicity, with fewer Black students reporting they feel safe. However, the greatest demographic difference is by gender identity. Eighty-six percent of male students agree they feel safe, while 78% of female students and 69% of students identifying as non-binary or another gender feel the same. This finding is consistent with national trends, which show female students are less likely than their male peers to strongly agree they feel safe on campus.

The University of Nebraska has an opportunity to build students' confidence that it would respond appropriately if students raised concerns about discrimination or assault. Only about half of students agree the university would "do what is right" if they raised a concern about sexual assault on campus.

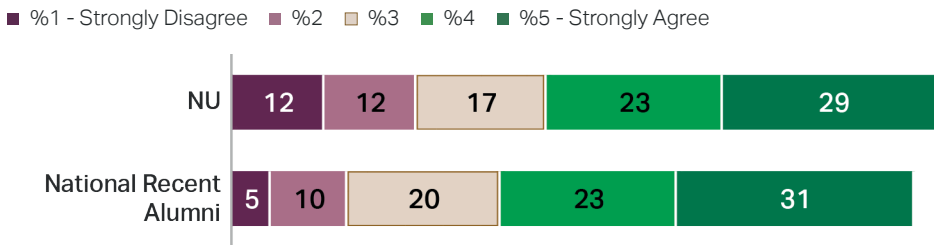
These findings are consistent with national trends for colleges and universities: Gallup data show 32% of recent college graduates nationally strongly agree their institution would do the right thing if they reported an issue of sexual assault on campus.¹²

If I raised an issue about discrimination on campus, I am confident the University of Nebraska would do what is right.



"Don't know" responses are omitted.

If I raised an issue about sexual assault on campus, I am confident the University of Nebraska would do what is right.



"Don't know" responses are omitted.

When it comes to raising an issue about discrimination, Asian and Hispanic students are slightly more likely than Black and White students to strongly agree the University of Nebraska would do what is right. Meanwhile, female and White students are least likely to strongly agree the university would do the right thing if they raised an issue about sexual assault.

12 <https://news.gallup.com/poll/311675/alumni-reflect-college-responsiveness-sex-assault.aspx>

Employee Experiences

Universities are among the least engaged workplaces in the world.¹³ Gallup research finds student perceptions of faculty-student engagement are positively correlated with university employee engagement.¹⁴ That is, higher student engagement is linked with higher faculty and staff engagement.

Gallup research has identified three critical experiences that employees in every workplace must have to perceive a truly inclusive culture: feeling respected, believing their individual strengths are appreciated and trusting their leaders to do the right thing when faced with an ethics issue.¹⁵ These requirements reflect the shared responsibility of employees, managers and leaders.¹⁶

NU strives to create a thriving, engaged campus where everyone feels heard. When leaders and managers welcome many backgrounds, experiences and viewpoints, they create a culture that truly promotes, embraces and seeks each employee’s unique contributions.

NU already has a strong foundation to build a thriving culture; identifying gaps in employees’ experiences will help the university develop action plans to better support faculty and staff.

The University of Nebraska has a strong foundation for an inclusive culture that embodies respect, a commitment to building strengths and trust in leadership.

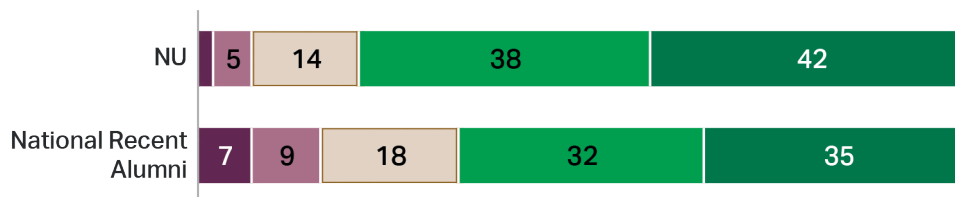
Ratings of NU faculty, staff and administrators on each of the three metrics that are essential to an inclusive culture — respect, building unique strengths and doing what is right — outpace national postsecondary higher education workgroups from Gallup’s employee engagement database.

Respect

A strong majority — 80% of University of Nebraska employees agree they are treated with respect at work, including 42% who strongly agree with this statement. This is higher than the national average of 35% for faculty, staff and administrators, and it is near the 50th percentile for Gallup’s postsecondary higher education workgroup, which means about 50% of workgroups in the database are more likely to strongly agree.

At work, I am treated with respect.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Due to rounding, percentages may sum to 100%, +/-1 percentage point.

13 <https://www.gallup.com/education/194321/higher-education-employee-engagement.aspx>

14 <https://www.gallup.com/education/330167/faculty-engagement-linked-better-student-experience.aspx>

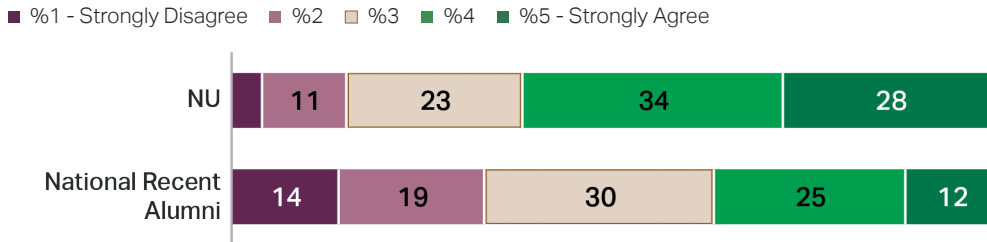
15 <https://www.gallup.com/education/284339/third-faculty-report-treated-respect-work.aspx>

16 <https://www.gallup.com/workplace/242108/diversity-inclusion-perspective-paper.aspx>

Building Strengths

When it comes to managers' appreciation of their team members' unique characteristics, the University of Nebraska exceeds national averages. NU employees (28%) are more than twice as likely than the national comparison group (12%) to strongly agree their workplace is committed to building the strengths of each team member and associate.

My workplace is committed to building the strengths of each team member/associate.



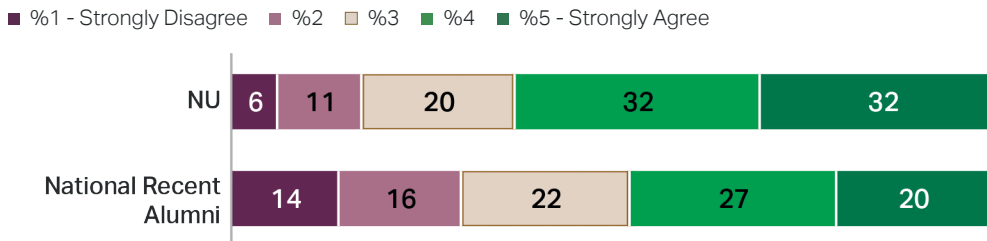
Due to rounding, percentages may sum to 100%, +/-1 percentage point.

However, administrators (41%) are more likely than faculty (27%) and staff (28%) to strongly agree their workplace is committed to building each person's strengths.

Trust in Leadership

Nearly two-thirds of employees across the university system agree that the university would do the right thing if they raised a concern about ethics and integrity. These numbers exceed national figures.

If I raised a concern about ethics and integrity, I am confident my employer would do what is right.



Due to rounding, percentages may sum to 100%, +/-1 percentage point.

Faculty and staff, however, are less likely than administrators to express confidence the university would do the right thing if they raised a concern about ethics and integrity.

NU employees rate the university below the 50th percentile on openly discussing diversity and inclusiveness and making them feel like their opinions count.

While most employees agree diversity and inclusiveness issues are openly discussed at work, the 36% who strongly agree with that statement is lower than the 50th percentile in Gallup’s Overall Workgroup Level Database.

Diversity and inclusiveness issues are openly discussed.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Due to rounding, percentages may sum to 100%, +/-1 percentage point.

Black employees see more opportunity for discussion, as 23% across the university system strongly agree diversity and inclusiveness issues are openly discussed, compared with 37% among both White and Asian employees.

Percentage of Employees Who Strongly Agree Diversity and Inclusiveness Issues Are Openly Discussed

Employees at the University of Nebraska



Critical to feeling included in one’s community is feeling that one’s opinions matter to the institution. Most NU employees agree their opinions count, but the 29% who strongly agree is lower than the 50th percentile for comparable workgroups in Gallup’s overall database, including the higher education workgroup.

At work, my opinions seem to count.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Furthermore, Black employees are less likely to say their opinions count, and faculty and staff are less likely than administrators to say their opinions count.

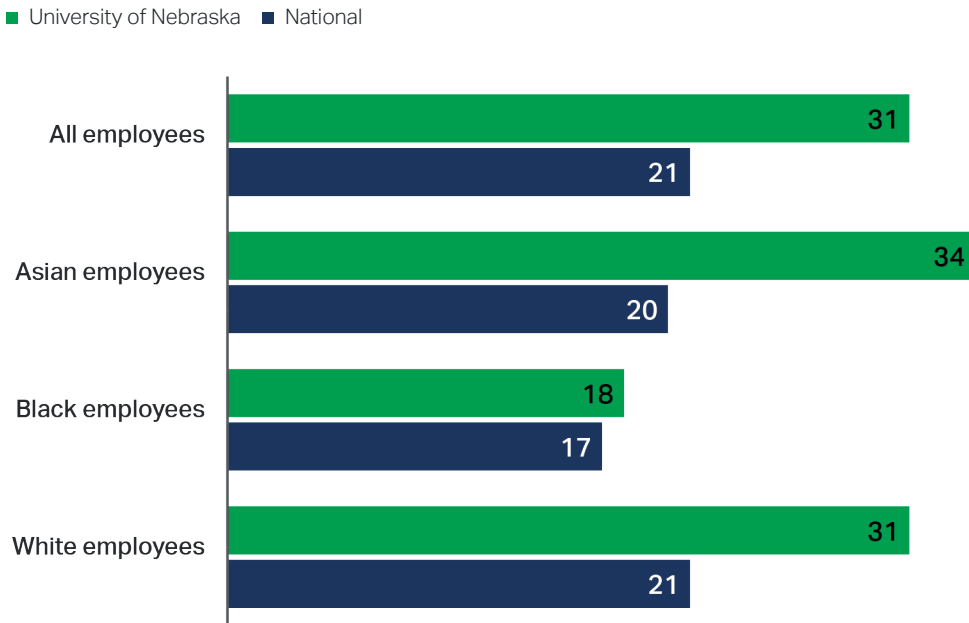
NU employees are more likely than their national counterparts to think they are treated equitably.

Most employees across the university system agree everyone is treated fairly, regardless of ethnic background, race, gender, age, disability or other differences not related to job performance, with 31% strongly agreeing.

Compared with higher education employees nationally, those in the NU system are more likely to strongly agree people are treated fairly (31% vs. 21%), respectively.

However, Black employees at NU (18%) are substantially less likely than White (31%) and Asian (34%) employees to strongly agree people are treated fairly. Black NU employees' perceived treatment is similar to their national peer group, but NU Asian employees outpace their national counterparts by 14 percentage points.

Percentage Who Strongly Agree That Everyone at the University Is Treated Fairly Regardless of Ethnic Background, Race, Gender, Age, Disability or Other Differences Not Related to Job Performance



Source: 2021 University of Nebraska Climate Study; 2021 National Faculty and Staff Survey

Collaboration among employees at the University of Nebraska is strong, as they particularly feel supported by their colleagues.

When collaboration is high, it can have a multiplier effect as people may discover and accomplish more together than they can as individuals. But when collaboration is low, it can contribute to burnout.

More than two-thirds of employees across the NU system say someone went out of their way recently to help them. Administrators stand out from staff and faculty on this reading as 51% strongly agree that someone recently went out of their way to help them vs. 36% of staff and 38% of faculty.

Someone at work recently went out of their way to help me.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Due to rounding, percentages may sum to 100%, +/- 1 percentage point.

One in four employees across the university system strongly agree that they are satisfied with the cooperation they receive from colleagues in other departments. The reading on this question is below the 50th percentile for workgroups in Gallup’s database.

I am satisfied with the cooperation I receive from colleagues in other departments.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Percentages shown when >4%.

While most employees agree it is easy for them to get the information they need to do their job, only 22% strongly agree, which is also below the 50th percentile for workgroups in Gallup’s database.

It is easy for me to get the information I need to do my job.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Due to rounding, percentages may sum to 100%, +/- 1 percentage point; percentages shown when >4%.

Opportunities exist to increase employee engagement.

Based on over 50 years of employee engagement research, Gallup knows engaged employees produce better business outcomes than other employees. Gallup defines employee engagement as the involvement and enthusiasm of employees in their work and workplace. Engaged employees are emotionally and psychologically committed, and Gallup finds engaged employees are less likely to leave their institution, represent lower healthcare costs for their employer, have fewer absences and are more likely to recommend their institution as a place to work.¹⁷

Highly engaged employees in a higher education setting — including faculty, staff and administrators — in turn, produce more engaged and emotionally attached students with lower levels of absenteeism, higher academic achievement and greater levels of on-time completion.

NU results on several metrics of employee engagement stand out as areas where the university can improve.

Job Satisfaction

The 23% of NU employees who strongly agree they are satisfied with the university as a place to work is in the bottom 25% for workgroups in Gallup’s overall database, and just above the 50th percentile for workgroups in higher education. Black employees are slightly less likely to express satisfaction (17%) than their White (23%) or Asian (26%) colleagues.

Satisfaction With the University of Nebraska as a Place to Work

■ %1 - Extremely Dissatisfied ■ %2 ■ %3 ■ %4 ■ %5 - Extremely Satisfied



Percentages shown when >4%.

Understanding Expectations

Defining and clarifying the outcomes to be achieved is perhaps the most basic of all employee needs and manager responsibilities. This metric is the lowest-performing engagement item among employees at the University of Nebraska. The 40% who strongly agree they know what is expected of them are in the 37th percentile of all workgroups in Gallup’s database and workgroups in higher education.

I know what is expected of me at work.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Percentages shown when >4%.

17 <https://www.gallup.com/workplace/285674/improve-employee-engagement-workplace.aspx>

Opportunity for Advancement

Previous Gallup research finds most employees need to know they are improving and have opportunities to build their knowledge and skills. At the University of Nebraska, 22% of employees strongly agree they have adequate opportunities for career advancement, which is just slightly above the 25th percentile of all workgroups in Gallup’s database.

I believe that I have adequate opportunities for career advancement at my organization.

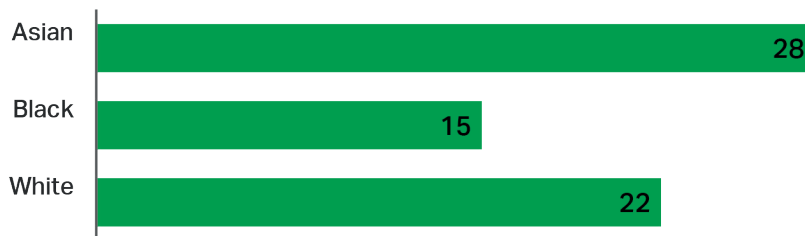
■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



Staff members (17%) are substantially less likely than faculty (28%) or administrators (38%) to feel this way. Black NU employees (15%) are less likely than their White (22%) or Asian (28%) colleagues to strongly agree they have these opportunities.

I believe that I have adequate opportunities for career advancement at my organization.

% Strongly agree



Having opportunities at work to learn and grow is both a key driver of engagement for higher education employees and a cause of turnover. At the University of Nebraska, 39% of employees strongly agree they have opportunities at work to learn and grow, placing the university in the 50th percentile of workgroups in higher education.

Effective Communication

Open, clear and honest communication is a springboard for collaboration, which gets people working together toward a common goal. Overall, fewer than one in five University of Nebraska employees strongly agree there is open communication throughout all levels of the university (14%), leadership communicates effectively (17%) or communication at work is direct and honest (18%).

Perceptions of Communication at the University of Nebraska

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree

At work, we are direct and honest in all our communications.



Leadership communicates effectively with the organization.



There is open communication throughout all levels of my organization.



Due to rounding, percentages may sum to 100%, +/-1 percentage point.

These percentages are just above the 25th percentile of all employee workgroups in Gallup’s database, meaning nearly 75% of workgroups in the database are more likely to strongly agree than NU employees.

Valued Input

Asking for employees’ input can often lead to better decision-making, and when employees feel they are involved in decisions, they take greater ownership of the outcomes. More than one in four NU employees (26%) strongly agree they are asked for input regarding changes that affect their work, which is below the 50th percentile in Gallup’s database.

I am asked for my input regarding changes that affect my work.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



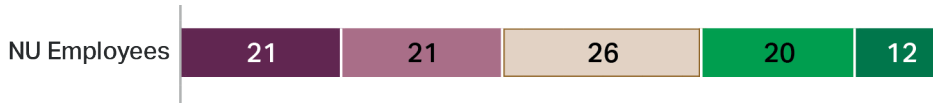
Due to rounding, percentages may sum to 100%, +/-1 percentage point.

Earning Trust

Institutions need to do what they say they will do to earn their employees' trust. Moving from intent to action is a concern for University of Nebraska employees, as just 12% across the university system strongly agree they are confident the university will act on the results of this climate survey.

I am confident that the findings arising out of this survey will be acted upon.

■ %1 - Strongly Disagree ■ %2 ■ %3 ■ %4 ■ %5 - Strongly Agree



In challenging times, burnout and work-life balance are challenging employees.

The top causes of burnout nationally:

- 1) unfair treatment at work
- 2) unmanageable workload
- 3) unclear communication from managers
- 4) lack of manager support
- 5) unreasonable time pressure

Low employee engagement resulting from less collaboration and teamwork and unhealthy work-life balance can contribute to employee burnout which can trigger a downward spiral in individual and organizational performance.¹⁸ Burned out employees are much more likely to take a sick day or actively seek a different job. If they stay, they typically have lower confidence in their performance and are less likely to discuss how to approach performance goals with their manager.

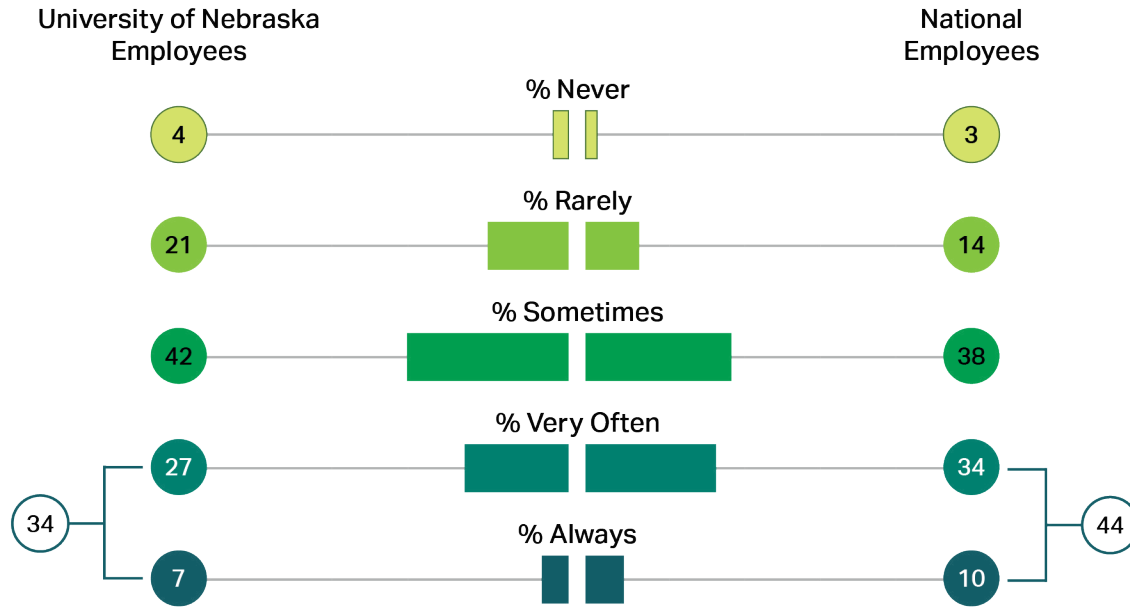
While 34% of employees at the University of Nebraska report they are struggling with burnout “always” or “very often,” that is lower than the 44% who say the same nationally. Still, the reading jumps to 76% when the percentage who say they feel burned out at least “sometimes” is included.

18 <https://www.gallup.com/workplace/237059/employee-burnout-part-main-causes.aspx>

Work-Life Balance at the University of Nebraska

How often do you feel burned out at work?

■ % Never ■ % Rarely ■ % Sometimes ■ % Very Often ■ % Always



Source: 2021 University of Nebraska Climate Study; 2021 National Faculty and Staff Survey

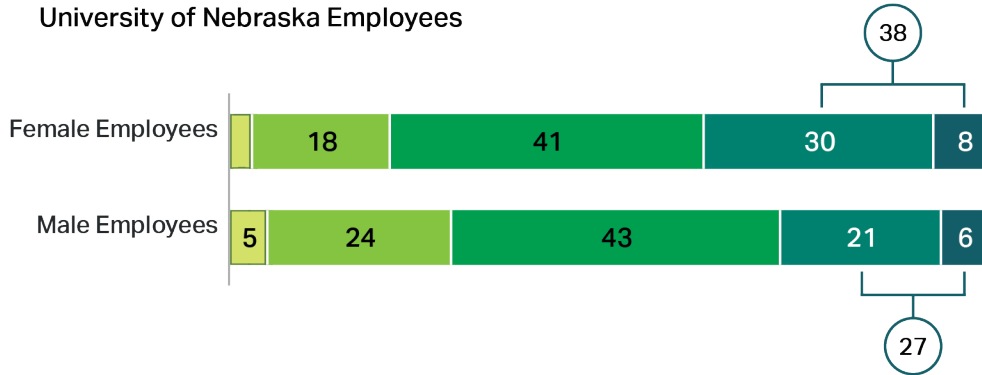
Nationally, female employees are more burned out a work than men, and this gap has more than doubled since 2019. As is the case nationally, women working at the University of Nebraska (38%) are more likely than men (27%) to say they are burned out very often or always. NU employees are, however, less likely than their national counterparts to be burned out.

Employee Burnout at the University of Nebraska and Nationally, by Gender

How often do you feel burned out at work?

■ % Never ■ % Rarely ■ % Sometimes ■ % Very Often ■ % Always

University of Nebraska Employees



National Employees



Due to rounding, percentages may sum to 100%, +/-1 percentage point; percentages shown when >4%.

Additionally, several other metrics suggest the University of Nebraska can work to improve employees' work and life experience. Fewer than one in five strongly agree:

- they can maintain a healthy balance between work and personal commitments (19%)
- appropriate resources are available to them when they are feeling overwhelmed (17%)
- they have enough time to complete their work (15%)

National readings on these three measures are similar.

The University of Nebraska can do more to articulate its vision for the future and employees' role in it.

For the University of Nebraska to realize its vision of becoming America's preeminent public university system — a broad, diverse, collaborative system of higher learning that leads the world in education and discovery — it will need its employees to believe in this vision and see their place in it. The results from Gallup's study suggest there is a clear opportunity for the University of Nebraska to articulate its vision for the future and the role of employees in achieving that vision.

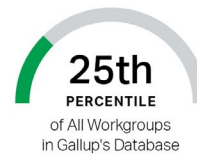
Fewer than one in five employees (19%) strongly agree the university has a well-developed strategy that supports its vision, which places NU in the 32nd percentile of Gallup's Overall Workgroup Level Database on this measure.

Additionally, 31% of employees strongly agree they understand how their role supports the university's overall strategy, 26% strongly agree leadership of the university is creating a future they want to be part of, and 23% strongly agree they know they will be an important part of the university in the future. Each of these readings are well below the 50th percentile in Gallup's database.

Where Do Faculty and Staff See Themselves in the University's Future?

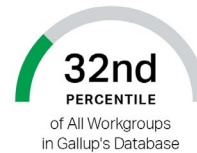
31%

across the university system strongly agree that they understand how their role supports the university's overall strategy



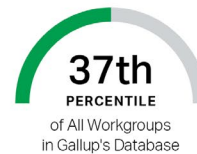
26%

strongly agree that leadership of the university is creating a future they want to be part of



23%

strongly agree that they know they will be an important part of the university in the future



19%

strongly agree that the university has a well-developed strategy that supports its vision



Source: 2021 University of Nebraska Climate Study



Methodology

Gallup partnered with the University of Nebraska to conduct this study. Gallup conducted a series of stakeholder interviews at study start, and collaborated with system leaders, to develop a quantitative survey of employees and students that would inform the University's objectives. The employee and student surveys were conducted via the web. The NU system provided Gallup a list of all currently enrolled undergraduate students and employees for the purposes of this survey effort. All data were collected Oct. 11-Nov. 5, 2021. Gallup sent an initial email invitation and series of email reminders throughout this data collection period to maximize response rates. Gallup invited 5,697 faculty members, 8,367 staff members, 510 administrators and 39,701 currently enrolled students to complete the survey.

For results based on the total sample of 6,721 students, the margin of sampling error is ± 1.20 percentage points at the 95% confidence level. For results based on the total sample of 2,076 faculty, the margin of sampling error is ± 2.15 percentage points at the 95% confidence level.

For results based on the total sample of 3,935 staff, the margin of sampling error is ± 1.56 percentage points at the 95% confidence level.

For results based on the total sample of 351 administrators, the margin of sampling error is ± 5.23 percentage points at the 95% confidence level.

Throughout this report, Gallup compares NU results with other studies it has conducted nationally. These studies include the Gallup-Lumina Foundation 2020 study, which was a nationally representative study of currently enrolled students in degree-granting institutions. Gallup compares employee data with its Gallup employee experience Overall Workgroup Level Database, which includes over 13 million respondents across a series of industries and Gallup's Education-Postsecondary/Higher Education Workgroup Level Database, which includes 118,770 employees at degree-granting institutions.

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.

Gallup has served more than 1,000 education organizations with advice and analytics based on 85+ years of research, including nearly half a million interviews with education leaders and their teams about their workplace experiences and the perspectives of more than 6 million students and alumni captured by the Gallup Student Poll and Gallup Alumni Survey. Gallup assists districts, schools, universities and institutions nationwide with research-based strategies to provide a culture shift in education to help students on their path toward great careers and great lives.

About the University of Nebraska System

The NU System comprises four campuses: the University of Nebraska–Lincoln, the University of Nebraska at Omaha, the University of Nebraska Medical Center, and the University of Nebraska at Kearney — a land-grant flagship campus, an academic medical center, a metropolitan campus serving our urban citizens and a campus focused on undergraduates. Collectively, these four unique institutions are known as the University of Nebraska System.

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▶▶▶ **APPENDIX B**

UNK Fire and Campus Safety Report

Annual Campus Security and Fire Safety Report

2022



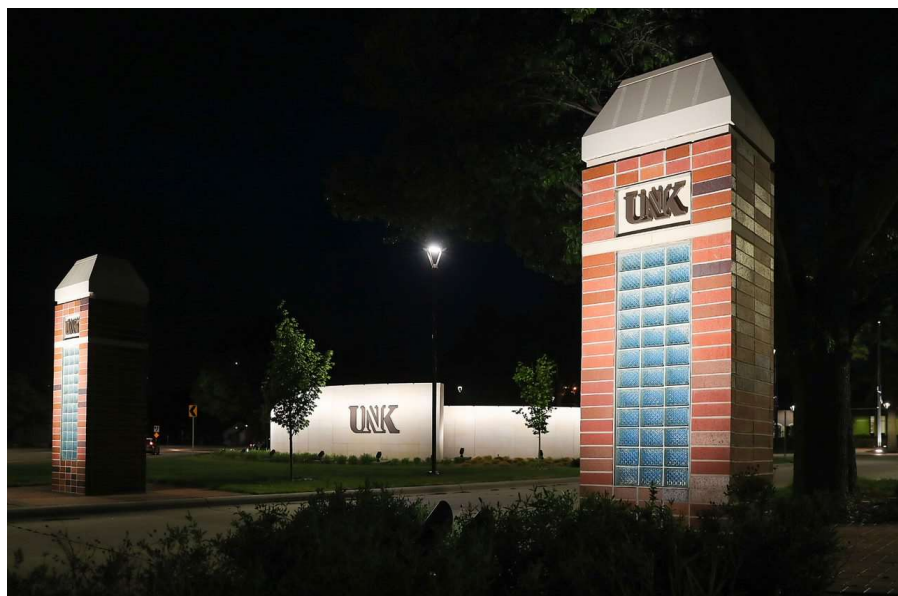
Safety and security information for the University of Nebraska at Kearney, including crime & fire statistics for the 2021 calendar year, and the information required by the Drug-Free Schools and Communities Act of 1989. This information is submitted to the U.S. Department of Education according to law.

The University of Nebraska at Kearney is responsive to University issues which support a diverse work and academic environment. The University of Nebraska at Kearney (UNK) 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 and persons with disabilities are encouraged to apply. The University affirms a policy of equal educational 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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Mission Statement

To enhance the opportunity of all individuals to participate in quality education, research and service by partnering with students, faculty, staff and visitors to provide a safe, protected and orderly environment.

Objectives

- Serve our community with integrity, compassion, fairness, and consistency.
- Respect and safeguard the dignity and rights of all individuals.
- Provide services to protect persons and property in the university community.
- Coordinate our efforts with other university departments and organizations, other law enforcement agencies, and the Kearney community.
- Educate the University community through crime prevention classes.
- Maintain a well-trained and equipped professional work force to respond to University needs.



A message from University of Nebraska Kearney Chief of Police:

The University of Nebraska Kearney Police Department (UNKPD) works diligently each day to ensure that our campus is a safe community where our students, faculty and staff can succeed. Our officers conduct vehicle, bike, and foot patrols to be visible in the community and to foster a sense of safety. The state certified police officers and community service officers in our department respond to reports of crime, address issues and provide education programs and resources to the community.

This report is written to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery). This report includes campus crime, arrests, and referral statistics reported to UNKPD, campus security authorities (CSAs), and local law enforcement agencies surrounding the campus as well as off campus locations. In addition to the statistics, the report also includes university policies and procedures concerning alcohol, drugs, sexual assault and general safety on campus. It is my hope that you will learn from this report about the ongoing safety and security initiatives on campus and how to play an active role in creating a safe and inclusive environment here on the Kearney campus.

Our officers and staff are committed to initiating and maintaining close ties with the campus community. If you need to reach the Police Department for any reason, call us directly at 308-865-8911 or stop by our location at 2501 19th Avenue.

We are here for you twenty-four hours a day!

Chief Jim Davis, DM
Director of Police and Parking Services
University of Nebraska Kearney Police Department



Annual Campus Security and Fire Safety Report and Clery Act Overview

The University of Nebraska at Kearney Police Department (UNKPD) has responsibility for the preparation and distribution of the University of Nebraska at 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 Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (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 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. Even though requests are made, these outside agencies are not required to provide the required crime statistics. Therefore, not all do; as well, not all responses provide adequate information for statistical determination. All viable statistics that are provided are included in the crime numbers provided later in this document. All statistics are gathered, compiled, and reviewed to ensure that no duplication takes place and that incidents 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; was due December 31, 2020.) The ASR is compiled, prepared, published and distributed by the Clery Coordinator position held within the UNKPD. The [ASR](#) and other crime prevention, safety and reporting information for the applicable three-year statistics can be found on the [UNKPD](#) website.

Schools with on-campus student housing facilities must also submit an annual Fire Safety Report to the Department of Education. The report must include statistics on the number of fires, causes of each fire, as well as fire-related injuries, deaths, and/or fire-related property damage for each on-campus student housing facility. The Fire Safety Report is included within the Annual Campus Security and Fire Safety Report.

The UNKPD is also responsible for uploading the applicable three-year statistics regarding crime and fires, as found in the ASR, to the Department of Education via the annual Campus Safety and Security Survey, a web-based data collection survey maintained by the Department of Education to disclose statistics by type, location, and year. If you would like to view our statistics, they can be found at <http://ope.ed.gov/security/> (click on "Get data for one school" and search for "University of Nebraska at Kearney.")

Each year, the Department sends a letter to presidents or chief executive officers of institutions with information on accessing the Campus Safety and Security Survey. The website explains how to tabulate these statistics. The letter explains any changes to the survey, the collection dates for the survey, the name of the person who completed the reporting at the school the previous year, and a new ID and password for completing the survey. The data is then posted on the Department of Education's public website for use by higher education consumers and the public.

This report includes terminology and information from multiple sources. Please note that the terms “victim”, “complainant”, and “survivor” are used interchangeably. Additionally, the terms “perpetrator” and “respondent” are used interchangeably.

The ASR includes policy statements regarding (but not limited to) crime reporting, campus facility security and access, law enforcement authority, incidence of alcohol and drug use, and the prevention of/response to sexual assault, domestic or dating violence, and stalking and addresses hate crimes.

An annual review of all policies and procedures ensures that they are up-to-date and in compliance with the Clery Act and other federal laws and statutes. In addition, and prior to its publication, the entire report (all statistics compiled throughout the year, policy statements, process descriptions, contact numbers, etc.) are reviewed and updated as needed.

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 certain timely and annual information about crime on and around their campuses that was enacted by Congress in 1990. It was most recently amended in 2013 by the Violence Against Women Reauthorization Act (VAWA Act). 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 Clery Act requires all colleges and universities that participate in federal financial aid programs to:

- Publish an annual security report by October 1st (with exception to the 2020 report that covers 2019; was due December 31, 2020) that documents three (3) calendar years of campus crime and fire statistics, certain campus security policy statements and additional requirements defined by the Department of Education.
- Collect, count, and disclose crime statistics and information about crime on and around their campuses.
- Maintain a public daily crime log that records all criminal incidents and alleged criminal incidents reported to UNKPD.
- Maintain a publicly accessible fire log of all fires that occurred in on-campus residential facilities.
- Disclose missing student notification procedures for students who reside in on-campus residential facilities.
- Issue “timely warning” notices for any Clery crime that “represents an ongoing or continuing threat to the safety of students or employees;”
- Issue an emergency notification “when a significant emergency or dangerous situation involves an immediate threat to the health or safety of students or employees on campus;”
- Provide educational programs and campaigns for the students and employees on campus.
- Disclose fire safety information.



Publish an Annual Security Report (ASR) – by October 1st (with exception to the 2020 report that covers 2019; was due December 31, 2020), documenting three (3) 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.

In order to comply with this requirement, an e-mail is sent to all University members telling them the exact information regarding the on-line location of the report. For new-hires, they complete Title IX training online as well as new employee orientation training that includes a link to the Annual Campus Security and Fire Safety Report. For prospective students, we have a direct link for our Undergraduate and Graduate admissions students to access the report. Our prospective employees can access the report through a direct link on our employment application site.

Maintain a Daily Crime and Fire Log – The UNKPD maintains a Daily Crime and Fire Log. Institutions with a police or security department are required to maintain a public crime log that records all criminal incidents and alleged criminal incidents reported to the department. As well, any institution that maintains on-campus housing facilities must maintain a fire log. The fire log must be a written and easily understood record of any fire that occurred in an on-campus student housing facility.

Entries in the Daily Crime and Fire Log must be made within two (2) business days of the report of the information, unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim. An institution may withhold this information if there is clear and convincing evidence that releasing it would jeopardize an ongoing criminal investigation or safety of the individual, cause the suspect to flee or evade detection, or result in the destruction of evidence.

The log provides information regarding the date, time (for both when the incident occurred and when it was reported), general location of the incident, description of the crimes and a disposition of the complaint (if known), that occurred in their patrol district. If it's a fire, it would also provide the nature (descriptions so that it is easily understood as to what type of fire it is) of each fire. The log **does not** include names or specific locations, such as residence hall room numbers.

This log is available to the public during normal business hours at the UNK Police Department Office located in the Facilities Building, at 2501 19th Avenue Kearney, NE and is maintained for a minimum of sixty (60) days. Requests for Crime log information older than the sixty (60) day period will be honored within two (2) business days.

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.

We do not currently have any student organizations that have residences on non-campus locations.

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 is believed that a student has been missing for 24-hours.

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.

Issue Timely Warnings and Emergency Notifications – Institutions are required to inform the campus community about any “significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.” UNKPD is responsible for reviewing the situation determining if it needs to have a Timely Warning or Emergency Notification sent out as well as providing any follow-up information.

Timely Warnings are limited to those crimes and incidents that have been identified as those that are specific to a Clery Act Crime. Emergency Notifications have a broader scope and can encompass many varied emergent or dangerous situations. 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.

In the event of a situation, the UNKPD will, without delay and considering the safety of the campus community, immediately determine the content of and issue alert notifications. That is, unless it has been determined that issuing such an alert will, in the professional judgment of the UNKPD’s responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Institutions must provide timely warnings in a manner likely to reach all members of the campus community. UNKPD does this through the UNKAlert that is a notification system that allows the University to notify the campus community members of a campus threat or situation. Messages can be sent by e-mail, text message and phone. It may also be decided by administration to manually update Facebook, Twitter, and the UNK website home page with any information. 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. The release of information to the public shall be in compliance with all federal, state and local laws.

Campus Security Authority (CSA) – While not defined in statute, regulations provide that CSAs include campus police or security department personnel; individuals or organizations identified in institutional security policies; and individuals with security-related responsibilities. The definition at § 668.46(a)(iv) states that a CSA also includes an official “who has significant responsibility for student and campus activities.”

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 Student Health and Counseling, Victim Advocates, Athletics, Human Resources, Ombudsperson, Title IX Specialist, and student organization advisors.

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. This can be done anonymously at the University’s “[Silent Witness](#)” web page. 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.

All members of the University community are encouraged to report crimes or criminal activity for inclusion in the annual disclosure of crime statistics either by utilizing the University’s “[Silent Witness](#)” web page or by directly contacting the UNK Police Department.

Reporting to Pastoral and Professional Counselors – Pastoral and Licensed Professional Counselors are identified as confidential resources, who may not share information without an individual’s informed consent unless there is imminent danger to self or others, or as otherwise required by law (for instance, mandatory reporting for sexual violence).

A Pastoral Counselor (for example, an ordained clergy member or individual defined as such by a religious order or denomination) is a person who is associated with a religious order or denomination, 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.

A licensed Professional Counselor (for example, psychiatrists, licensed psychologists, licensed social workers, and those under their supervision), is a person whose official responsibilities include providing mental health counseling to members of the University community *and* who is functioning within the scope of the counselor’s license or certification.

Pastoral and Professional Counselors, *when acting as such*, are not CSAs and thus are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual disclosure of crime statistics.

Student Code of Conduct – From the code of conduct, “Students at the University of Nebraska are members of an academic community in which academic integrity and responsible conduct are essential for the community to function. To ensure that students know what is expected of them, the University has adopted the Standards of Academic Integrity and Responsible Conduct (“Standards”).”

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 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. 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 UNKPD, has nine (9) full-time certified officers having full police and arrest powers, that oversee coordinating all campus safety and security measures. UNKPD officers enforce University regulations and laws of the State of Nebraska on the UNK campus. These individuals 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 (1) full-time Community Service Officer and one (1) 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.

The UNKPD 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 support the Kearney Police Department (KPD.) UNKPD 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.

Officers of the UNKPD conduct foot, bicycle, and motorized patrol of campus 24-hours a day. UNKPD works closely with the KPD, the Buffalo County Sheriff's Office (BCSO) and the Nebraska State Patrol (NSP.) Although there are no written memoranda of understandings between these agencies, all agencies actively assist each other as needed. Incidences that cross jurisdictions, require additional personnel or equipment beyond the University's abilities will be conducted jointly with another agency. The KPD also responds to any off-campus incident involving student activities within the city limits; UNKPD assists them upon their request.

University police officers have direct radio communication with both the KPD and the BCSO and are part of the Buffalo County 911 Emergency Center, as they dispatch for the University.



An annual request is to KPD, BCSO and NSP to see if any crimes were responded to in our clery geographical area. In addition, a letter is sent annually 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 of the campus community. As well, we request information annually from KPD, BCSO and NSP for statistics regarding any crimes that occur at locations for any non-campus functions where student activities are held.

To report criminal activities or emergencies, UNKPD can be contacted by telephone, in person, or by e-mail:

1. **Phone:** UNKPD at 308-865-8911
2. **Text:** UNKPD at 308-865-8911
3. **Email:** unkpd@unk.edu
4. **Emergency:** If it is an emergency, simply dial or text 911. All law enforcement agencies in Buffalo County work from the same dispatch system. If dialing or texting 911, the call will automatically be dispatched to the agency having primary jurisdiction.
5. **In person:** Stop at UNKPD, located at 2501 19th Avenue, or if you see a UNKPD officer in a vehicle, on foot or bicycle, get their attention and they will be happy to assist you.
6. **“Silent Witness” web page:** for voluntary and confidential reporting, submit a [“Silent Witness” form](#).

Upon receipt of a call, UNKPD is 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 Office 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 and determine if there is a pattern of crime in order to alert the campus community to potential dangers.

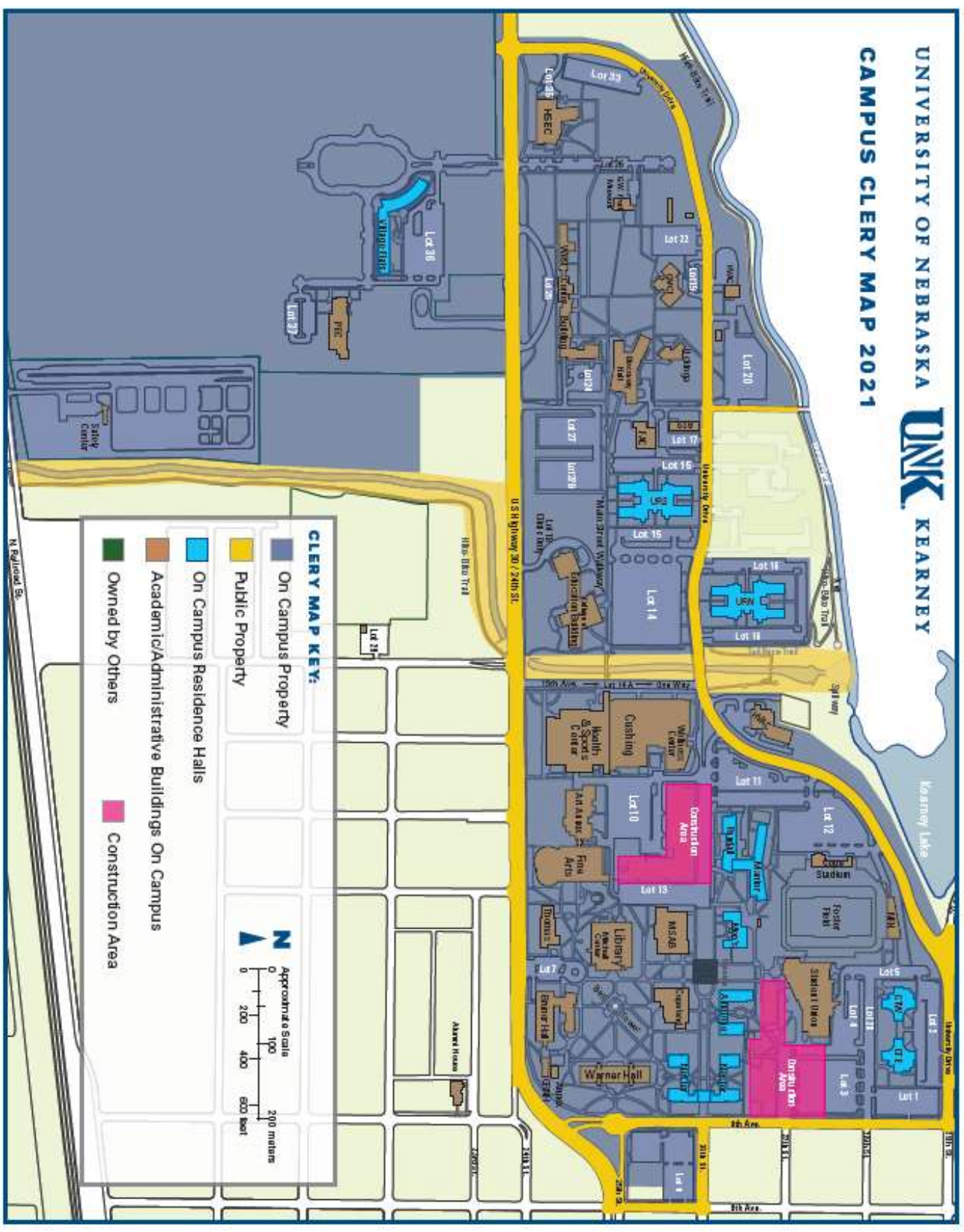
Every month, UNKPD provides its Uniform Crime Report to the Nebraska Crime Commission, as required, for inclusion of crime statistics that is published annually by the Federal Bureau of Investigation. The yearly report provides detailed statistical information and is available at public libraries.

The University strongly encourages accurate and prompt reporting of all crimes to UNKPD or a campus security authority if on campus, and/or it can be reported to local law enforcement agencies (KPD, BCSO and/or NSP) if the incident occurred off campus, when the victim of crime elects to, or is unable to, make such a report. 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 UNKPD, a CSA, or any other authority. However, it is important for the safety of campus, as well as for the community, that any crime is reported so that appropriate measures can be taken (timely warnings, additional police patrols, etc.). Furthermore, reporting helps ensure that the statistics that are reported and made available to the public by the University are accurate. The University allows victims and witnesses to provide crime information on a voluntary, confidential basis if so desired.



UNIVERSITY OF NEBRASKA CAMPUS CLERY MAP 2021



CLERY MAP KEY:

- On Campus Property
- Public Property
- On Campus Residence Halls
- Academic/Administrative Buildings On Campus
- Owned by Others
- Construction Area

Approximate Scale

0 100 200 400 600 feet

N

Crime Statistics

The following criminal offenses were reported to the University police, a 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. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. To view a map of [UNK campus](#). All years reflect a twelve (12) month calendar year. The definitions for these crime categories are taken from the FBI's National Incident-Based Reporting System, the Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual and the Violence Against Women Act (VAWA).

A reported crime may be unfounded only if sworn or commissioned law enforcement personnel have fully investigated the reported crime and made a formal determination that the report is false or baseless; in other words, no crime occurred. No one other than appropriate law enforcement personnel may unfind a crime. A prosecutor's decision not to bring charges or a finding of not guilty by a jury is not sufficient to unfind a reported crime. Institutions must report to the Department and disclose in their Annual Security Report the total number of crime reports that were "unfounded" during each of the three (3) most recently completed statistic years.

Incidents shown in the "On-Campus Residential" category are also included in the statistics shown in the "On Campus" category.

In 2021, 2020 and 2019, the University Study Abroad program held classes and stayed at the Park Lodge Hotel located at Galway Ireland. Statistics were not included as the information provided was for regions rather than specific locations and was not detailed enough for these purposes.

In 2021, we did not receive responses from the Tahlequah Police Department, the Carrizozo Police Department, the Fairbanks Police Department, and the Cochise County Sheriff's Department.

In 2021, the University Study Abroad program went on a trip to Mexico and did multiple stops on the trip. After trying multiple times to get in contact with LaPaz, Buena Vista BCS policia, and Loreto BCS policia, I was unable to. I tried the email for LaPaz and received a response from an individual indicating that said she was a private individual and had no affiliation with the police as it had indicated on the internet. She told me that there is no "office" for the police department in LaPaz and that if you call, they only speak Spanish. I tried finding Buena Vista BCS and Loreto BCS online and was unable to find any policia. All possible resources were exhausted.

In 2019, we did not receive responses from the Tahlequah Police Department, the Little Rock Police Department, or the Mayetta Police Department.

In the Annual Security Report, institutions are required to record crimes by location. The three geographical categories of locations subject to reporting as defined in 34 CFR 668.46(a) are:

1. On Campus –

- a) 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
- b) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) 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).
- c) Residential Facilities are a subset of the On-Campus category that must be separately disclosed and counted. 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.

2. Non-campus –

- a) Any building or property owned or controlled by a student organization officially recognized by the institution; or
- b) 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.

3. Public Property –

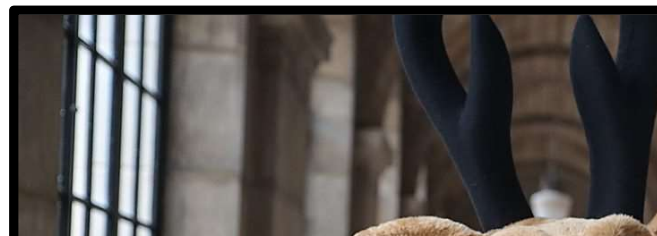
- a) All public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.
- b) Includes all public property, including thoroughfares, streets, sidewalks, and public parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

The Clery Act requires reporting of crimes in four major categories, some with significant sub-categories and conditions:

1. Criminal Offenses:

- a) Criminal Homicide
 - 1) Murder & Non-negligent manslaughter
 - 2) Negligent manslaughter
- b) Sex Offenses
 - 1) Rape
 - 2) Fondling
 - 3) Incest
 - 4) Statutory Rape

- c) Robbery
 - d) Aggravated Assault
 - e) Burglary
 - f) Motor Vehicle Theft
 - g) Arson
2. Hate crimes must be reported by category of prejudice, origin, sexual orientation, gender identity, ethnicity and crimes, if the crime committed is classified as a hate crime. Four additional crime categories:
 - a) Larceny/Theft
 - b) Simple Assault
 - c) Intimidation
 - d) Destruction/Damage/Vandalism of Property
 3. Violence Against Women Act (VAWA) Offenses. VAWA reporting purposes is included in the Criminal Offenses
 - a) Domestic Violence
 - b) Dating Violence
 - c) Stalking
 4. Arrests and referrals for campus disciplinary action (if a)
 - a) Liquor Law Violations
 - b) Drug Law Violations
 - c) Illegal Weapons Possession



The Numbers

Type of Crime	Year	On-Campus	On-Campus Residential	Non-Campus	Public Property	Unfounded Crimes	Hate Crimes
Criminal Homicide:							
Murder/Non-Negligent Manslaughter	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
Manslaughter By Negligence	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
*Sex Offenses:							
Rape	2021	5	4	0	0	0	0
	2020	1	1	0	0	0	0
	2019	2	1	0	0	1	0
Fondling	2021	2	2	0	0	0	0
	2020	0	0	0	0	0	0
	2019	1	0	0	0	0	0
Incest	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
Robbery	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
Aggravated Assault	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
Burglary	2021	5	5	0	0	0	0
	2020	3	2	0	0	0	0
	2019	3	2	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2019	0	0	1	0	0	0
**Arson	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2019	1	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):							
**Domestic Violence	2021	1	1	0	0	0	0
	2020	0	0	0	1	0	0
	2019	1	1	0	0	0	0
**Dating Violence	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
**Stalking	2021	1	1	0	0	0	0
	2020	3	0	0	0	0	0
	2019	3	2	0	0	0	0
Weapons Law Violation:							
Arrest	2021	0	0	0	0	0	0
	2020	0	0	0	1	0	0
	2019	0	0	0	0	0	0
Disciplinary Referrals	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2019	0	0	0	0	0	0
Drug Related Violations:							
Arrest	2021	18	11	0	17	0	0
	2020	14	6	1	6	0	0
	2019	7	3	0	1	0	0
Disciplinary Referrals	2021	1	1	0	0	0	0
	2020	4	4	0	0	0	0
	2019	6	6	0	0	0	0
Liquor Law Violations:							
Arrest	2021	26	23	0	7	0	0
	2020	25	14	0	2	0	0
	2019	18	15	0	2	0	0
Disciplinary Referrals	2021	7	7	0	0	0	0
	2020	18	15	0	0	0	0
	2019	15	14	0	0	0	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							

Reported Hate Crimes

Hate crimes on campus:

2021 – No hate crimes were reported.

2020 – No hate crimes were reported.

2019 – Two (2) vandalism based on sexual orientation was reported.

Hate crimes in on-campus residential:

2021 – No hate crimes were reported.

2020 – No hate crimes were reported.

2019 – Two (2) vandalism based on sexual orientation was reported.

Hate crimes non-campus:

2021 – No hate crimes were reported.

2020 – No hate crimes were reported.

2019 – No hate crimes were reported.

Hate crimes on public property:

2021 – No hate crimes were reported.

2020 – No hate crimes were reported.

2019 – No hate crimes were reported.

Unfounded Crimes

Unfounded crimes on campus:

2021 – One (1) unfounded burglary on-campus crime was reported.

One (1) unfounded burglary on-campus residential crime was reported.

2020 – No unfounded crimes.

2019 – One (1) unfounded on-campus crime was reported.

One (1) unfounded burglary on-campus residential crime was reported.

There were no unfounded crimes located on non-campus or public property for 2021.

There were no unfounded crimes located in on campus, on-campus residential, non-campus or public property for 2020.

There were no unfounded crimes located on non-campus or public property for 2019.

Timely Warning Policy

1. Scope –

Timely Warnings are issued by the University of Nebraska Kearney Police Department (UNKPD), or their designee and are used to notify the campus community and visitors 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. Timely warnings are designed to inform you of something that has already happened but may have a potential serious or ongoing impact on the University community.

The Clery Act doesn't define timely. A warning will be issued as soon as pertinent information is available. Generally, there is no allowance for taking time to review video footage, interviewing involved parties beyond the initial report, or completing an investigation, etc. Even if all the facts surrounding a Clery Act criminal incident that represents a serious and continuing threat to students and employees are not available or known, a Timely Warning must be issued.

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. 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 continuing threat to students, employees and members of the Community by providing Timely Warnings.

3. Reason for Policy –

This policy was created to establish the University's responsibilities and procedures for timely notifying the campus community members and visitors of specific crimes that occur within the Clery geographic area, upon confirmation of the threat.

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.
 - a) Pastoral and Professional Counselors, *when acting as such*, are not CSAs and thus are not required to report crimes. As a matter of policy, they are encouraged, if they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual disclosure of crime statistics
2. UNKPD can be notified by calling 308-865-8911 or calling or texting 911.
3. Local law enforcement agencies also have been asked to notify UNKPD if they become aware of a situation that warrants a notice to the University students, staff, and faculty.
4. If this emergency is a serious health matter, he or she should contact Student Health and Counseling at 308-865-8218 or calling or texting 911.

B. When to send a Timely Warning –

1. The UNKPD Chief, supervisor or their 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 / county departments if needed.
2. A Timely Warning must be issued for any Clery reportable crime that occurs within the institution's Clery geography.
3. Is the reported incident considered by the institution to represent a serious or continuing threat to the campus? Whether a reported crime constitutes a continuing threat must be decided on a case-by-case basis considering all 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.
4. 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.
5. 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
6. If a large amount of time has elapsed between the occurrence and the report, it may be determined that a notification is no longer needed.
7. If there is a compromise to law enforcement efforts to assist a victim, contain an emergency, respond to an emergency, or otherwise mitigate an emergency, it may be determined that a notification is no longer needed.

C. Determine the Content of the Message –

1. The timely warning must contain sufficient information about the nature of the threat 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.

There are currently templates within the UNKAlert system as well as templates in the shared drive with appropriate notification verbiage for the other distribution methods of communication. The templates are utilized in typical circumstances, but they can be modified by the UNKPD Chief, supervisor or their designee, if needed, to fit the situation.

2. A timely warning may include but is not limited to the following, unless issuing any of this information would risk compromising law efforts:
 - a) Date and approximate time of the incident.
 - b) A brief description of the incident.
 - c) Possible connection to previous incidents.
 - d) Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
 - e) This notification will withhold the names of the victims associated with any emergency.
 - f) Suspect description(s) when deemed appropriate and if there is sufficient detail; (The description of the subjects in a case will only be included in a timely warning if there is enough detail to describe the individual. If the only known descriptors are sex and race, they will not be included in the notification).
 - g) Information on crime prevention, personal safety, or other community safety resources.
 - h) UNKPD contact information.

D. Review of the Message –

1. Unless exigent circumstances exist, UNKPD Chief, supervisor or their designee will draft an email containing the proposed Timely Warning and forward it to UNK Communications and Marketing for review and distribution.
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 Timely Warnings are:
 - a) Communications and Marketing
 - b) Emergency Planning and Management
3. If exigent circumstances exist, the notification will be sent by the UNKPD without consultation or the review process.

E. Timing of the Timely Warning –

1. 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.
2. 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.

F. Distribution –

1. The Timely Warning must be distributed in a manner reasonably likely to reach the entire campus community (students, staff, and faculty) as well as visitors.
2. Depending on the circumstances, any of the following methods, or combination thereof, may be used, including but not limited to:
 - a) UNKAlert. Communication devices can be cell phones (text and voice), landline phones, and e-mail addresses. Telephone numbers and e-mail addresses for UNKAlert will be maintained from SAP for employees and MyBlue for students.
 - b) Students and employees who do not wish to receive emergency messages on their personal telephones or e-mail addresses may "opt-out". ([Opt-Out Form](#)) Students and employees **cannot** "opt-out" of receiving UNKAlert on UNK landline telephones, UNK e-mail addresses or cell phones provided by UNK.
 - c) It may also be decided to manually update Facebook, Twitter, and the UNK website home page with the information
 - d) Campus-wide Announce e-mail to employees
 - e) Campus-wide Announce or Student Bulletin e-mail to students
 - f) Voice Over Fire Alarm system
 - g) News release or media statement
 - h) Manual posting of notices
3. 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.
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 the distribution systems available to the University.
5. This policy is **not** applicable if a notification is sent out under the Emergency Notification Policy.

G. 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.

H. System Testing –

1. The UNKAlert 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.
2. The Voice Over Fire Alarm Speaker system is tested bi-annually and the sprinkler systems are tested quarterly per NFPA requirements.
3. Any issues or concerns discovered during testing or during issuance of any message will be immediately addressed.

4. Definitions –

A. Campus Security Authority: A Campus Security Authority (CSA) is any person who has the authority and the duty to act or respond to 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 of Student Affairs
- Police Officers
- Community Service Officers
- Student Conduct
- Housing Director, Resident Assistants, and Residential Life Coordinators
- Student Activities Staff
- Student Health Care
- Athletics Director and Coaches
- Human Resources
- Ombudsperson
- Title IX Coordinator
- 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:

1. Criminal Homicide
 - a) Murder & Non-negligent Manslaughter
 - b) Manslaughter by Negligence
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

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:

1. Larceny/Theft
2. Simple Assault
3. Intimidation
4. Destruction/Damage/Vandalism of Property

D. The statistics for the following incidents must be reported in addition to those above:

1. Domestic Violence
2. Dating Violence
3. 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):

1. Liquor Law Violations
2. Drug Law Violations
3. Illegal Weapons Possession

F. 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.

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.



Emergency Notification Policy

1. Scope –

Emergency 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 the campus community. An Emergency Notification is used to inform the University community to do something differently immediately (such as evacuate a building) and to anticipate a potential future incident.

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. Policy Statement –

The University of Nebraska at Kearney, in compliance with Clery Act – 20 USC 1092, will notify the campus community upon the confirmation of a significant emergency or dangerous situation involving the immediate threat to the health and safety of students, employees, or visitors occurring on the 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 (UNKAlert), 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.

3. Reason for Policy –

The University understands the importance of being able to immediately notify the campus community and visitors of significant emergencies or dangerous situations involving the immediate threat to the health and safety of students, employees, or visitors on campus, upon the threat's confirmation. This notification is intended to allow community members to take steps to aid in their own safety.

4. Procedures -

A. How to Report –

1. UNKPD can be notified by calling 308-865-8911 or calling or texting 911.
2. Local law enforcement agencies also have been asked to notify UNKPD if they become aware of a situation that warrants a notice to the University students, staff, and faculty.
3. If this emergency is a serious health matter, he or she should contact Student Health and Counseling at 308-865-8218 or calling or texting 911.

B. When to send an Emergency Notification –

1. The UNKPD Chief, supervisor or their designee is responsible for making the decision whether an Emergency Notification will be issued. He or she can do this in consultation with other University and city departments if needed.
2. An Emergency Notification is triggered by an event that is currently occurring on or imminently threatening the campus.
3. Implement 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, employees, or visitors on campus.

4. Initiate procedures immediately upon confirmation that a dangerous situation or emergency exists or threatens the campus. Confirmation can come from these sources:
 - a) UNK Student Health and Counseling
 - b) External Law Enforcement (KPD, NSP, BCSO)
 - c) Nebraska Weather Service
 - d) Gas Company
 - e) Direct Officer confirmation
- C. 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 department confirming these facts will contact the UNKPD Chief, supervisor or their designee.
 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 Emergency Notification message are:
 - a) Communications and Marketing
 - b) Emergency Planning and Management
 3. There are currently templates within the UNKAlert system as well as templates in the shared drive with appropriate notification verbiage for the other distribution methods of communication. The templates are utilized in typical circumstances but they can be modified by the UNKPD Chief, supervisor or their designee, if needed, to fit the situation.
 4. This notification will warn people in the affected area of the emergency and list any precautionary steps to take, if known.
 5. This notification will withhold the names of the victims associated with any emergency.
- D. Review of the Message –
1. Unless exigent circumstances exist, UNKPD Chief, supervisor or their designee will draft an email containing the proposed Emergency Notification and forward it to UNK Communications and Marketing for review and distribution.
 2. If exigent circumstances exist, the notification will be sent by UNKPD without consultation or the review process.
- E. Determine who will receive the Notification –
1. The UNKPD Chief, supervisor or their designee shall determine the segment or segments of the University that will be directly impacted by the incident and will notify them utilizing the distribution methods.
 2. There will be a continuous assessment of the situation and that additional segments of the campus community may be notified if a situation warrants such action.
 3. The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected or when a situation threatens the operation of the campus.
 4. The communication of this information will be determined by the department confirming the facts of the incident.
- F. Distribution –
1. Based on the above determination, the emergency and who is affected, UNKPD Chief, supervisor or their designee as well as any assisting agency will determine what modes of communication will be used.

2. Depending on the circumstances, any of the following methods, or combination thereof, may be used, including but not limited to:
 - a) UNKAlert. Communication devices can be cell phones (text and voice), landline phones, and e-mail addresses. Telephone numbers and e-mail addresses for UNKAlert will be maintained from SAP for employees and MyBlue for students.
 - b) Students and employees who do not wish to receive emergency messages on their personal telephones or e-mail addresses may "opt-out". ([Opt-Out Form](#)) Students and employees **cannot** "opt-out" of receiving UNKAlert on UNK landline telephones, UNK e-mail addresses or cell phones provided by UNK.
 - c) It may also be decided to manually update Facebook, Twitter, and the UNK website home page with the information (UNK Communications and Marketing.)
 - d) Campus-wide Announce e-mail to employees (UNKPD, Vice Chancellor, or UNK Communications and Marketing.)
 - e) Campus-wide Announce or Student Bulletin e-mail to students (Student Engagement.)
 - f) Voice Over Fire Alarm system (UNKPD.)
 - g) News release or media statement (UNK Communications and Marketing.)
 - h) Manual posting of notices (UNKPD or Residence Life staff.)
3. 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.
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 the distribution systems available to the University.
5. If this policy is utilized, the Timely Warning policy is not relevant. Federal law specifies that "an institution that follows its Emergency 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.

G. 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.

H. System Testing –

1. The UNKAlert 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.
2. The Voice Over Fire Alarm Speaker system is tested bi-annually and the sprinkler systems are tested quarterly per NFPA requirements.
 - a) 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 [procedures](#) in place to deal with emergency situations on the University of Nebraska at Kearney campus. These plans are designed to provide guidance to the University's responders and the campus community applicable to all emergencies. They have identified functional responsibilities of various organizations and offices within the University.

UNK has a detailed [emergency operations plan](#) for the protection of the campus community. Everyone on campus property is expected to know and follow these plans so emergency situations can be minimized. To view in person or request a copy, contact UNKPD at (308) 865-8911 or at 2501 19th Avenue.

All new employees are given a copy of the [Emergency Procedures](#). Posters of the [Emergency Quick List 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 the campus community, 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. Information included in this documentation is the type of drill, location, date, time and participants.

Annually, during the Nebraska Severe Weather Awareness week, notification is sent to staff, faculty and students with a link to the Emergency Management (Emergency Events) website. This houses all Emergency Plans including the emergency response and evacuation procedures.

The safety and security of students, faculty, staff, visitors, and the entire UNK Community has always been a top priority of the University's leaders and is an integral part of our commitment to excellence. UNK has enhanced its preparedness to deal with emergencies of any sort by upgrading and integrating the various emergency response and disaster plans.

In 2021 some of the exercises and/or trainings the University conducted or participated in were:

- Tornado Drill
 - Announced prior to drill
 - Drill conducted: March 24th, 2021, 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
 - Conducted March 21st – 27th, 2021
 - 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 Training
 - Announced prior
 - Conducted August 17th, 2021
 - 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.
 - Alerts sent on: January 24th, 2021 at 1:42 p.m., January 25th, 2021 at 6:27 p.m., February 15th, 2021 at 9:23 p.m. and December 12th, 2021 at 4:31 a.m. and 5:13 a.m.
- Campus-Wide Evacuation Drills
 - Received waiver from University of Nebraska Fire Marshall Rich Firebaugh. This was due to COVID-19 protocols and distancing. Evacuation procedures were discussed and demonstrated at Residential meetings by individual floors and at UNK employee departmental meetings.
- COVID-19 EOC activation – COVID pandemic
 - UNK EOC continued from prior year (2020.)
 - Weekly meetings throughout the year.
 - Numerous trainings and information briefings were associated with COVID-19 activities.



- Trainings
 - January 27, 2021 – Mass Vaccination Training
 - March 15, 2021 – Title IX – Employee
 - March 22, 2021 – Weather Spotter
 - May 4, 2021 – Children Covid Fatigue
 - May 6, 2021 – Preventing Burnout – COVID
 - May 11, 2021 – Aspects of Burn Care
 - May 18, 2021 – Trends in COVID management
 - May 19, 2021 – GETS / WPS
 - May 20, 2021 – Bringing Humor to Pandemic
 - June 8, 2021 – AED Instructor Training
 - June 30, 2021 – CPR/First Aid/AED Adult & Pediatric
 - August 11-12, 2021 G288 – Volunteer and Donation Management
 - September 17, 2021 – Fundamentals of FERPA
 - October 28, 2021 – Anti-bias
 - November 9, 2021 – Integrated Preparedness Planning Workshop
 - December 2, 2021 – Active Shooter Preparedness Webinar

- Education Classes
 - January 24, 2021 – Presentation on emergency response to Incoming transfer students
 - February 13, 2021 – Hosted Vaccination Clinic at Cushing Coliseum
 - February 18-19, 2021 – CPR / First aid to daycare employees
 - March 6, 2021 – Hosted Vaccination Clinic at Cushing Coliseum
 - October 2021– Criminal Justice Conference



University of Nebraska at 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.
3. Responsibilities -
 - A. EOT Emergency Coordinator -

Oversee the dissemination of internal information related to the emergency. Including: activating UNKAlert 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 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 if 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 UNKAlert 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 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 or text 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

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 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 or text 911 to ensure rescue personnel are notified of your location and your need for assistance 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 UNKAlert 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 vehicles. Evacuation routes will be selected by law enforcement officials at the time the evacuation decision is made. If 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 –

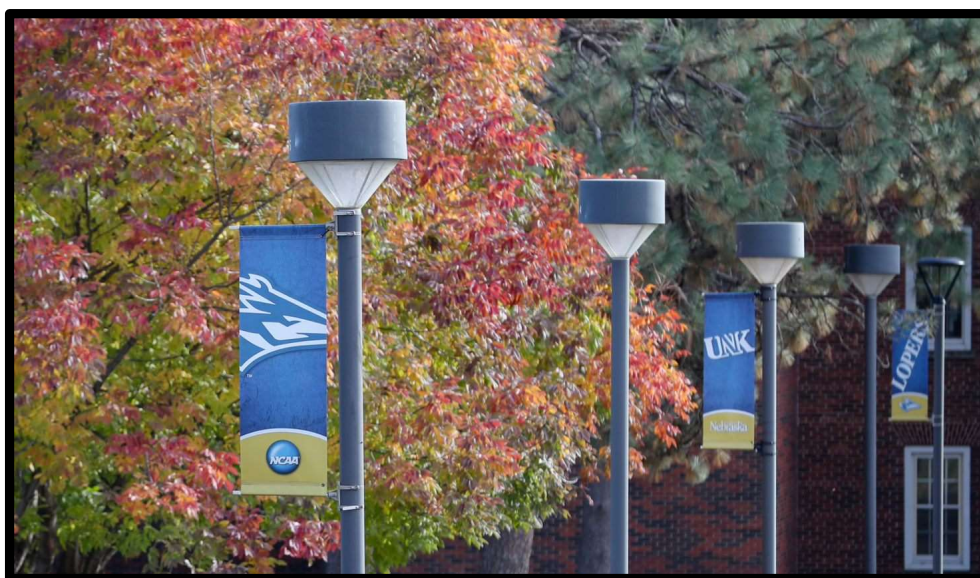
The re-entry decision and order will be made by the Chancellor or his/her designee after the threat has passed and the evacuated area has been inspected by all necessary safety personnel.

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 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 Program (DAAPP)

1. **Annual Notification** – An annual notification will be sent to all students and employees. The notification will include:
 - A. Standards of conduct that clearly prohibit, at minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.
 - B. A description of appropriate legal sanctions for violation of federal, state, and local laws for the unlawful possession or distribution of illicit drugs and alcohol.
 - C. A description of the health risks associated with the abuse of illicit drugs or alcohol use.
 - D. A list of drug and alcohol programs (evaluations, treatment, and counseling) that are available to employees or students.
 - E. A clear statement that the University will impose disciplinary sanctions on students and employees for violations of the standards of conduct.
 - F. Identification as to whom will be maintaining the Drug and Alcohol Abuse Prevention Update document.
 - G. A description of people that the Drug and Alcohol Abuse Prevention Update document will be sent to (students, employees.)

2. **Oversight Responsibility (who is going to maintain)** – The Dean of Students shall have oversight responsibility of the Drug and Alcohol Abuse Prevention Update document, including but not limited to, updates, coordination of information required and the coordination of the annual notification to employees and students. 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.

3. **Notification of the Drug and Alcohol Abuse Prevention Update document (DAAPP Program)-**
 - A. Students:
 - i. Send annually by email at end of winter quarter to all current students email address on file.
 - ii. Distribute by email at fall quarter with the Annual Clery ASR Report.
 - iii. Post online with other updated Clery documentation on or before October 1st of each year.
 - B. Employees:
 - i. Send annually by email to all current employees at fall and end of winter quarter to email address on file.

DRUG AND ALCOHOL ABUSE PREVENTION UPDATE

Last Revised: June 20, 2022

A. STANDARDS OF CONDUCT FOR EMPLOYEES AND STUDENTS REGARDING ALCOHOL AND DRUGS (BOARD OF REGENTS POLICY 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:

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 us, 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. Nebraska laws are available at <http://nebraskalegislature.gov/laws>. 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. 2020).

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), these include impounding licenses or permits issued under the Motor Vehicle Operator's License Act, completion of community service, and attending drug education classes.

Immunity and Violation Exceptions:

The law provides immunity from drug related violations in subsection (3) of §28-416 and §28-441 (which relates to drug paraphernalia) in certain circumstances. The law provides immunity when a person may need medical assistance as a result of a drug overdose and the evidence for the violation of the laws was obtained as a result of the drug overdose and the request for 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 drug overdose of themselves or another person as soon as the emergency situation was apparent; (ii) made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible drug 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. § 28-472 (Cum. Supp. 2020).

Similarly, effective July 21, 2022, the law also provides immunity from arrest and prosecution for drug or alcohol offenses for victims and witnesses of sexual assault. A person shall not be arrested or prosecuted for an eligible alcohol or drug offense if such person witnessed or was the victim of a sexual assault and such person: (a) Either: (i) In good faith, reported such sexual assault to law enforcement; or (ii) Requested emergency medical assistance for the victim of the sexual assault; and (b) Evidence supporting the arrest or prosecution of the eligible alcohol or drug offense was obtained or discovered as a result of such person reporting such sexual assault to law enforcement or requesting emergency medical assistance. (2) A person shall not be arrested or prosecuted for an eligible alcohol or drug offense if: (a) Evidence supporting the arrest or prosecution of the person for the offense was obtained or discovered as a result of the investigation or prosecution of a sexual assault; and (b) Such person cooperates with law enforcement in the investigation or prosecution of the sexual assault. Neb. Rev. Stat. § 28-101.

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. 2020).

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. 2020); 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. 2020). An individual is not in violation of this section if one of the immunity exceptions described above applies. The exceptions include circumstances related to making a good faith request for emergency assistance and to victims and witnesses of sexual assault. Neb. Rev. Stat. § 28-441(3) (Cum. Supp. 2020); Neb. Rev. Stat. § 28-472 (Cum. Supp. 2020); and Neb. Rev. Stat. § 28-101.

"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. 2020).

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 (Cum. Supp. 2020) 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 fine up to \$1,000 or both. Neb. Rev. Stat. § 28-442 (Cum. Supp. 2020) 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 fine up to \$1,000 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(30) (Cum. Supp. 2020). The first violation of this law is a Class III misdemeanor, and the penalty is up to 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 is 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(31)(a) (Cum. Supp. 2020).

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 2021). 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 (Reissue 2021); § 28-106(1) (Reissue 2016). Depending on the age of the violator and the number of the offense, 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 (Reissue 2021); § 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 themselves 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) (Reissue 2021).

Similarly, effective July 21, 2022, the law also provides immunity from arrest and prosecution for alcohol offenses for victims and witnesses of sexual assault. A person shall not be arrested or prosecuted for an eligible alcohol offense if such person witnessed or was the victim of a sexual assault and such person: (a) Either: (i) In good faith, reported such sexual assault to law enforcement; or (ii) Requested emergency medical assistance for the victim of the sexual assault; and (b) Evidence supporting the arrest or prosecution of the eligible alcohol offense was obtained or discovered as a result of such person reporting such sexual assault to law enforcement or requesting emergency medical assistance. (2) A person shall not be arrested or prosecuted for an eligible alcohol offense if: (a) Evidence supporting the arrest or prosecution of the person for the offense was obtained or discovered as a result of the investigation or prosecution of a sexual assault; and (b) Such person cooperates with law enforcement in the investigation or prosecution of the sexual assault. Neb. Rev. Stat. § 28-101.

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 (Reissue 2021). A violation of this law is a Class I misdemeanor, which is generally punishable by up to a one-year imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Reissue 2021) 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 up to 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. Neb. Rev. Stat. § 53-180.05(2) (Reissue 2021) and Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2020).

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 (Reissue 2021). 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 (Reissue 2021) 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 2021).

There are various consequences for violating this law. The consequences range depending on the number of prior convictions and the level of alcohol in the person's blood or breath. The first violation of this law is a Class W misdemeanor and is punishable by seven to 60 days of imprisonment and a \$500 fine. Neb. Rev. Stat. § 60-6,197.03 (Cum. Supp. 2020) 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) (Reissue 2021). 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) (Reissue 2021).

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 (Reissue 2021) 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) (Reissue 2021). 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) (Reissue 2021). 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. 2020).

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. 2020). 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. 2020). 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. 2020).

Fourth convictions are a Class IIIA felony. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2020). 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. 2020). 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. 2020). 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. 2020).

Fifth and subsequent convictions are a Class IIA felony. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2020). 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. 2020). 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. 2020). 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 abstinence from alcohol use for no less than 180 days after release. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2020).

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. 2020). 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. 2020). In addition, any probation order shall be applied as previously indicated under Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2020).

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. 2020). 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 June 20, 2022.

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(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.

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.

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 (32) (Cum. Supp. 2020).

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(28) (Cum. Supp. 2020).

³ "Marijuana" is defined at Neb. Rev. Stat. § 28-401(14) (Cum. Supp. 2020).

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. 2020).

**CHART 2
SANCTIONS UNDER NEBRASKA LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS**

Drug¹	Quantity	Penalty for "simple" possession²	Penalty for manufacture, distribution, delivery, dispensation, possession with intent to manufacture, distribute, deliver or dispense
Methamphetamine "Meth" or "Speed" Schedule ³ 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 1D felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 1C felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class 1B 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 1D felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 1C felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class 1B 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 1D felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 1C felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class 1B 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 20 years imprisonment. Class IIA 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" 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.
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. 2020).

² Neb. Rev. Stat. § 28-416(3) (Cum. Supp. 2020).

³ All references are to the controlled substances schedules enumerated in Neb. Rev. Stat. § 28-405 (Cum. Supp. 2020).

⁴ "Exceptionally Hazardous Drug" is defined in the Uniform Controlled Substances Act, Neb. Rev. Stat. § 28-401 (29) (Cum. Supp. 2020).

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		Possible Health Effects:
Street Name	Aya, Yagé, Vine, Hoasca	Short-Term: Strong hallucinations including perceptions of otherworldly imagery, altered visual and auditory perceptions; increased blood pressure; vomiting. Long-Term: Possible changes to the serotonergic and immune systems, although more research is needed. Other Health-Related Issues: Unknown
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	

Central Nervous System Depressants		Possible Health Effects:
Street Name	Barbs, Dolls, Phennies, Red/BlueBirds, Tooties, Yellow Jackets, Yellows	Short Term: Drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing. Long-Term: Unknown Other Health-Related Issues: Sleep medications are sometimes used as date rape drugs. Risk of HIV, hepatitis, and other infectious diseases from shared needles.
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)		Possible Health Effects:
Street Name	Benzos, Downers, Poles, Tranks, Totem Z-Bars, Vs, Yellow/Blue Zs, Zannies	Short Term: Drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing. Long-Term: Unknown Other Health-Related Issues: Sleep medications are sometimes used as date rape drugs. Risk of HIV, hepatitis, and other infectious diseases from shared needles.
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)		Possible Health Effects:
Street Name	Forget-me pill, Looney Bar, Mexican Valium, R2, Roche, Tic-Tacs, Sleepeasy, Symphony, Zombie flip	Short Term: Drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing. Long-Term: Unknown Other Health-Related Issues: Sleep medications are sometimes used as date rape drugs. Risk of HIV, hepatitis, and other infectious diseases from shared needles.
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		Possible Health Effects:
Street Name	Blow, Bump, C, Coke, Crack, Dust, Flake, Nose Candy, Rock, Snow, Sneeze, Sniff, Toot, White Rock <i>With heroin:</i> Speedball	Short-Term: 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. Long-Term: 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. Other Health-Related Issues: Pregnancy: premature delivery, low birth weight, neonatal abstinence syndrome. Risk of HIV, hepatitis, and other infectious diseases from shared needles.
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		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.
Street Name	Businessman's Special, DMT, Dimitri	
Commercial Name	None	
Common Forms	White or yellow crystalline powder	
Common Ways Taken	Smoked, injected	
DEA Schedule	Schedule I	

GHB		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. <u>Long-Term:</u> Unknown. <u>Other Health-Related Issues:</u> Sometimes used as a date rape drug.
Street Name	G, Gamma-oh, GEEB, Georgia Home Boy, Gina, Goop, Grievous Bodily Harm, Liquid Ecstasy, Liquid X, Scoop, Soap	
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	

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; dry mouth; itching; nausea; vomiting; analgesia; 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 <i>With Marijuana: A-Bomb</i>	
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:
Street Name	Air blast, Aimies, Bullets, Laughing gas, Moon gas, Oz, Poppers, Snappers, Snotballs, Toilet Water, Whippets, Whiteout	<p>Short-Term: 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.</p> <p>Nitrites: enlarged blood vessels enhanced sexual pleasure, increased heart rate, brief sensation of heat and excitement, dizziness, headache.</p> <p>Long-Term: 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, movement, vision, and hearing. Nitrates: increased risk of pneumonia.</p> <p>Other Health-Related Issues: Pregnancy: low birth weight, bone problems, delayed behavioral development due to brain problems, altered metabolism and body composition.</p>
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, prescription nitrites	
Common Ways Taken	Inhaled through the nose or mouth	
DEA Schedule	Not scheduled.	

Ketamine		Possible Health Effects:
Street Name	Cat Valium, K, Lady K, Special K, Vitamin K	<p>Short-Term: 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.</p> <p>Long-Term: Ulcers and pain in the bladder; kidney problems; stomach pain; depression; poor memory.</p> <p>Other Health-Related Issues: Sometimes used as a date rape drug. Risk of HIV, hepatitis, and other infectious diseases from shared needles.</p>
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:
Street Name	Abyssinian Tea, African Salad, Catha, Chat, Kat, Oat	<p>Short-Term: Euphoria, increased alertness and arousal, increased blood pressure and heart rate, depression, inability to concentrate, irritability, loss of appetite, insomnia, fine tremors, loss of short-term memory.</p> <p>Long-Term: Gastrointestinal disorders such as constipation, ulcers, and stomach inflammation; and increased risk of heart attack.</p> <p>Other Health-Related Issues: 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.</p>
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:
Street Name	Herbal Speedball, Biak-biak, Ketum, Kahuam, Thang, Thom	<p>Short-Term: Nausea, dizziness, itching, sweating, dry mouth, constipation, loss of appetite.</p> <p>Low doses: increased energy, sociability, alertness. High doses: sedation, euphoria, decreased pain.</p> <p>Long-Term: Anorexia, weight loss, insomnia, skin darkening, dry mouth, frequent urination, constipation; hallucinations with long-term use at high doses in some users.</p> <p>Other Health-Related Issues: Unknown</p>
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	
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, Boomers, Cid, Golden Dragon, Looney Tunes, Lucy Mae, Microdots, Tabs, 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; anxiety. <u>Long-Term:</u> Mental health problems, chronic cough, frequent respiratory infections. <u>Other Health-Related Issues:</u> THC vaping products mixed with the filler Vitamin E acetate (and possibly other chemicals) has led to serious lung illnesses and deaths. Pregnancy: babies born with problems with attention, memory, and problem solving.
Street Name	420, Blunt, Bud, Doobie, Dope, Ganja, Grass, Green, Herb, Joint, Mary Jane, Pot, Reefer, Sinsemilla, Skunk, Smoke, Stinkweed, Trees, Weed, <i>Hashish:</i> Boom, Gangster, Hash, Hemp <i>Concentrates:</i> Budder, Crumble, Shatter, Wax <i>In food:</i> Edibles <i>Added to hallowed out cigar:</i> Blunt	
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, 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.
Street Name	Adam, E, X, XTC, Beans, Candy, E-bomb, Thizz, Love Drug, Molly, Rolls, Skittles, Sweets, Vitamin E or X.	
Commercial Name	None	
Common Forms	Colorful tablets with imprinted logos, capsules, powder, liquid	
Common Ways Taken	Swallowed, snorted	
DEA Schedule	Schedule I	

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	Big Chief, 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, Dunk, Gak, Ice, Meth, Pookie, Quartz, Rocket Fuel, Scooby Snax, Speed, Trash <i>With cocaine:</i> Croak, Shabu <i>With MDMA:</i> Hugs and Kisses, Party and Play (P&P)	
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:
Street Name	Poor Man's PCP, Robo, Robotripping, Skittles, Triple C	Short-Term: Cough relief; euphoria; slurred speech; increased heart rate and blood pressure; dizziness; nausea; vomiting
Commercial Name	Various (many brand names include "DM")	Long-Term: Unknown.
Common Forms	Syrup, capsule	Other Health-Related Issues: Breathing problems, seizures, and increased heart rate may occur from other ingredients in cough/cold medicines. In combination with alcohol, increased risk of these adverse effects.
Common Ways Taken	Swallowed	
DEA Schedule	Not scheduled	

Over-the-County Medicines--Loperamide		Possible Health Effects:
Street Name	Lope dope, Poor man's methadone	Short-Term: Controls diarrhea symptoms. In high doses, can produce euphoria. May lessen cravings and withdrawal symptoms of other drugs.
Commercial Name	Immodium	Long-Term: Unknown
Common Forms	Tablet, capsule, or liquid	Other Health-Related Issues: Fainting, stomach pain, constipation, loss of consciousness, cardiovascular toxicity, pupil dilation, and kidney failure from urinary retention.
Common Ways Taken	Swallowed	
DEA Schedule	Not scheduled	

PCP		Possible Health Effects:
Street Name	Angel Dust, Embalming fluid, Hog, Rocket Fuel, Sherms, <i>Mixed with marijuana:</i> Zoom	Short-Term: Delusions, hallucinations, paranoia, problems thinking, a sense of distance from one's environment, anxiety. Low doses: slight increase in breathing rate; increased blood pressure and heart rate; shallow breathing; face redness and sweating; numbness of the hands or feet; problems with movement. High doses: nausea; vomiting; flicking up and down of the eyes; drooling; loss of balance; dizziness; violence; seizures, coma, and death.
Commercial Name	None	Long-Term: Memory loss, problems with speech and thinking, loss of appetite, anxiety.
Common Forms	White or colored powder, tablet, or capsule; clear liquid	Other Health-Related Issues: PCP has been linked to self-injury. Risk of HIV, hepatitis, and other infectious diseases from shared needles. Increased risk of coma. Headaches, sweating.
Common Ways Taken	Injected, snorted, swallowed, smoked (powder added to mint, parsley, oregano, or marijuana)	
DEA Schedule	Schedule I, II	

Prescription Opioids		Possible Health Effects:
Street Name	Captain Cody, Cody, Lean, Schoolboy, Sizzurp, Purple Drank with glutethimide: Doors & Fours, Loads, Pancakes and Syrup	Short-Term: Pain relief, drowsiness, nausea, constipation, euphoria, confusion, slowed breathing, death.
Commercial Name	Codeine (various brand names)	Long-Term: Increased risk of overdose or addiction if misused.
Common Forms	Tablet, capsule, liquid	Other Health-Related Issues: Pregnancy: Miscarriage, low birth weight, neonatal abstinence syndrome.
Common Ways Taken	Injected, swallowed (often mixed with soda and flavorings)	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.
DEA Schedule	Schedule II, III, V	Risk of HIV, hepatitis, and other infectious diseases from shared needles.
Prescription Opioids (continued)		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 with goose bumps ("cold turkey"), leg movements.
Street Name	Apache, Blonde, Blue Diamond, Blue Diamond, China Buffet, China White, Snowflake, Humid, Jackpot, Murder 8, Tango and Cash, TNT, White Ladies, <i>With heroin:</i> Birria <i>With heroin pills:</i> Facebook	
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)	
Street Name	Vikes, Veeks, Idiot Pills, Scratch, 357s, Lemonade, Bananas, Dones, Droco, Lorries, <i>With valium and vodka: Triple V</i>
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, K4, Needle Candy,
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, Biscuits, Fizzies , Jungle Juice, Maria, Wafer <i>With MDMA: Chocolate Chip Cookies</i>
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	Dreamer, First Line, Joy Juice, Morpho, Miss Emma, Monkey, White Stuff, Mister Blue, Unkie
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	30s, 40s, 512s, Oxy, Beans, Blues, Buttons, Cotton, Hillbilly Heroin Kickers, Killers, Percs, Roxy
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 Stimulants		Possible Health Effects:
Street Name	Addys, Bennies, Beans, Black Beauties, Crosses, Hearts, Ivy League Drug, Pep Pills, Speed, Truck Drivers, Uppers	Short-Term: 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. Long-Term: Heart problems, psychosis, anger, paranoia. Other Health-Related Issues: 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.
Commercial Name	Amphetamine (Adderall®, Benzedrine®)	
Common Forms	Tablet, capsule	
Common Ways Taken	Swallowed, snorted, smoked, injected	
DEA Schedule	Schedule II	
Street Name	Diet Coke, JIF, Kiddie Coke, MPH, R-Ball, R-Pop, Skippy, Study Buddies, 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:
Street Name	Little Smoke, Magic Mushrooms, Purple Passion, Sacred Mush, Sewage Fruit, Shrooms, Zoomers	Short-Term: Hallucinations, altered perception of time, inability to tell fantasy from reality, panic, muscle relaxation or weakness, problems with movement, enlarged pupils, nausea, vomiting, drowsiness. Long-Term: Risk of flashbacks and memory problems. Other Health-Related Issues: Risk of poisoning if a poisonous mushroom is accidentally used. In combination with alcohol, may decrease the perceived effects of alcohol.
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:
Street Name	Circles, Date Rape Drug, Forget-Me Pill, La Rocha, Mexican Valium, Mind Eraser, Pingus, R2, Rib, <i>Variations of:</i> Roaches, Roopies, Rochas Dos, Roofies, Rope, Rophies, Rowie, Ruffies	Short-Term: 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. Long-Term: Unknown. Other Health-Related Issues: 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.
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:
Street Name	Chia seeds, Diviner's Sage, Magic Mint, Sally-D, Ska Pastora	Short-Term: Short-lived but intense hallucinations; altered visual perception, mood, body sensations; mood swings, feelings of detachment from one's body; sweating. Long-Term: Unknown. Other Health-Related Issues: Unknown.
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:
Street Name	Gear, Juice, Gym Candy, Pumpers, Roids, Stacking	<p><u>Short-Term:</u> Builds muscles, improved athletic performance. Acne, fluid retention (especially in the hands and feet), oily skin, yellowing of the skin, infection.</p> <p><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.</p> <p><u>Other Health-Related Issues:</u> Males: shrunken testicles, lowered sperm count, infertility, baldness, development of breasts, increased risk for prostate cancer.</p> <p>Females: facial hair, male-pattern baldness, menstrual cycle changes, enlargement of the clitoris, deepened voice.</p> <p>Adolescents: stunted growth. Risk of HIV, hepatitis, and other infectious diseases from shared needles. Increased risk of violent behavior.</p>
Commercial Name	Nandrolone (Oxandrin®), oxandrolone (Anadrol®), oxymetholone (Anadrol-50®), 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:
Street Name	Black Mamba, Bliss, Bombay Blue, Fake Weed, Fire, Genie, K-2, Moon Rocks, Solar Flare, Skunk, Smacked, Spice, Yucatan, Zohai	<p><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.</p> <p><u>Long-Term:</u> Unknown.</p> <p><u>Other Health-Related Issues:</u> Use of synthetic cannabinoids has led to an increase in emergency room visits in certain areas.</p>
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:
Street Name	Bath Blow, Bloom, Blue Silk, Bubbles, Cloud Nine, Cosmic Blast, Flakka, Ivory Wave, Lunar Wave, Salting, Scarface, Vanilla Sky, White Lightning, Wicked X	<p><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.</p> <p><u>Long-Term:</u> Death</p> <p><u>Other Health-Related Issues:</u> Risk of HIV, hepatitis, and other infectious diseases from shared needles.</p>
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:
Street Name	<i>Cigarettes/Cigars:</i> Butts, Cancer sticks, Ciggys, Cigs, Coffin nails, Smokes, Stogies, Stokes <i>Cigar hollowed out with marijuana added:</i> Blunt <i>Vaping:</i> Cig-A-Like, E-Hookah, E-Juice, JUULing, vape pens, mods	<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.
Commercial Name	Multiple brand names	<u>Other Health-Related Issues:</u> Pregnancy: miscarriage, low birth weight, premature delivery and stillbirth, and learning and behavior problems.
Common Forms	Cigarettes, cigars, bidis, hookahs, smokeless tobacco (snuff, spit tobacco, chew)	
Common Ways Taken	Smoked, snorted, chewed, vaporized	
DEA Schedule	Not Scheduled	

Last Reviewed: July 2022

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 and applies to all students at University Housing. This policy contains the official notification procedures of the University of Nebraska at Kearney (UNK) for missing students who reside in on-campus housing, in accordance with the requirements of the Higher Education Opportunity Act of 2008 (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 at 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 if 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, UNKPD will notify the student's emergency contact and enter the missing person on NCIS and NCIC so that law enforcement officials throughout Nebraska and the United States are made aware of the current 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 if 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, 2504 9th Avenue, Warner Hall, Suite 2200 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, UNKPD will notify the local law enforcement (KPD). 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.

The University of Nebraska at Kearney strives to provide a safe and secure learning, living, and working environments for all of its community. The University understands the impact of sexual misconduct and its lasting effects on an individual. The University strictly prohibits **any** form of sexual misconduct: dating violence, domestic violence, sexual assault and/or stalking as those terms are defined for purposes of the Clery Act. All received complaints of these incidents will be thoroughly investigated. Those individuals found responsible will have appropriate disciplinary and/or criminal charges filed.

It is the goal of the University of Nebraska to eliminate these crimes from its campus. Below the Sexual Misconduct policies are definitions applicable to sexual violence per Nebraska State Statutes; the statutes can be viewed as written at: <http://nebraskalegislature.gov/laws/laws.php>



University of Nebraska
Board of Regents Policies
RP-2.1.8 Sexual Misconduct

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 a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.
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.
- D. “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.
2. “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.
 3. “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.

- 4. "Sexual misconduct" includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.
- 5. "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.

E. 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 of 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. e
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.

F. 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, decision-makers, 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.

G. 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.

H. 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.

I. 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.

J. Supportive Measures

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

K. 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.

L. 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.

M. 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.

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 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.

O. Recordkeeping

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.

P. 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.

Q. 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).



Procedures for Sexual Misconduct Reports against Students

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. “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 the 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 the 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 be 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 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:

Alex Straatmann
Chief Compliance Officer
University of Nebraska at Kearney
2113A Warner Hall
(308) 865-8400
straatmanna2@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 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 may 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 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; 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 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 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.

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 Pre-Hearing 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 an odd number of three or more members, including one (1) student member. One of the members shall serve as Chair. All members possess voting privileges.
- 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 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.
- 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 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 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 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.
- xiii. 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.
- xiv. No process implemented under these Sexual Misconduct Procedures 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.

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).

- xv. 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.
 - xvi. 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.
 - xvii. The determination of the merits of each case shall be made using a preponderance of the evidence standard.
 - xviii. 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.
- 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. 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 investigation or live hearing.

- x. 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.
- xi. At the conclusion of the hearing, the Hearing Board must go into closed session to deliberate and make its decision based solely upon the relevant evidence introduced and received at the hearing. The decision must be made by a majority vote.
- xii. 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 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. Findings 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.

h. Effective Date of Determination

Unless otherwise addressed in the Hearing Board's determination, the determination regarding responsibility and any sanction(s), become final either on the date that the determination of the result of the appeal is sent to the parties, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

8. 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.

b. Reasons for Appeal

A determination may be appealed for 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 the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

- iii. 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;
 - iv. The sanction(s) imposed were arbitrary and capricious or an abuse of discretion; or
 - v. 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.
- 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 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.
 - iv. 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.
 - v. 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.
- 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, 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

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 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. “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 the 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 the 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. “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.
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:

Alex Straatmann
Chief Compliance Officer
University of Nebraska at Kearney
2113A Warner Hall
(308) 865-8400
straatmanna2@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 may 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; 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 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, 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 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.

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 Pre-Hearing 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. 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. If there is a Hearing Board, one of the members shall serve as Chair. All members possess 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.

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).

- 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 these Sexual Misconduct Procedures 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.

- 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. 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 investigation or live hearing.
- x. 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.
- xi. At the conclusion of the hearing, the Hearing Officer or Hearing Board must deliberate and make a decision based solely upon the relevant evidence introduced and received at the hearing. The decision must be made by a majority vote.
- xii. 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

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.

b. Reasons for Appeal

A determination may be appealed for 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 the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- iii. 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;
- iv. The sanction(s) imposed were arbitrary and capricious or an abuse of discretion; or
- v. 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

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 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.
- iv. 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.
- v. 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.
- 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, University Presenter, and Title IX Coordinator.
- viii. 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.

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.
2. 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
3. A victim need not resist verbally or physically where it would be useless or futile to do so.

In the above text, the word “victim” 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.

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. §28-317):

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. |

Terms, defined (R.R.S. Neb. §28-318):

As used in sections [28-317](#) to [28-320.02](#), 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. 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.
 - E. The person 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
 - F. A person 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.

Sexual assault; first degree; penalty (R.R.S. Neb. §28-319):

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.

Sexual assault of a child; first degree; penalty (R.R.S. Neb. §28-319.01):

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.

Sexual assault; second or third degree; penalty (R.R.S. Neb. §28-320):

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.

Sexual assault of a child; second or third degree; penalties (R.R.S. Neb. §28-320-01):

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.

Sexual assault; use of electronic communication device; prohibited acts; penalties (R.R.S. Neb. §28-320.02):

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](#).

Incest; penalty (R.R.S. Neb. §28-703):

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 (R.R.S. Neb. §28-323):

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 spouses or former spouses, 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 with each other or who have been involved in a dating relationship with each other. 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 casual relationship or an ordinary association between persons in a business or social context.”

Statute [42-903](#) defines abuse as the occurrence of one or more of the following acts between family or household members:

- (a) Attempting to cause or intentionally and knowingly causing bodily injury with or without a dangerous instrument;
- (b) Placing, by means of credible threat, another person in fear of bodily injury. For purposes of this subdivision, 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. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat shall not prevent the threat from being deemed a credible threat under this section; or
- (c) Engaging in sexual contact or sexual penetration without consent as defined in section 28-318;

28-311.03. 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 or physical incapacity.

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 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 (308) 865-8911, KPD (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. Let your friends know how they can help 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: UNK 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) 865-8751, UNK Student Health and Counseling at (308) 865-8248, 24-hours a day, or contact your local counselor.

- B. Employees can contact Best Care EAP at (800) 801-4182 or contact your local counselor. Complainants both 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 or complainant and if such changes are reasonably available, 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, Chief Compliance Officer (308) 865-8400; Dean of Student Affairs (308) 865-8528; University Student Conduct Officer (308) 865-8888; Associate Dean (308) 865-8519, Associate Director Residence Life (308) 865-8519 or the Human Resources Office (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 or text 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.
Report the offense to the University Police at (308) 865-8911, KPD at (308) 237-2104 or 911.
 If an individual needs assistance in notifying authorities, University officials will assist them in doing so.
5. Call a friend, a family member or someone else you trust and ask her/him to stay with you. Let your friends know how they can help you.
6. 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 one of the following: University Gender and Sexuality Resource Office at (308) 865-8751, UNK Student Health and Counseling at (308) 865-8248, 24-hours a day, or contact your local counselor.
 - B. Employees can contact Best Care EAP at (800) 801-4182 or contact your local counselor.
7. 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.
8. Consider getting a COURT ORDER/PROTECTIVE ORDER that tells the offender to stay away from you. The University Gender and Sexuality Resource Office, UNK Student Health and Counseling or the S.A.F.E. Center can assist you in filling out the paperwork.
9. File a complaint with the University
 - A. For Students contact:
 - 1) Title IX Specialist, Chief Compliance Officer (308) 865-8400
 - 2) Dean of Student Affairs (308) 865-8528
 - 3) University Student Conduct Officer (308) 865-8888
 - 4) Associate Dean (308) 865-8519
 - 5) Associate Director Residence Life (308) 865-8519
 - B. Employees contact:
 - 1) Title IX Specialist, Chief Compliance Officer (308) 865-8400

10. 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 or text 911.
2. Contact University Police to file a report at (308) 865-8911, 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 University Gender and Sexuality Resource Office, UNK Student Health and Counseling or the S.A.F.E. 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, texts, 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.
4. Consider getting a COURT ORDER/PROTECTIVE ORDER that tells the stalker to stay away from you. The University Gender and Sexuality Resource Office, UNK Student Health and Counseling or the S.A.F.E. Center can assist you in filling out the paperwork.
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, UNK Student Health and Counseling or the S.A.F.E. Center can assist in helping you devise a personal safety plan, provide you with information about local laws, University policies and provide support.
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 Students contact:
 - 1) Title IX Specialist, Chief Compliance Officer (308) 865-8400
 - 2) Dean of Student Affairs (308) 865-8528
 - 3) University Student Conduct Officer (308) 865-8888
 - 4) Associate Dean (308) 865-8519
 - 5) Associate Director Residence Life (308) 865-8519
 - B. Employees contact:
 - 1) Title IX Specialist, Chief Compliance Officer (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) 865-8751, UNK Student Health and Counseling at (308) 865-8248, 24-hours a day, 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 (308) 865-8911, KPD (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 a request is made by the student or complainant and if such changes are reasonably available.



Procedures for Reporting Criminal Conduct

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 must 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 policy to law enforcement, it is the victim's choice whether 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 KPD may also be reached directly by calling (308) 237-2104 or in person at 2025 Avenue A. Additional information about the KPD may be found online at the [City of Kearney Police Department](#).

If you have been the victim of domestic violence, dating violence, sexual assault or stalking you should report the incident promptly to the Chief Compliance Officer, Alex Straatmann by calling at (308) 865-8400, e-mailing at straatmanna2@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.



Assistance for Victims: Rights and 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 UNK Police Department 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 Hour Toll-Free Crisis Line: 877-237-2513

Location: 620 E. 25th St. Suite 14, Kearney, NE 68847

Website: <http://www.safecenter.org>

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

Gender and Sexuality Resource Office: located within the Office of Diversity and Inclusion and is staffed by the Gender and Sexuality Resource Officer. This office is a central point of contact for students who are survivors of sexual assault, stalking, dating violence, or domestic abuse. The Resource Officer can provide resources to these students and connect them with supportive services. The office is a safe space for survivors and for students identifying in the LGBTQIA+ community. They also provide prevention programming on campus around gender equality.

Phone: (308) 865-8751

Hours: Monday through Friday

Location: Nebraskan Student Union room 106

Website: <https://www.unk.edu/offices/odi/gender-sexuality-resource-office/index.php>

UNK Counseling Center: provides professional mental health counseling to currently enrolled UNK students. All mental health counselors are licensed within the State of Nebraska and adhere to the American Counseling Association Code of Ethics. Services include individual counseling, group counseling, assessment, and consultation.

Phone: (308) 865-8248 (after hours will connect with an on-call service)

Hours: Monday – Friday from 8:00 a.m. to 5:00 p.m.

Location: Memorial Student Affairs Building, South Hallway, Room 144

Website: https://www.unk.edu/offices/counseling_healthcare/counseling_care/index.php

UNK 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 UNK 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/

Victim/Witness assistance: 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)

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.

Best Care Employee Assistance Program (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: responds and investigates reports; connects individuals to resources

Phone: (308) 237-2104

UNK Safe Ride Program:

Kearney Cab Company

Phone: (308) 234-6725

Other Resources:

[Rape, Abuse and Incest National Network \(RAINN\)](#) – 1-800-656-HOPE (4673)

[Department of Justice](#)

[Department of Education, Office of Civil Rights](#)

[Nebraska Coalition to End Sexual and Domestic Violence Website](#)

[Office for Victims of Crime's Directory of Crime Victim Services](#)

[NW Network of Bi, Trans, Lesbian and Gay Survivors of Abuse](#)

[Crime Survivors Resource Center](#)

[UNK Title IX Resources](#)

[National Center for Victims of Crime](#)

[National Domestic Violence Hotline:](#) 1-800-799-SAFE (7233)

[National Teen Dating Abuse Helpline:](#) 1-866-331-9474

[National Suicide Prevention Lifeline:](#) 1-800-273-8255

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 or text 911.

- 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.

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes:

- notice situations of potential harm,
- interpret the situation as a problem by understanding institutional structures and cultural conditions that facilitate violence (this might include fraternity or sports cultures at some institutions,)
- feel responsible to act on the situation,
- overcoming barriers to intervening by identifying safe and effective intervention options,
- taking action to intervene safely.

Risk Reduction

Risk reduction is defined as options designed to decrease perpetration and bystander inaction; increase empowerment for victims in order to promote safety; and help individuals and communities address conditions that facilitate violence. 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)

- **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 back-up plans.** 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 contact an individual making a partial report if 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 can 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's 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's 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.

Crime Prevention and Education 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. A variety of programs are offered during new freshman orientation and transfer days. At this time, parents are also informed of services offered to the students. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees as well as current students.

Programming regarding prevention, intervention and educational programs addressing alcohol, tobacco, sexual assault, domestic/dating violence, stalking, bystander intervention, relationship classes and body image are presented and offered continually throughout the year by multiple departments. These are including but not limited to, UNK Police Department, Residence Life, Student Affairs, Student Health and Counseling and the University Gender and Sexuality Resource Office.

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. It is our goal of these programs to inform the campus community of security procedures as well as practices to encourage students and employees to be responsible for their own security and the security of others. For additional information, please contact UNK Police Department at (308) 865-8911.

Primary prevention and awareness programs offered for all students in 2021

- This same training was also presented in a classroom 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. Furthermore, Drug and Alcohol awareness and recognition trainings were offered throughout the year.

Primary prevention and awareness programs offered for all new employees in 2021

- In 2021 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 2021, the majority of new students completed the Title IX training during New Student Enrollment. All other students were reminded to complete the annual Title IX training and given the instructions how 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 2021, new UNK employees (when hired,) and existing employees (annually) 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.

Within this training is a slide indicating that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, in reference to sexual activity, in the applicable jurisdiction. Annually, a notification is sent to current students and employees with the updated Annual Campus Security and Fire Safety Report that includes the definitions of Domestic Violence, Dating Violence, Sexual Assault, Stalking as well as consent. It also includes information about Bystander Intervention and Risk Reduction.

The **Student and Family Transitions / Fraternity and Sorority Life** department does the following to assist in providing information about primary prevention and awareness:

- Video on bystander intervention at first year orientation (this is mandatory for all first year and transfer students.)
 - Includes how to keep themselves safe as well as spelling out steps to act.
 - Includes the definitions of dating violence, domestic violence, sexual assault, stalking, and of consent, in reference to sexual activity.
 - Provides description of safe and positive options for bystander intervention.
- Student Engagement / Fraternity and Sorority Life (FSL) partners with the UNK Student Health and Counseling regarding mandatory bystander intervention training.
- Reinforces the message on required Title IX training in Bridge.
- Video for FSL provides information in their “Protect the Herd” regarding risk reduction.
- Information is provided during first year orientation (this is mandatory for all first year and transfer students) regarding the procedures the institution follows when one of these crimes is reported and their rights within disciplinary proceedings.

The **Gender and Sexuality Resource Office (GSRO)** prevention education workshops – learn how to identify elements of rape culture, identify and reduce risk factors, and become agents of change within their own communities. The workshops give community members more awareness of issues relating to sexual violence. Information covered in the GSRO workshops include:

- Sexual assault statistics
- Cultural beliefs and practices that have normalized or promoted sexual violence (rape culture)
- Legal rights of victims
- Resources for survivors of sexual violence
- Tools and techniques for supporting a survivor

The following are workshops/trainings held by the Gender and Sexuality Resource Office (GSRO) during 2021:

- January 23, 2021 – Safe Zone Training for Thompson Scholars Mentors (NEEDS ONLY BASIS)
- February 10, 2021– Mattering Project with Residence Life (NEEDS ONLY BASIS)
- February 20, 2021 – ODI Scholars Retreat Presentation (REGULAR BASIS)
- March 11, 2021 – Multicultural Greek Council Presentation (NEEDS ONLY BASIS)
- March 19, 2021 – Faculty & Staff Safe Zone Training (REGULAR BASIS)
- April 02, 2021 – Safe Zone Training for Social Work Classes (NEEDS ONLY BASIS)
- September 11, 2021 – ODI Scholars Fall Retreat Presentation (REGULAR BASIS)

- October 06, 2021 – A Walk in Her Shoes Event/Presentation (REGULAR BASIS)
- October 25-29, 2021 – What were you Wearing Exhibit Presentation (REGULAR BASIS)
- November 11, 2021 – Business Ethics Class Presentation (NEEDS ONLY BASIS)
- December 07, 2021 – Trans Inclusion in the Classroom (Faculty & Staff) (NEEDS ONLY BASIS)
- December 13, 2021 – Grand Island Senior High LGBTQ+/Title XI Presentation (NEEDS ONLY BASIS)

The University offered the following ongoing awareness and prevention programs for students and employees in 2021

- January 22, 2021 – Crime Prevention on Laws and Safety for new student orientation at International Education Office
- January 27, 2021 – Stress Management and Sleep Hygiene
- February 1 & 27, 2021 – Mental Health First Aid Training – Worked with Peer Health to plan / facilitate to FSL students
- February 13, 2021 – Mental Health First Aid Training (1&2)
- February 13-28, 2021 – Healthy Relationships: All Residence Halls
- March 1-15, 2021 - #Mattering: All Residence Halls
- March 11, 2021 – Spring BANG (Being a New Greek) Training – Discussion regarding hazing, sexual assault prevention, etc.,
- March 8-12, 2021 – St. Patrick’s Day Safety: Educational tabling in collaboration with GAMMA to promote positive protective behaviors and Safe Ride
- March 10, 2021 – Stress Management and Burnout
- March 15, 2021 – Alcohol and Vaping Presentation
- March 15-31, 2021 – Self-Care Programming: All Residence Halls
- March 24, 2021 – Building Resilience
- March 25, 2021 – Alcohol and Vaping Presentation
- March 26, 2021 – Alcohol and Vaping Presentation
- April Stress Less Series
- April 13, 2021 – Suicide Prevention
- April 13, 2021 – Coping Skills and Substance Use
- April 19-23, 2021 – “Be Well. Be Aware.”
- August 17, 2021 – Through Open Doors: RA Training
- August 17, 2021 – Suicide Prevention: presented to the mentors for the Thompson Scholars Learning Community
- August 17, 2021 – Crime Prevention on Laws and Safety for new student orientation at International Education Office
- August 19, 2021 – Campus Safety for Thompson Scholars
- August 20, 2021 – How to Help a Student in Distress: presented for faculty in the Fine Arts Department
- August 30, 2021 – Supporting Survivors of Sexual Assault: presented to Alpha Phi sorority
- August 30, 2021 – Sleep Hygiene and Stress Management Presentation: Social Work Class
- September 1-30, 2021 – Conflict Management: All Residence Halls
- September 12, 2021 – Bystander Intervention: FSL, Thompson Scholars, ODI, KHOP

- September 15, 2021 – Contraband demonstration to the RA’s
- September 16, 2021 – Attachment Styles: How these relate to who we are today - Child Welfare Class
- September 30, 2021 – Fall BANG (Being a New Greek) Training
- October 1-31, 2021 – Mental Wellness: All Residence Halls
- October 5, 2021 – Running the Marathon of Trauma and Recovery: open to all students
- October 7, 2021 – Mental Wellness Screening Day: All Residence Halls
- October 12, 2021 – Stress Management: presented to students in the KHOP program
- October 25, 2021 – Alcohol and Vaping Presentation
- October 27, 2021 – Alcohol and Vaping Presentation
- October 27, 2021 – OkSOBERfest
- October 29, 2021 – Alcohol and Vaping Presentation
- November 4, 2021 – Trivia Night
- November 5, 2021 – Muffins and Mental Health
- November 30, 2021 – Rape Culture: A Survivors Perspective with Brittany Piper (Keynote with UNK / Community Resource tables)
- December 6, 2021 – Pause for Paws

Specific dates not known, but the additional awareness and prevention programs occurred for students and employees in 2021:

- Two: Stress Management and Sleep Hygiene
- Three: Alcohol and Vaping Abuse Prevention Program
- Wellness Week
- #Mattering – Inclusivity Training Program
- Alcohol and Vaping Presentation – Students learned the negative effects that alcohol and vaping can have on the body; how to recognize potential legal consequences from substance use; develop skills to intervene in high-risk situations; how peer pressure and societal norms can influence choices; identify what BAC is and how it differs amongst people.
- April Stress Less Series – A variety of events and educational content pertaining to positive coping strategies and skills to navigate stress. Done in conjunction with Campus Recreation.
- Attachment Styles: How these relate to who we are today – Students learned about attachment styles, how those impact them as adults, and strategies to strengthen communication skills, conflict resolution, healthy relationships, and improve their overall wellbeing.
- “Be Well. Be Aware.” Education Campaign – Substance Use Task force collaboratively launched a cannabis education and prevention campaign.
- Building Resilience – A presentation for students in the TRIO program. Content covered assessing resiliency, skills to build resiliency, and the benefits of doing so.

- Bystander Intervention – An interactive training focused on teaching students how to intervene into high-risk situations.
- Campus Security Authority training – An online training that includes the current Clery Center training video as well as slides that defines what a Campus Security Authority is, their responsibilities for reporting, what to report, what crimes are reportable, what a hate crime is and their responsibilities for reporting, the Clery reportable geography, information on what a Timely Warning and what an Immediate Notification is as well as generating a quiz that scores and generates reports for recording.
- Conflict Management
- Coping Skills and Substance Use – Presentation for the student organization, GAMMA. Content covered substance use in the college population and coping skills to deal with stress and anxiety.
- How to Help a Student in Distress – Content covered warning signs that a student might be in significant distress, how to help them, and how to connect student with campus resources.
- Healthy Relationships- A workshop that explores the signs of a healthy versus unhealthy relationship and what consent means.
- Mental Wellness Screening Day – Students could drop by a designated location on campus and take a mental health self-assessment. Students were provided with a QR code linked to strategies for improving mental wellbeing.
- Mental Health First Aid Training Part 1– An 8-hour curriculum designed to teach individuals how to respond to mental health crisis (national program.)
- Mental Health First Aid Training Part 2- An 8-hour curriculum designed to teach individuals how to respond to mental health crisis (national program.)
- Muffins and Mental Health – De-stressing magnets were handed out, including specific strategies to manage stress and improve their well-being overall with a special focus on finals week.
- OkSOBERfest – An alternative event on a typically high-risk night. Education on alcohol awareness, shared resources on health and wellness.
- Pause for Paws - De-stressing magnets were handed out, including specific strategies to manage stress and improve their well-being overall with a special focus on finals week.
- RA Training – Presentation to all UNK Resident Assistants on the latest trends in college mental health along with warning signs of suicide and how to help someone who is considering suicide.

- Running the Marathon of Trauma and Recovery: Amy Over and Zach Cartaya from the Colorado Rebels Project spoke about their experience surviving the Columbine shooting, trauma, and recovery. Open to all students.
- Self-Care Programming – Focused on Well Being
- Sleep Hygiene and Stress Management Presentation: Social Work Class – Students learned the components of sleep and stress; students learned specific strategies to manage stress.
- St. Patrick’s Day Safety – Educational tabling in collaboration with GAMMA to promote positive protective behaviors and Safe Ride.
- Stress Management – Content covered warning signs of stress, how to manage it, and prevent it.
- Stress Management and Burnout – A workshop focused on promoting positive coping strategies to handle stress and address burnout.
- Stress Management and Sleep Hygiene – A workshop focused on promoting positive coping strategies to handle stress and ways to improve sleep.
- Suicide Prevention – Content covered warning signs of suicide, how to talk with someone who is suicidal and connect with professional help.
- Supporting Survivors of Sexual Assault – Content of presentation included myths about sexual assault, how to be supportive of survivors, and how to connect survivors with professional help.
- Through Open Doors – Residence Assistants participated in role plays (pre-written scenarios) on the following topics: sexual assault, suicide prevention, and eating disorders.
- Trivia Night – Trivia on prevention, alcohol and marijuana facts, mental health coping strategies
- TSLC Mentors – Presentation to the student mentors in the Thompson Scholars Learning Community on how to implement their own self-care practice, avoid burnout, and set healthy boundaries with mentees.
- Wellness Week – Offered a virtual wellness week to expose students to the eight dimensions of wellness focusing on holistic wellness, healthy stress management .

The following is a list of crime prevention programs and projects employed by the University, which are not already noted above (not necessarily presented in 2021):

1. *Alcohol and Marijuana Education*– Education classes on alcohol and/or marijuana use are provided online in collaboration with the company, 3rd Millennium. The courses assist the student by increasing their awareness of their drinking and/or using patterns and behaviors, and how that might be affecting their lives. These courses are approximately three hours in length, online, with a follow-up component 30 days after course completion.
2. *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.
3. *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.
4. *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.
5. *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.
6. *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.
7. *Security Surveys* – Upon request, the UNK Police Department will perform a security survey or audit for individual areas or departments.
8. *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.
9. *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.

10. *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

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.

Upon request, the institution will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense (incest or statutory rape) to the alleged victim or next of kin if the victim is deceased.

More specific information on the Act and its requirements can be found at the following location:
<http://offenderwatchinitiative.org/Resources/CSCPA>

In Nebraska, convicted sex offenders must register with the Nebraska State Patrol. Listings of registered sex offenders in Nebraska can be found at: sor.nebraska.gov.

Listings of registered sex offenders in the United States can be found at: www.nsopw.gov.



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 with. We support those who support survivors. It is important to take care of yourself, too.

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. Residence Halls on the UNK campus are patrolled 24-hours a day that includes the interior of the residence halls.

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. In addition, several colleges/departments have elected to give entire classes after-hours access to buildings including Fine Arts, Discovery Hall and Health Sciences buildings. The Nebraskan Student Union has an area available at all hours, based on ID card.

University of Nebraska at 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 the Student Union, 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. In addition, several colleges/departments have elected to give entire classes after-hours access to buildings including Fine Arts, Discovery Hall and Health Sciences buildings. 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.

Each year Zurich Risk Engineering performs an assessment to provide suggestions for additional safety steps and protocols on campus. This company does so on behalf of FM Global.

Fire Protection Equipment/Systems: As of December 31, 2021, 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	XX	XX
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 or text 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. Any person who misuses fire safety equipment (including smoke detectors and sprinkler systems) may be subject to severe disciplinary action and/or arrest. If you are aware of anyone tampering with the equipment, please report to a Residence Life staff member. 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 always maintained in the closed position. 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. If it is evident that a fire has occurred, report to UNKPD at (308) 865-8911 and Facilities Management immediately at (308) 865-1800.

4. **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
- Centennial Tower East – Parking lot #1 corner of 9th Ave & 29th St
- Centennial Tower West – Parking lot #4 north of NS Union
- Mantor Hall – Southeast corner of Foster Field
- Men’s Hall – Parking lot by MSAB
- Nester North - South main entrance to Antelope
- Nester South - South main entrance to Antelope
- Randall Hall – Parking lot #11 far west of Randall
- University Residence North – Parking lot #14, by HSC & COE, west end
- University Residence South – Parking lot #14, by HSC & COE, east end

5. **Fire Drills –**

- Antelope Hall – September 8th, 2021, 1400-1700
- Centennial Tower East – September 8th, 2021, 1400-1700
- Centennial Tower West – September 8th, 2021, 1400-1700
- Mantor Hall – September 8th, 2021, 1400-1700
- Men’s Hall – September 8th, 2021, 1400-1700
- Nester North - September 8th, 2021, 1400-1700
- Nester South - September 8th, 2021, 1400-1700
- Randall Hall – September 8th, 2021, 1400-1700
- University Residence North – September 8th, 2021, 1400-1700
- University Residence South – September 8th, 2021, 1400-1700

6. **Fire and Evacuation Procedures –**

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.

7. Evacuation Instructions –

Whenever you hear the building alarm or are informed of a general building emergency:

- Do not panic or ignore the alarm.
- Do not go back to your residence 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.
- Call or text **911** if a fire exists. If no fire exists, notify the UNKPD.
- Report to your RA or alternate residence hall staff 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 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 or text **911** to ensure rescue personnel are notified of your location and your need for assistance 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.)

While evacuating, proceed as follows:

- Keep low to the floor if smoke is in your room.
 - Before opening the door:
 - Feel the door knob using the back of your hand. If it is hot, do not open the door.
 - If the knob is not hot, brace yourself against the door and open slightly (fire can create pressure strong enough to push a door open if it is not held firmly.) If heat or heavy smoke is present in the corridor, close the door and stay in the room.
 - If you cannot leave the room:
 - Open the windows. If your windows are the type that can be raised and lowered, open the top to let out heat and smoke, open the bottom to let in fresh air.
 - Seal cracks around the door with towels or bed clothing to keep out smoke.
 - To attract attention if you are trapped, hang an object out the window, such as a sheet, jacket, shirt, or anything that will attract attention. Shout for help.
 - If you leave the room:
 - Close all doors behind you as you exit. This will hamper the spread of smoke and lessen damage.
 - Go to the nearest exit or stairway.
DO NOT USE THE ELEVATORS.
 - If the nearest exit is blocked by smoke, heat or fire go to an alternative exit.
 - If all exits for a floor are blocked, go to the stairwell landing if safe if not go back to your room, close the door, and open the window.
 - After leaving the building, stand clear and follow directions from emergency personnel.
8. **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.
9. **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 skillet, 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 skillet, electric grills, and infrared ovens in the kitchen area. These items are not permitted for use in sleeping rooms.
10. **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.

11. **Tobacco and Vaping:** 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.
12. **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	Number of Fires	Cause of Fire	Number of injuries	Number of Deaths	Value of Property Damage
Antelope	2021	0	N/A	N/A	N/A	N/A
1013 West 26th Street, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
CTE	2021	0	N/A	N/A	N/A	N/A
1002 West 29th Street, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
CTW	2021	0	N/A	N/A	N/A	N/A
1014 West 29th Street, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
Conrad	2021	0	N/A	N/A	N/A	N/A
2615 11th Ave, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
Mantor	2021	0	N/A	N/A	N/A	N/A
1203 West 26th Street, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
Martin	2021	0	N/A	N/A	N/A	N/A
904 West 27th Street, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
Men’s	2021	0	N/A	N/A	N/A	N/A
1103 West 26th Street, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
Nester North	2021	0	N/A	N/A	N/A	N/A
905 West 26th Street, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
Nester South	2021	0	N/A	N/A	N/A	N/A
904 West 26th Street, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A

Location	Year	Number of Fires	Cause of Fire	Number of injuries	Number of Deaths	Value of Property Damage
Randall	2021	0	N/A	N/A	N/A	N/A
1207 West 26th Street, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
URN	2021	0	N/A	N/A	N/A	N/A
1601 University Drive, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
URS	2021	0	N/A	N/A	N/A	N/A
1700 University Drive, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A
Village Flats	2021	1	cooking and some nearby cardboard caught fire	0	0	0
2201 University Drive, Kearney, NE	2020	0	N/A	N/A	N/A	N/A
	2019	0	N/A	N/A	N/A	N/A

Definitions of terms used within this report

Cause of fire – The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Fire – Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire Drill – A supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury – Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.

Fire-related death – Any instance in which a person:

1. is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
2. dies within one year of injuries sustained as a result of the fire.

Value of property damage – The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

Future improvements in fire safety are not considered necessary at this time.

▶▶▶ **APPENDIX C**

UNL Fire and Campus Safety Report

2022 Annual Campus Security and Fire Safety Report

Safety and security information for the University of Nebraska-Lincoln, including crime & fire statistics for the 2021 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 Members and Readers,

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 at all hours of the day, every day of the year. 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) as required of each institution of higher education in the United States participating in federal student aid programs.

This report includes crime, arrests, and referral statistics reported to UNLPD, campus security authorities (CSAs), and/or 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. It also provides a multitude of policy statements regarding safety, as well as resources available to the campus community. The report's goal is to provide comprehensive information on the safety of UNL's campus and allow the campus community and public to be aware of what UNL and the UNL Police Department are doing to ensure everyone's security and health.

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 (crime types noted below), 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.

<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 • Dating Violence • Stalking 	<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

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 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 Fraternity and Sorority Life Chapters 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.

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*.

Law Enforcement at the University

The UNLPD, which consists of more than 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 402-472-0800.</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](#).

Please be aware that a UNLPD officer can take a report for documentation purposes only and not pursue an investigation at that time. If so desired, the information can be used to investigate at a later date. Having the incident documented immediately will aid in any future investigation. Officers can also complete a safety plan upon request, whether the individual chooses to have the officer document and/or investigate the crime or not. Reports to the UNLPD do not automatically mean an incident will be investigated and/or the perpetrator contacted.

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/policerreports/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: <https://bf.unl.edu/policies/use-security-cameras>.

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-Lincoln 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
 - ◆ Students, faculty, and/or staff

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, they may choose to have their 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:

- | | |
|--|---|
| <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/beacons in hallways (Alertus) • University communications |
|--|---|



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, they have the

opportunity to inform the class of the incident, depending on its severity, so that everyone can be aware.

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:

- | |
|---|
| <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>

More information on UNLAlerts and TWs can be found on the UNLPD's website.

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 Fraternity and Sorority 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 they 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, IEC/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.**

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 their 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:

Non-emergency Incident Reporting

UNL Report - In order to aid in making the University a place where everyone feels welcome and safe, the University of Nebraska has established the UNL Report 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.

- 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.



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 UNL Report 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 UNLPD as opposed to using UNL Report. 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 an 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 where 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 the 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 (SANE). All 3 ERs listed below perform these exams, as well as specific nurses at the University Health Center.

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

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 (**check UHC's website to verify**)
 - 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

Seek immediate support and assistance from someone who can help.



Campus and Community Resources

Confidential Resources

- CARE at UNL: Center for Advocacy, Response and Education, housed in 118 Neihardt Center. 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.
- Women's Center: 340 Nebraska Union, (402) 472-2597, email - womenscenter@unl.edu, website - womens-center.unl.edu
- LGBTQA+ Center: NE Union 346, (402) 472-1652, email - lgbtqa@unl.edu, website - lgbtqa.unl.edu/welcome
- 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, website - hr.unl.edu/eap

Non-Confidential Resources

- International Student and Scholar Office: 1100 Seaton Hall Ste. 201, (402) 472-0324 or (402) 472-5136 (Consultation line)
- University Housing (24/7): Contact Residence Hall Director
- Office of Student Conduct & Community Standards: 232 Canfield, (402) 472-2021, studentconduct@unl.edu
- Office of Fraternity and Sorority Life: NE Union 222, (402) 472-2582 or (888) 547-1029 (Director - Leigh Thiedeman, lthiedeman2@unl.edu), website - <https://www.unl.edu/greek/>
- Scholarships & Financial Aid: 12 Canfield, (402) 472-2030, financialaid@unl.edu
- Services for Students With Disabilities: 117 Louise Pound Hall, (402) 472-3787, website - unl.edu/ssd/home
- Human Resources: 407 Canfield, (402) 472-3105, website - hr.unl.edu
- Husker Hub - Student Services Center: 102 Canfield, (402) 472-2030, huskerhub@unl.edu, website - <https://huskerhub.unl.edu/>
- Big Red Resilience and Well-being: 127 University Health Center, 550 N. 19th St., resilience@unl.edu, website: <https://resilience.unl.edu/home>

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

National Websites

- Office for Victims of Crime's Directory of Crime Victim Services: <https://ovc.ojp.gov/directory-crime-victim-services>
- National Center for Victims of Crime: <https://victimsofcrime.org/>
- NW Network of Bi, Trans, Lesbian and Gay Survivors of Abuse: <https://www.nwnetwork.org/>
- Crime Survivors Resource Center: <https://crimesurvivors.org/>

Center for Advocacy, Response & Education (CARE)

CARE 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 their decision to report or not to report to police, IEC/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 impacted 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 supportive measures including academic and housing modifications
- Referrals to campus and community resources

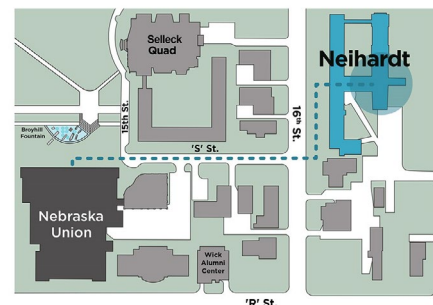
Making an Appointment with a CARE Advocate

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

Calling (402) 472-3553 after hours will still connect you with help. You can be transferred to a confidential, licensed counselor, or you may leave a voicemail for a CARE Advocate to return the next business day.



■ CARE's New Location: Neihardt 118

Fear of retaliation should never be an obstacle to reporting an incident of crime, discrimination, harassment or sexual misconduct. Any individual who believes they have 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, termination 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 complaint of sexual misconduct 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. They 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 expected 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 them in notifying the appropriate law enforcement agency whenever this assistance is requested, and that they have the right to decline the notification of law enforcement if so desired.

Anyone who has been subjected to sexual misconduct is expected to contact, or be directed to, the University's CARE Advocate as this resource can offer support and advocate for the victim as they move 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 confidential to the extent allowed by law.
- 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's CARE Advocates, and assist in obtaining medical care if needed.
- 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.
- Report 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.
- Upon the signing of a formal complaint by the victim or Title IX Coordinator, the TIXC or designee will investigate, and separate decision makers will determine responsibility and sanctions, if appropriate.
- 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) per the following:

- Email: titleixcoordinator@unl.edu
- Voicemail: (402) 472-3417
- UNL Report System: <https://go.unl.edu/unlreport>
- Calling University Police: 911 or (402) 472-2222
- Online Sexual Misconduct Report Form: <https://go.unl.edu/sexualmisconductreportingform>

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 Title IX as soon as they are able.

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](#)

State Laws, 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, sexual harassment 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 adjudication process, or both. It is the goal of the University of Nebraska-Lincoln to eliminate these crimes from its campus.

Below are definitions applicable to sexual violence per Nebraska State Statutes in regards to any criminal investigations undertaken by law enforcement (the statutes can be viewed as written at: <http://nebraskalegislature.gov/laws/laws.php>).

See later in this report for the specific definitions identified in UNL policy used by Title IX in the application of the University's disciplinary process regarding sexual misconduct.

Definitions Used in Law Enforcement Investigations of Sexual Violence Complaints

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 their 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



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-

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

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

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 Complainant (accuser) and the Respondent (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. Informal resolutions are not available when the Complainant is a student and the Respondent is an employee. 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* for students and *Executive Memorandum No. 39* for employees (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 (attempted 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) and Executive Memorandum 39: Section J (p. 18)

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 was 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) and Executive Memorandum 39: Section C.15 (p. 7); Section J.7.d.xvii (p.30)**).

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) and Executive Memorandum 39: Section K (p. 37-38)

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) and Executive Memorandum 39: Section H (p. 16-17)

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) and Executive Memorandum 39: Section J.6.f (p. 26)**).

Disciplinary Process for Sexual Misconduct

These Procedures supplement the University of Nebraska System's 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 of Nebraska Board of Regents Sexual Misconduct Policy:** <https://www.unl.edu/equity/university-sexual-misconduct-policy>
- **Executive Memorandum 38 (Student Sexual Misconduct Procedures):** <https://www.unl.edu/equity/student-sexual-misconduct-procedures>
- **Executive Memorandum 39 (Employee Sexual Misconduct Procedures):** <https://www.unl.edu/equity/procedures-sexual-misconduct-reports-against-employees>

Definitions Used in UNL Adjudication of Sexual Misconduct Complaints

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.

- "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
 - b. the victim; and
 - c. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.
- "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.
- "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.

- “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.
- “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.
- “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.
- “Sexual misconduct” includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.
- “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.

The following are additional definitions that will be applicable in UNL's addressing of sexual misconduct complaints through Title IX:

- "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.
- "Bodily injury" shall mean physical pain, illness, or any impairment of physical condition.
- "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.
- "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".
- "Crimes of Violence" are those offenses that involve force or threat of force, including murder and non-negligent manslaughter, rape, robbery, and aggravated assault.
- "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.
- "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.

- “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.

- “May” is used in the permissive sense.
- “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.
- “Official with Authority” means an official of the University who has authority to institute corrective measures on behalf of the University.
- “Private body parts” means the genital area, groin, inner thighs, buttocks, or breasts.
- “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.
- “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.
- “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”.
- “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.
- “Shall” is used in the imperative sense.
- “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.

- “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.
- “Past sexual behavior” means a person’s sexual behavior other than when the sexual misconduct is alleged to have occurred.
- “University” means University of Nebraska.

Individuals play a number of important roles within the University’s Sexual Misconduct investigation and adjudication process. To help explain the various duties, the following are descriptions of each of those roles within the process:

- “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 be 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 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 applicable law. Witnesses are asked to keep any information learned in an investigation meeting confidential, to the extent consistent with applicable law.

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 signs, 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. Informal resolutions are not available when the Complainant is a student and the Respondent is an employee.

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 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:

If, in the course of an investigation, if the University decides to investigate allegations about

- 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.

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 or Sexual Misconduct Policy.

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 or Sexual Misconduct Policy.

In the event the Title IX Coordinator or their designee determines another provision of the Student Code of Conduct and/or 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.

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/or Sexual Misconduct Policy 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/or 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 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 and or Sexual Misconduct Policy 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).] 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:

- 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.

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.

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 required 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 be 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 they 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

CARE Chairs - Students

A partnership between the Office of Fraternity and Sorority Life and CARE led to the recent creation of this program. CARE Chairs were established to create space in the Fraternity and Sorority community for education, empowerment and conversation around sexual and relationship violence. Each chapter is given the opportunity to appoint one member to represent their chapter at bi-weekly meetings. Meetings consist of facilitated discussions and information sharing with the purpose of educating the members who will then take the knowledge back to their chapters to spread awareness and education.

For additional information, please contact: Leigh Thiedeman - leight@unl.edu and/or Melissa Wilkerson – Melissa.Wilkerson@unl.edu

CARE Ambassadors - Students

The CARE Ambassadors are graduate or undergraduate students who provides education and resources to the UNL community. Ambassadors are volunteers who are committed to [CARE's mission](#) and are confidential while working within the role as CARE Ambassadors. They will present educational programs around issues including but not limited to sexual and relationship violence, stalking and sexual harassment. CA's will receive comprehensive trainings regarding healthy relationships, sexual and dating violence prevention, outreach, peer education, etc.

Responsibilities:

Specific roles within the position are as follows:

- Provide information on the services offered by CARE to classes, RSO's, sororities/fraternities, etc.
- Conduct informational sessions, as well as educational programs about issues involving sexual violence, dating violence, stalking and harassment presentations and programs using media such as: PPT, Canvas, public speaking, and group facilitation, passive outreach, etc.
- Assist, brainstorm, plan and implement monthly awareness initiatives and programming
- Maintain a constant interest in helping provide peer to peer education and compassion towards survivors
- Ensure all information students disclose to you is confidential
- Attend and participate in all training and team meetings

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 unl.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/Masculinity Programming (such as the program *What does it mean to be a man?*)
- Gender Equity Talks
- 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
- September - Clery Campus Safety Month
 - ◆ Campus Safety Fair
- October - Domestic/Dating Violence Awareness
 - ◆ Awareness Flags/Signs
 - ◆ Bad Relationship BINGO
 - ◆ LGBTQA+ History Month
 - ◆ Take Back the Night

Programs and Resources Provided by the Women’s and LGBTQA+ Centers



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. We also offer sexual health programming

and provide menstrual products and pregnancy tests at no cost.

The LGBTQA+ Center is an essential resource as data reflects the disproportionate impact of sexual assault and interpersonal violence on the LGBTQA+ population (Fette & Tetreault, Chapter 10: Providing Support to LGBTQA+ Students Who Have Experienced Sexual Violence and Interpersonal Partner Violence, In *Advising Lesbian, Gay, Bisexual, Transgender and Queer College Students*, edited by Craig M McGill and Jennifer E. Joslin, Sterling, VA: Stylus Publishing, 2021). The center can provide provides LGBTQA+ affirming resources and referrals for those who have experienced sexual assault and/or interpersonal violence. The center can assist the LGBTQA+ community by providing resources and referrals, and can provide counselors and advocates with information to help provide affirming services for the LGBTQA+ community. Referrals to campus and community resources, and procedures for reporting are available.

Here's what you can find at the Women's Center:

- A library with books and DVDs related to women, gender (for all genders), sexuality, and intersecting identities.
- The student and professional staff who coordinate programs and annual events such as Women's History Month, Gender Equity Talks, programs for Students with Children, and Gender Equity programming for all genders.
 - ◆ Gender Equity talks will take place in November
 - ◆ Sexual health promotion (including safer sex kit distribution)
- Volunteer opportunities - We welcome, train, and appreciate volunteers!
- Exploring masculinities and related issues
- Students with Children programming, which 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. More information on what is available to students with children can be found at <https://students-with-children.unl.edu/>

Pat Tetreault (she/any), Director of LGBTQA+ and Women's Centers
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Provided specifically by the LGBTQA+ Center:

- LGBTQA+ History Month Programs & Presentations
- Presentations and workshops
- Resources and referrals
- Library (everything from LGBTQA+ history, HIV/AIDS, psychology, and politics to a vast selection of novels, comics, plays and poetry)
- Lavender Closet (free and discreet access to identity affirming clothing/accessories)
- Guidance in managing confidentiality regarding orientation/gender in situations involving Title IX and/or Student Conduct and Community Standards

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

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 past campus survey indicated that one barrier to Nebraska students intervening was that they did not know when to do so. The various workshops and programs noted 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 them 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 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?”
- “Why did you wait to tell someone?”

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://offenderwatchinitiative.org/Resources/CSCPA>

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 Fraternity and Sorority Life Chapter. 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. Both on-campus and off-campus visitors to residence halls must be escorted through the residence hall by a resident.

All windows have locking devices and securely attached screens. Outward viewing door viewers are installed in residence hall student rooms. Violations of the hall security policies and procedures may result in severe disciplinary sanctions.

In every residence hall/living unit, students are responsible for informing guests of residence hall policies, and for the behavior and actions of guest(s), up to and including being charged for policies that guests violate. These regulations apply to the residents of all residence halls, regardless of room type. Residents are defined as those students living in the residence hall by virtue of holding a housing contract and assignment. Guests are defined as people visiting a specific student(s)/resident(s) who resides in the residence halls by contract assignment (e.g. someone visiting a resident in the hall, a partner who lives in the hall, etc.)

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 seven days a week, 7 pm to 7 am on weekdays and 24 hours a day 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. Sorority and Fraternity Life's chapters 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, Sorority and Fraternity Life 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 Fraternity and Sorority Life Chapters to provide safe, secure living environments for their members. This includes maintaining appropriate security and fire safety systems in each housing unit. A private security company provides twice-weekly safety checks of these 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. Fraternity and Sorority Life Chapters 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. 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. A guidebook for family housing is available: <https://housing.unl.edu/FH-Guidebook-2021.pdf>



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 on-line, 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 them 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.
- 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 Fraternity and Sorority Life chapters 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 Fraternity and Sorority Life Chapters, 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 Resident 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 UNLPD personnel outside the main entrance of the building, including any information on injuries, students needing evacuation assistance and/or people trapped in the

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.**

Every five (5) years, University Housing puts together a taskforce to review all fire and safety policies and procedures established for University Housing to ensure that they are comprehensive, applicable and best practices. Any changes will be made accordingly to ensure that every measure to protect students is taken.

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 2021
					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— Fraternity and Sorority Life Chapters*	24-hour Fire Alarm Monitoring (Contracted Provider)	Fully Sprinkled (common areas, corridors & each room)	Smoke Detectors	Fire Extin- guishers	Speaker Panels		Evacua- tion Plans & Plac- ards	Number of Fire Drills in 2021**
					Alarm speakers in rooms & common areas	Alarm speakers in com- mon 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 Omicron Pi – 1541 S St.	X	X	X	X			X	0
Alpha Phi – 1531 S 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 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
Pi Kappa Phi – 1645 R 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

*Fraternity and Sorority Life Chapters 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 chapters 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 2021.

3-year Statistics on Fires in University/Approved Housing

2021 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)	0	---	---	---	---	---

2021 Fires

Building Name—Fraternity and Sorority Life Chapters	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 Omicron Pi	0	----	----	----	----	----
Alpha Phi	0	----	----	----	----	----
Alpha Tau Omega	0	----	----	----	----	----
Beta Theta Pi	0	----	----	----	----	----
Delta Tau Delta	0	----	----	----	----	----
Delta Upsilon	0	----	----	----	----	----
Farmhouse	0	----	----	----	----	----
Gamma Phi Beta	0	----	----	----	----	----
Phi Delta Theta	0	----	----	----	----	----
Phi Kappa Psi	0	----	----	----	----	----
Phi Kappa Theta	0	----	----	----	----	----
Pi Kappa Phi	0	----	----	----	----	----
Sigma Alpha Epsilon	0	----	----	----	----	----
Sigma Chi	0	----	----	----	----	----
Sigma Phi Epsilon	0	----	----	----	----	----
Theta Xi	0	----	----	----	----	----
Triangle	0	----	----	----	----	----

3-year Statistics on Fires in University/Approved Housing

2020 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)	0	---	---	---	---	---

2020 Fires

Building Name—Fraternity and Sorority Life Chapters	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 Omicron Pi	0	----	----	----	----	----
Alpha Phi	0	----	----	----	----	----
Alpha Tau Omega	0	----	----	----	----	----
Beta Theta Pi	0	----	----	----	----	----
Delta Tau Delta	0	----	----	----	----	----
Delta Upsilon	0	----	----	----	----	----
Farmhouse	0	----	----	----	----	----
Gamma Phi Beta	0	----	----	----	----	----
Phi Delta Theta	0	----	----	----	----	----
Phi Kappa Psi	0	----	----	----	----	----
Phi Kappa Theta	0	----	----	----	----	----
Pi Kappa Phi	0	----	----	----	----	----
Sigma Alpha Epsilon	0	----	----	----	----	----
Sigma Chi	0	----	----	----	----	----
Sigma Phi Epsilon	0	----	----	----	----	----
Theta Xi	0	----	----	----	----	----
Triangle	0	----	----	----	----	----

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—Fraternity and Sorority Life Chapters	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 Omicron Pi	0	---	---	---	---	---
Alpha Phi	0	---	---	---	---	---
Alpha Tau Omega	0	---	---	---	---	---
Beta Theta Pi	0	---	---	---	---	---
Delta Tau Delta	0	---	---	---	---	---
Delta Upsilon	0	---	---	---	---	---
Farmhouse	0	---	---	---	---	---
Gamma Phi Beta	0	---	---	---	---	---
Phi Delta Theta	0	---	---	---	---	---
Phi Kappa Psi	0	---	---	---	---	---
Phi Kappa Theta	0	---	---	---	---	---
Pi Kappa Phi	0	---	---	---	---	---
Sigma Alpha Epsilon	0	---	---	---	---	---
Sigma Chi	0	---	---	---	---	---
Sigma Phi Epsilon	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>.



Counseling and help is available for any member of the campus community through a variety of services, 24/7.

Access to 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** - For referrals call (402) 472-1652 or email lgbtqa@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.

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.



Education, Programs and Resources

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.
- **Year One College Behavior Profile (Y1CBP)** is a web-based program designed using the principles of BMI and personalized normative feedback to reduce high-risk drinking, marijuana use and related harms among college students. It is specifically a pre-matriculation prevention program designed for entering first-year students to help correct the misperceptions that students have about the prevalence of alcohol and marijuana use before they begin their college career.

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 Choices Education Seminar (A.C.E.S.)** is an education program for student organizations designed to discuss issues surrounding alcohol use with opportunities to explore decision making related to alcohol 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.
- **Alcohol Skills Building** is a program featuring a series of activities offering a practical and hands-on approach to implementing alcohol safety strategies.
- **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.
- **CHOICES** is small group, peer-facilitated alcohol prevention program which utilizes harm reduction and reflective journaling to achieve open and honest conversations with students about the impacts of alcohol use.
- **Collegiate Recovery Community (CRC)** 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.
- **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 these is available through:

Counseling and Psychological Services (CAPS)
223 University Health Center
550 N. 19th Street

- **Well-Being Ambassadors** - Trained student volunteers from Big Red Resilience and Well-Being that promote the ten-dimension model of well-being that provides a framework for individual 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 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.



Other Services

- [UNL Student Legal Services](#) 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>.
- **Alcohol Education Presentation** - This is an interactive presentation from CAPS for large groups which covers safer alcohol use strategies, impacts of alcohol use, and data around alcohol use.

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 UNL’s Collegiate Recovery Community should ask to be connected at: <https://resilience.unl.edu/recovery>
- [Lincoln Area Alcoholics Anonymous \(AA\)](#) - 402-438-5214; lincaa.org
- [Southeast Nebraska Area of Narcotics Anonymous \(Lincoln\)](#) - nebraskana.org
- [Al-Anon/Alateen \(Lincoln\)](#) - 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 issues. 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 ensure 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 strict 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 when necessary. 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 June 20, 2022.

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 laws are available at: <http://nebraskalegislature.gov/laws>

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. 2020).

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), these include impounding licenses or permits issued under the Motor Vehicle Operator's License Act, completion of community service, and attending drug education classes.

Immunity and Violation Exceptions: The law provides immunity from drug related violations of subsection (3) of §28-416 and §28-441 (which relates to drug paraphernalia) in certain circumstances. The law provides immunity when a person may need medical assistance as a result of a drug overdose and the evidence for the violation of the laws was obtained as a result of the drug overdose and the request for 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 drug overdose of himself or another person as soon as the emergency situation was apparent; (ii) made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible drug 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. § 28-472 (Cum. Supp. 2020).

Similarly, effective July 21, 2022, the law also provides immunity from arrest and prosecution for drug or alcohol offenses for victims and witnesses of sexual assault. A person shall not be arrested or prosecuted for an eligible alcohol or drug offense if such person witnessed or was the victim of a sexual assault and such person: (a) Either: (i) In good faith, reported such sexual assault to law enforcement; or (ii) Requested emergency medical assistance for the victim of the sexual assault; and (b) Evidence supporting the arrest or prosecution of the eligible alcohol or drug offense was obtained or discovered as a result of such person reporting such sexual assault to law enforcement or requesting emergency medical assistance. (2) A person shall not be arrested or prosecuted for an eligible alcohol or drug offense if: (a) Evidence supporting the arrest or prosecution of the person for the offense was obtained or discovered as a result of the investigation or prosecution of a sexual assault; and (b) Such person cooperates with law enforcement in the investigation or prosecution of the sexual assault. Neb. Rev. Stat. § 28-101.

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. 2020).

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. 2020); 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. 2020). An individual is not in violation of this section if one of the immunity exceptions above applies. The exceptions include circumstances related to making a good faith request for emergency assistance to victims and witnesses of sexual assault. Neb. Rev. Stat. § 28-441(3) (Cum. Supp. 2020); Neb. Rev. Stat. § 28-472 (Cum. Supp. 2020).2020); and Neb. Rev. Stat. § 28-101.

1. "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).
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. 2020).
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. 2020) 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 fine up to \$1,000 or both. Neb. Rev. Stat. § 28-442 (Reissue 2016) and § 28-106(1) (Cum. Supp. 2020). 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 fine up to \$1,000 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 (30) (Cum. Supp. 2020). The first violation of this law is a Class III misdemeanor and the penalty is up to 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 is 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(31)(a) (Cum. Supp. 2020).

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 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 2021). 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 (Reissue 2021); § 28-106(1) (Reissue 2016). Depending on the age of the violator and the number of offense, 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 (Reissue 2021); § 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 themselves 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) (Reissue 2021).

Similarly, effective July 21, 2022, the law also provides immunity from arrest and prosecution for alcohol offenses for victims and witnesses of sexual assault. A person shall not be arrested or prosecuted for an eligible alcohol offense if such person witnessed or was the victim of a sexual assault and such person: (a) Either: (i) In good faith, reported such sexual assault to law enforcement; or (ii) Requested emergency medical assistance for the victim of the sexual assault; and (b) Evidence supporting the arrest or prosecution of the eligible alcohol offense was obtained or discovered as a result of such person reporting such sexual assault to law enforcement or requesting emergency medical assistance. (2) A person shall not be arrested or prosecuted for an eligible alcohol offense if: (a) Evidence supporting the arrest or prosecution of the person for the offense was obtained or discovered as a result of the investigation or prosecution of a sexual assault; and (b) Such person cooperates with law enforcement in the investigation or prosecution of the sexual assault. Neb. Rev. Stat. § 28-101.

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 (Reissue 2021). A violation of this law is a Class I misdemeanor, which is generally punishable by up to a one-year imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Reissue 2021) 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 up to 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. Neb. Rev. Stat. § 53-180.05(2) (Reissue 2021) and Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2020).

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. § 53186 (Reissue 2021). 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 (Reissue 2021) 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 2021).

1. There are various consequences for violating this law. The consequences range depending on the number of prior convictions and the level of alcohol in the person's blood or breath. The first violation of this law is a Class W misdemeanor and is punishable by seven to 60 days of imprisonment and a \$500 fine. Neb. Rev. Stat § 60-6,197.03 (Cum. Supp. 2020) 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) (Reissue 2021). 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) (Reissue 2021).
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 (Reissue 2021) 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) (Reissue 2021). 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) (Reissue 2021). 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. 2020).
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. 2020). 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. 2020). 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. 2020).
4. Fourth convictions are a Class IIIA felony. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2020). 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. 2020). 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. 2020). 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. 2020).
5. Fifth and subsequent convictions are a Class IIA felony. Neb. Rev. Stat. § 60-6, 197.03(9) (Cum. Supp. 2020). 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. 2020). 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. 2020). 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. 2020).

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. 2020). 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. 2020). In addition, any probation order shall be applied as previously indicated under Neb. Rev. Stat. § 60-6, 197.03(7) (Cum. Supp. 2020).
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. 2020). 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.)

University Responses to Violations of Standards

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. They may also result in a referral for prosecution by the proper authorities under local, State and/or Federal law (as identified above).

When incidents related to alcohol or marijuana occur on or off campus, Student Conduct & Community Standards considers a number of factors in determining appropriate response. At a minimum, a student could be assigned alcohol or marijuana education through Counseling & Psychological Services (CAPS). Further incidents of alcohol or marijuana violations may result in more severe outcomes depending on the incident, including additional alcohol or marijuana education.

Specific to those living in student housing, per the [Community Living Guide](#), responses will be applied according to displayed attitude, cooperation level and severity of violation. Failure to comply with the sanctions will result in a hold being placed on your future registration. Any student in violation of University policy will be expected to attend an administrative meeting with a Conduct Officer. Documentation regarding all sanctions will be recorded in the University of Nebraska-Lincoln Office of Student Conduct & Community Standards.

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 their 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.

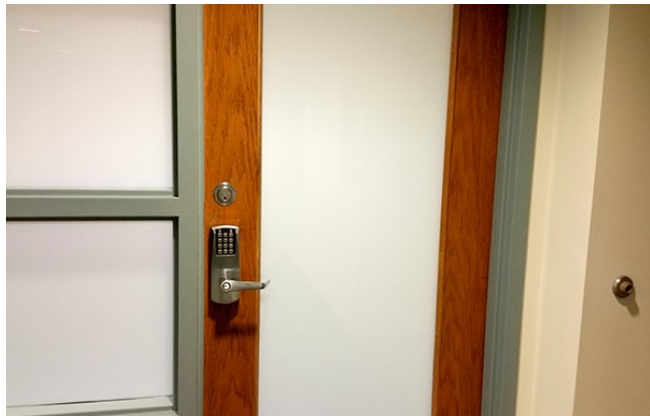
Please also be aware that as of January 1, 2018, the University has banned the use of all smoking, tobacco and vaping products on its properties. The [tobacco-free policy](#) was formed through a student-led initiative and follows a national trend to enact smoke and tobacco-free policies designed to 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 their 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

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 go to <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 UNLPSD 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 UNLPSD.
- Report suspicious person(s) or activity to the UNLPSD 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 UNLPSD 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.

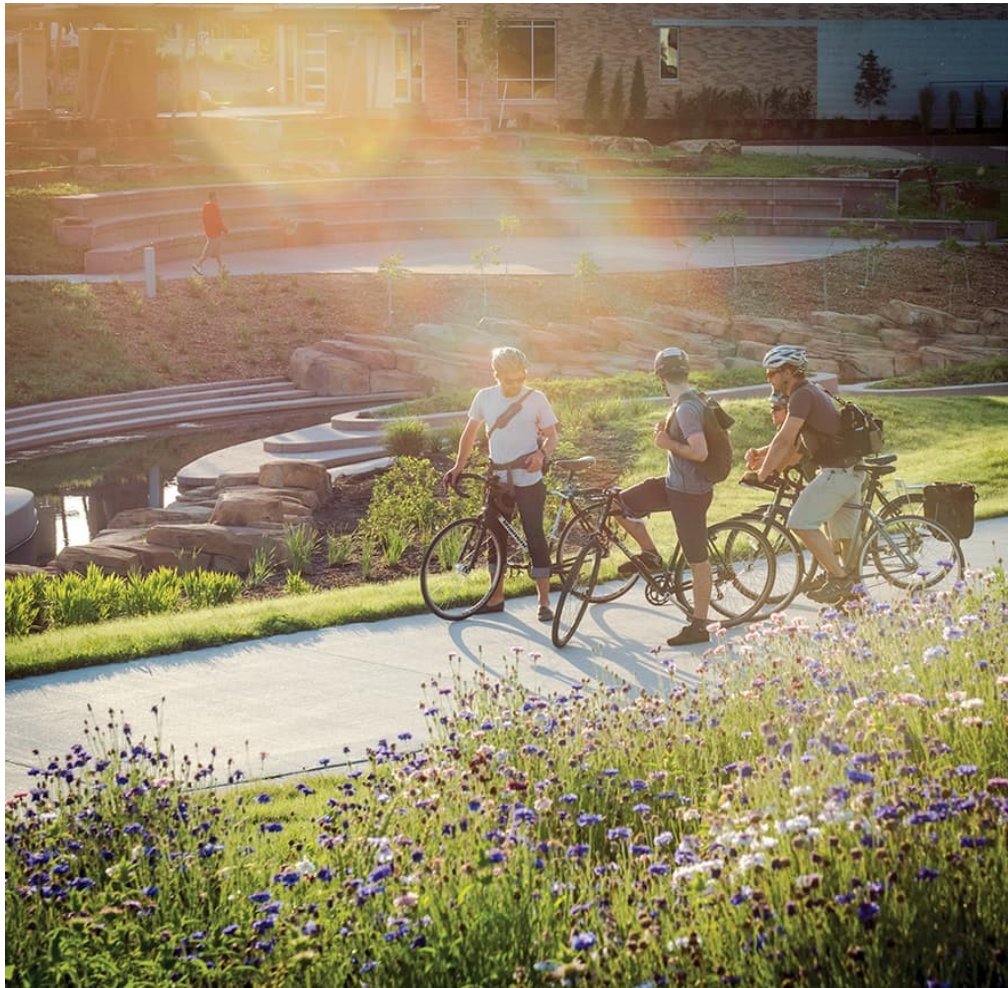
The University is continually working to maintain and improve campus facility security. Landscaping and outdoor lighting on campus are frequently surveyed and modified for pedestrian safety and security. Landscape Services trim shrubs from sidewalks, walkways, and building entrances to enhance lighting 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 through 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	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Sex Offenses:					
Rape	2021	18	14	1	0
	2020	26 - See 1 below	24 - See 1 below	0	0
	2019	13	12	2	0
Fondling	2021	51 - See 2 below	49 - See 2 below	1	0
	2020	5	2	1	0
	2019	1	0	1	0
Incest	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Robbery:	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Aggravated Assault:	2021	0	0	0	1
	2020	0	0	0	0
	2019	4	0	0	1
Burglary:	2021	18 - See 3 below	4	0	0
	2020	5	1	4	0
	2019	5	1	3	0
Motor Vehicle Theft:	2021	4	0	2	0
	2020	0	0	4	0
	2019	6	0	2	0
**Arson:	2021	2	0	0	0
	2020	1	0	0	0
	2019	0	0	0	0
**Dating Violence:	2021	8	8	0	0
	2020	23 - See 1 below	23 - See 1 below	1	1
	2019	7	5	0	0
**Domestic Violence:	2021	0	0	0	0
	2020	0	0	1	0
	2019	1	1	2	0
**Stalking	2021	9	5	0	0
	2020	13	10	3	0
	2019	14	6	2	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 2020 totals for Rape and Dating Violence were elevated due to a single report: A student belatedly reported that they were subjected to unwanted sexual encounters with a partner during the time they were dating (incidents must be reported in both categories), as well as instances of physical violence. The total number of incidents was estimated from information provided by the reporting party. Excluding this report, there were 16 reported incidents of Rape on-campus and 14 reported incidents in on-campus housing, and 8 reported incidents of Dating Violence both on-campus and in on-campus housing in 2020.
- The 2021 totals for Fondling were elevated due to three related reports: Three individuals reported that they were subjected to multiple incidents of unwanted touching from the same person that they each knew over a period of months (investigation of the initial report led to the other two reports). The total number of incidents was estimated from information provided by the reporting parties. Excluding these three reports, there were 5 reported incidents of Fondling on-campus and 3 reported incidents in on-campus housing.
- The 2021 totals for Burglary were partially elevated due to a series of office burglaries perpetrated by the same individual: The same person was involved in five reported burglaries that occurred within a short time of one another (person was eventually identified and arrested). Excluding these five incidents, there were 13 reported incidents of Burglary on-campus. There is no specific identifiable reason why there was still a higher number of burglaries in 2021 overall, even when excluding those five.

Reported Hate Crimes

On Campus:

2021: One (1) larceny/theft based on Gender Identity; Two (2) destruction/damage/vandalism of property based on Religion

2020: One (1) intimidation based on Race; One (1) intimidation based on Ethnicity

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

On-campus Housing:

2021: One (1) larceny/theft based on Gender Identity; Two (2) destruction/damage/vandalism of property based on Religion

2020: One (1) intimidation based on Race; One (1) intimidation based on Ethnicity

2019: Two (2) intimidation based on Race; One (1) intimidation based on National Origin; One (1) destruction/damage/vandalism of property based on Race.

Non-campus Property:

2021: No hate crimes were reported.

2020: No hate crimes were reported.

2019: No hate crimes were reported.

Public Property:

2021: No hate crimes were reported.

2020: No hate crimes were reported.

2019: 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 to Unfound
2021			
	Burglary	On-campus	The original report indicated that an unknown person had entered a private office and taken a coin and plaque from a shelf. It was later determined that there was a miscommunication within the office and it was not stolen.
2020			
	Burglary	On-campus	The original report indicated that an unknown person had entered a private office and taken a computer. It was later determined that a student had legal possession of the computer and it was not stolen.
2019			
	No Clery Act crimes were unfounded.		

Arrests For:	Year	On-Campus	On-Campus Housing	Non-Campus	*Public Property
Weapons Law Violations	2021	4	1	0	2
	2020	1	0	1	3
	2019	0	0	0	3
Drug Law Violations	2021	29	12	2	23
	2020	43	26	1	11
	2019	96	66	4	22
Alcohol Law Violations	2021	27	12	0	27
	2020	27	17	0	14
	2019	101	73	3	13
Disciplinary Referrals For:					
Weapons Law Violations	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Drug Law Violations	2021	44	44	0	4
	2020	31	29	0	0
	2019	37	37	0	0
Alcohol Law Violations	2021	390	390	0	25
	2020	431	431	0	1
	2019	520	519	2	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 D**

UNMC & UNO Fire and Campus Safety Report



2022
Annual Campus Safety and Fire Report

Department of Public Safety
University of Nebraska at Omaha
University of Nebraska Medical Center

*One Department
Multiple Campuses
One Mission*



Message from the Chief

Welcome!

On behalf of the University of Nebraska Department of Public Safety (UNDPS) staff, it is my pleasure to welcome you to the University of Nebraska's Omaha and Medical Center Campuses and to thank you for taking the time to review the 2022 Annual Security Report. This report offers one way to help our community stay informed of the various initiatives in place to ensure your safety and provide you with important safety resources available to assist you.

UNDPS is committed to ensuring an environment where everyone feels safe, respected, and welcome. We are here to help you have a safe experience while on any of our campus locations.

UNDPS believes that quality customer service is paramount to our mission. We focus on best practices in campus safety. We respect freedom of expression, safeguard the sanctity of life, upholding the Constitution, and enforce the applicable state and local laws to keep our campuses safe.

We understand that community safety is a shared responsibility, so we work in partnership with those we serve to ensure a greater level of safety.

As your safety partner, UNDPS is available all day, every day. We encourage you to reach out to in person, by phone, or by text. We welcome your input and value your thoughts for making our community a safer place to live, study and work.

Charlotte Evans, MA
Chief of Police
Associate Vice Chancellor



Please visit us on the public safety website
<https://www.unomaha.edu/public-safety/index.php>

or contact us directly for more information regarding these any of these services.

Introduction



The 2022 Annual Campus Safety and Fire Report (ASR) includes safety and fire information for the University of Nebraska Omaha and the University of Nebraska Medical Center, including crime & fire statistics for the 2021 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 Department of Public Safety's (UNDPS) provides services to the University campus community 24-hours a day. Please call 402.554.2648 for information regarding any service offered by the UNDPS.

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.

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Department of Public Safety

Law Enforcement & Jurisdiction

UNDPS utilizes a compliment of sworn law enforcement officers with full arrest powers and Campus Security Officers. Sworn Officers complete certification at the State Law Enforcement Training Center and are commissioned by the State of Nebraska as Special Deputy Sheriffs.

They have the authority to enforce University Policies, Omaha city ordinances, and state laws within Douglas County. Sworn Law Enforcement's primary jurisdiction is property owned by and associated with the University System in Douglas County.

Campus Security Officers (CSOs) do not carry firearms and do not have arrest powers. CSOs are trained in first aid, CPR, AED, and defensive tactics. All officers may undergo other specialized training, such as crisis intervention training, to enhance their skills.

The University of Nebraska Department of Public Safety coordinates all functions of campus safety.

Responsible for the continuous patrol of campus property and responds to calls for service.

UNDPS patrols UNO's Dodge Campus, Scott Campus, and Center Campus, UNMC's Main Campus and the Bellevue Medical Center 24/7.

When, & What to Report

Crimes in progress and crimes which have just occurred should be reported immediately. Whenever possible, please have the actual victim or witness of the crime call directly. First-hand information is always more accurate and complete. 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 Department of Public Safety can do a threat assessment to help people who are troubled before they could harm themselves or others.

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?



Reporting Crimes or Emergencies

The University allows victims and witnesses to provide information about a crime on a voluntary, confidential basis without involving a law enforcement response, if so desired.

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 that information, to the extent possible under the law.

UNDPs 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.

UNO Emergencies Dial 911 Or 402.554.2911

100 Eppley Administration 24/7 Service Counter:
402.554.2648
7 A.M. to 5 P.M.
Fax: 402.554.3675

unopublicsafety@unomaha.edu

To Report Student Behavior or consult with
Behavior Review Team member call: 402.290.3810

[Make Online Report](#)

Title IX Coordinator

Sarah Wiel
207B Eppley Admin. Building
402.554.3490

Student Conduct & Community Standards

Trent Fredricksen
209 Hayden House
402.554.6601

UNMC Emergencies Dial 911 Or 402.559.5555

42nd & Emile Streets
ARS Bldg. Lower Level
Service Counter: 7 A.M. to 5 P.M.
402.559.4439
Fax: 402.559.8625
unmcpublicsafety@unmc.edu

Title IX Coordinator
Carmen Sirizzotti, MBA
402.559.2710
csirizzotti@unmc.edu

[Secure Online Report](#)

[Student CARE Team](#)

Bellevue Medical Center

Emergencies Dial 911
Or 402.763.3030
unmcpublicsafety@unmc.edu
Emergency Department
Public Safety Desk Room 1K925
M-F 8a.m. to 5:00p.m.



ANONYMOUS REPORTING

U-Tip

Members of campus can also report crimes or suspicious activities to Public Safety through our U-Tip texting service.

Type:
UNO911 (your message here)
An example of the text content might be:
UNO911 possible car break-in west of DSC"

1 is UNO's campus identifier.
It is essential that you provide a space between UNO911 and your text message for the message to get routed to UNO Public Safety.

Enter 79516

Who Should Report

All individuals are expected to promptly report discrimination or 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.



TITLE IX
U.S. DEPARTMENT OF EDUCATION
Protecting all students

The University will respond to reported allegations of sexual misconduct and may provide appropriate supportive measures to the Complainant 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.

The Title IX Coordinator, or their designee, will contact the impacted party to let them know their reporting options and resources.



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 campus security office.

UNK (308) 865-8911

UNL (402) 472-2222

UNMC (402) 559-5555

UNO (402) 554-2911

- 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. 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**

- 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.

- **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.

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.

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.

Tips & Best Practices

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?

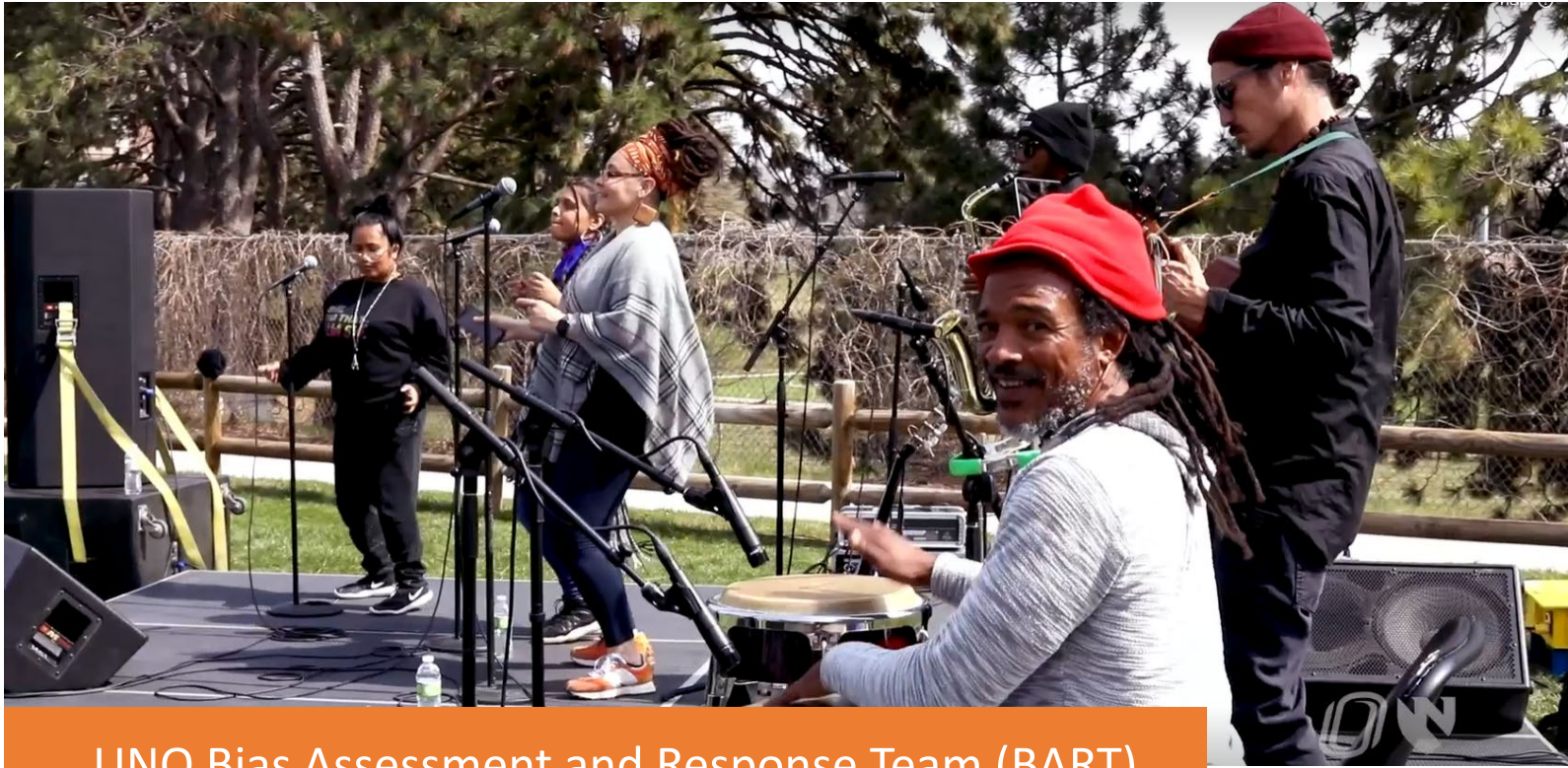
File a report. EthicsPoint can help you prepare and file your report so it can be properly understood. We'd rather you report a situation that turns out to be harmless than let possible unethical behavior go unchecked because you weren't sure. The EthicsPoint system and report distribution are designed 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.

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.



UNO Bias Assessment and Response Team (BART)

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.

Bias Assessment and Response Team Core Members:

Jeff Knapp (He/Him/His) – Instructor, Grace Abbott School of Social Work – Co-Chair jwknapp@unomaha.edu

Jessi Hitchins (She/Her/Hers) – Director, Gender and Sexuality Resource Center jhitchins@unomaha.edu

Kristina Cammarano (She/Her/Hers) – Senior Director, Student Success kmjuarez@unomaha.edu

Patrick McNamara (He/Him/His) – Director, International Studies Program pmcnamara@unomaha.edu

Phil Covington (He/Him/His) – Senior Director, Student Life pcovington@unomaha.edu

Ferial Pearson (She/Her/Hers) - Instructor fpearson@unomaha.edu

Campus Safety and Security Reporting

The University of Nebraska Department of Public Safety enthusiastically supports the Department of Education's mission 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



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.

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.

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 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 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.

Crime data for UNO and UNMC Campuses as well as other educational agencies can be found at <http://ope.ed.gov/security/>

The daily crime and fire log is available from the public safety business offices on UNO and UNMC campuses during normal business hours.



Elements of the Clery Act



Arrests and Referrals for disciplinary action.

The University is also 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 University policies if there was no violation of the law.

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 meets definition in more than one of these categories, it must be reported in each category.

Elements of the Clery Act (Cont.)

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.



Hate Crimes & Violence Against Women

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.



Bias Based Crimes

The University 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.

Before an incident can be classified as a Hate Crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias.

Even if the offender was mistaken about the victim's race, religion, disability, sexual-orientation, ethnicity, national origin, gender or gender identity, the offense is still a Hate Crime as long as the offender was motivated by bias against that group.



The Save Act

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.

Victim's options regarding formal complaints, including the right not to file a formal complaint 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.

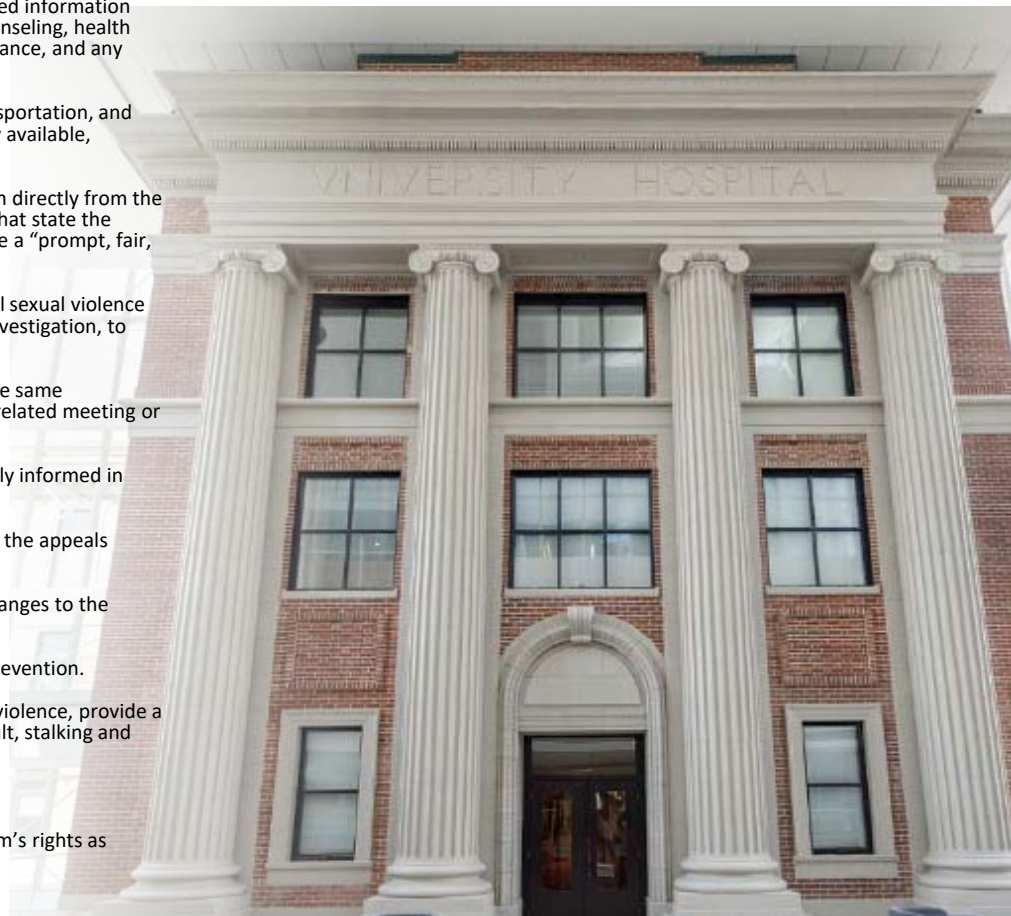
Provide campus wide educational programming regarding prevention.

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 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.



Reporting Requirements

The Department of 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.

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. UNDPS combines the ASR and the annual fire safety report into one document, the "Annual Campus Security and Fire Safety Report". UNDPS also incorporates the fire log into the Daily Crime Log.



The UNDPS strives to strike a balance between empowering a victim's 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 usually not necessary.**

Campus Security Authority

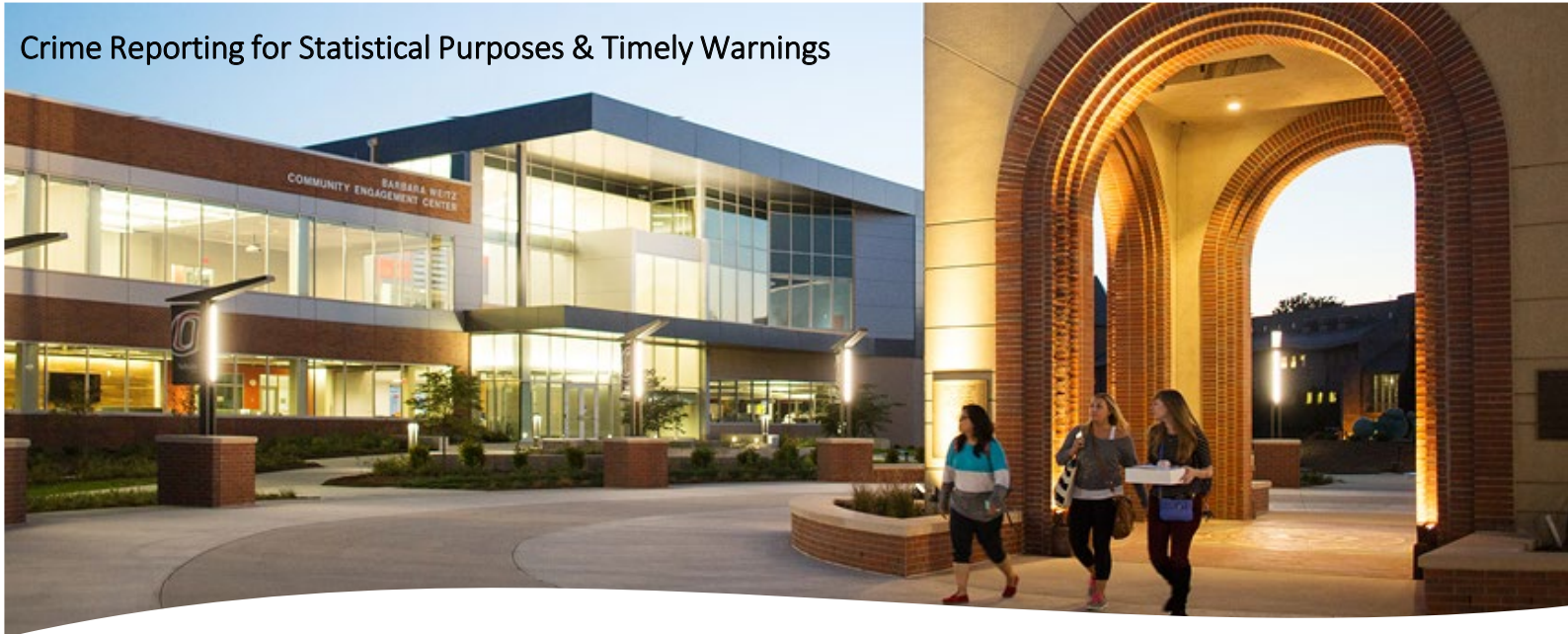
Even at institutions with a police department on campus, a student who is the victim of a crime may report it to someone other than the campus police. For example, a victim of a sexual offense may turn to a resident advisor for assistance, or a student whose car was stolen may report the theft to the 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 individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department*
 - *an individual who is responsible for monitoring the entrance into institutional property.*
 - *Individuals such as those who provide security at a campus parking kiosk, monitor access into a campus facility, act as event security, or escort students around campus after dark (including other students).*
- *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.*
 - **An official** is defined as *any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.*

In most cases it is possible for a CSA to fulfill his or her responsibilities while still maintaining victim confidentiality. CSA reports are used by the institution to compile statistics for *Clery Act* reporting and to help determine if there is a serious or continuing threat to the safety of the campus community that would require an alert (i.e., a timely warning or emergency notification). However, those responsibilities can usually be met without disclosing personally identifying information. A CSA report does not need to automatically result in the initiation of a police or disciplinary investigation.

Crime Reporting for Statistical Purposes & Timely Warnings



Public Safety encourages accurate and prompt reporting of all crimes. Clery Act reports never contain a victim's personally identifying information. The University must report statistics for violations of the law that occur on Clery Act geography and result in arrests or persons being referred for disciplinary action.

To provide the University community with important information, timely warnings, and emergency 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 crime motivated by bias.

VAWA Offenses

- Domestic Violence, Dating Violence and Stalking

Arrests and Referrals for Disciplinary Action

- Weapons, Drug Abuse and Liquor Laws

The University does not include violations of institution's policies if there was no violation of the law. For example, if a student of legal drinking age in the state in which an institution is located violates the institution's "dry campus" policy and is referred for disciplinary action, the University won't include that incident in the Clery Act statistics because the referral was not the result of a law violation.

Emergency Notifications, Timely Warnings, Security Bulletins

UNDPS 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

The University will 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.

Timely Warnings

The University will alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. The intent of a timely warning regarding a criminal incident(s) is to enable people to protect themselves.

A warning will be issued as soon as pertinent information is available. The University may not have all of the facts surrounding a criminal incident. However, if a serious and continuing threat to its students and employees exists, Public Safety will issue a warning regarding the type of criminal incident that has occurred.

Security/Safety Bulletins

May be issued in situations in which the University might choose to alert the campus community. However, the incident does not meet the threshold of a significant emergency or dangerous situation.





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.

Security Bulletin

Scope: Criminal or activity that is NOT a timely Warning or Emergency Notification.

Why: Security Bulletins are triggered by criminal events that represent a threat to campus security. For example, a rash of email scams or automobile break ins, targeting the University community.

Where: Applies to criminal activity that impacts the University community.

When: Issue a bulletin as soon as the pertinent information is available.



Emergency Notifications

The University of Nebraska at Omaha & Medical Center 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.

Alerts



Several resources are available for distributing and receiving critical information and instructions during an emergency. In the event of a major emergency affecting the University campus, the administration may use one or more of the following means to communicate with the university community.

Emergency banner on the University homepage

- www.unomaha.edu
- www.unmc.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 University community. At UNMC a pop-up crawler alert will be sent to networked computers.

All-campus email

- An all-campus email is a mass email that is designed to reach the University community.

University Alert text message and email alerts

- The university 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 community.

Posts on official Facebook and Twitter accounts

Overhead pages and indicator lights on campus

- In the event of an emergency on campus or in the surrounding community, the university may utilize an overhead paging system with instructions. All residents and staff members should follow the directions given through the broadcast system.

Clery Geography

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, and
- the **year** in which the crimes were reported.



UNDPS discloses crime statistics for reported *Clery Act* crimes that occur

(1) **on campus**,

(2) on **public property** within or immediately adjacent to the campus, and

(3) in or on **non-campus** buildings or property the University owns or controls. The definitions for these geographic categories are *Clery Act*-specific and are the same for every institution regardless of its physical size or configuration



Clery Geography On Campus

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).

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.



On-campus Subset: On- Campus Student Housing Facilities

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.



Clery Geography 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.



Branch Campuses & other Non-campus locations

The Clery Act definition of non-campus buildings or property is:

- 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.

Our institution has security responsibilities for two main campuses: the University of Nebraska Medical Center (UNMC), and the University of Nebraska at Omaha (UNO).

There are several branch campuses affiliated with the UNMC, including schools of nursing in Lincoln, Kearney, Norfolk and Scottsbluff and a school of dentistry in Lincoln. They are housed in separate buildings or programs located within the geography of another institution.

The University of NE at Lincoln and Kearney, Northeast Community College at Norfolk, and Western Nebraska Community College at Scottsbluff are separate institutions and submit separate Annual Safety and Fire Reports. This report only includes crime and fire statistics for those specific buildings owned or controlled by UNMC or UNO.

In addition to branch campuses, UNO & UNMC have several non-campus locations, such as the Bellevue Medical Center and the St. John Paul II Newman Center.



Branch Campus - Lincoln

The 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 or call 911. For weather-related clinic closures, call 402-472-1333. Please check www.unl.edu for the most current information.

UNMC Dental College Lincoln Campus

- 4000 East Campus Loop South
- Box 830740
- Lincoln, NE 68583-0740 USA
- Phone: 402-472-1333
- Emergency after hours: 402-472-7211

UNMC College of Nursing Lincoln Campus

- 550 North 19th
- Lincoln, NE 68588-0620
- Student Services
- 402-472-3657

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.

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.



Branch Campus - Kearney



THE UNIVERSITY OF NEBRASKA AT KEARNEY

UNMC COLLEGE OF NURSING

2504 9th Ave, Kearney, NE 68849

Emergency 911

Non-Emergency

(308) 865-8911

[UNK Silent Witness](#)

Information submitted through this form is confidential and anonymous. If you have any information regarding a crime, please fill out the form. Anonymous reporters have been instrumental in solving crimes, we need your help.

[CSA Reporting Form](#)

This form is used for CSA's. If you want to report anonymously, please use the Crime reporting form (Silent Witness report).

[UNKAlert FAQ](#)

UNK's Title IX Coordinator is:

Mary Chinnock Petroski
Chief Compliance Officer/Title IX Coordinator
Office of Equity and Compliance
Warner Hall, Suite 2113
(308) 865-8655
petroskimj@unk.edu



UNKAlert

During an emergency, the emergency operation plan will be activated. This plan is to alert students, faculty and staff of the emergency and to list any precautionary steps to take if known.

UNKAlert will send emergency messages from UNK to devices and addresses you designate.

Communication devices can be cell phones (text and voice), landline phones, and e-mail addresses.

Branch Campus - Norfolk

The Northern Division and the J. Paul and Eleanor McIntosh College of Nursing, is located in a beautiful state-of-the-art facility which is situated on the campus of Northeast Community College. UNMC students and faculty share space with Northeast Community College faculty and students. This rich learning environment provides opportunities for joint learning experiences between students including inter-professional education and extracurricular activities.

UNMC College of Nursing, Northern Division
801 East Benjamin Avenue
Norfolk, NE 68701

Phone: (402) 844-7890

Student Services
402-844-7890

College Administration
402-844-7894
Fax: 402-844-7926



*“Education
is the great
Equalizer”*

J. Paul McIntosh



Eleanor and J. Paul McIntosh

Branch Campus - Scottsbluff



UNMC College of Nursing Scottsbluff

Located on Western Nebraska Community College's Scottsbluff Campus. WNCC partners with local law enforcement and paramedics to ensure proper authorities are always nearby and ready to assist. Security personnel also routinely patrol each of WNCC's campuses, but if you witness criminal activity on any WNCC campus, we strongly encourage you to **report the incident**.

The WNCC has established Resource Officers working on campus, to provide law enforcement and police services directly to the college.

Emergencies call 911 to reach the Scottsbluff Police Department.

Security Officers can be reached:
Monday-Sunday 11:00p.m. – 7:00a.m. 308-641-0351

- Student Services
308-632-0410
- College Administration
308-632-0411
- Fax: 308-632-0415

Reporting Criminal Actions UNMC Scottsbluff Sites

- Scottsbluff Police Department Non-Emergency -
308.632.7176
- WNCC Environmental Health & Safety Coordinator -
308.635.6185
- Scottsbluff Campus Main Office - 308.635.3606
- College Resource Officer - 308.635.6111



Daily Crime and Fire 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.

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. UNDPS combines the ASR and the annual fire safety report into one document, the "UNDPS Annual Campus Security and Fire Safety Report"

A Crime and Fire summary log contains most incidents for both the UNO, UNMC, and Bellevue Medical Center Campuses and is searchable for specific events and/or locations. It does not contain every crime or event. It can be located at:

<https://scsapps.unl.edu/UNO-PoliceReports/MainPage.aspx>

The official 30-day crime and fire log is available at the Public Safety Service Desk at UNO 100 Eppley Admin. Bldg. and at UNMC ACRS Building lower level, during normal business hours. Crime and Fire logs for over thirty days are available upon request.



Crime Statistics

UNDPS uses its own records and sends out formal requests for crime statistics and other necessary information to local law enforcement agencies.

Records include crime reports, daily incident summaries, referrals for disciplinary action and Title IX Reports.

UNDPS is also responsible for uploading statistical data regarding crime and fires to the Department of Education's website as required each year.

UNMC Campus – Crime Statistics

Criminal Offenses	On-Campus				Non-Campus				Public Property				On-Campus Housing			
	2018	2019	2020	2021	2018	2019	2020	2021	2018	2019	2020	2021	2018	2019	2020	2021
University of NE Med Center ID#181428-001	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense (non-Forcible)	2	2	2	3	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0
Aggravated Assault	4	2	3	7	0	0	1	1	1	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	23	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	13	10	5	10	0	0	0	0	1	2	0	0	0	0	0	0
Liquor Law Arrests	1	0	0	2	0	0	0	0	0	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	20	10	16	24	0	0	1	0	0	0	0	2	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	2	0	1	2	0	0	0	0	0	0	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	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	4	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	3	4	3	1	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes																
Intimidation Race	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation Sexual orientation	1	0	0	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
Intimidation by Religion	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0

Omaha Police Department (OPD) notes to Clery Act Data Request

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.

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.



Branch Campus – Lincoln

Crime Statistics

The Institution does not have any owned or controlled non-campus or student housing. Statistics are only included for the College of Nursing Building, Dental College and any adjacent public property.

Criminal Offenses	On-Campus				Public Property			
	2018	2019	2020	2021	2018	2019	2020	2021
Branch Campus Lincoln								
Murder, Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Sex Offense (Forcible)	0	0	0	0	0	0	0	0
Sex Offense (non-Forcible)	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	1	0	0	0	0	0
Liquor Law Referral for Disciplinary Action	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0
Drug Law Referral for Disciplinary Action	0	0	0	0	0	0	0	0
Weapons Law Arrests	0	0	0	0	0	0	0	0
Weapons Laws Referral Disciplinary Action	0	0	0	0	0	0	0	0
	0	0	1	0	0	0	0	0
VAWA Crimes								
Dating Violence	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0
Hate Crimes								
No Hate Crimes Reported								

The Institution does not have any owned or controlled non-campus or student housing. Statistics are only included for the College of Nursing Building on the University of NE at Kearney Campus and any adjacent public property.

Branch Campus – Kearney

Crime Statistics

Criminal Offenses	On-Campus				Public Property			
	2018	2019	2020	2021	2018	2019	2020	2021
Branch Campus Kearney								
Murder, Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Sex Offense (Forcible)	0	0	0	0	0	0	0	0
Sex Offense (non-Forcible)	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0
Liquor Law Referral for Disciplinary Action	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0
Drug Law Referral for Disciplinary Action	0	0	0	0	0	0	0	0
Weapons Law Arrests	0	0	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	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0
Hate Crimes								
No Hate Crimes Reported								

Branch Campus – Norfolk

Crime Statistics

The Institution does not have any owned or controlled non-campus or student housing. Statistics are only included for the College of Nursing Building on the Northeast Community College Campus and any adjacent public property.

Criminal Offenses	On-Campus				Public Property			
	2018	2019	2020	2021	2018	2019	2020	2021
Branch Campus Norfolk								
Murder, Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Sex Offense (Forcible)	0	0	0	0	0	0	0	0
Sex Offense (non-Forcible)	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0
Liquor Law Referral for Disciplinary Action	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0
Drug Law Referral for Disciplinary Action	0	0	0	0	0	0	0	0
Weapons Law Arrests	0	0	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	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0
Hate Crimes								
No Hate Crimes Reported								

Branch Campus – Scottsbluff

Crime Statistics

The Institution does not have any owned or controlled non-campus or student housing. Statistics are only included for the College of Nursing Building on the Western Nebraska Community College campus, and any adjacent public property.

Criminal Offenses	On-Campus				Public Property			
	2018	2019	2020	2021	2018	2019	2020	2021
Branch Campus Scottsbluff								
Murder, Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Sex Offense (Forcible)	0	0	0	0	0	0	0	0
Sex Offense (non-Forcible)	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0
Liquor Law Referral for Disciplinary Action	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0
Drug Law Referral for Disciplinary Action	0	0	0	0	0	0	0	0
Weapons Law Arrests	0	0	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	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0
Hate Crimes								
No Hate Crimes Reported								



Policy Statements

A major requirement of the *Clery Act* is to disclose policy statements in the annual security report.

Sexual Misconduct Policy Statement

Sexual Misconduct Prohibited Actions

- The University of Nebraska desires to provide a safe and secure learning, living, and working environment for all staff, students and visitors. 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 to eliminate these crimes from its campus.

Drug and Alcohol Policy Statement

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 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.



Hate Crimes Policy Statement

Hate crimes are those motivated by prejudice, including race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, and/or disability.

The University 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 university serves to make sure ALL people feel safe to be themselves.



Missing Persons Policy Statement

Policy Statement

The University of Nebraska Department of Public Safety (UNDPS) will immediately respond to, and thoroughly investigate, all reports of adult missing persons and missing, runaway or unidentified children.

Additionally, every child reported missing will be considered at-risk until significant information to the contrary is confirmed.



The Higher Education Opportunity Act of 2008 (HEOA) requires that postsecondary institutions participating in Federal student aid programs, including the University of Nebraska, make certain disclosures to enrolled and prospective students, parents, employees, and the public.

The following information is disclosed to you in compliance with Federal law. To request paper copies of any of the information listed below, please contact the Office of Financial Support and Scholarships. The information on this page is reviewed and updated annually to ensure it is accurate, timely, and appropriate.

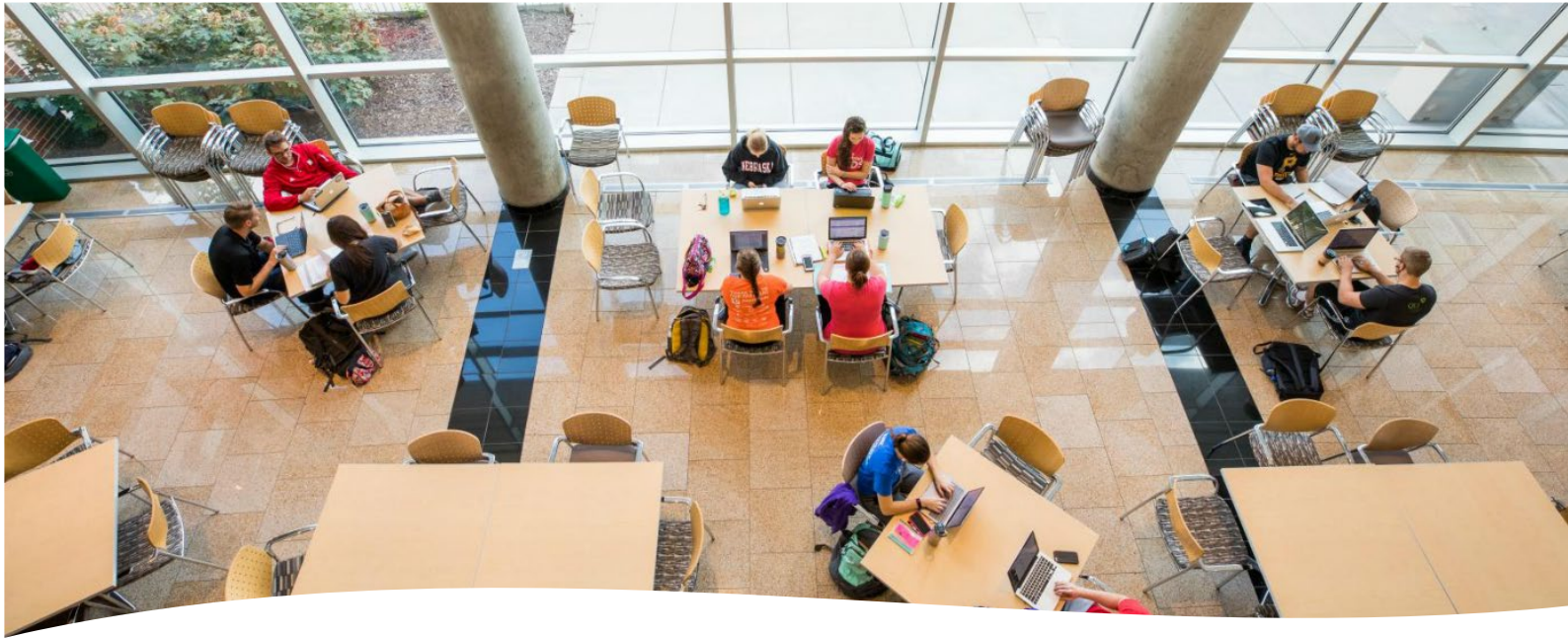
Consumer Information

UNO

https://www.unomaha.edu/admissions/financial-support-and-scholarships/tools-and-resources/consumer_info.php

UNMC

<https://www.unmc.edu/student-success/financial-aid/consumer-info/index.html>



Building Access and General Security Information

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.

- Individual university 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 the University 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 most buildings will be locked to maintain a safe campus. The Chancellor, Vice Chancellors, Deans, Directors, or designees may authorize UNDPS 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.

Access and Security Student Housing

Student Housing in General

- Residential living for the University has had a history of being very safe, due in part to the security precautions in place.
- 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).
- Doors should never be propped open. Keeping every room door locked at all times will deter crime. Most theft in University Housing is a result of an unsecured room or unattended belongings.
- Keep rooms locked when going out during move-in, and do not leave your car unlocked when loading or unloading.





UNO Student Housing

- All housing with interior living space doors are linked to the MavCARD, which is activated upon move in.
- 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.
- 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.
- 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.



UNMC Student Housing

The University of Nebraska Medical Center owns a variety of rental property units which are leased to full-time students, residents and fellows of the Medical Center. Access is key controlled.

Public Safety maintains a current list of all tenants in UNMC Housing.



Non-Residential Building Access

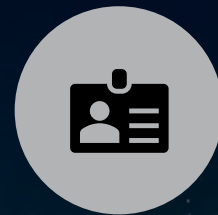
Most non-residential campus buildings and facilities are accessible to members of the campus community, guests and visitors during normal business hours and for limited designated hours on weekends. Access times will vary depending upon the nature of the building and activity. Except for those students, faculty and staff with keys or authorized access cards, access is generally restricted to University affiliated personnel during recognized holidays.

The University takes all available measures to ensure the security of campus buildings, including limiting access to authorized personnel only. 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 to conduct University business only.

High Security Access



HIGH SECURITY ACCESS IS DETERMINED BY UNDPS, ENVIRONMENTAL HEALTH AND SAFETY (EHS), OR A UNIVERSITY DEPARTMENT. IT REQUIRES 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 SUCH BUILDINGS ARE CONSIDERED HIGH SECURITY ACCESS.



WHEN POSSIBLE, ACCESS IS PROGRAMMED TO AN INDIVIDUAL'S CAMPUS IDENTIFICATION CARD. A TRADITIONAL KEY WILL ONLY BE ISSUED WHEN ELECTRONIC ACCESS IS NOT AVAILABLE.


A photograph of a large, multi-story brick building, likely a university building. The building is made of reddish-brown bricks and has several windows. On the right side of the building, there is a red shield-shaped logo with a white 'C' and the text 'CLARKSON COLLEGE' below it. The sky is overcast and grey. The text 'Security Cameras' is overlaid in white on the right side of the image.

Security Cameras

It is the policy of the University of Nebraska Department of Public Safety (UNDPS) that faculty, staff, students and visitors to campus will not be subjected to unnecessary invasions of their privacy. Video monitoring will only be used responsibly, in furtherance of a legitimate University interest in providing safety and security for its faculty, staff, students, visitors and properties. Security Cameras are NOT monitored 24/7.



Student Housing Fire Safety

- 
- Buildings are equipped with safety equipment. As a member of the University community, you are held responsible for knowing what equipment is available in your area.
 - You may not render any fire safety equipment or anywhere on campus inoperable, and you should report any malfunctions or inoperable smoke detectors or sprinklers etc., to facilities as soon as possible.
 - University Housing is currently in compliance with Fire Life Safety codes.
 - Fire Life Safety systems (alarm panels, sprinklers, smoke detectors, etc.) are inspected annually.
 - Smoke detectors in student rooms are inspected at least once per year .
 - 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 will walk the areas affected until the systems are back online.
 - All residence hall facilities have fire extinguishers in compliance with the applicable code.



Fire Safety UNO Student Housing

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 not a 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.

Fire Safety

UNMC Student Housing

Report all fires to Public Safety at 402.559.5555 or 911 if an emergency exists.

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.

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 Campus Security 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.

Due to the nature of UNMC 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.

Fire Hazards

In student housing, 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.

Kitchen appliances with an open flame will not be permitted. Staff will use their discretion if they see a kitchen appliance that might be considered a fire hazard, including gas and electric, are not permitted within housing or on outside property. Grilling facilities are available on some of the properties. Lighter fluid should not be stored inside.

No storage of flammable materials in buildings are allowed unless contained in an approved manner. 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 egress doors.

We do not allow any type of space heaters. 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. Persons who violate this policy are responsible for any damage done to University property and the personal property of any other person.



Candles, Appliances & Extension Cords

You may not light candles or burn/use incense anywhere in offices or student housing. Candle warmers (with the wicks cut) and Scentsy like products are permitted, so long as they are attended by the owner.

If the power goes out, use flashlights only.

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 staff.





Emergency Evacuations

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, access card, 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.



TRY TO REMAIN CALM

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 UNDPS 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.

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.

Fire Evacuation Tips

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 doorknob 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 name and location.

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 Drills and Equipment

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.

Fire Safety Disclosures

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 your campus or to any non-campus student housing facilities your institution might own or control.

An institution with on-campus student housing facilities is required to:

- maintain a log of all reported fires that occur in those on-campus student housing facilities;
- publish an annual fire safety report that contains fire safety policies and fire statistics for each of those facilities;
and
- submit the fire statistics from the fire safety report annually to the Department.

Fire Statistics UNO Student Housing



Fire Statistics UNO Student Housing						
Residential Facility	Number of Fires	Cause	Injuries requiring treatment at a medical facility	Deaths	Value of Property Damage	Year
Maverick Village	1	Electrical	None	None	\$100.00	2019
Maverick Village	1	Cooking	None	None	None	2020
Maverick Village	1	Cooking	None	None	\$1,000.00	2021
University Village	1	Cooking	None	None	None	2019
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.						



Fire Statistics UNMC Housing

There were no reported fires in 2021.

During the 2020 Calendar Year, there was one reported fire in University Housing at 404 S. 40th. There were no injuries, damage was reported to exceed \$150,000.00.

There were no reported fires in 2019.



Emergency Preparedness



Shelter in Place

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.

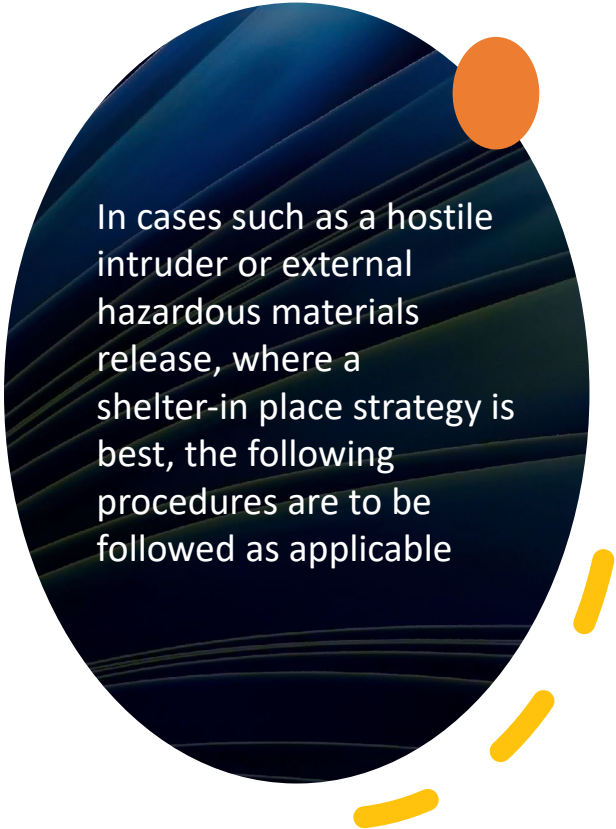
Call UNDPS or 911. If you cannot get through by phone and have text message capability, text the UNDPS at 79516. Enter the letters UNO911 and then type your message. Dispatch will receive the message and relay information to UNDPS officers.

Do not answer the door. If you do not recognize the voice, 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.

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.

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 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 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



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, Hide or Fight



RUN

- Have an escape route and plan in mind.
- Leave belongings behind (except your cell phone).
- Keep your hands visible.

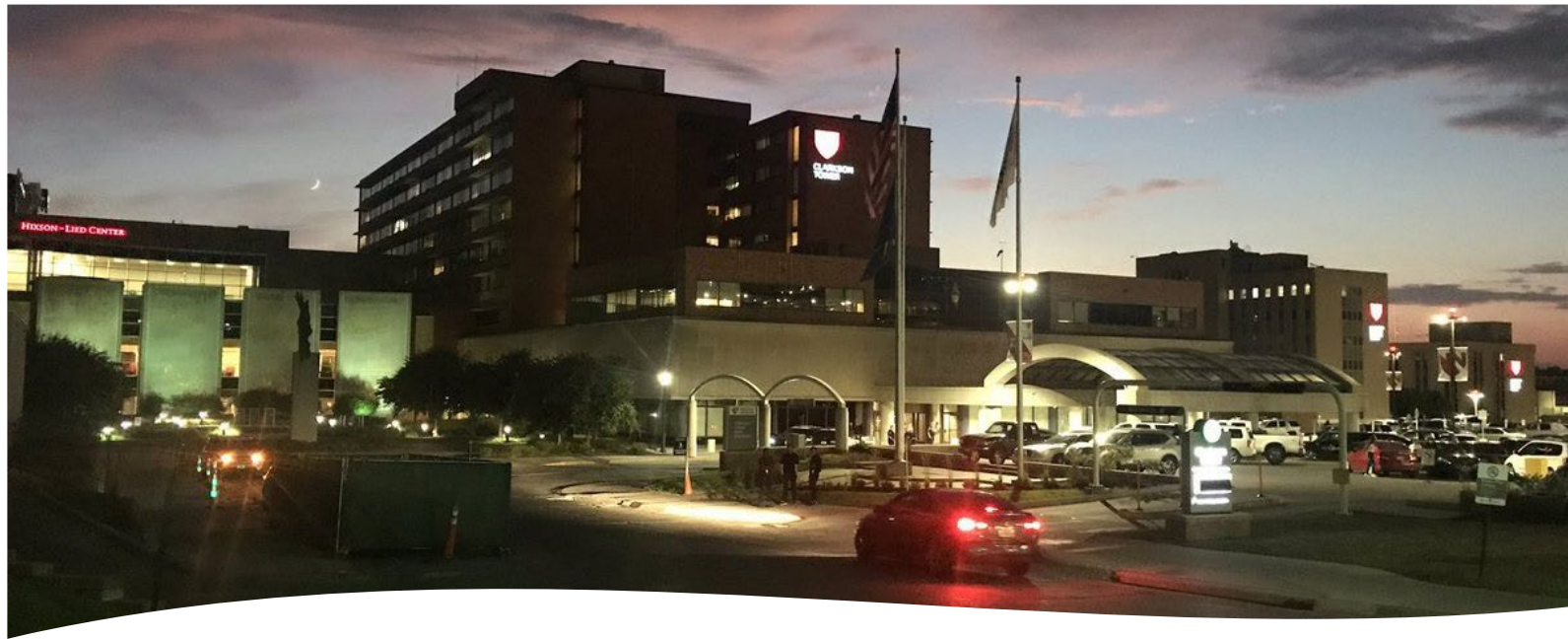
HIDE

- 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 to see what may be happening. Wait and listen for directions from law enforcement personnel.





Calling for Help

- **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 Public Safety. 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.



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. Notifications will be made through the omni-Alert system including an emergency banner on UNMC devices, web homepage banners, email, emergency alert text messages, and the university's official social media accounts on Facebook and Twitter.

Health Emergencies

For medical emergencies on campus,
call 911

Or Public Safety at UNO 402.554.2911
or UNMC 402.559.5111

Counseling and Psychological Services
is also available to aid during an
emergency at 402.554.2409





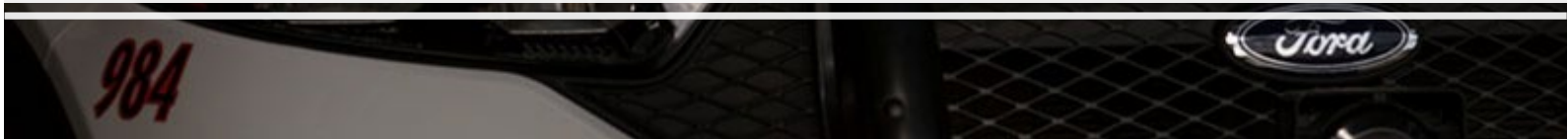
Mass Notification Exercises

As part of its ongoing emergency preparedness program, the University conducts tests of the 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.



Crime Response & Investigations

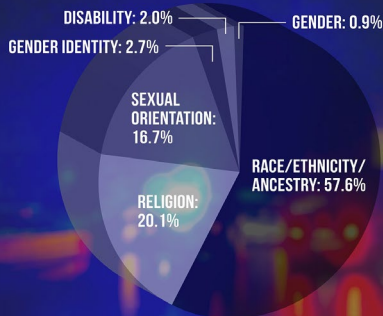


Crimes of Bias

The Office of Equity, Access and Diversity (EAD) was established to streamline diversity efforts.

Hate Crime Statistics, 2019 Bias Motivations

Reporting from 15,588 law enforcement agencies to the UCR Program in 2019 revealed 7,103 single-bias incidents involving 8,552 victims. A distribution of victims by bias type shows the following:



EAD leads the campus wide effort to develop and sustain an inclusive and supportive campus climate.

The office investigates allegations of illegal discrimination and harassment.

- The process involves a neutral assessment of the underlying actions followed by a fair assessment of the situation with suggestions and recommendations for a resolution of the conflict.
- The focus of these internal investigations is to help facilitate an outcome that will enable individuals to experience an environment where they have an opportunity for success.
- The jurisdiction of the office includes oversight and support in meeting many of the federal and state regulatory mandates of the campus. However, our resources are also directed to working with the campus community to go beyond the minimum legal requirement to make the University of Nebraska Omaha a better place where individuals have the opportunity to reach their potential.
- Pursuant to regulations from the [U.S. Department of Labor](#), EAD generates the campus affirmative action plans for:
 - Women, Minorities, Veterans, and Individuals with disabilities
 - EAD is also responsible for providing institutional responses to external complaints and audits by governmental agencies.

Diversity, Equity, Access and Inclusion
6001 Dodge Street
211 EAB
Omaha, NE 68182-0263
uno_deai@unomaha.edu



**I FEEL
SAFE
NOT BOTHERED**

Complaints regarding Officers or other UNDPS staff can be made through the U-Tip system, ethics point, by contacting Deputy Chief Jerry Baggett 531.559.5100 gbaggett@unomaha.edu by contacting public safety at unopublicsafety@unomaha.edu by contacting any public safety officer or completing a citizens complaint form in the public safety business office.

How are we doing? Complaints regarding our Officers.

Youth Activity Safety



Activity Directors and Sponsoring Organizations are responsible for the safety of the workers and participants. They must meet the following requirements:

All Youth Activities must comply with the Youth Activity Safety Policy, and all University policies, including weapons, drug and alcohol policies. No Activity Worker or Activity Support Staff can be listed on any Sex Offender Registry. Sex Offender Registry Checks must be conducted at least annually. The following additional convictions generally will render an Activity Worker or Activity Support Staff ineligible to participate in Youth Activities, any sexual offense; Felony Assault, including domestic violence related incidents; Child abuse, molestation or other crimes involving endangerment of a minor; Murder; or Kidnapping. Other convictions, such as misdemeanor assault, drug distribution activity, felony drug possession and any other felony or crime involving moral turpitude may also render an Activity Worker or Activity Support Staff ineligible to participate in Youth Activities. UNO Administration reserves the right to deny any Activity Director, Worker, or Activity Support Staff participation in the Youth Activity should the Administration, in its sole discretion, determine that the Activity Director, Worker or Activity Support Staff has engaged in behavior that disqualifies the individual from participating in the Youth Activity.

It is expected that all Sponsoring Organizations will comply with the guidance from the U.S. Equal Employment Opportunity Commission regarding consideration of conviction records in hiring and that all UNO Sponsoring Organizations will comply with Neb. Rev. Stat. §48-202.

All Youth Activities must access to individuals that are certified in Adult & Youth CPR and First Aid.



Youth Safety Informational Sheet

UNO has a strong interest in protecting youth safety on our campus; therefore, the campus has implemented a Youth Activity Safety Policy to provide a safe, educational, and enjoyable activity/program experience for all participants.



SEE SOMETHING, SAY SOMETHING

If you suspect any child abuse or neglect, including sexual assault;

- You must report it
- Give as much information as possible
- You are immune from liability from any civil or criminal liability if you have reported the information in good faith
- If you know of child abuse, neglect, or sexual assault but are not reporting it, YOU ARE BREAKING THE LAW

PUBLIC SAFETY
402.554.2648



Youth Safety

Racheal Ceraso
Youth Safety Coordinator
402.554.3721
rceraso@unomaha.edu

Youth Interaction



RATIO

At least 1 adult supervisor to every 15 youth is required, with a minimum of 2 adult supervisors regardless of the size of the activity. SUPERVISE IN PAIRS



PHOTOS

Taking pictures of youth or posting pictures of information about youth to social media sites without guardian permission is prohibited.



CONTACT

All physical contact should be appropriate (i.e. high fives, fist bumps, etc.) Sexual touching or related activity is prohibited.



SPACES

Use of an Activity Worker's personal room, office or home for interacting/meeting alone with youth that are affiliated with the Youth Activity is prohibited. Activity Workers are prohibited from meeting youth off-site or off hours.

Property and Identity Theft

Theft is a crime of opportunity. Help Public Safety by taking that opportunity away. Most thefts reported 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) 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 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 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.

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:

- 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)

Complaints of Sexual Misconduct

A close-up photograph of a hand reaching out, palm facing up, against a warm, golden sunset background. The sun is a bright, glowing orb on the left side, partially obscured by the hand. The hand is in the foreground, with fingers slightly spread, and the background is a soft, out-of-focus gradient of orange and yellow.

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.

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.

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.

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.

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.

University Reporting Procedures

[Procedures for Sexual Misconduct Reports against Students](#)

[Procedures for Sexual Misconduct Reports against Employees](#)

[Student Code of Conduct](#)





Title IX Process

Make a report to the Title IX Coordinator

- *Any Formal Complaint that arises from a report to the Title IX Coordinator would be a part of an administrative process that could result in university-related sanctions. This cannot and will not result in criminal charges.*
- You may report to the UNO Title IX Coordinator in the following ways:
 - By phone at 402.554.2120, By email at sweil@unomaha.edu or equity@unomaha.edu, By completing the following form: [UNO Sexual Misconduct Incident Reporting Form](#)
- You may report to the UNMC Title IX Coordinator in the following ways:
- Carmen Sirizzotti, MBA, 402-559-2710 | csirizzotti@unmc.edu

Make a report to appropriate law enforcement agency

- *This could result in criminal action being taken such as criminal charges. This cannot and will not result in university-related sanctions and/or action.*
- You may report by contacting your local law enforcement or by speaking with [UN Public Safety](#)
 - UN Public Safety 402.554.2911

Engage with confidential resources such as advocacy and counseling

- *This will not result in any criminal charges or university-related sanctions*
- The University has resources such as [Counseling and Psychological Services](#) and [Victim and Survivor Advocates](#) that may serve in this confidential role.

Officials With Authority

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. *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 examples of Officials with Authority at UNO:

- Chancellor, [Dr. Joanne Li](#)
- Interim Senior Vice Chancellor for Academic Affairs, [Deborah Smith-Howell](#)
- Vice Chancellor for Athletics, [Adrian Dowell](#)
- Vice Chancellor for Business, Finance, [Carol Kirchner](#)
- Title IX Coordinator, [Sarah Weil](#)

Sexual Misconduct Response

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, medical or counseling services, 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.

Public Safety and Local Law Enforcement 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.

Sexual Misconduct Response (Cont.)

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.

Student Affairs will:

- Assist the victim in contacting victim services 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.

Protective Measures and Investigation of Allegations

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 before a hearing is concluded.

Protective measures that the University may offer following an allegation of sexual misconduct include the following: "no contact" orders, changing work schedules or workstations, reporting relationships.

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.

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.

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.

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

Formal Hearing will determine whether sexual misconduct occurred or not.

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.

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.

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.

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.

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.

The Complainant and the Respondent have the right to be assisted by any advisor they choose, including legal counsel, at their own expense.

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.

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.

Questions shall be addressed to the Hearing Officer, who will determine if the question is appropriate, and then ask the witness.

Sexual misconduct proceedings should be completed in a reasonably prompt time frame.

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.

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

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.

Sanctions i-vii may be imposed in combination with one another.

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.

Student Life

- The University of Nebraska fully supports and values 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 is committed to providing all residents equitable access to services, benefits, and opportunities by providing a nurturing community that values diversity and promotes the dignity of all community members.
- State law and university regulations prohibit the possession or consumption of alcohol or illegal drugs in any Housing & Residence Life property/parking facility, regardless of the resident's age. In addition, it is a violation of university policy to be in a room where alcohol and/or drugs are present.



Missing Persons

- 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.
- It is preferred that the reporting party talk directly to a UNDPS officer. UNDPS will immediately initiate an investigation which includes, and, if appropriate, a preliminary inspection of their student housing room. UNDPS will gather as much information as possible from the reporting person(s) in order to determine an appropriate course of action.

Concerned parties can always notify Public Safety 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 Public Safety of a suspected missing student immediately.

A photograph of a busy university campus walkway. In the background, there is a modern, multi-story building with large windows. The foreground shows a paved path where many students are walking, some carrying backpacks. The scene is brightly lit, suggesting a sunny day. The text is overlaid on the left side of the image.

Bystander Intervention

Most people don't commit sexual assault or hurt their partners. Celebrating that is one part of the solution. Another important part is learning to recognize the signs when someone is in danger and stepping in to prevent it. This is called being an active bystander.

Active bystanders learn how to recognize and safely intervene in potentially dangerous situations. Sometimes this means distracting someone who appears to be targeting someone who is too drunk to consent. Other times, it means reaching out to University staff or the police for help.



General Safety Tips

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment. (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation. Try to avoid isolated areas. It is more difficult to get help if no one is around. Don't allow yourself to be isolated with someone you don't know or trust. Walk with purpose. If you don't know where you are going, act like you do. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be. If you see something suspicious, contact the Public Safety. Don't load yourself down with packages or bags as this can make you appear more vulnerable. Keep your cell phone with you and charged. Have cab money. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to get it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated, or is acting out of character, get him or her to a safe place immediately. If you suspect you or a friend has been drugged, contact law enforcement immediately by calling 911. Be explicit with doctors so they can give you the correct tests and treatment.

Risk Reduction



If you need to get out of an uncomfortable or scary situation here are some things that you can try:

Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you.

Have a code word with your friends or family. If you don't feel comfortable, call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come and help you leave.

Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Programs

Connect. Take Care. Get Help. Campus Resources

As we are faced with challenges, whether they be personal, professional, social, or economic, it can oftentimes feel like we are alone or that we lack the resources to deal with feelings of stress, anxiety, fear, and overall wellness.

The University of Nebraska reminds the university community about important resources for students, faculty, and staff. We encourage people to "Connect. Take Care. Get Help" at any time they need help and support.

Health Risks 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.



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 heartbeat; 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.

Health Risks 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 at <http://www.drugabuse.gov/>



Drug and Alcohol Programs

Alcohol is usually the number one drug used on the University 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 cooccurring 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.

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. The meeting is open to the public, including students, staff, and faculty.

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.



Medical Amnesty NSS 28-472

Drug overdose; exception from criminal liability; conditions.

(1) A person shall not be in violation of section 28-441 or subsection (3) of section 28-416 if:

(a) Such person made a good faith request for emergency medical assistance in response to a drug overdose of himself, herself, or another;

(b) Such person made a request for medical assistance as soon as the drug overdose was apparent;

(c) The evidence for the violation of section 28-441 or subsection (3) of section 28-416 was obtained as a result of the drug overdose and the request for medical assistance; and

(d) When emergency medical assistance was requested for the drug overdose of another person:

(i) Such requesting person remained on the scene until medical assistance or law enforcement personnel arrived; and

(ii) Such requesting person cooperated with medical assistance and law enforcement personnel.

(2) The exception from criminal liability provided in subsection (1) of this section applies to any person who makes a request for emergency medical assistance and complies with the requirements of subsection (1) of this section.

(3) A person shall not be in violation of section 28-441 or subsection (3) of section 28-416 if such person was experiencing a drug overdose and the evidence for such violation was obtained as a result of the drug overdose and a request for medical assistance by another person made in compliance with subsection (1) of this section.

(4) A person shall not initiate or maintain an action against a peace officer or the state agency or political subdivision employing such officer based on the officer's compliance with subsections (1) through (3) of this section.

(5) Nothing in this section shall be interpreted to interfere with or prohibit the investigation, arrest, or prosecution of any person for, or affect the admissibility or use of evidence in, cases involving:

(a) Drug-induced homicide;

(b) Except as provided in subsections (1) through (3) of this section, violations of section 28-441 or subsection (3) of section 28-416; or

(c) Any other criminal offense.

(6) As used in this section, drug overdose means an acute condition including, but not limited to, physical illness, coma, mania, hysteria, or death resulting from the consumption or use of a controlled substance or the consumption or use of another substance with which a controlled substance was combined and which condition a layperson would reasonably believe requires emergency medical assistance.

Faculty Employee Assistance Program (FEAP)

The most common reasons an individual may choose to seek assistance through a FEAP include:

- Marital/Relationship Issues
- Alcohol and Drug Abuse/Dependency
- Work / Life Balance
- Personal Wellness
- Family/Parenting Concerns
- Grief and Loss
- Stress
- Mental Illness
- Depression/Anxiety
- Divorce
- Financial Concerns

For unexpected financial emergencies and more information to see if you qualify for UNO's Emergency Loan Fund, please contact Human Resources at 402.554.2321 or email at unohr@unomaha.edu

The Faculty Employee Assistance Program (FEAP) is a confidential cost-free assessment and short-term counseling service designed to assist faculty, employees and their families in addressing emotional needs and/or personal problems at home and on the job.

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.

At UNO, 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/news/2017/08/faculty-employee-assistance-program.php>

At UNMC, employees are encouraged to call Marlene Schneider at 402-559-5175 or Susan Smith at 402-559-5323 to schedule a time to speak with an FEAP specialist. Their toll-free number is 877-960-1010

Suicide &
Crisis
Lifelines

NATIONAL

SUICIDE
**IDE**
PREVENTION

LIFELINE™

1-800-273-TALK

www.suicidepreventionlifeline.org



People experiencing a mental health crisis have a new way to reach out for help, they can simply call or text the numbers 9-8-8.

Modeled after 911, the new three-digit 988 Suicide & Crisis Lifeline is designed to be a memorable and quick number that connects people who are suicidal or in any other mental health crisis to a trained mental health professional.

REACH[®] Suicide Prevention

Suicide and suicidal behaviors are major concerns for colleges and universities. Suicide is a leading cause of death among college and university students in the United States. The most powerful strategy to help combat suicide risk in college is to create a campus culture where suicide prevention is a shared campus responsibility and all members of the campus community work together to create a culture of caring and support. We believe that through REACH we can reduce the stigma of mental illness, particularly surrounding suicide and depression.

Anyone can help prevent suicide by learning the risks, warning signs, and how to intervene. REACH[®] is the name of the UNO suicide prevention gatekeeper training program designed to help the UNO community prevent suicide by teaching faculty, staff, and students how to:

- Recognize warning signs
- Engage with empathy
- Ask directly about suicide
- Communicate hope
- Help suicidal individuals access care and resources

Suicide prevention gatekeeper trainings are intended to provide general information to help reduce suicide risk through a training program specifically designed for individuals who are not trained and who are not licensed mental health professionals. The REACH[®] Training* aims to help increase knowledge and awareness of suicide risk and inform attendees on college and community resources.

**A REACH[®] Training is not a clinical mental health training. It does not teach suicide assessment or intervention strategies, nor is it a comprehensive training on suicide risk.*

UNO offers REACH[®] Training to students, faculty, and staff. REACH[®] Trainings are **90 minutes** in length. Please note that we are unable to offer condensed versions of the REACH[®] Training due to content complexity and sensitivity. Participants must arrive 15-minutes early to sign-in.

For more information about attending and/or scheduling a training, email unoreach@unomaha.edu.



Mary Kate Hoffmann LICSW
she | her | hers
Counseling and Psychological Services | 101 H&K
R.E.A.C.H. Training Coordinator
University of Nebraska at Omaha | unomaha.edu
402.554.2409

Suicide Prevention Resources

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 UN 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 help 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.

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)
- **What is the role of an Advocate?**
- 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
- Educating on resources and reporting options
- Providing information on healthy relationships
- Navigating on-campus and community resources
- Accompanying survivor to hospital
- Assisting with reporting to UNMC, UNO, or Omaha Police Department
- Accompanying to Title IX or Law Enforcement/Legal Meetings
- Helping with filing of a protection order
- Developing a safety plan
- To make an appointment, please call: [402.554.2890](tel:402.554.2890)

To receive support after hours, contact the Women's Center for Advancement's 24-Hour Hotline at **402-345-7273**.

Heartland Chapter CIT

Crisis Intervention Team (CIT) is a first responder's mental health collaborative program. The Heartland CIT Program is built on strong partnerships between law enforcement, mental health provider agencies, and individuals and families affected by mental health and wellness challenges.

Heartland CIT is committed to the CIT International philosophy of a team approach to transform crisis response systems. We provide quality training to police officers, hospital security guards, correction officers, dispatchers, campus security guards, probation, and community correction officers in the state of Nebraska and western Iowa. Heartland CIT also offers advanced CIT courses to our certified CIT officers annually with Enhanced CIT and Youth CIT Trainings.

Public Safety has officers who completed the Crisis Intervention Training through Heartland CIT





Gender and Sexuality Resource Center

The mission of the Gender and Sexuality Resource Center is to foster and promote equity, access, and inclusion for all genders and sexualities through education, resources, advocacy, and activism.

This office provides specific programs and services for women, lesbian, gay, bisexual, queer spectrum, trans spectrum, intersex, asexual, two-spirit, non-straight, and gender non-conforming (LGBTQIA2S+) peoples, and survivors of interpersonal violence at the University of Nebraska Medical Center (UNMC) and the University of Nebraska at Omaha (UNO).

Gender & Sexuality Resource Center unogsrc@unomaha.edu 402.554.2384 124 Milo Bail Student Center, Dodge Campus

Counseling and Psychological Services (CAPS)

Counseling and Psychological Services (CAPS) can provide enhanced support for all students' mental health and well-being as they pursue their academic and career goals.

Our goal is to provide services to best meet students' needs within our scope of practice. Through our intake process, CAPS counselors work with everyone to determine the best course of action to meet therapy goals. This sometimes includes purposeful referrals for more specialized counseling support if needed. Though counseling needs may change over time, students will continue to have access to CAPS mental health support.

Free and Confidential Counseling services remain free, and records remain confidential for UNMC/UNO students and residents. (except for a fee for court-involved substance use evaluations and counseling).

CAPS-UNMC is located at SLC 2031. Also feel free to contact Katherine Keiser at kkeiser@unmc.edu with questions or concerns or call 402-559-7276.

For UNO Services please call 402-554-2409
If you are having thoughts of suicide, please call 402.554.2409 (and press 2 after-hours) or 1.800.273.8255. You may also text the word "START" to 741.741.



Supporting a Survivor



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?”
- “Why did you wait to tell someone?”

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.

STUDENTS
SCAN BELOW



FACULTY/STAFF
SCAN BELOW



Gatekeeper Trainings and Suicide Prevention

Anyone can help prevent suicide by learning the risks, warning signs, and how to intervene. The UNO suicide prevention gatekeeper training program is designed to help the UNO community prevent suicide by teaching faculty, staff, and students how to recognize signs and how to intervene in a crisis.

Suicide prevention gatekeeper trainings are intended to provide general information to help reduce suicide risk through a training program specifically designed for individuals who are not trained and who are not licensed mental health professionals. The Gatekeeper Training* aims to help increase knowledge and awareness of suicide risk and inform attendees on college and community resources.

*A Gatekeeper Training is not a clinical mental health training. It does not teach suicide assessment or intervention strategies, nor is it a comprehensive training on suicide risk.

UNO offers training to students, faculty, and staff.



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.

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.

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. 2020).

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.

The law provides immunity from violations of §28-441 or subsection (3) of §28-416 in certain circumstances when a person may need medical assistance as a result of a drug overdose and the evidence for the violation of the laws was obtained as a result of the drug overdose and the request for 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 drug overdose of themselves or another person as soon as the emergency situation was apparent; (ii) made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible drug 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. § 28-472.

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. 2020).

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. 2020) *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. 2020). 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. 2020); Neb. Rev. Stat. § 28-472 (Cum. Supp. 2020).

"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. 2020).

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 (Cum. Supp. 2020), 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. 2020) 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(30) (Cum. Supp. 2020). 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(31)(a) (Cum. Supp. 2020).

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. 2020); § 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. 2020); § 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 themselves 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. 2020).

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. 2020). 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. 2020) 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. 2020) and Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2020) *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. 2020) 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. 2020) 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. 2020). 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. 2020).

Penalties for a second conviction include a \$500 fine and a maximum of a 6-month 6,197.03 (Cum. Supp. 2020) 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. 2020). 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. 2020). 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. 2020).

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. 2020). 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. 2020). 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. 2020).

Fourth convictions are a Class IIIA felony. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2020). 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. 2020). 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. 2020). 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. 2020).

Fifth and subsequent convictions are a Class IIA felony. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2020). 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. 2020). 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. 2020). 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. 2020).

ASSISTANCE and UNIVERSITY SANCTIONS

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.

OTHER INFORMATION

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(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.

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.

Summary

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 UNDPs 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.

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 (32) (Cum. Supp. 2020).

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(28) (Cum. Supp. 2020).

3 "Marijuana" is defined at Neb. Rev. Stat. § 28-401(14) (Cum. Supp. 2020).

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. 2020).

SANCTIONS UNDER NEBRASKA LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS

Drug ¹	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 1D felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 1C felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class 1B 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 1D felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 1C felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class 1B 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 1D felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 1C felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class 1B 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 20 years imprisonment. Class IIIA felony.
Fentanyl "China White" Schedule II(b)(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.
"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 IIIA 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. 2020).

2 All references are to the controlled substances schedules enumerated in Neb. Rev. Stat. § 28-405 (Cum. Supp. 2020).

3 "Exceptionally Hazardous Drug" is defined in the Uniform Controlled Substances Act, Neb. Rev. Stat. § 28-401 (29) (Cum. Supp. 2020).

Nebraska State Statutes



Sexual Assault (R.R.S. Neb. §2-318 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.

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.

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.



University Policies

Sexual Misconduct Policies

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.

Board of Regents 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.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

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

RP-2.1.8 Sexual Misconduct Policy (Cont.)

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; 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.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

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 of 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.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

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.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

20. "Past sexual behavior" means a person's sexual behavior other than when the sexual misconduct is alleged to have occurred. 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.

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,
- 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.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

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.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

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.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

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.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

N. Recordkeeping

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.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

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).

Standards of Conduct 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:

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.

2.6 Missing Persons Department of Public Safety Policy

Reason for Policy

This Directive establishes guidelines and procedures for reporting and investigating missing persons. It includes requirements mandated by the Federal Clery Act.

Procedures

1. Initial Response.

a. **Call-Taker Responsibility.** Accurately obtain and relay initial information, including a determination of whether or not a missing child is involved, ensuring an officer is dispatched to begin the preliminary investigation as soon as possible.

b. **First Responder Responsibility.** An immediate investigation will be initiated in any case involving extenuating circumstances, and in all cases involving juveniles, or University of Nebraska (UN) students.

i. The investigation should include:

1. Obtaining a brief history of family dynamics;
2. Canvassing immediate area for witnesses and collection of evidence;
3. Ongoing notifications to the public and other agencies as appropriate;
4. Making necessary record checks and contact those who may be helpful in locating the missing person;
5. Ensuring data is modified and/or removed from NCIC/NCIS as necessary.
6. Searching - If not done already, personnel will search:
 - a. The entire residence and immediate surroundings where the individual could possibly be found;
 - b. The location at which the missing person was last seen;
 - c. Locations the missing person frequents

Missing Persons Policy (Cont.)

ii. Officers shall interview the reporting party (parent/guardian if child is missing) and obtain the following information regarding the missing individual:

1. Complete name of missing;
2. Date and place of birth;
3. Gender;
4. Race;
5. Complete physical description (including but not limited to hair & eye color, height, weight, scars, piercings, tattoos, complexion) and description of clothing;
6. If available, a recent photograph;
7. Social security, operator's license, and other identifying numbers;
8. Date, time and location last seen/contacted;
9. Circumstances of disappearance (especially any unusual circumstances which might indicate the person was abducted or is in risk of harm);
10. Identity of friends, relatives, or others who might have information;
11. Steps already taken to locate the missing person;
12. Where the person might have gone, or frequented locations;
13. If applicable, description of the involved vehicle;
14. Custody status (if a child and applicable);
15. Confirmation that the individual is in fact missing.

C. Supervisor Responsibility. The on-duty supervisor is responsible for determining the need for and requesting any necessary assistance from outside agencies.

i. The shift supervisor is responsible for the following:

1. Determining the seriousness of the situation, and the need for, and requesting of, any necessary outside assistance.
2. Must notify the Chief of Police or Police Supervisor;
3. Determine what information is to be disseminated and to whom;
4. Ensuring all required notifications and system entries have been made;
5. Coordinating search efforts until relieved.
6. Requesting other shifts to assist in the investigation (case management rests with original officer);
7. Establishing a liaison with the victim's family;
8. The supervisor may, with AC approval, contact news media and request assistance in publicizing information when the individual is an at-risk person.
9. In all instances where the missing person is seventeen (17) or younger, an immediate broadcast will be made over the appropriate radio channels.
10. In missing persons cases involving UNO students, the supervisor shall ensure the parents/legal guardian and the resident student's specified emergency contact if listed are notified of the student's missing status within twenty-four (24) hours after the report is received. Housing or Greek Affairs shall be contacted for emergency contact information.

Missing Persons Policy (Cont.)

11. Reports should be completed as soon as possible after receiving the initial information (the Missing Person Worksheet may be used as a note-taking guide).
12. At its conclusion, each missing or abducted child incident will be reviewed by the Uniformed Operations Captain and/or the Director of Communications & Support to ensure adherence to policy, documented in the Missing Person Incident Checklist.

2. Outside Agencies and the Dissemination of Information.

- a. If there is a reasonable suspicion, evidence of a crime, or fear of endangerment, the supervisor will be notified immediately to determine what information is to be disseminated and the involvement of any outside agency.
 - i. The State Patrol, Omaha Police Department or any other agency may be contacted as necessary.
 1. Whenever a missing person has been located after an initial report has been filed, it is the responsibility of the assigned officer assigned to follow-up with the investigation.
 - a. This includes notification to any cooperating agency and request cancellation of any broadcast as appropriate. The officer should obtain a printout of the cancellation and enter it into the case file.
 - ii. Housing should have a student's contact information to aid UNDPS in locating and notifying appropriate persons of the situation.
 - b. Officers will initiate a local broadcast as soon as possible for all missing persons and an NCIC/NCIS entry as soon as possible, for all at-risk missing persons.
 - c. If there is no reasonable suspicion, evidence of a crime, or fear of endangerment, the report will be forwarded through normal channels, with a copy directed as appropriate for follow-up.

3. Investigation and Search.

- a. **Investigation.**
 - i. Canvass the immediate area for witnesses.
 - ii. Initiate and maintain contact with the reporting party to receive and/or impart additional information.
 - iii. Collect and preserve evidence.
 - iv. Make ongoing notifications to the public and other agencies as appropriate.
 - v. Make necessary record checks and contact agencies or persons who could be helpful in locating the missing person.
- b. **Search.** Personnel will search:
 - i. The immediate area where the missing person could possibly be found (usually their residence).
 - ii. The location at which the missing person was last seen.
 - iii. Locations the missing person frequents.
 - iv. Staff will conduct any follow up search as appropriate.

4. Special Considerations. The supervisor will make the decision regarding the seriousness of the matter and will contact the ADO as necessary.

- a. **At-risk Missing Persons.** A missing person is an at-risk missing person if the individual is a juvenile, elderly, physically or mentally disabled, is missing under mysterious circumstances, after a catastrophe, or a suspected victim of foul play.

Missing Persons Policy (Cont.)

- i. The UNDPS is committed to undertaking all efforts possible to quickly and safely locate at-risk missing persons, or identify found children. UNDPS personnel will respond to and thoroughly investigate all reports of this nature.
- ii. In all instances where the missing person is seventeen (17) years of age or younger, the shift supervisor will be immediately notified. An immediate broadcast will be made to all UNDPS security personnel and information regarding the missing person, will be relayed to the Douglas County Dispatch System.
- iii. In the event of a child under the age of twelve (12) has been reported missing, and is not located within two (2) hours (or prior to nightfall), officers shall contact the on-duty supervisor who will contact the ADO and arrange for additional assistance in searching and conducting follow-up.
- iv. If the wellbeing of an at-risk missing person is in question, the officer will submit a completed report to the shift supervisor as soon as possible.
- v. In any case, where it appears that the person may be in danger of physical harm, supervisors may, **with prior approval from the ADO**, contact the Public Information Officer (PIO) and the Office of University Communications, to coordinate contact with the news media and request assistance in publicizing information about the missing person.

b. Students. In missing persons cases involving students, the investigating officer shall inform the parents/legal guardian and the specified emergency contact, if listed (only used for missing person cases), of the student's missing status as soon as practicable, but no later than twenty-four (24) hours after the report of the student's missing status has been received.

c. Amber Alert. To ensure an abducted child's safe return, law enforcement has entered into a cooperative plan with Nebraska Broadcasters and other participating law enforcement agencies. The plan, known as America's Missing Broadcast Emergency Response (AMBER) plan. AMBER is a protocol for alerting the public of a child abduction by using the Nebraska Emergency Alert System (EAS) to broadcast pertinent information regarding the abduction.

- i. The AMBER plan is not activated in every case of child abduction. Before activating the plan, officers responding to a non-family abduction must establish:
 1. The child is seventeen (17) years of age or younger or has a proven mental or physical disability.
 2. There is probable cause to believe the child is in danger of serious bodily harm or death.
 3. There is sufficient descriptive information available concerning the suspected abductor.
 4. That it is not a runaway or child custody situation.
- ii. If an officer determines that the abduction meets the AMBER plan criteria, he/she will notify the shift supervisor immediately and seek approval for an Alert issuance.
 1. The AMBER Alert may not be activated without approval from the Chief, or designee.
 2. If available, a photograph of the child should be forwarded via email to the NSP at amberalert@Nebraska.gov. Photographs of the abductor and his/her vehicle should also be emailed.
 3. If approved for the AMBER Plan, the information will be faxed to NSP Headquarters Communications Center at (402) 479-4039 as an AMBER alert using the AMBER Alert Notification Plan Transmission Report. After the facsimile is sent, the case officer should call (402) 479-4921 to confirm that the facsimile was received.

Missing Persons Policy (Cont.)

4. Officers should refer to the State of Nebraska AMBER Alert Notification Plan Facsimile Transmission Packet for required reporting information. The packet contains the following:
 - a. AMBER Alert Notification Plan Transmission Report.
 - b. Authorization for Release of Juvenile Information.
 - c. Liability Agreement.
 - d. AMBER Alert Notification Plan Cancellation Form.
5. Personnel will notify the NSP of a direct phone number allowing officers to receive tips and information from the public and other police agencies. The line will be monitored and answered for a minimum of 24 hours after the plan is activated or until the alert is cancelled.
6. When appropriate, the investigating officer will complete the cancellation form and fax it to the NSP. A follow-up phone call (ensuring receipt of the fax) will also be made.
7. The investigating officer will ensure that copies of the reports are forwarded to the approving NSP officer (AMBER Alert Verification Officer) at NSP Headquarters within thirty (30) calendar days of the AMBER Alert activation. If it is determined that the AMBER Plan's criteria is not met, an alert shall not be activated and standard operating procedure for juvenile missing persons will be followed.

5. Reports.

Missing person cases that have been entered into NCIC/NCIS require a minimum of an Incident Report (IR), even when the person is located. Missing person reports should be completed as soon as possible after the initial information is received by the investigating officer from the reporting person. The Missing Person Worksheet may be used as a note-taking guide to assist in the collection of information. Officers shall document all follow-up investigation with appropriate reports.

If there is no reasonable suspicion, evidence of a crime or fear of endangerment, the report will be forwarded through normal channels, with a copy directed to follow-up. Computer entries and bulletins are not required under these circumstances.

6. Follow-up

- a. The assigned officer (41.2.5d) has primary responsibility for initiating/maintaining contact with the reporting party to receive and/or provide additional information. The reporting party should be re-contacted periodically and informed on the progress of the investigation, and notified as soon as able once the individual is located.
- b. If the missing person is a child, the assigned officer shall also be responsible for:
 - i. Verifying that the located child is, in fact, the reported missing child;
 - ii. Securing intervention services, if appropriate;
 - iii. Arranging the return of the child to his/her legal guardian, or an appropriate children's shelter in the case of a runaway or missing child who has been located and who is not wanted on a warrant or other law violation or a child who was abandoned;
 - iv. Placing the child in custody and transporting him/her to the appropriate facility for admission if a runaway or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC missing-person "hit" is verified.
- c. Shift supervisor shall be immediately notified if the persons is at-risk and/or the subject is a child, due to the need for an intensified response.
 - i. At-risk persons include individuals that are elderly, physically or mentally disabled are missing under mysterious circumstances, or when foul play is suspected.

Missing Persons Policy (Cont.)

ii. Additional risk factors pertaining to missing children are:

1. Twelve (12) years of age or younger; or
2. Believed or determined to be experiencing one or more of the following:
 - a. Is out of the zone of safety for his or her age and developmental stage;
 - b. Has mental or behavioral disabilities;
 - c. Is drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening;
 - d. Has been absent from home for more than 24 hours before being reported as missing;
 - e. Is in a life-threatening situation;
 - f. Is in the company of others who could endanger his or her welfare;
 - g. Is absent in a way inconsistent with established patterns of behavior and the deviation cannot be readily explained;
 - h. Is involved in a situation causing a reasonable person to conclude the child should be considered at risk.

d. Any officer who receives missing person information from an outside jurisdiction will complete a report documenting any action taken and the dissemination of the information.

i. If the information is about a missing person that occurred outside UNO, an **Additional Case Information Report (ACI)** shall be completed as an Outside Police Service (OPS).

ii. If the information is about a missing person that occurred at UNO, a missing person **Incident Report (IR)** should be completed

7. Requests from other Law Enforcement Agencies. Any person receiving a request for assistance in locating a missing person (adult or juvenile) believed to be in the jurisdiction of the UNDPS shall immediately report the information to the shift supervisor who shall assign to a follow-up officer for investigation or enlist the aid of a criminal investigator. In either case, such a report shall initiate a priority response from UNDPS and immediate investigative steps shall be taken and a response made back to the requesting agency as soon as possible.

Registered Sex Offenders



- 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.
- 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, UNDPS 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.
- 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.
- 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/>

▶▶▶ APPENDIX E

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



UNK maintains an Annual Membership with ATIXA and utilizes ATIXA trainings.

2021

- [January-June 2021 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 Investigator Three Materials](#)
- [January-June 2021 Title IX Athletics Materials](#)
- [January-June 2021 ADA/504 Coordinator Materials](#)
- [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](#)
- [July-December 2021 Coordinator Two Course Materials](#)
- [July-December 2021 Investigator Three Course Material](#)
- [July-December 2021 Hearing Officer & Decision-Maker Course Material](#)
- [July-December 2021 Investigator Four Course Material](#)
- [July-December 2021 ADA/504 Course Materials](#)
- [July-December 2021 Hearing Chairs Course Materials](#)
- [July-December 2021 Hearing Advisors Course Materials](#)
- [July-December 2021 Coordinator Two Course Materials](#)
- [July-December 2021 Higher Education Investigation Report Writing](#)
- [July-December 2021 Investigator One Course Material](#)
- [July-December 2021 Informal Resolution One Course Material](#)



2022

- [January-June 2022 Investigator One Materials](#)
- [January-June 2022 Investigator Two Materials](#)
- [January-June 2022 Investigator Three Materials](#)
- [January-June 2022 Investigator Four Materials](#)
- [January-June 2022 Coordinator One Materials](#)
- [January-June 2022 Coordinator Two Materials](#)
- [January-June 2022 Coordinator Three Materials](#)
- [January-June 2022 Coordinator Four Materials](#)
- [January-June 2022 Coordinator Five Materials](#)
- [January-June 2022 Hearing Officer & Decision-Maker Materials](#)
- [January-June 2022 Athletics Materials](#)
- [January-June 2022 Hearing Advisors Materials](#)
- [January-June 2022 Informal Resolution Materials](#)
- [January-June 2022 504/ADA Materials](#)
- [January-June 2022 Investigation Report Writing Materials](#)
- [January-June 2022 Title IX and Healthcare Materials](#)

- [July-December 2022 Civil Rights Investigator Four Certification Course Materials](#)
- [July-December 2022 Title IX Coordinator and Administrator Four: Advocacy, Prevention, and Trauma Certification Course Materials](#)
- [July-December 2022 Coordinator Five Certification Course Materials](#)
- [July-December 2022 Hearing Officer and Decision-Maker Certification Course Materials](#)
- [July-December 2022 Title IX Advisors Certification Course Materials](#)
- [July-December 2022 Informal Resolution One: Foundations Materials](#)
- [July-December 2022 Coordinator One: Foundations Materials](#)
- [July-December 2022 Civil Rights Investigator One: Foundations Materials](#)
- [July-December 2022 Title IX for Healthcare Educators and Providers Training Materials](#)
- [July-December 2022 NPRiMer: Preparing for the 2023 Title IX Regulations for Higher Education Training Materials](#)
- [July-December 2022 DEI Practitioner One: Foundations Training Materials](#)
- [July-December 2022 ADA/504 Coordinator Training Materials](#)



- [July-December 2022 Title IX Compliance and Athletics Training Materials](#)
- [July-December 2022 Civil Rights Investigator Two Training Materials](#)
- [July-December 2022 Coordinator Two Training Materials](#)
- [July-December 2022 Title IX Coordinator Three Training Materials](#)
- [July-December 2022 Investigation Report Writing Training Materials](#)
- [July-December 2022 Violence Risk Assessment with NABITA Endorsement Training Materials](#)
- [July-December 2022 Civil Rights Investigator Three Training Materials](#)
- [July-December 2022 Title IX Hearing Chairs Training Materials](#)

2023

- [January-June 2023 ADA/504 Coordinator Certification Course Materials](#)
- [January-June 2023 Civil Rights Investigator Three Course Materials](#)
- [January-July 2023 Civil Rights Investigator Two Training Materials](#)
- [January-June 2023 Coordinator Five Certification Course Materials](#)
- [January-June 2023 Coordinator Four Certification Course Materials](#)
- [January-June 2023 DEI Practitioner One Certification Course Materials](#)
- [January-June 2023 Gender Identity on Campus Workshop Course Materials](#)
- [January-June 2023 Hearing Officer & Decision-Maker Certification Course Materials](#)
- [January-June 2023 Informal Resolution Foundations Course Slides](#)
- [January-June 2023 Investigation Report Writing Course Materials](#)
- [January-June 2023 Investigator One Certification Course Materials](#)
- [January-June 2023 Investigator Two: Advanced Certification Course Materials](#)
- [January-June 2023 Investigator Four Certification Course Materials](#)
- [January-June 2023 Title IX Advisors Certification Course Materials](#)
- [January-June 2023 Title IX Athletics Certification Course Materials](#)
- [January-June 2023 Title IX Coordinator One Materials](#)
- [January-June 2023 Title IX Coordinator Two Materials](#)
- [January-June 2023 NPRiMer for Higher Education Certification Course Materials](#)

Supplemental Course Training Materials

- [2021 Higher Education Case Study Packet](#)



- [Pregnancy & Title IX](#)
- [A Reference Tool for Key Guidance \(2016\)](#)
- [ATIXA 2018 Member Survey Summary](#)
- [OCR Letter to the Connecticut Interscholastic Athletic Conference, et al.](#)
- [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](#)
- [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](#)
- [Esports' Urgent Need for Visible Gender Diversity](#)
- [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](#)
- [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](#)
- [Draft Regulations to Final Regulations: A Comparison Guide](#)
- [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](#)



- [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 \(termed guidance, but these are really Regs under APA\)](#)
- [2021 State of the Field Survey, The Full Data of All Responses \(Higher Education & K-12\)](#)
- [Violence Against Women Act. 2022](#)

Webinar Training Materials

- [Full Page Slides: Collegiate Athletics Focused: Compliance in COVID Times Webinar - July 31, 2020](#)
- [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](#)
- [Virtual Hearings Webinar FINAL Slides](#)
- [SPOO or Not SPOO? That is the Question Webinar Final Slides](#)
- [Rationale Writing Workshop for Decision-Makers and Investigators](#)
- [Consent Workshop Slides](#)



- [Gender Identity in the College Setting Workshop Slides](#)
- [IP2P Webinar Series Slides](#)
- [June 28 NPRM Webinar Materials](#)
- [March 29, 2022 VAWA Webinar Materials](#)
- [September 19, 2022 - Solutions for Managing Intake, Jurisdiction, and Dismissal in the Title IX Grievance Process Materials](#)

20-Minutes-to-Train Training Materials

- [20-Minutes-to...Trained Investigation Strategy and Planning Ahead Module](#)
- [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 Considerations for Climate Surveys Module](#)
- [20-Minutes-to...Trained Dealing with Report Investigation Requests/Responding to Reluctant Reporters 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 Equitable Remedies within Civil Rights Grievances Module](#)
- [20-Minutes-to...Trained Essential Elements in Title IX Trainings Module](#)
- [20-Minutes-to...Trained First Amendment Primer 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 Investigation Strategy and Planning Ahead Module](#)



- [20-Minutes-to...Trained Pattern and Predation Module](#)
- [20-Minutes-to...Trained Pregnancy Accommodations Module](#)
- [20-Minutes-to...Trained Preliminary Inquiry Module](#)
- [20-Minutes-to...Trained Questioning Module](#)
- [20-Minutes-to...Trained Report Writing Tips 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 Transgender Issues Pertaining to Minors 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](#)

Other Training Providers

Dan Schnoor LLC

NACCOP VAWA Adjudicator Training Program

Husch Blackwell

[Title IX Institutional Advisor Training, 2022](#)

[Advanced Title IX Training, Spring 2022](#)

[Title IX Sexual Harassment Response, Spring 2023](#)

▶▶▶ **APPENDIX F**

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

Title IX Coordinator Trainings

September 15, 2021 to June 30, 2023

- ▶ December 1, 2021, Clery Center, Neurodiversity within Campus Coordinated Community Response Team Efforts
- ▶ July 18, 2022, National Association of College and University Attorneys, The U.S. Department of Education's Notice of Proposed Rulemaking on Title IX and Sexual Misconduct (2022)
- ▶ July 28, 2022, Association of Title IX Administrators, Roe v. Wade & Title IX Implications
- ▶ August 11, 2022, Institutional Compliance Solutions, Higher Ed Back to School Webinar - What's Next in Title IX?
- ▶ September 14, 2022, National Center on Safe Supportive Learning Environments, Lessons from the Field - Partners in Prevention: Engaging the Campus Community to Prevent Gender-Based Violence
- ▶ September 15, 2022, Husch Blackwell, Title IX Sexual Harassment Response
- ▶ December 1, 2022, Demio, Title IX and BIT Working Together, A Case Study
- ▶ January 19, 2023, Demio, ICS' Year-End Review
- ▶ March 6, 2023, Husch Blackwell, Federal Compliance Update: Changes expected in 2023
- ▶ April 13, 2023, Grand River Solutions, Title IX Athletics Summary
- ▶ April 14, 2023, Institutional Compliance Solutions, Takeaways From the Athletics NPRM & Potential Impact on Title IX
- ▶ May 9, 2023, College and University Professional Association for Human Resources, Nebraska Legal Update
- ▶ May 10, 2023, Institutional Compliance Solutions, Pregnancy Discrimination and Accommodation under Title IX

Civil Rights Investigator Trainings

- ▶ September 29, 2021, Dan Schorr, LLC, Conducting Title IX Hearings After the Cardona Decision: New Guidance and Best Practices.
- ▶ October 2021, South Dakota Board of Regents, Title IX Training
- ▶ October 13, 2021, Association of Title IX Investigators, Civil Rights Investigator Level Two Training & Certification Course
- ▶ October 25&26, 2021, Association of Title IX Administrators, Civil Rights Investigator III Training
- ▶ November 2021, South Dakota State University, Introduction to Title IX and Equal Opportunity
- ▶ November 30, 2021, Husch Blackwell, Pregnancy Discrimination: Legal Requirements and Practical Guidance
- ▶ December 22, 2021, Certified FETI, The Forensic Experiential Trauma Interview Methodology Course
- ▶ June 2022, Association of Title IX Administrators, Civil Rights Investigator Level One: Foundations Training & Certification Course
- ▶ June 7, 2022, UNL Center on Children, Families, and the Law, Child Interviewing
- ▶ July 7, 2022, Association of Title IX Administrators, Title IX Update & Analysis: Notice of Proposed Rulemaking
- ▶ July 15, 2022, Association of Title IX Administrators, Time with IX: Proposed Title IX Regulations
- ▶ July 18, 2022, The Mediation Center, Conflict, Domestic Intimate partner Abuse & Lessons from Mediators and Participant in ODR
- ▶ August 15, 2022, Department of Education, FERPA for Colleges & Universities
- ▶ September 2022, Association of Title IX Administrators, Informal Resolutions

- ▶ September 2022, Association of Title IX Administrators, Interim Measures & Suspensions
- ▶ September 2022, Association of Title IX Administrators, Role of the Investigator
- ▶ September 15, 2022, Husch Blackwell, Title IX Sexual Harassment Response
- ▶ September 20, 2022, Conciliation Court, Mediation Ethics and Online Dispute Resolution 2022
- ▶ September 20 through October 15, 2022, NASPA, Title IX Certificate Program: Investigator's Track
- ▶ October 2022, Association of Title IX Administrators, Preliminary Inquiry
- ▶ October 2022, Association of Title IX Administrators, Equitable Remedies within Civil Rights Grievances
- ▶ October 17, 2022, Certified FETI, The FETI Methodology Course
- ▶ October 26 to November 16, 2022, NASPA/Hierophant Enterprises, Inc., Facilitating Fair and Effective Informal Resolution Processes Under Title IX
- ▶ January 26, 2023, Dan Schorr, LLC, Title IX and Civil Rights Webinar - Title IX Investigations
- ▶ March 13, 2023, Association of Title IX Investigators, Pregnancy Accommodations: 20 Minutes to Trained
- ▶ May 31, 2023, Association of Title IX Administrators, Climate Considerations
- ▶ May 31, 2023, Association of Title IX Administrators, Keeping Investigators Sharp
- ▶ May 31, 2023, Association of Title IX Administrators, Keeping up with the Courts
- ▶ May 31, 2023, Association of Title IX Administrators, Memorandum of Understanding
- ▶ May 31, 2023, Association of Title IX Administrators, No Contact Orders (Parts I & II)
- ▶ May 31, 2023, Association of Title IX Administrators, Reasonable Accommodations
- ▶ July 11, 2023, Equal Employment Opportunity Commission Training Institute, Maximizing the Investigation and Mediation Process: Tips and Best Practices

Decision – Maker Training

- ▶ October-November 2021, Association of Title IX Administrators, Special Topics for Hearing Officers and Decision Makers
- ▶ August 16 & 18, 2022, University of Nebraska – Lincoln, 2022 Decision-Maker Training

▶▶▶ **APPENDIX G**

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

UNMC Title IX Training Materials

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 Consent Workshop
6. ATIXA Informal Resolution Level One: Foundations Certification
7. ATIXA Title IX Coordinator One: Foundations
8. ATIXA Title IX Coordinator Two: Pressures, Politics, Sanctions, Minors, and MOUs
9. ATIXA Title IX Coordinator Three: Compliance and Case Management
10. ATIXA Title IX Coordinator Five: Bias & Cultural Competencies
11. ATIXA Hearing Officer & Decision-Maker Training
12. ATIXA Mock Hearing Training
13. ATIXA Investigation Report Writing
14. ATIXA ADA/Section 504 Foundations for Higher Education
15. FETI - Introduction to the Forensic Experimental Trauma Interview
16. Sexual Misconduct Policy and Procedures Training
17. Sexual Misconduct Awareness and Prevention Training
18. Title IX & Reporting Sexual Misconduct Training
19. Understanding the Impact of Trauma (Trauma Based Training)

1.

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

▶▶▶ **APPENDIX H**

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

UNO Title IX Team Training Updated 04/04/2023

2019

- ▶ [ATIXA Civil Rights Investigation One: Foundations](#) (09/2019)
- ▶ [ATIXA Civil Rights Investigator Two: Advanced](#) (10/2019)

2020

- ▶ [ATIXA Civil Rights Investigator Three: Sexual Violence/Sexual Harassment Case Processing & Resolution](#) (05/2020)
- ▶ [ATIXA Title IX Coordinator Three: Compliance and Case Management](#) (06/2020)
- ▶ [ATIXA Title IX Coordinator One: Foundations](#) (06/2020)
- ▶ [ATIXA Hearing Officer & Decision-Maker Training](#) (08/2020)
- ▶ ATIXA New Title IX Regulations for Boards of Trustees and Cabinet Level Administrators** (08/2020)
- ▶ ATIXA Ten Things to Know About the New Title IX Regulations Webinar** (08/2020)
- ▶ ATIXA Hearing Panels and Decision-Maker Webinar-Briefing on the New Regulations** (08/2020)
- ▶ UNO University Appointed Advisor Training** (09/2020)
- ▶ ATIXA Mock Hearing Training** (10/2020)
- ▶ [ATIXA Title IX Coordinator Two: Pressures, Politics, Sanctions, Minors, and MOUs](#) (10/2020)
- ▶ [ATIXA Severe, Pervasive, and Objectively Offensive](#) (12/2020)

2021

- ▶ Husch Blackwell – Title IX & Sexual Harassment Response** (01/2021)
- ▶ Ankura - Advisors in Title IX Investigations: Legal, Regulatory, and Public Policy Considerations**(01/2021)
- ▶ Ankura – Conducting Climate Investigations: Challenges and Best Practices** (01/2021)
- ▶ [ATIXA Civil Rights Investigator Four Training: Advanced Interviewing Skills and Strategies](#) (03/2021)
- ▶ [ATIXA 504/ADA Coordinator](#) (04/2021)
- ▶ NaBITA SIVRA-35 Risk Assessment** (05/2021)
- ▶ NaBITA Non-Clinical Assessment of Suicide** (05/2021)
- ▶ [ATIXA Title IX in Athletics](#) (06/2021)
- ▶ ATIXA Gender Identity on College Campuses: Managing Challenges** (06/2021)
- ▶ [ATIXA Hearing Officer and Decision-Maker Training](#) (08/2021)
- ▶ UNO University Appointed Advisor Training** (09/2021)
- ▶ [ATIXA Higher Education Investigation Report Writing](#) (10/2021)

2022

- ▶ [ATIXA Civil Rights Investigation One: Foundations](#) (01/2022)

- ▶ [ATIXA Civil Rights Investigator Two: Advanced](#) (01/2022)
- ▶ [ATIXA Title IX Coordinator Two: Pressures, Politics, Sanctions, Minors, and MOUs](#) (06/2022)
- ▶ [ATIXA Title IX Coordinator Four: Advocacy, Prevention, and Trauma](#) (07/2022)
- ▶ [ATIXA Hearing Officer and Decision-Maker Training](#) (09/2022)
- ▶ [ATIXA Title IX Coordinator Three: Key Topics and Lessons from Recent Court Decisions](#) (10/2022)

2023

- ▶ [ATIXA Title IX Coordinator Five: Bias & Cultural Competencies](#) (04/2023)

Uncategorized

- ▶ [ATIXA Guide to Sanctioning Student Sexual Misconduct Violations](#)
- ▶ [ATIXA 20 Minutes to Trained - Advising the Complainant](#)
- ▶ [ATIXA 20 Minutes to Trained - Advising the Respondent](#)
- ▶ [ATIXA 20 Minutes to Trained - Due Process](#)
- ▶ [ATIXA 20 Minutes to Trained - Informal Resolution](#)
- ▶ [ATIXA 20 Minutes to Trained - Addressing Trauma](#)
- ▶ [ATIXA 20 Minutes to Trained - Intimate Partner Violence](#)
- ▶ [ATIXA 20 Minutes to Trained - Sexual Harassment](#)
- ▶ [ATIXA 20 Minutes to Trained - Stalking](#)
- ▶ [ATIXA 20 Minutes to Trained - Understanding Sexual Violence](#)
- ▶ [ATIXA 20 Minutes to Trained - Appeals](#)
- ▶ [ATIXA 20 Minutes to Trained - Applying Preponderance and Making a Finding](#)
- ▶ [ATIXA 20 Minutes to Trained - Assessing Credibility \(Pt. 1\)](#)
- ▶ [ATIXA 20 Minutes to Trained - Assessing Credibility \(Pt. 2\)](#)
- ▶ [ATIXA 20 Minutes to Trained - Conflicts of Interest](#)
- ▶ [ATIXA 20 Minutes to Trained - Deliberations and Groupthink](#)
- ▶ [ATIXA 20 Minutes to Trained - Documentation](#)

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[Link to the trainings by ATIXA and NaBITA](#)

Hardcopy available upon request.

Please contact the Title IX Coordinator at sweil@unomaha.edu or [402.554.2120](tel:402.554.2120).

▶▶▶ **APPENDIX I**

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 prejudice 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.

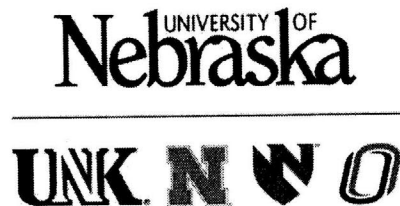
Reference:

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

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

▶▶▶ APPENDIX J

***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 11th day of November 2021.

A handwritten signature in cursive script, appearing to read "Ted Carter", is positioned above a horizontal line.

Ted Carter, President

Reference: August 14, 2020
Amended November 11, 2021

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

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. “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 the 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 the 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 be 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.

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 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
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
jmccconville2@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

- 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 may 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 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; 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 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 Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

c. 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.

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.

- Hearing Board no less than two (2) University Days in advance of the hearing.
- v. 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.
 - 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 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 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 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.

- 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.
- 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. 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 investigation or live hearing.
- x. 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.
- xi. At the conclusion of the hearing, the Hearing Board must go into closed session to deliberate and make its decision based solely upon the relevant evidence introduced and received at the hearing. The decision must be made by a majority vote.
- xii. 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 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. Findings of fact supporting the determination;
4. Conclusions regarding the application of the University’s Student Code of

- 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 the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
 - iii. 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;
 - iv. The sanction(s) imposed were arbitrary and capricious or an abuse of discretion; or
 - v. 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.
- 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 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.
 - iv. 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.
 - v. 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.
- 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, 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.

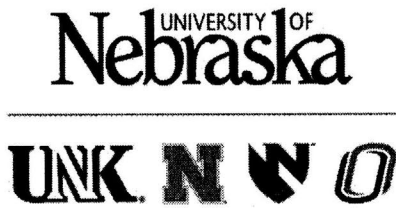
Any party may request that the Informal Resolution process be terminated at any time, in which case the grievance process would proceed. The University may, at its discretion, also terminate the Informal Resolution Process at any time. In addition, while the results of the Informal Resolution process 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.

▶▶▶ APPENDIX K

***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 student sexual misconduct.

Dated this 11th day of November 2021.

A handwritten signature in black ink that reads "Ted Carter". The signature is written in a cursive style and is positioned above a horizontal line.

Ted Carter, President

Reference: August 14, 2020
Amended November 11, 2021

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 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. “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 the 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 the 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. “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.
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
 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.

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

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- 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.

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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 may 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; 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 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 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 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, 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 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.

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 Pre-Hearing 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. If there is a Hearing Board, one of the members shall serve as Chair. All members possess 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 these Sexual Misconduct Procedures 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.

- 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. 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 investigation or live hearing.
- x. 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.
- xi. At the conclusion of the hearing, the Hearing Officer or Hearing Board must deliberate and make a decision based solely upon the relevant evidence introduced and received at the hearing. The decision must be made by a majority vote.
- xii. 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

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.

b. Reasons for Appeal

A determination may be appealed for 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 the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- iii. 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;
- iv. The sanction(s) imposed were arbitrary and capricious or an abuse of discretion; or
- v. 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

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 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.
- iv. 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.
- v. 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.
- 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, University Presenter, and Title IX Coordinator.
- viii. 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.

- 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 L

***University of Nebraska Executive Memorandum
No. 44, Sexual Misconduct Minimum Training Standards***



Executive Memorandum No. 44

Sexual Misconduct Minimum Training Standards

Scope and Reason for Policy

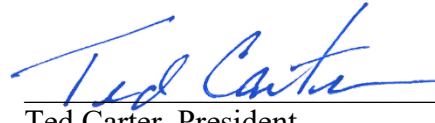
This policy applies to all University of Nebraska (NU) students, faculty, and staff.

While much has been and is being done on the campuses to address sexual misconduct across the NU system, more can be done. We intend to focus intensely on the human factor, seeing to it that every individual in our university community is rigorously trained and has the resources needed to ensure a safe, welcoming, and inclusive culture for all members of our community. The sexual misconduct minimum standards outlined in this executive memorandum are intended to increase consistency and collaboration on every campus.

Sexual Misconduct Minimum Training Standards

1. Require in-person, peer-led sexual misconduct training for all students.
2. Require annual sexual misconduct training for all faculty and staff with compliance being incorporated into annual performance evaluations.
3. Require trauma-informed training on sexual misconduct for key campus programs, and organizations.
4. Require implementation of bystander training programs on every campus.
5. Require student training on drug and alcohol use, including a review of relevant campus policies and the risks associated with drugs and alcohol.
6. Require further development of resources for complainants, respondents, faculty, and staff including point(s) of contact for individuals to report incidents of sexual misconduct, mental health and wellness resources, and resources for survivors.
7. Require enforcement tools to ensure we can achieve complete compliance with every university stakeholder.
8. Beginning with the Spring 2022 semester, conduct, at a minimum, biennial climate surveys to assess issues relevant to sexual misconduct, including student behavior, safety and well-being, and the viability of our processes and resources.

Dated this 8th day of September 2021.



Ted Carter, President

Reference: September 8, 2021

▶▶▶ **APPENDIX M**

UNK Resources for Sexual Misconduct and Title IX

UNK Campus Resources

- ▶ **UNK Police Department**
[\(308\) 865-8911](tel:(308)865-8911)
Conducts unbiased investigations with respect and dignity. Offers safe walk program.

- ▶ **Title IX Office**
[\(308\) 865-8655](tel:(308)865-8655)
Investigates sexual harassment/violence and addresses the impact on campus.

- ▶ **UNK Counseling Center**
[\(308\) 237-2599](tel:(308)237-2599)
Provides a full range of short-term, goal-focused professional mental health services

- ▶ **Residence Life**
[\(308\) 865-8519](tel:(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](tel:(308)865-8528)
Delivers a variety of supports and services to help students.

- ▶ **Office of Financial Aid**
[\(308\) 865-8520](tel:(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](tel:(308)865-8873)
Assists with visa and immigration questions and provides support for international students.

- ▶ **Disability Services for Students (DSS)**
[\(308\) 865-8214](tel:(308)865-8214)
Offers support, resources, and services to students with disabilities.

- ▶ **Ombudsperson**
[\(308\) 865-8404](tel:(308)865-8404)
Serves as an alternate source of information on options/supports/resources.

- ▶ **Athletics**
[\(308\) 865-8863](tel:(308)865-8863)
Assists student-athletes with resources/supports.

- ▶ **Fraternity & Sorority Life**
[\(308\) 865-8057](tel:(308)865-8057)
Supports students involved in the Greek community.

Confidential UNK Campus Resources

- ▶ **Gender & Sexuality Resource Office**

[\(308\) 865-8751](tel:(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](tel:(308)865-8248)

A mental health clinic offering confidential personal counseling and support.

- ▶ **Student Health**

[\(308\) 865-8218](tel:(308)865-8218)

On-campus medical clinic offering medical care, support, and resources.

Off-Campus Resources

- ▶ **Kearney Police Department**

[\(308\) 237-2104](tel:(308)237-2104)

Responds immediately to take reports, investigate the incident and connect individuals with resources.

- ▶ **Family Advocacy Network (FAN)**

[\(308\) 865-7492](tel:(308)865-7492)

Provides investigative interviews and medical examinations for law enforcement agencies.

- ▶ **Victim/Witness Assistance**

[\(308\) 233-5263](tel:(308)233-5263)

Assists individuals through the sometimes complex criminal justice system.

Confidential Off-Campus Entities

- ▶ **S.A.F.E. Center**

[\(308\) 237-2599](tel:(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](tel:(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 N**

UNL Resources for Sexual Misconduct and Title IX

UNL encourages individuals to seek assistance and support in response to sexual misconduct.

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](tel:4024722222)

- ▶ **UPD Specific Crime Reporting Information - Sexual Assault**
Lincoln Police Department
575 S. 10th St., Lincoln, NE 68508
[\(402\) 441-6000](tel:4024416000)

- ▶ **Lancaster County Sheriff's Office**
575 S. 10th St., Lincoln, NE 68508
[\(402\) 441-6500](tel:4024416500)

- ▶ **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](tel:4024811111)

- ▶ **Bryan Medical Center East**
1600 S. 48th St., Lincoln NE 68506
[\(402\) 481-1111](tel:4024811111)

- ▶ **Saint Elizabeth Regional Medical Center**
555 S. 70th St., Lincoln NE 68510
[\(402\) 219-8000](tel:4022198000)

- ▶ **University Health Center**
550 N. 19th St., Lincoln, NE 68588
[\(402\) 472-5000](tel:4024725000)

The Health Center can provide ongoing medical care for students. The Health Center offers Sexual Assault Nurse Examiner Services. The Health Center does not have an emergency room.

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.

NOTE: 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.

- ▶ **Center for Advocacy, Response and Education (CARE)**
[\(402\) 472-3553](tel:(402)472-3553)

- ▶ **University Health Center (UHC)**
[\(402\) 472-5000](tel:(402)472-5000)

- ▶ **Counseling and Psychological Services**
[\(402\) 472-7450](tel:(402)472-7450)

- ▶ **UNL Employee Assistance Program (for UNL employees only)**
[\(402\) 472-3107](tel:(402)472-3107)

- ▶ **Psychological Consultation Center (PCC)**
325 Burnett Hall, City Campus
[\(402\) 472-2351](tel:(402)472-2351)

- ▶ **Counseling and School Psychology Clinic**
49 Teachers College Hall, City Campus
[\(402\) 472-1152](tel:(402)472-1152)

- ▶ **Student Legal Services (for UNL Students only)**
335 Nebraska Union
[\(402\) 472-3350](tel:(402)472-3350)

- ▶ **The LGBTQA+ Center**
346 Nebraska Union
[\(402\) 472-1652](tel:(402)472-1652)

- ▶ **Women's Center**
340 Nebraska Union
[\(402\) 472-2597](tel:(402)472-2597)

▶ **Faculty Ombud Services**

ombuds@unl.edu

▶ **Staff Ombuds**

[\(402\)-472-3101](tel:(402)472-3101)

▶ **Confidential Resources for Student Athletes**

David Clare, Team Doctor

Robert Dugas, Team Doctor

Justin Harris, Team Doctor

Brett Haskell, Director of Sport Psychology

Brianna Ward, Assistant Director of Sport Psychology

Additional Campus Support and Resources

Title IX Coordinator and Institutional Equity and Compliance (IEC)

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**

[\(402\) 472-3417](tel:(402)472-3417)

mcounley2@unl.edu

128 Canfield Administration Building

Other Points of Contact

▶ **Student Affairs**

Vice Chancellor, Laurie Bellows

106 Canfield Administration South

[\(402\) 472-9685](tel:(402)472-9685)

▶ **Services for Students with Disabilities**

Director, Sam Goodin

232 Canfield Administration Building

[\(402\) 472-3787](tel:(402)472-3787)

▶ **Human Resources (for employees)**

Assistant Vice Chancellor, Bruce Currin

407 Canfield Administration South

[\(402\) 472-3105](tel:(402)472-3105)

Resources Located in Lincoln

Advocacy Services

▶ **Voices of Hope 24-Hour Crisis Line**

[\(402\) 475-7273](tel:(402)475-7273)

▶ **Friendship Home**

Emergency Rooms and Hospitals

Contact a Medical Facility if you need medical care or a sexual assault nurse exam.

- ▶ **Bryan Medical Center West**
2300 S. 16th St., Lincoln NE 68502
[\(402\) 481-1111](tel:4024811111)
- ▶ **Bryan Medical Center East**
1600 S. 48th St., Lincoln NE 68506
[\(402\) 481-1111](tel:4024811111)
- ▶ **Saint Elizabeth Regional Medical Center**
555 S. 70th St., Lincoln NE 68510
[\(402\) 219-8000](tel:4022198000)

Law Enforcement Agencies

- ▶ **Lincoln Police Department**
575 S 10th St, Lincoln, NE 68508
[\(402\) 441-6000](tel:4024416000)
- ▶ **Lancaster County Sheriff's Office**
575 S 10th St, Lincoln, NE 68508
[\(402\) 441-6500](tel:4024416500)

Counseling and Behavioral Health Resources

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**
[\(402\) 489-9959](tel:4024899959)
3201 Pioneers Boulevard, Suite 202, Lincoln, NE 68502
[Map](#)
- ▶ **Resources for Legal Matters**
Legal Aid of Nebraska - 941 "O" Street, Suite 825, Lincoln, NE, 68508
Phone: [\(402\) 435-2161](tel:4024352161)
Fax: [\(402\) 435-2171](tel:4024352171)
- ▶ **Nebraska State Bar Association**
(800) 927-0117
Information about the services provided by the NSBA is available at
<http://www.nebar.com/?page=ForthePublic>

Resources Located in Omaha

- ▶ **Advocacy Services**
The Bridge Fremont, NE
[\(888\) 721-4340](tel:8887214340)

- ▶ **Heartland Family Service Domestic Abuse Program**
Papillion, NE
Crisis Line: [\(402\) 292-5888](tel:4022925888)
- ▶ **Catholic Charities - The Shelter**
Omaha, NE
[\(402\) 558-5700](tel:4025585700)

Resources for Legal Matters

- ▶ **Legal Aid of Nebraska - Omaha Office**
209 S 19th, Suite 200, Omaha, NE 68102
[\(402\) 348-1069](tel:4023481069)
- ▶ **Nebraska State Bar Association**
[\(800\) 927-0117](tel:8009270117)
Information about the services provided by the NSBA is available at
<http://www.nebar.com/?page=ForthePublic>

Resources Located in Greater Nebraska

- ▶ **Advocacy Services**
Auburn, NE - Project Response
[\(800\) 456-5764](tel:8004565764)
- ▶ **Columbus, NE - Center for Sexual Assault and Domestic Violence Survivors**
[\(800\) 658-4482](tel:8006584482)
- ▶ **Fairbury, NE - Hope Crisis Center**
[\(877\) 388-4673](tel:8773884673)
- ▶ **Gering, NE - The DOVES Program**
[\(308\) 436-4357](tel:3084364357)
Español: [\(308\) 381-0555](tel:3083810555)
- ▶ **Hastings, NE - Spouse Abuse/Sexual Assault Crisis Center**
[\(402\) 463-4677](tel:4024634677)
- ▶ **Kearney, NE -The S.A.F.E Center**
[\(877\) 237-2513](tel:8772372513)
- ▶ **Lexington, NE - Parent-Child Center**
[\(308\) 324-2336](tel:3083242336) or [\(308\) 324-2337](tel:3083242337)
Crisis Line: [\(308\) 324-3040](tel:3083243040)
Español: [\(308\) 324-1942](tel:3083241942)
- ▶ **McCook, NE - Domestic Abuse/Sexual Assault Services**
[\(308\) 345-5534](tel:3083455534)

- ▶ Norfolk, NE - Bright Horizons Crisis Line:
[\(877\) 379-3798](tel:(877)379-3798)
- ▶ North Platte, NE - Rape/Domestic Abuse Program
[\(308\) 532-0624](tel:(308)532-0624)
Crisis Line: [\(308\) 534-3495](tel:(308)534-3495)
- ▶ Ogallala, NE - Sandhills Crisis Center
[\(877\) 836-6055](tel:(877)836-6055)
- ▶ Valentine, NE - Rape/Domestic Abuse Program (RADP)
Crisis Line: [\(877\) 376-2080](tel:(877)376-2080)
- ▶ Wayne, NE - Haven House Crisis Line:
[\(800\) 440-4633](tel:(800)440-4633)

Resources for Legal Matters

- ▶ Legal Aid of Nebraska
www.legalaidofnebraska.org
- ▶ Bancroft Office
[\(402\) 948-7015](tel:(402)948-7015)
Toll Free: [\(800\) 464-0258](tel:(800)464-0258)
415 Main Street, Bancroft, NE 68004
[Map](#)
- ▶ Grand Island Office
[\(308\) 381-0517](tel:(308)381-0517)
Toll Free: [\(877\) 250-2018](tel:(877)250-2018)
1811 West 2nd Street, Suite 440, Grand Island, NE 68803
[Map](#)
- ▶ Norfolk Office
[\(402\) 644-4761](tel:(402)644-4761)
Toll Free: [\(800\) 672-8319](tel:(800)672-8319)
214 North 7th Street, Suite 10, Norfolk, NE 68701
[Map](#)
- ▶ North Platte Office
[\(308\) 632-4734](tel:(308)632-4734)
Toll Free: [\(877\) 669-9080](tel:(877)669-9080)
102 East 3rd Street, Suite 102, North Platte, NE 69101
[Map](#)
- ▶ Scottsbluff Office
[\(308\) 632-4734](tel:(308)632-4734)
[\(877\) 669-8898](tel:(877)669-8898)
423 1st Ave, Scottsbluff, NE, 69363
[Map](#)

▶ **Nebraska State Bar Association**

Toll Free: [\(800\) 927-0117](tel:8009270117)

www.nebar.com/?page=ForthePublic

Additional Sources of Support

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 is 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.

- ▶ A friend you can trust
- ▶ A parent or family member
- ▶ Other supportive people in your life

▶▶▶ **APPENDIX 0**

UNMC Resources for Sexual Misconduct and Title IX

▶▶▶ UNMC CAMPUS RESOURCES

Kearney

Campus Resources

- ▶ [UNK Police](#)
Phone - [308.865.8911](tel:308.865.8911)

Off-Campus Resources

- ▶ [Kearney Regional Medical Center](#)
Phone - [855.404.5762](tel:855.404.5762)
804 22nd Avenue
- ▶ [Good Samaritan Hospital](#)
Phone - [308.865.7100](tel:308.865.7100)
10 East 31st Street
- ▶ [S.A.F.E. Center](#)
Phone - [308.237.2599](tel:308.237.2599)
- ▶ [Police Department](#)
Phone - [308.237.2104](tel:308.237.2104) or [911](tel:911)
- ▶ [Legal Aid of Nebraska](#)
Phone - [1.877.250.2016](tel:1.877.250.2016)
- ▶ **Women's Center for Advancement:**
24/7 Crisis Hotline | [402.345.7273](tel:402.345.7273)
Main Office | [402.345.6555](tel:402.345.6555)

Confidential Resources

- ▶ [Student Health & Counseling](#)
Phone - [308.865.8248](tel:308.865.8248)
- ▶ [Health Care/Student Health](#)
Phone - [308.865.8218](tel:308.865.8218)
- ▶ [UNK Gender & Sexuality Resource Office](#)
Phone - [308.865.8751](tel:308.865.8751)
- ▶ [Victim & Survivor Advocacy and Resources](#)
Phone: [402.559.7276](tel:402.559.7276)
gsrc@unmc.edu
After hours, please contact the Women's Center for Advancement's 24/7 Crisis Hotline: 402.345.7273

Lincoln

Campus Resources

- ▶ [UNL Police](#)
Phone - [402.472.2222](tel:402.472.2222) (2.2222 on campus)

Off-Campus Resources

- ▶ [Bryan Health Hospital West Campus](#)
Phone - [402.481.1111](tel:402.481.1111)
2300 South 16th Street
- ▶ [CHI Health St. Elizabeth](#)
Phone - [402.219.8000](tel:402.219.8000)
555 South 70th Street
- ▶ [Voices of Hope](#)
Crisis Line - [402.475.7273](tel:402.475.7273) Non-Emergency - [402.476.2110](tel:402.476.2110)
- ▶ [Police Department](#)
Phone - [402.441.6000](tel:402.441.6000) or [911](tel:911)
- ▶ [Legal Aid of Nebraska](#)
Phone - [1.877.250.2016](tel:1.877.250.2016)
- ▶ **Women's Center for Advancement:**
24/7 Crisis Hotline | [402.345.7273](tel:402.345.7273)
Main Office | [402.345.6555](tel:402.345.6555)

Confidential Resources

- ▶ [Center for Advocacy, Response & Education](#)
Phone - [402.472.3553](tel:402.472.3553)
- ▶ [Student Medical Clinic](#)
Phone - [402.472.5000](tel:402.472.5000)
1500 U Street
- ▶ [Counseling and Psychological Services \(CAPS\)](#)
Phone: [402.472.7450](tel:402.472.7450)
[402.559.7276](tel:402.559.7276)

Norfolk

Campus Resources

- ▶ [Campus Security](#)
Phone - [402.841.5163](tel:402.841.5163)

Off-Campus Resources

- ▶ [Faith Regional Health Services ER](#)
Phone - [402.371.4880](#)
2700 W . Norfolk Ave
- ▶ [Sunny Meadow Medical Clinic Pc](#)
Phone - [402.370.4100](#)
305 N. 37th Street
- ▶ [Bright Horizons Hotline/Crisis](#)
Phone - [402.370.8817](#)
- ▶ [Police Department](#)
Phone - [402.644.8700](#) or [911](#)
- ▶ [Legal Aid of Nebraska](#)
Phone - [1.877.250.2016](#)
- ▶ **Women's Center for Advancement:**
24/7 Crisis Hotline | [402.345.7273](#)
Main Office | [402.345.6555](#)

Confidential Resources

- ▶ [Health & Wellness - Counseling](#)
Phone - [402 .844 .7277](#)
- ▶ **Student Health Services**
Phone - [402.844.7176](#)
301 N 27th Street, Suite 2
- ▶ [Victim & Survivor Advocacy and Resources](#)
Phone: [402.559.7276](#)
gsrc@unmc.edu
After hours, please contact the Women's Center for Advancement's 24/7 Crisis Hotline: [402.345.7273](#)

Omaha

Campus Resources

- ▶ [Public Safety](#)
Phone [402.559.5111](#)

Off-Campus Resources

- ▶ [Nebraska Medicine](#)
Emergency - [402.559.6637](#)
4350 Dewey Ave, Omaha

- ▶ [Methodist Hospital Emergency Room](#)
Sexual Assault Response Team (SART) and Sexual Assault Nurse Examiner (SANE) Program
[402.354.4424](tel:402.354.4424)
Locations:
8303 Dodge St . Omaha, NE
717 N . 190th Plaza, Omaha, NE
- ▶ [Women's Center for Advancement](#)
24/7 Crisis Hotline: [402.345.7273](tel:402.345.7273)
- ▶ [Police Department](#)
Phone - [402.444.5600](tel:402.444.5600) or [911](tel:911)
- ▶ [Legal Aid of Nebraska](#)
Phone - [1.877.250.2016](tel:1.877.250.2016)

Confidential Resources

- ▶ [Counseling & Psychological Services \(CAPS\)](#)
Phone - [402.559.7276](tel:402.559.7276)
- ▶ [Student Health Clinic](#)
Phone - [402.559.7204](tel:402.559.7204)
Level 3 of the Durham
- ▶ [Victim & Survivor Advocacy and Resources](#)
Phone: [402.559.7276](tel:402.559.7276)
gsrc@unmc.edu
After hours, please contact the Women's Center for Advancement's 24/7 Crisis Hotline: [402.345.7273](tel:402.345.7273)

Scottsbluff

Campus Resources

- ▶ [Campus Security/Police Department](#)
Phone - [308.632.7176](tel:308.632.7176)

Off-Campus Resources

- ▶ [Regional West Medical Center](#)
Emergency - [308.635.3711](tel:308.635.3711)
4021 Avenue B
- ▶ [The Doves Program](#)
Phone - [308.436.HELP\(4357\)](tel:308.436.HELP(4357))
- ▶ [Police Department](#)
Phone - [308.632.7176](tel:308.632.7176) or [911](tel:911)

- ▶ [Legal Aid of Nebraska](#)
Phone - [1.877.250.2016](tel:1.877.250.2016)
- ▶ **Women's Center for Advancement:**
24/7 Crisis Hotline | [402.345.7273](tel:402.345.7273)
Main Office | [402.345.6555](tel:402.345.6555)

Confidential Resources

- ▶ **Urgent Care**
Phone - [308.632.2215](tel:308.632.2215)
- ▶ **Counseling Services**
Phone - [402.559.7276](tel:402.559.7276)
- ▶ **[Victim & Survivor Advocacy and Resources](#)**
Phone: [402.559.7276](tel:402.559.7276)
gsrc@unmc.edu
After hours, please contact the Women's Center for Advancement's 24/7 Crisis Hotline: [402.345.7273](tel:402.345.7273)

Other Resources for Students and Employees

- ▶ **Title IX Coordinator:**
Carmen Sirizzotti, MBA;
Phone - [402.559.2710](tel:402.559.2710) | [E-mail](#)
- ▶ **[EthicsPoint](#)**
With [EthicsPoint](#), you have the ability to file a confidential, anonymous report via either the telephone or the Internet.
[EthicsPoint FAQs](#)
UNMC Compliance Hotline - [1.844.348.9584](tel:1.844.348.9584)
- ▶ **Employee Assistance Program (EAP)**
[Arbor Family Counseling](#)
[402.330.0960](tel:402.330.0960) or [800.922.7379](tel:800.922.7379)
- ▶ **Financial Aid Office**
[402.559.6409](tel:402.559.6409)
- ▶ **International Students Office**
[402.559.8326](tel:402.559.8326)
- ▶ **24/7 Hotlines**
National Sexual Assault - [1.800.656.HOPE](tel:1.800.656.HOPE) (4673)
National Domestic Violence - [1.800.799.SAFE](tel:1.800.799.SAFE) (7233)
- ▶ **National Websites and Resources**
 - [Know your rights Title IX - www.knowyourix.org](http://www.knowyourix.org)
 - [Protecting Students from Sexual Assault - www.justice.gov/ovw/protecting-students-sexual-assault](http://www.justice.gov/ovw/protecting-students-sexual-assault)

- [Nebraska Coalition to End Sexual and Domestic Violence - www.nebraskacoalition.org/](http://www.nebraskacoalition.org/)
- [RAINN \(Rape, Abuse & Incest National Network\) - www.rainn.org](http://www.rainn.org)
- [Male Survivors of sexual trauma - www.malesurvivor.org](http://www.malesurvivor.org)
- [OCR Complaint Form](#)
- [U.S. Department of Justice Office on Violence Against Women](#)
- [Love is Respect: Prevent and End Dating Abuse - www.loveisrespect.org/](http://www.loveisrespect.org/)
- [One Love: Relationship Violence Prevention - www .joinonelove .org/](http://www.joinonelove.org/)
- [Right To Be](#)
- [TEDx: Debby Herbenick: Making Sex Normal](#)
- [TEDx: Jackson Katz: Violence Against Women: It's a Mens Issue](#)
- [Who Are You? NZ: Why Bystanders are so Important](#)
- [Action Matters: What Will You Do?](#)

▶▶▶ **APPENDIX P**

UNO Resources for Sexual Misconduct and Title IX

UNO is happy to connect individuals with resources both at UNO and in the Omaha metro area. For additional questions about resources, please contact the Title IX staff at UNO.

Confidential On-Campus Resources

- ▶ [Counseling and Psychological Services](#) (for after hours emergencies dial and press "2")
[402.554.2409](tel:402.554.2409)
- ▶ [Victim and Survivor Advocates](#)
[402.554.2890](tel:402.554.2890)

Non-Confidential On-Campus Resources

- ▶ [Accessibility Services Center \(ASC\)](#)
[402.554.2872](tel:402.554.2872)

Confidential Off-Campus Resources

- ▶ [Women's Center for Advancement](#)
[402.345.6555](tel:402.345.6555)
- ▶ 24/7 Crisis Hotline
[402.345.7273](tel:402.345.7273)
- ▶ Español Hotline
[402.672.7118](tel:402.672.7118)
- ▶ [Faculty and Staff Employee Assistance Program](#)
[402.354.8000](tel:402.354.8000)

Emergency Law Enforcement Resources (24 Hours)

- ▶ On-Campus
[402.554.2911](tel:402.554.2911)
- ▶ Off-Campus
[911](tel:911)

Non-Emergency Law Enforcement Resources

- ▶ [Public Safety \(Campus Security\)](#)
[402.554.2648](tel:402.554.2648)
- ▶ [Omaha Police Department](#)
[402.444.5600](tel:402.444.5600)
- ▶ [Bellevue Police Department](#)
[402.593.4111](tel:402.593.4111)
- ▶ [Papillion Police Department](#)
[402.597.2035](tel:402.597.2035)

- ▶ [Douglas County Sheriff's Department](tel:402.444.6641)
[402.444.6641](tel:402.444.6641)
- ▶ [Sarpy County Sheriff's Department](tel:402.593.2288)
[402.593.2288](tel:402.593.2288)
- ▶ [Nebraska State Patrol Troop A](tel:402.331.3333)
[402.331.3333](tel:402.331.3333)
- ▶ [Council Bluffs Police Department](tel:712.328.4701)
[712.328.4701](tel:712.328.4701)
- ▶ [Pottawattamie County Sheriff's Department](tel:712.328.5737)
[712.328.5737](tel:712.328.5737)

Community Resources for Non-Emergency Assistance

- ▶ [Rosken's Hall Community Counseling Clinic](tel:402.554.4882)
[402.554.4882](tel:402.554.4882) (leave a message)
- ▶ [One World Community Health Centers](tel:402.734.4110)
[402.734.4110](tel:402.734.4110)
- ▶ [Catholic Charities](tel:402.554.0520)
[402.554.0520](tel:402.554.0520)
- ▶ [Jewish Family Service](tel:402.330.2024)
[402.330.2024](tel:402.330.2024)
- ▶ [Heartland Family Service](tel:402.553.3000)
[402.553.3000](tel:402.553.3000)
- ▶ [Lutheran Family Services](tel:402.342.7007)
[402.342.7007](tel:402.342.7007)

Community Resources for Emergency Assistance Office Phone

- ▶ [Lasting Hope Recovery Center 24/7](tel:402.717.4673)
[402.717.4673](tel:402.717.4673)
- ▶ [UNMC Emergency Room](tel:402.559.6637)
[402.559.6637](tel:402.559.6637) or [402.552.2000](tel:402.552.2000)
- ▶ [CHI \(Immanuel\) Emergency Room](tel:402.572.2225)
[402.572.2225](tel:402.572.2225) or [402.572.2121](tel:402.572.2121)
- ▶ [Methodist Emergency Room](tel:402.354.4000)
[402.354.4000](tel:402.354.4000)

Additional Hotlines

- ▶ [National Sexual Assault Hotline](#)
[1.800.656.4673](#)

- ▶ [Boystown Suicide Hotline](#)
[1.800.448.3000](#)

- ▶ [National Suicide Prevention Hotline](#)
[1.800.273.8255](#)

- ▶ [Safe Harbor Suicide 'Warm Line'](#)
[402.715.4226](#)

Legal Assistance

- ▶ [Legal Aid of Nebraska](#)
[402.348.1069](#)

- ▶ [Office of Student Legal Services](#)
[402.554.4859](#)

- ▶ [Women's Center for Advancement](#)
[402.345.6555](#)

▶▶▶ **APPENDIX Q**

Campus Printed Resources for Sexual Misconduct and Title IX

THE POWER OF

IX

**A RESOURCE
GUIDE ON SEXUAL
MISCONDUCT:
CAMPUS POLICIES,
PROCEDURES, AND
VICTIM SERVICES**

UNIVERSITY OF
Nebraska
Omaha



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

HOW TO REPORT SEXUAL MISCONDUCT

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 impacted party with resources and reporting options.
3. If requested or needed, Title IX Coordinator implements supportive measures.
4. If impacted party is interested in filing a formal complaint, the Title IX Coordinator will assign the case to an investigator.
5. A Notice of Investigation and Allegations (NOIA) is sent to the impacted 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. The investigator will provide 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 in which parties and witnesses will be questioned as part of the process.
12. A Hearing Board/Hearing Officer 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 were 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.

ADDITIONAL INFORMATION

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

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.

124 MBSC | gsrc.unomaha.edu | 402.554.2890

GENDER AND SEXUALITY RESOURCE CENTER

124 MBSC | gsrc.unomaha.edu | 402.554.2890

UNO COUNSELING AND PSYCHOLOGICAL SERVICES

101 H&K | caps.unomaha.edu | 402.554.2409 (ext. 2 after hours)

STUDENT LEGAL SERVICES

211 Hayden House | studentsafety.unomaha.edu/legal | 402.554.4859

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: about.unomaha.edu/titleix



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: 402.554.2911 | 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]



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.


UNIVERSITY OF
Nebraska
Omaha





Connect with the Office of Civil Rights Compliance

 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 education programs or activities, including admissions and employment. The University prohibits any form of retaliation being taken against anyone for reporting discrimination, harassment, or retaliation for otherwise engaging in protected activity. 1394BRODEAI0823

▶▶▶ **APPENDIX R**

***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 S**

***Memorandum of Understanding (MOU)
with the S.A.F.E. Center***

Memorandum Of Understanding

The S.A.F.E. Center and The University of Nebraska at Kearney (UNK)

This Memorandum of Understanding (MOU) is entered into by The S.A.F.E. Center, UNK Student Health and Counseling, Title IX office, and UNK Police Department (UNKPD). The MOU formalizes the commitment of the parties to work together to provide trauma-informed services, resources, and advocacy to students, faculty and/or staff victims of sexual assault, stalking, sexual harassment, domestic and dating violence to improve the overall response to sexual violence at college. The parties share the goal of preventing sexual violence on campus and in the community, and responding appropriately to students, faculty and/or staff who have been victimized.

I. Description of Partner Agencies:

The S.A.F.E. Center is a private, non-profit organization established in 1978 and provides services to the counties of Buffalo, Franklin, Harlan, Kearney and Phelps. The mission of The S.A.F.E. Center is to provide free and confidential services to those affected by dating violence, domestic violence, human trafficking, sexual assault and stalking while bringing awareness and prevention efforts all individuals across South Central Nebraska. The S.A.F.E. Center provides a 24-hour crisis line, emergency shelter, crisis support, protection order advocacy, support groups, medical and legal advocacy, referrals, counseling and other intervention services while also providing community awareness, education and prevention activities.

The University of Nebraska at Kearney's (UNK) Student Health and Counseling operates within the Division of Student Affairs and is comprised of four main offices of service to students: Student Health, the Counseling office, Prevention, and Peer Health Education. Services at Student Health and Counseling are available to students who are taking seven or more credit hours on campus and/or have paid the semester health fee. The mission of the Student Health and Counseling is to educate, support and empower optimum physical and mental wellness among the diverse student community in support of academic excellence. Title IX through the office of Equity and Compliance and the UNKPD are also included as key components of this collaboration.

II. History of Previous collaboration

UNK Student Health and Counseling and The S.A.F.E. Center have collaborated for many years and on a more formal basis since 2010 on grant programs to prevent sexual violence on campus. The most recent collaboration was through a Department of Justice Rural grant where The S.A.F.E. Center was an integral part of a multi-year grant, providing advocacy and counseling services to students living in their five county service area. The S.A.F.E. Center has also conducted numerous on-campus educational programs and trainings. This MOU builds on the previous collaboration to provide advocacy services to victims though the UNK Student Health and Counseling and in coordination with other campus departments including Title IX and the UNKPD.

III. The Role of the S.A.F.E. Center

The S.A.F.E. Center agrees to:

- 1) Appoint a qualified Advocate to focus on making advocacy services accessible for students, faculty and/or staff.
- 2) Respond immediately following a call from UNKPD regarding a sexual assault complaint to provide options and information to the complainant.
- 3) Provide confidential advocacy services and accompaniment to medical and legal services requested by students, faculty and/or staff.
- 4) Provide students, faculty and/or staff of UNK with information about how to file a report or complaint with the University and how to report a crime to campus or local law enforcement and offer to assist with filing a complaint or report.
- 5) Work in conjunction with UNKPD to provide training to all S.A.F.E. Center staff regarding their role as a Campus Security Authority (CSA).
- 6) Work in conjunction with Title IX personnel to provide training to all S.A.F.E. Center staff regarding the role and processes of Title IX.
- 7) When an incident of sexual violence or other reportable offenses occur, The S.A.F.E. Center agrees to provide information to the UNKPD in a timely manner so that it may be determined if there is a serious or continuing threat to the safety of the campus community that would require an alert.
- 8) Annually, The S.A.F.E. Center will provide UNK aggregate data about incidents of sexual violence and other reportable offenses to include in its Annual Campus Security and Fire Safety Report and to help the University identify patterns of systemic problems related to sexual violence. No personally identifying information will be provided for Clery Act purposes. The S.A.F.E. Center will consult with victims regarding what information needs to be withheld to protect their identity.
- 9) Meet regularly with the UNK Student Health and Counseling Director, the UNKPD, the Title IX personnel, or designees, to share information about the needs of victims, trends in sexual assault services, additional services that are needed by students, faculty and/or staff, and the effectiveness of the school's sexual assault prevention programs.
- 10) Document sessions with students, faculty and/or staff and keep record of all encounters in The S.A.F.E. Center confidential records.
- 11) Comply with mandatory reporting laws on disclosures of childhood physical and sexual abuse and consult with Director of Student Health and Counseling on all cases requiring a mandatory report.
- 12) Consult with the Director of Student Health and Counseling and/or the UNK Conduct Officer for guidance regarding Student Code of Conduct.
- 13) The S.A.F.E. Center and UNK agree to work together to provide a unified message to advertise advocacy services on campus to include location and availability.

IV. Role of the University

- 1) Provide a central point of contact for The S.A.F.E. Center staff to facilitate referrals and confidential services. The point of contact is the Director of Student Health and Counseling, or designee. The Director of Student Health and Counseling will serve as a liaison to other campus departments and resources.
- 2) Provide training to The S.A.F.E. Center about on-campus resources that are available to student, faculty and/or staff victims of sexual assault, stalking, dating violence; the federal and state requirements for colleges in responding to sexual assault; reporting procedures for victims who wish to file a report with campus law enforcement and/or complaint with college officials; the student code of conduct and disciplinary process; and the educational interim protective measures that can be provided to victims of sexual assault
- 3) Provide printed and online materials about reporting options for students, faculty and/or staff victims including information about how to file a report/complaint with the University and how to report a crime to campus or local law enforcement.
- 4) Inform The S.A.F.E. Center about the reporting obligations of school employees and identify those school employees with whom students, faculty and/or staff can speak confidentially and any exceptions to confidentiality.
- 5) Inform The S.A.F.E. Center about the school's prohibitions on retaliation as described in the University's response to allegations of sexual misconduct.
- 6) Ensure availability of the Title IX Specialist, or designee, to meet with The S.A.F.E. Center Advocate, or designee, as needed.
- 7) Collaborate with The S.A.F.E. Center on prevention approach and activities.
- 8) Provide a confidential space to meet with students, faculty and/or staff.
- 9) Following the report of student sexual misconduct to UNKPD, UNKPD will contact The S.A.F.E. Center to provide advocacy services and information.


V. Confidentiality

The S.A.F.E. Center and UNK affirm the importance of providing students, faculty and/or staff with options for confidential advocacy services and support. All services provided by The S.A.F.E. Center to students of UNK will be kept confidential except in the following circumstances:

- 1) If the student, faculty and/or staff wants information shared with UNK staff or campus police or local law enforcement, The S.A.F.E. Center will obtain informed consent for the release of information. When the releases of information are required, they will be written, informed and reasonably time-limited.
- 2) If a student, faculty and/or staff poses an imminent risk of harm to self or others through words or actions in the presence of the Advocate, the Advocate will contact law enforcement, if necessary or will consult with The S.A.F.E. Center Director or the Director of Student Health and Counseling regarding what steps and action will be taken to protect the victim and others from the imminent risk.

VI. Length of Agreement


This MOU is effective for one year and will be reviewed for continuation of services after one year.

Signature:  Date: 6/8/23

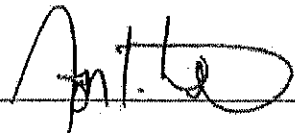
Wendy Schardt, Director of Student Health and Counseling, University of Nebraska at Kearney

Signature:  Date: 6/8/23


Alex Straatmann, Chief Compliance Officer, University of Nebraska at Kearney

Signature:  Date: 5/31/23

Chief Ricci Fast, Chief of Police, Police Department, University of Nebraska at Kearney

Signature:  Date: 6/8/23

Jon Watts, Vice Chancellor Business/Finance, University of Nebraska at Kearney

Signature:  Date: 6.14.23

Nikki Gausman, Executive Director, The S.A.F.E. Center

▶▶▶ **APPENDIX T**

***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 U**

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. UNLDP will notify IEC of any Incident. UNLDP 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. UNLDP 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 UNLDP, 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, UNLDP 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 UNLDP to conduct its investigation only to the extent the delay is consistent with applicable federal law or guidance.
 - d. UNLDP 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. UNLDP investigators will provide victims with a safety plan, upon request from IEC. Safety plans will be provided by UNLDP, even if a victim does not wish to report the incident for purposes of a criminal investigation.
 - f. UNLDP 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 UNLDP.
 - h. Upon request, IEC and UNLDP 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 UNLDP. UNLDP 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.

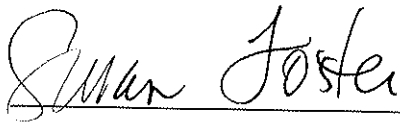
4. Training. IEC and UNLPD will continue to collaborate to provide education and training opportunities of interest to the UNL community. Specific education and training opportunities will be separately agreed to by IEC and UNLPD, and may include the following:

- 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.

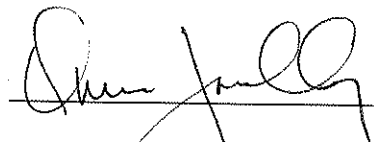
5. **Quarterly Meetings.** IEC and UNLPD will meet quarterly or as otherwise agreed, to discuss matters relating to this Memorandum, including:
- a. Critically evaluate and discuss the effectiveness of their cooperation and identify areas for improvement;
 - b. Review and confirm the accuracy of the 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:

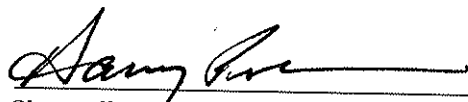


Director
UNL Institutional Equity and Compliance



Chief of Police
UNL Police

Approved:



Chancellor

▶▶▶ **APPENDIX V**

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

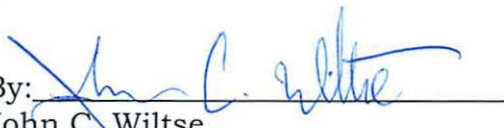
5.1 FCAO shall not be expected by BRUN to provide access to law enforcement investigation materials relevant to a NCTA Title IX or disciplinary investigation until FCAO has provided such information to the defense in discovery.

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 W**

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.

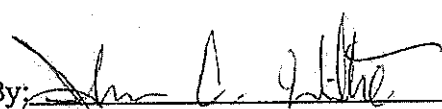
5.2 BRUN shall not provide DCAO access to UNMC Title IX or disciplinary investigation, hearing or appeal materials without a valid subpoena conforming with regulations implementing the Family Education Privacy Rights Act (FERPA), 20 U.S.C. § 1232g.

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 X**

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.

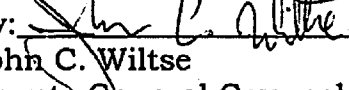
5.1 MCAO shall not be expected by BRUN to provide access to law enforcement investigation materials relevant to a UNMC Title IX or disciplinary investigation until MCAO has provided such information to the defense in discovery.

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 Y**

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

By: 

Douglas Warner
Scottsbluff 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 Z**

Memorandum of Understanding (MOU) with the Women's Center for Advancement

**OMAHA CONSORTIUM OF UNIVERSITY OF NEBRASKA
VICTIM AND SURVIVOR PROGRAMMING AND SERVICES:
EXTERNAL MEMORANDUM OF UNDERSTANDING**

University of Nebraska at Omaha and **University of Nebraska Medical Center** will direct a grant project titled Omaha Consortium of University of Nebraska Victim and Survivor Programming and Services that would fund the development and implementation of: (1) seamless, sustainable, comprehensive victim and survivor services and programming for UNO and UNMC students both on-campus and in the community; (2) community response teams with specific protocols to identify repeat offenders and offenders at high risk for committing sexual assault, dating and domestic violence, and/or stalking; and (3) policies that reflects the unique needs of stalking victim and survivors; on-going trainings on the misuse of technology and stalking for all campus personnel; and primary prevention programming on stalking.

The below signatories and their organizations will work in consortium to implement and ensure effective execution of the proposed grant project, in response to the U.S. Department of Justice (DOJ) Office of Violence Against Women (OVW) Fiscal Year 2020 Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence and Stalking on Campus Program, hereafter referenced as “grant project.” They agree to follow the mutually agreed-upon protocols to respond to victims and survivors of interpersonal violence, which include, dating and domestic violence, sexual assault and stalking for campus members of University of Nebraska at Omaha (UNO) and University of Nebraska Medical Center (UNMC). Each signatory has conferred at least once with the grant proposal coordinators and commits to the successful implementation of

the project. They have reviewed and approved the proposed budget. Each signatory will send a representative(s) to the grant mandated institutes, complete grant project activities as outlines in the narrative, and implement the best practices in serving campus community survivors. The effective dates of this agreement will correspond with the award period of the grant project, anticipated to start on October 1, 2020, with a 36-month grant award period. The consortium activities implemented during the proposed grant project may be extended beyond the grant award period by mutual agreement of the undersigned.

Since 2015, each of the grant project partners have had an active relationship within the, community response team, the Omaha Sexual Assault Response Team for Douglas County (see project narrative).

The Women's Center for Advancement (WCA) is the designated victim services provider for Douglas County that has statutory confidentiality. WCA is a victim-centered, trauma-informed organization and has had working relationships with the educational institutions involved with this grant consortium for at least a decade. WCA will continue to provide 24/7/365 crisis intervention and response via the hotline, and will provide service to victims who are seeking community-based assistance, including students from consortium institutions. As a subaward, the WCA will receive a .25FTE Victim Advocate/Bilingual Advocate for implementation of grant project activities including building a seamless, sustainable, comprehensive victim and survivor advocacy program experience.

The Omaha Police Department (OPD) has been working with the consortium institutions for many years providing victims and survivors of sexual assault, dating and domestic violence, and stalking law enforcement. OPD has agreed to continue this relationship with consortium institutions and has active support from SART liaison to ensure that victims are safe and supported and perpetrators are arrested and convicted.

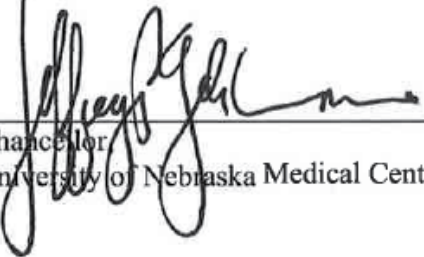
The Douglas County Attorney's Office is the prosecution campus partnership for the consortium. This office has a specific division, Domestic Violence Unit, dedicated to prosecuting crimes of domestic violence. The Domestic Violence Unit provides a specialized group of prosecutors and support staff to aggressively prosecute Domestic Violence crimes. The attorney's office will continue to support and protect victims and survivors of interpersonal violence and prosecute perpetrators of these crimes.

All parties agrees that information that is housed within Titanium Schedule® at the UNO an UNMC Gender and Sexuality Resource Center is confidential and privileged. Unless given permission through clients' informed consent, this department will not share information with any entity including departments noted above.

 2/3/2020

Date

Chancellor,
University of Nebraska at Omaha

 2/3/2020

Date

Chancellor,
University of Nebraska Medical Center

 1/30/2020

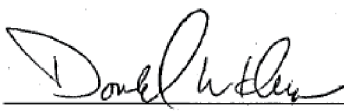
Date

President/CEO,
Women's Center for Advancement

 1-30-20

Date

Police Chief,
Omaha Police Department

 2/6/20

Date

Douglas County Attorney,
Douglas County Attorney Office

▶▶▶ **APPENDIX AA**

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.

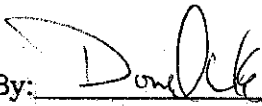
5. Access

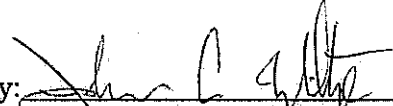
5.1 DCAO shall not be expected by BRUN to provide access to law enforcement investigation materials relevant to a UNO Title IX or disciplinary investigation until DCAO has provided such information to the defense in discovery.

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