Annual Campus Security and Fire Safety Report

2023

Safety and security information for the University of Nebraska at Kearney, including crime and fire statistics for the 2022 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 stats, 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 the 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, UTV 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. Community policing is at the core of UNKPD.

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 UNKPD family is 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 Ricci Fast
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 makes 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; that was due December 31, 2020) that documents the three (3) previous 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 occur 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 occurs on campus geography that "represents a serious and 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.

To comply with this requirement, an e-mail is sent to all University members telling them about 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. Also, 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.
Currently, all our officially recognized student organizations do not own or control any property other than residences that are accounted for within our on-campus geography.

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. A decision may be made by the administration to utilize social media (Facebook, Twitter,) the UNK website home page with the 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 comply 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, Associate Vice Chancellor of Student Affairs, Police Officers, Community Service Officers (CSOs), 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 the capability to staff up to 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 (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.

The University relies on its close working relationships with local law enforcement agencies to receive information about incidents involving university students and recognized student organizations, on and off campus. Annually, a request is made to the local agencies (KPD, BCSO and NSP,) to see if any crimes were responded to within 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.

The University does not monitor the off campus conduct of students. The University relies on the local law enforcement agencies within that jurisdiction to handle those crimes appropriately. Annually, requests are made to all agencies that had jurisdiction while our student organizations, athletics, or other student activities were being held. However, the University reserves the right to address allegations of such crimes through the student Code of Conduct when appropriate.

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.

To report crimes or emergencies, UNKPD can be contacted by phone, text, e-mail or in person,:

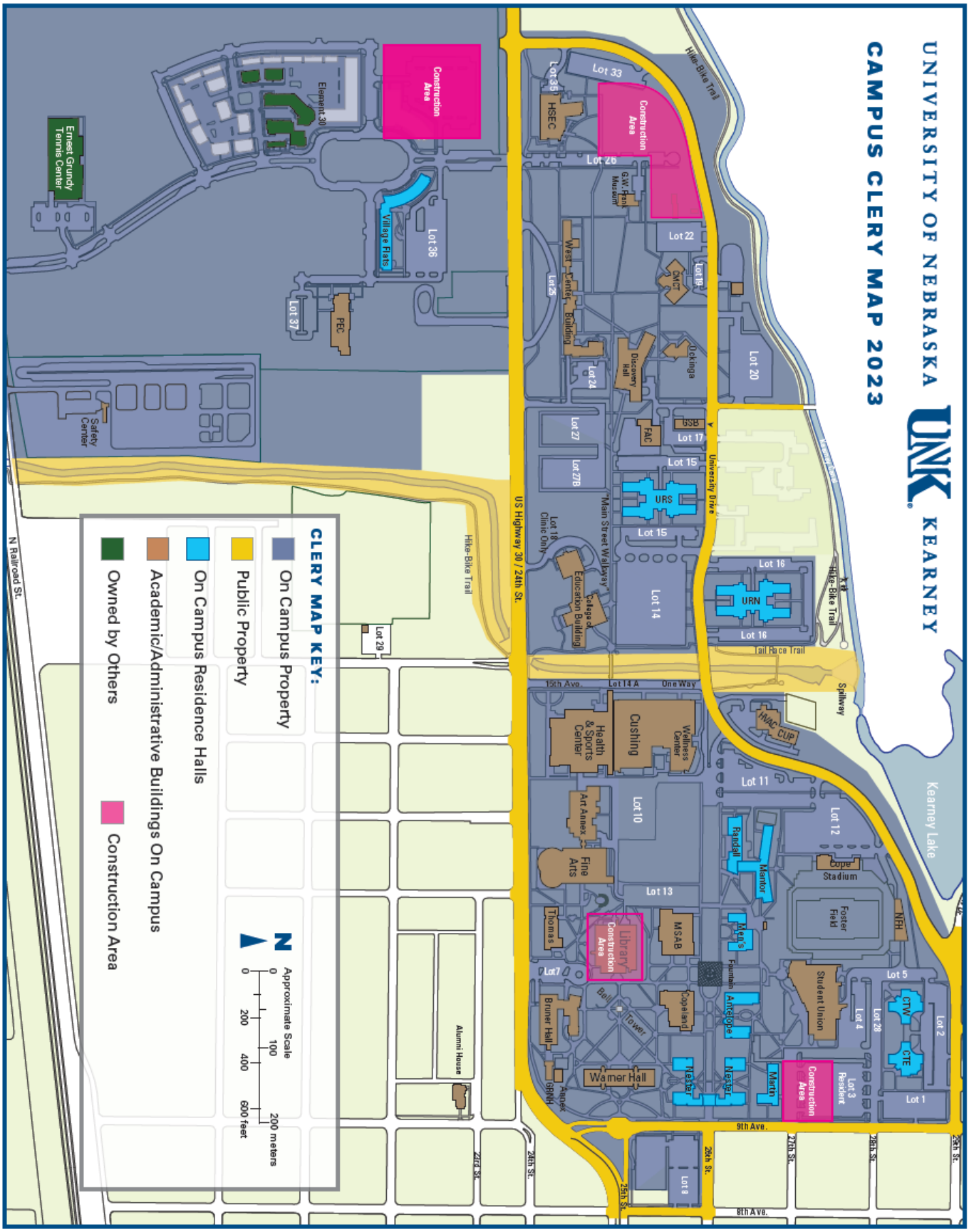
1. **Emergency**: In case of an emergency, dial or text 911. All law enforcement agencies in Buffalo County work from the same dispatch system, the call will be dispatched to the agency having primary jurisdiction.
2. **Phone or Text**: UNKPD at 308-865-8911. **Email**: unkpd@unk.edu.
3. **In person**: 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.
4. **"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 Title IX Coordinator.

Reporting assists the University in taking steps to ensure safety of the entire campus community. With such information, the University can record of the number of incidents occurring on University property to determine if there is a pattern of crime and to alert the campus community of potential dangers.

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.

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.


UNIVERSITY OF NEBRASKA
UNK KEARNEY
CAMPUS CLERY MAP 2023
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 meters
0 200 400 600 feet
N
Construction Area
Element 30
Ernest Grundy Tennis Center
Village Flats
Lot 36
Lot 37
PEC
Safety Center
Hike-Bike Trail
Lot 29
N Railroad St.
US Highway 30 / 24th St.
Lot 33
Lot 35
HSEC
Construction Area
Lot 26
G.W. Frank Museum
Lot 22
CMCT
Lot 19
West Center Building
Lot 25
Discovery Hall
Ockinga
Lot 20
Lot 24
Lot 27
Lot 27B
FAC
GSB
Lot 17
Lot 15
URS
Lot 15
"Main Street Walkway"
Lot 18 Clinic Only
Education Building
College of
Lot 14
Lot 16
URN
Lot 16
Tail Race Trail
Spillway
Kearney Lake
15th Ave.
Lot 14 A
One Way
Health & Sports Center
Cushing
Wellness Center
HVAC
CUP
Lot 11
Lot 10
Art Annex
Fine Arts
Lot 12
Randall
Mantor
Cope Stadium
Foster Field
NFH
Lot 13
Thomas
Library Construction Area
MSAB
Men's
Fountain
Lot 7
Bell Tower
Copeland
Antelope
Student Union
Lot 5
Lot 4
Lot 28
CTW
CTE
Lot 2
Bruner Hall
Warner Hall
Nester
Martin
Construction Area
Lot 3 Resident
Lot 1
Alumni House
9th Ave.
8th Ave.
Lot 9
24th St.
25th St.
26th St.
27th St.
28th St.
29th St.

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 unfound a crime. A prosecutor's decision not to bring charges or a finding of not guilty by a jury is not sufficient to unfound a reported crime. Institutions must report to the Department and disclose in their Annual Security Report the total number of 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 2022, we did not receive statistics from Grand Rapids, MI Police Department as they do not provide data for institutions that do not have brick and mortar facilities within their jurisdiction. We did not receive statistics from Sioux Falls, SD Police Department as they report that per "Marcy's Law," they don't disclose information that can be used to identify a victim; specifically address or location of a crime. We did not receive a response from Yankton, SD Police Department, Tahlequah, OK Police Department, Marimar, FL PD Headquarters, or the Lansing, KS Police Department.

In 2022, 2021 and 2020, 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 is for regions and is not detailed enough for these purposes.

In 2022 and 2021, the University Study Abroad program went on trips to Mexico and did multiple stops on the trip. After exhausting all efforts 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 stating that she was a private citizen 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 unsuccessful.

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.

Please note that individuals that report an incident to FAN directly, without law enforcement, that want to remain anonymous will not be included in these statistics. They do not keep specific geographical information regarding the incident, so it is not identifiable as to whether or not it is on-campus. In addition, if a crime is reported to FAN either through the hospital or through KPD and they wish to report, KPD would be involved, and the university would receive that statistical information when requesting information from them.

In the ASR, 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 and 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, including race, gender, religion, national origin, sexual orientation, gender identity, ethnicity and/or disability. In addition to the above-noted crimes, if the crime committed is classified as a hate crime, statistics are required for the following four additional crime categories:
   a) Larceny/Theft
   b) Simple Assault
   c) Intimidation
   d) Destruction/Damage/Vandalism of Property

3. Violence Against Women Act (VAWA Offenses. VAWA also includes sexual assault, which for reporting purposes is included in the Criminal Offenses category.)
   a) Domestic Violence
   b) Dating Violence
   c) Stalking

4. Arrests and referrals for campus disciplinary action (if an arrest was not made):
   a) Liquor Law Violations
   b) Drug Law Violations
   c) Illegal Weapons Possession

The Statistics

Type of Crime	Year	On-Campus	On-Campus Residential	Non-Campus	Public Property
Criminal Homicide:					
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter By Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
***Sex Offenses:**					
Rape	2022	3	1	0	0
	2021	5	4	0	0
	2020	1	1	0	0
Fondling	2022	1	1	0	0
	2021	2	2	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	1	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	3	3	0	0
	2021	5	5	0	0
	2020	3	2	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
****Arson**	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Type of Crime	Year	On-Campus	On-Campus Residential	Non-Campus	Public Property
Violence Against Women Act (VAWA):					
****Dating Violence**	2022	1	1	0	0
	2021	0	0	0	0
	2020	0	0	0	0
****Domestic Violence**	2022	0	0	0	0
	2021	1	1	0	0
	2020	0	0	0	0
****Stalking**	2022	6	3	0	0
	2021	1	1	0	0
	2020	3	0	0	0
Liquor Law Violations:					
Arrest	2022	22	19	0	2
	2021	26	23	0	7
	2020	25	14	0	2
Disciplinary Referrals	2022	23	22	0	0
	2021	7	7	0	0
	2020	18	15	0	0
Drug Related Violation:					
Arrest	2022	10	3	0	6
	2021	18	11	0	17
	2020	14	6	1	6
Disciplinary Referrals	2022	5	1	0	0
	2021	1	1	0	0
	2020	4	4	0	0
Weapons Law Violation:					
Arrest	2022	1	0	0	0
	2021	0	0	0	0
	2020	0	0	0	1
Disciplinary Referrals	2022	1	1	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Reported Hate Crimes

Hate crimes on campus:
2022 – Two (2) intimidation based on Sexual Orientation.
2021 – No hate crimes were reported.
2020 – No hate crimes were reported.
Hate crimes in on-campus residential:
2022 – No hate crimes were reported.
2021 – No hate crimes were reported.
2020 – No hate crimes were reported.
Hate crimes non-campus property:
2022 – No hate crimes were reported.
2021 – No hate crimes were reported.
2020 – No hate crimes were reported.
Hate crimes on public property:
2022 – No hate crimes were reported.
2021 – No hate crimes were reported.
2020 – No hate crimes were reported.

Unfounded Crimes

Unfounded crimes on campus:
2022 – No unfounded crimes.

2021 – One (1) unfounded burglary.
2020 – No unfounded crimes.
Unfounded crimes in on-campus residential:
2022 – No unfounded crimes.
2021 – One (1) unfounded burglary.
2020 – No unfounded crimes.
Unfounded crimes non-campus property:
2022 – No unfounded crimes.
2021 – No unfounded crimes.
2020 – No unfounded crimes.
Unfounded crimes on public property:
2022 – No unfounded crimes.
2021 – No unfounded crimes.
2020 – No unfounded crimes.

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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 issue timely warnings to the campus community for all Clery-specified crimes reported to CSAs and ultimately UNKPD occurring in Clery geographic areas. These warnings are issued to identify that there is a serious or continuing threat to students, employees, and members of the Community.

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 (CSAs) 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.
      3. For an immediate emergency, you may call or text 911 for local emergency services.
      4. 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.
      5. For a serious health emergency, call, or text 911 for local emergency services. Students may also contact Student Health for assistance as needed. The clinic is available Monday – Friday 8:00am to 5:00 pm and can be reached at 308-865-8218.

B. When to send a Timely Warning –
   1. The UNKPD Chief, supervisor or their designee will review and assess all circumstances regarding the situation on a case-by-case basis and will be 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. When assessing if a notification is necessitated, officers will determine if the incident was a Clery crime, if the incident happened on Clery geographic area and if there is a serious or continuing threat to the campus.
   5. 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.
   6. 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 a 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) A decision may be made to utilize social media (Facebook, Twitter,) as well as 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 and requests for information will be handled by Communications and Marketing unless otherwise determined through the Incident Command Process.

H. System Testing –

1. The UNKAlert system is tested a minimum of once a year by the EOT.
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.

5. 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
Associate 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 and 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, and members of the Community occurring on the campus.

   The University of Nebraska at Kearney, in compliance with Clery Act – 20 USC 1092, will issue timely warnings to the campus community for all Clery-specified crimes reported to CSAs and ultimately UNKPD occurring in Clery geographic areas. These warnings are issued to identify that there is a serious or continuing threat to students, employees, and members of the Community.

   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.
      2. For an immediate emergency, you may call or text 911 for local emergency services.
      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. For a serious health emergency, call, or text 911 for local emergency services. Students may also contact Student Health for assistance as needed. The clinic is available Monday – Friday 8:00am to 5:00 pm and can be reached at 308-865-8218.
   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. UNKPD will take into consideration the seriousness of the threat, its likelihood to continue to be a threat to the community, and the frequency of the incidents.
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.
D. This notification will withhold the names of the victims associated with any emergency.
E. 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.
F. Determine who will receive the Notification –
    1. The UNKPD Chief, supervisor or their designee will assess the situation and 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 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.

G. 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 assistance, as needed, from the Incident Commander, responding agencies and collaborating agencies. Any follow-up message will use some or all of the distribution systems available to the University.
   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.

H. External Notifications –
   All external notifications and requests for information will be handled by Communications and Marketing unless otherwise determined through the Incident Command Process.

I. System Testing –
   5. The UNKAlert system is tested a minimum of once a year by the EOT.
   6. 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 at 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 it 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 and the Student Union.

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 training 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 the date range the drill will be held but not the time. Building evacuation plans are reviewed, updated, and sent out at this same time. Residence Life staff and custodial staff that work in these buildings are trained in fire procedures and fire extinguisher training. There is no additional mandatory training for students or employees.

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 and whether it is an announced or unannounced drill.

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 2022 some of the exercises and/or trainings the University conducted or participated in were:

- Tornado Drill
  - Announced prior to drill.
  - Drill conducted: March 23rd, 2022, 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 – 25th, 2022.
  - Used to train on what to do in various severe weather situations.
  - Posts regarding information are sent out via social media every afternoon.
- RA Fire Drill Training
  - Announced prior.
  - Discussed with in-hall supervisors the week of August 14, 2022.
  - Used to train RA's what their role would be in an emergency.
- UNKAlert Tests
  - Announced prior for tests; however, can also be actual alerts.
  - Test December 6, 2022, at 10:30 a.m.
  - Multiple weather alerts sent throughout the year.
- Campus-Wide Evacuation Drills
  - Evacuated Residence Halls and discussed the evacuation locations with all residents August 31st, 2022.
  - Building supervisors were notified August 18th, 2022, that we would be conducting evacuation drills between the days of Monday, August 29th, 2022, and Friday, September 30, 2022.
- COVID-19 EOC activation – COVID pandemic
  - UNK EOC continued from prior year (2021.)
  - Periodic meetings throughout the year and informational briefings were associated with COVID-19 activities.
  - Emergency Plans for Commencement included COVID-19 safety protocol.
  - Committee ended in the summer of 2022.
- Trainings
  - February 10, 2022 – Active Shooter Preparedness
  - March 15-16, 2022 – EM Access and Functional Needs
  - March 24, 2022 – National Weather Service Severe Weather Spotter Training
  - March 30, 2022 – Incident Response to Terrorist Bombing
  - July 13-14, 2022 – Emergency Planning G-235
  - July 26-27, 2022 – Active Shooter department training
  - August 8-9, 2022 – Active Shooter department training
  - August 24, 2022 – Active Shooter (presentation to Elm Creek)
- Education Classes
  - October – 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. Incident Commander -
      Responsible for the overall control of the incident and establishes Incident Command (IC.) Identify the emergency and make decisions as to whether to shelter-in-place or not when time is limited. Oversee the dissemination of initial emergency messaging including activation of the UNKAlert system and advise the Emergency Operation Center (EOC) on all sheltering decisions.
   B. Chancellor –
      Responsible for the issuance of campus sheltering orders when time allows.
   C. Building Emergency Coordinator -
      Implement shelter-in-place procedures after receiving official notification. Provide notification and status updates to Incident Commander. Restore building to normal function following an all-clear. In situations where subjects shelter in the same location, keep occupants calm and informed regarding the reason for shelter-in-place and the possible duration.
   D. Emergency Management –
      Coordinate support activities, work with outside entities and manage resources for the response. Serve as a liaison between the University administration, the EOC, the Incident Commander and the Buffalo County Emergency Management city EOC.
   E. UNK Police Department -
      Responsible for advising the Administration and Emergency Operations Team (EOT) on sheltering decisions made by the university, city, and county. Will coordinate and establish security for the affected area(s.)
   F. Facilities -
      Responsible for managing all HVAC systems to preserve life safety, the building, and its contents, manage 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. After a sheltering situation, Facilities will assist in determining any damage to campus property and the ability of the University to occupy/utilize them.
   G. Human Resources -
      Responsible for advising the EOC on any employee information needed, and for advising the campus community on payroll and hiring matters such as expedited hiring, I9's, and altered work schedules for the affected time. Human Resources would provide information to the impacted employees on services available from the University Benefits Plans, and the Employee Assistance Plan (EAP.) If requested, Human Resources would assist the risk manager with insurance and Worker's Compensation claims.
   H. Business Services -
      Process insurance claims for University property damage and losses. If needed, assist with filing Worker's Compensation claims.
   I. Residential Life -
      Responsible for communicating shelter-in-place plans to all residents and sheltering occupants in residence halls.

J. University Communications and Marketing -
Responsible for developing and communicating information related to the emergency and sheltering, on communication channels and methods appropriate for the situation, and monitoring and providing communication feedback about the situation both internally and externally.

K. Information Technology Services -
1. Responsible for maintaining network and application services to include access to SAP, e-mail, and the University web page as long as possible. Arrange for activation of the alternate hosting site for the UNK web pages if needed. Establish Internet connectivity for Incident Command and EOC, when possible. Secure and shut down network equipment when it becomes imperative.
2. Responsible for setting up and maintaining telecommunication services for the IC and the EOCs. Facilitate voice communication services at alternative locations as required by the business continuity plans of the affected areas. Coordinate call forwarding and voicemail services as needed. Implement business continuity related functions related to telecommunications.

L. 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 Continuity of Operation Plan (COOP) matters.

M. Disabilities Services -
Coordinate and execute preplanning for emergency situations with students registered with a disability.

N. Buffalo County Emergency Manager -
Responsible for communicating to the UNK EOT on city sheltering decisions, and coordinate support activities and manage resources.

O. Volunteer Services -
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 Red Cross, Salvation Army, and other service organizations.

P. UNMC –
Inform UNMC personnel and students, account for employees and students at both on-campus and off-campus work sites.

4. Concept of Operation -

A. Direction and Control -
Overall direction and control of the incident and any ensuing sheltering will be the responsibility of the Incident Commander. The Director of UNK Police will coordinate sheltering support activities.

B. Shelter-In-Place Order -
The overall responsibility for issuing shelter-in-place orders rests with the Chancellor, his or her designee or by the direction of the city of Kearney. When there is an immediate need to protect lives and provide for public safety, the Incident Commander can make the decision to shelter. It is everyone’s responsibility within the campus community (faculty, staff, students, and guests) to ensure their own safety.

C. Shelter-In-Place Decision Consideration -
When deciding whether to shelter-in-place, care must be used 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 considered:
1. Weather conditions.
2. How quickly the different responses can be implemented.
3. How safely the different responses can be developed.
4. Availability of alternative shelters.

D. Shelter-In-Place Area Definition -
The definition of the area to shelter-in-place will be determined by those officials recommending or ordering the shelter-in-place based on the advice of appropriate advisory agencies.

E. Public Notification –
1. Shelter-In-Place Warning -
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. It can also include posting information on the University web page and social media, using the voice over fire alarm system or depending upon the situation, the city may activate the outdoor warning sirens. Whenever possible, the University building evacuation personnel will walk through the buildings to notify occupants. Persons who refuse to follow sheltering instructions will be left alone and the information will be given to the Building's Evacuation Coordinator.
2. Public Information -
UNK Communications and Marketing will ensure that emergency and sheltering 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.

F. Building Emergency Personnel
For the purposes of this plan, Emergency Personnel and their alternates are regular employees who have been selected to ensure that building sheltering is carried out as planned. Building emergency personnel and their alternates shall be selected by the Building Supervisor among building occupants and on a voluntary basis. For the identification of your building's emergency personnel refer to your building evacuation plan.
1. The following is a list of building emergency personnel and their corresponding duties.
PLEASE NOTE: Assigned duties are to be carried out only if you are **not** putting yourself in danger or risking your personal safety.
    a. Work Area Representative -
        1) Maintain a current list of employees, including part-time and student employees and their work schedule.
        2) Instruct area occupants to shelter-in-place when notified of an emergency.
        3) Assist the Floor Monitor in directing occupants with limited mobility to their safe rooms.
        4) Check off co-workers who have sheltered-in-place. (Not applicable for active shooter situations).
        5) Report emergency situations and missing persons to the Building Emergency Coordinator.
        6) Assist the Building Emergency Coordinator in transmitting the All-Clear signal to building occupants.

b. Floor Monitor -
    1) Check unlocked rooms, corridors, and restrooms on assigned floors to ensure building occupants have been notified of the shelter-in-place order.
    2) Make sure windows, exterior doors, and any other opening to the outside are closed.
    3) Assist and/or direct occupants with limited mobility to their safe rooms.
    4) Report emergency situations and missing persons to the Building Emergency Coordinator.
    5) Assist the Building Emergency Coordinator in transmitting the All-Clear signal to building occupants.
c. Building Emergency Coordinator -
    1) Secure and lock all exterior doors in HAZMAT situations, or as needed.
    2) Collect information on building occupants from Floor Monitors and Work Area Reps.
    3) Report information to first responders or the UNK EOC on occupants needing assistance or those who may be missing.
    4) Relay information and updates to building occupants about the situation as they become available. (When individuals shelter together.)
    5) Transmit the All-Clear signal to Floor Monitors and Work Area Reps for dissemination to building occupants.
    6) Supply the EOT with necessary information and assist them with any necessary debriefings.

G. Procedures -
1. Upon notification of a shelter in place order, emergency personnel will complete the job tasks listed above, when possible. 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 and directing them to a shelter/safe location. University employees and students are responsible for relaying all emergency directions to their visitors/customers.
2. Contract workers will be 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.

H. 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 including radios, cell phones and computers.
    d. Keep yourself and the 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.

I. 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.

J. Access Control -
If possible, the Building Emergency Coordinator will lock all building outside doors in HAZMAT situations or when necessary to limit access to the building.

K. Building Clearing -
Remain indoors until "All Clear" message is given by the first responders or the Building Emergency personnel (Building Emergency Coordinator, Floor Monitor or Work Area Rep) 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.

Campus Evacuation Plan

I. **PURPOSE**

To provide for the timely and orderly evacuation of all or part of the University of Nebraska at Kearney (UNK) campus when it is determined that such action is the most effective means available for protecting the campus community.

II. **RESPONSIBILITIES**

A. **Incident Commander**

Responsible for the overall control of the incident and establishes Incident Command (IC). Oversees the dissemination of all internal information related to the emergency and the evacuation, to include activating the UNKAlert system.

B. **Chancellor**

Responsible for issuing campus evacuation and re-entry orders.

C. **Emergency Management**

Liaison between the administrative team and the incident command, coordinating support activities and managing resources for the emergency.

D. **UNK Police Department (UNKPD)**

Responsible for advising the Administration and Emergency Operations Team (EOT) on evacuation decisions made by the University, city, and county. Conducts actual evacuation efforts, designating evacuation routes, providing traffic and movement control, providing traffic control equipment, establishing security for the evacuated area, and advising the Emergency Operations Center (EOC) on all evacuation decisions. When necessary, they will assist in warning the public.

E. **Facilities**

Responsible for managing all HVAC systems to preserve the building and its contents, manage generator operations, lead and advise the EOC and the Incident Command for all HAZMAT events, keep all evacuation routes controlled by the University operational, and assist in securing all University buildings. After an evacuation Facilities will assist in determining the ability of the University to reoccupy evacuated buildings/areas.

F. **Student Health and Counseling**

Provide services to support the physical and mental health of students in the event of an evacuation.

G. **Human Resources**

Provide employee information needed to assist in the evacuation. After an evacuation, Human Resources would advise the campus community on payroll matters for the affected time, coordinate and offer EAP services, and handle the need for any altered work schedules for the future or recruitment to replace any employees.

H. **Residence Life**

Responsible for communicating evacuation plans to all residents and evacuating occupants of residence halls.

I. **University Communications and Marketing**

Responsible for development, distribution and monitoring of all external communication related to emergency and evacuation.

J. **Information Technology Services**

1. Responsible for maintaining network and application services, including those hosted in Lincoln/Omaha, email and other communication tools, and the campus web site. The departmental Disaster Recovery/Business Continuity Plan may be initiated to establish alternate sites for services if necessary. Provide internet connectivity for Incident Command and EOC or assist in providing Internet connectivity and communication if either group is located off-campus.

2. If necessary, secure, and shut down network and application services. Responsible for setting up and maintaining telecommunication services for the IC and the EOCs. Facilitate voice communication services at alternate locations as required by the business continuity plans of the affected areas.

K. **Academic Affairs**
Provide information on sensitive functions or areas of campus that may need special response considerations such as animal labs or radioactive/hazmat materials and advice on academic Continuity of Operations Plan (COOP) matters.

L. **Student Affairs**
Coordinate all student response efforts.

M. **Disability Services for Students**
Coordinate and execute preplanning for emergency situations with students registered with a disability.

N. **Business Services**
Responsible for establishing or coordinating contracts needed to assist in the evacuation process. Coordinate food service efforts. Complete insurance reviews.

O. **Plambeck Center**
Responsible for evacuating the children from the building utilizing non-motorized devises.

P. **UNMC**
Inform UNMC personnel and students, account for employees and students at both on campus and off campus work sites.

Q. **Buffalo County Emergency Manager**
Responsible for communicating to the UNK Emergency Manager and coordinating support activities, resource management and evacuation decisions for the city.

R. **Volunteer organizations**
Responsible for coordinating mass care activities including registration, lodging and feeding evacuated individuals. This effort will be supported by the Red Cross, Salvation Army, and other service organizations.

III. CONCEPT OF OPERATIONS

A. **Direction and Control**
Overall, direction and control of the incident and any ensuing evacuation will be the responsibility of the Incident Commander. The Emergency Manager will coordinate evacuation support activities.

B. **Evacuation Order**
The overall responsibility for issuing evacuation orders rests with the Chancellor, his or her designee or by the direction of the city of Kearney. When there is an immediate need to protect lives and provide for public safety, the Incident Commander can make the decision to evacuate. Individual responsibility should be taken by all faculty, staff, students, and guests to ensure their own safety.

C. **Evacuation Decision Considerations**
Evacuation may be only one of several protective action alternatives. Care must be exercised by decision-makers to ensure that a directed evacuation will not place the affected population into a more dangerous situation than posed by the primary hazard. When ordering an evacuation, the following considerations should be addressed:

1. Weather conditions.
2. Evacuation routes, their capacities and susceptibilities to hazards.
3. The availability and readiness of shelters for evacuees.
4. Modes of transportation for evacuees and for those unable to provide their own.

5. In the event of a hazardous material incident, the choice needs to be made between evacuation and shelter-in-place. The decision should be based on the speed and density of the plume and the chemical substance involved.

D. **Evacuation Area Definition**

The area to be evacuated will be determined by those officials recommending or ordering the evacuation based on the advice of appropriate advisory agencies.

E. **Public Notification**

Persons to be evacuated should be given as much warning time as possible.

1. **Pre-evacuation Warning**

   On slow moving events, pre-evacuation notice should be given to affected residents if it appears that hazardous conditions may warrant such action. Consideration should be given to early precautionary evacuation of large events.

2. **Evacuation Warning**

   All warning modes will be utilized to direct the affected population to evacuate campus. This includes the use of the UNKAlert system to notify individuals by phone, e-mail, and text message. The University will also post information on the University Web, digital signs, and social media pages. Wherever possible, the University building evacuation plans will be implemented, and work area reps and floor monitors will walk through buildings notifying occupants. Persons who refuse to follow evacuation instructions will be left alone. The Buildings Emergency Coordinator will relay this information along with information related to individuals needing assistance to evacuate to the EOC. UNK Police, time permitting, will make further efforts to persuade them to evacuate.

3. **Emergency Public Information**

   University Communications and Marketing will ensure that emergency and evacuation information is disseminated to the media on a timely basis. Instructions to the public such as traffic routes to be followed, location of shelters, and situation updates will be issued as that information becomes available.

F. **Movement**

It is anticipated that the primary evacuation mode will be in private vehicles. Coordination of the evacuation efforts will be conducted by UNK Police along with other law enforcement agencies.

1. Evacuation routes will be selected by law enforcement officials at the time of the evacuation decision. Movement instructions will be part of the warning and subsequent public information releases.
2. If possible, two-way traffic will be maintained on all evacuation routes to allow continued access for emergency vehicles. Specific traffic control points will be determined at the time based on anticipated traffic volume and identifiable problem areas.
3. Law Enforcement and Buffalo County Communications will coordinate use of wrecker services needed to clear disabled vehicles.
4. Traffic control devices such as signs and barricades will be used as needed.

G. **Transportation**

The Incident Commander will determine the need for special transportation and UNK Emergency Management will coordinate the use of transportation resources to support the evacuation. The Plambeck Center will take priority when assessing transportation needs.

1. **Assembly Area**
   Convenient centralized locations in the evacuation area will be identified as assembly areas by the Incident Commander. These locations will be announced in evacuation instructions.
2. **Special Needs Transportation**
   There could be cases where elderly, infirm or handicapped persons in the evacuation area will not be able to get to the assembly point or would need a special type of transportation. UNK Emergency Management will make provisions for vehicles to transport these individuals. The public will be instructed how to notify EOC of any special transportation problems.
4. **Transportation Resources**
   University vehicles will be used to their full availability. When additional resources are required, the UNK Emergency Manager will contact the Buffalo County Emergency Manager for assistance.

H. **Mass Care of Evacuees**
Mass care of evacuees will be request through the American Red Cross and/or Salvation Army.

K. **Access Control**
During times of evacuation University buildings will be locked. In certain situations, determined by the Incident Commander, buildings may be pinned so that only authorized emergency personnel have access. A perimeter and access pass system could be established and enforced by UNK Police.

L. **Re-entry**
Reoccupation of an evacuated area requires the same considerations, coordination and control of the items undertaken in the original evacuation. The re-entry order will be made by the Chancellor after the threat has passed and the evacuated area has been inspected by all necessary safety personnel. Some specific re-entry considerations are:

1. Ensure that the threat which caused evacuation is over.
2. If needed, ensure the buildings have been inspected and are safe to return to.
3. If buildings have been damaged, determine any long-term housing requirements.
4. Coordinate traffic control and movement back to the area.
5. Inform the public of proper re-entry actions and any precautions they should be aware of when returning to normal activity.

M. **State Support**
Under disaster conditions, evacuation support and resources may be available. from several state agencies. Assistance will generally be requested through. the Nebraska Emergency Management Agency. Assistance includes manpower, transportation, supplies and technical advice. The following agencies may be involved in the emergency evacuation of an area.

1. **Department of Transportation**
   The Department of Transportation can provide updated information on road conditions, such as their capacities, usability to support the evacuation, or rerouting traffic. They can also provide equipment and manpower to maintain and repair roads and bridges to usable conditions in support of an evacuation. Personnel may assist in traffic control by erection barricades, warning lights and signs, or provide manpower.
2. **Health and Human Services System**
   The Nebraska Health and Human Services System can make recommendations regarding health problems within an area which may dictate an evacuation.

3. **State Fire Marshal**
   The State Fire Marshal may recommend evacuation of an area be initiated because of an existing fire emergency. They may coordinate disaster assistance through local fire departments.
4. **State Patrol**
   The State Patrol may assist in establishing control points for traffic control, maintaining order, obtaining medical assistance, and directing emergency vehicles to proper destinations within the disaster area.
5. **Game and Parks Commission**
   The Game and Parks Commission may assist law enforcement personnel and provide boats to assist in evacuations during floods.

Firearms and Weapons Policy

Possession of firearms, explosives, destructive devices, dangerous chemicals, fireworks, or any other item defined by Nebraska state statutes (R.R.S. Neb. §28-1204.04) 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 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 (R.R.S. Neb. §69-2441). This ban applies to University of Nebraska vehicles and events sponsored by the University. This prohibition applies to all members of the 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 Associate Vice Chancellor of Student Affairs 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 are sent the updated document by email within the fall quarter along with the Annual Campus Security and Fire Safety Report as well as at the end of winter quarter to all current student's email address on file. The information is posted online with other updated Clery documentation on or before October 1st of each year.
   B. Employees are sent the updated document by email within the fall quarter along with the Annual Campus Security and Fire Safety Report as well as at the end of winter quarter to all current employee's email address on file. The information is posted online with other updated Clery documentation on or before October 1st of each year.
4. The laws of the State of Nebraska relating to underage drinking as well as the state and federal laws relating to illegal drug use are followed and enforced on the UNK campus by the UNK Police Department. All students, employees, and campus visitors shall always follow these state and federal laws. Anyone found in violation of these laws may be referred to the Student Conduct Process and/or cited criminally. UNK Police Officers may use their own personal discretion as well any knowledge known to the officer at the time to determine whether someone in violation of these laws will be referred to the Student Conduct Process and/or cited criminally.

DRUG AND ALCOHOL ABUSE PREVENTION UPDATE

Last Revised: June 15, 2023

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) are available at https://nebraska.edu/regents/bylaws-policies-and-rules].

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 DEA Drugs of Abuse and DEA Federal trafficking penalties. 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. 2022).

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 themself 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. 2022).

Similarly, 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. § 28-1701 (Cum. Supp. 2022).

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. 2022).

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(a) (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(b) (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(c) (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.); Neb. Rev. Stat. 2022); 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. 2022). 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. 2022); Neb. Rev. Stat. § 28-472 (Cum. Supp. 2022); and Neb. Rev. Stat. § 28-1701 (Cum. Supp. 2022).

"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. 2022).

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. 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. 2022) 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. 2022) 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. 2022).

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) (Cum. Supp. 2022) 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) (Cum. Supp. 2022) 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 themself 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) (Cum. Supp. 2022) and § 53-181(3) (Reissue 2021).

Similarly, 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. § 28-1701 (Cum. Supp. 2022).

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) (Cum. Supp. 2022) 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 three 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) (Cum. Supp. 2022) and Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2022).

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. § 60-6,196.01 (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 (Reissue 2021Supp.) and § 28- 106(1) (Reissue 2016). In addition, an offender's driver's license is revoked for six 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 six-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. Supp. Neb. Rev. Stat. § 60-6,197.03(3) (Reissue 2021).

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

Fourth convictions are a Class IIIA felony. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2021Supp.). 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) (Reissue 2021Supp.). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of15 years.
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) (Reissue 2021Supp.). 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 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) (Reissue 2021Supp.).

Fifth and subsequent convictions are a Class IIA felony. Neb. Rev. Stat. § 60-6,197.03(9) (Reissue 2021). 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) (Reissue 2021). In addition, the probation order shall include as one of its conditions a $2,000 fine and confinement in the city or county jail for 1 8 0 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 180 days after release. Neb. Rev. Stat. § 60-6,197.03(9) (Reissue 2021).

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) (Reissue 2021). Where a person has three prior convictions and then has another conviction involving this higher alcohol concentration, the person shall be guilty of a Class IIA felony with a minimum sentence of one year of imprisonment and have their license revoked for a period of 15 years. Neb. Rev. Stat. § 60-6,197.03(8) (Reissue 2021). In addition, any probation order shall be applied as previously indicated under Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2021).

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 (Reissue 2021). 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 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.

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 [1]

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.

[1] *Last visited on June 15, 2023.*

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 contendre) 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)(18)	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)(8) Or Synthetically Produced Cannabinoids[4] Schedule I (c)(27)	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] All citations to the Drug Schedule are effective as of August 30, 2023; "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. 2022).

[2] "Hashish or concentrated cannabis means (i) the separated resin, whether crude or purified, obtained from a plant of the genus cannabis or (ii) any material, preparation, mixture, compound, or other substance which contains ten percent or more by weight of tetrahydrocannabinols. Neb. Rev. Stat. § 28-401 (28)(a) (Cum. Supp. 2022). 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. § 2-5701 (Reissue 2022).

[3] "Marijuana" is defined at Neb. Rev. Stat. § 28-401(14)(a)-(e) (Cum. Supp. 2022).

[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. 2022)

Last reviewed June 20, 2023

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

Drug[1;2]	**Quantity**	**Penalty for "simple" possession**[3]	**Penalty for manufacture, distribution, delivery, dispensation, possession with intent to manufacture, distribute, deliver, or dispense**
Methamphetamine "Meth" or "Speed" Schedule[4] II(c)(3)	Any detectable amount up to 10 grams	Up to 2 years imprisonment and 9-12 months post-release supervision or $10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
	At least 10 grams but less than 28 grams		Not less than 3 years imprisonment and not more than 50 years imprisonment. Class ID felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 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)(7)	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"[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.
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. 2022).
[2] All citations to the Drug Schedule are effective as of August 30, 2023.
[3] Neb. Rev. Stat. § 28-416(3) (Cum. Supp. 2022).
[4] All references are to the controlled substances schedules enumerated in Neb. Rev. Stat. § 28-405 (Cum. Supp. 2022).
[5] "Exceptionally Hazardous Drug" is defined in the Uniform Controlled Substances Act, Neb. Rev. Stat. § 28-401(29) (Cum. Supp. 2022).
Last Reviewed June 20, 2023

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 Director of Student Conduct and Community Standards / Conduct Board
Drugs/ Controlled Substances	Warning & 3rd Millennium Online Course	Probation, Referral to Counseling for Assessment & Educational Sanction	Refer to Director of Student Conduct and Community Standards / Conduct Board
Smoking/ Tobacco	Warning & Restitution (if applicable)	Probation, Restitution & Educational Sanction	Refer to Director of Student Conduct and Community Standards / Conduct Board
Theft	Warning/ Probation, Educational Sanction & Restitution	Probation, Educational Sanction & Restitution/ Refer to Refer to Director of Student Conduct and Community Standards / Conduct Board	Refer to Director of Student Conduct and Community Standards / Conduct Board
Damage	Warning/ Probation & Restitution	Warning/ Probation & Restitution or Refer to Director of Student Conduct and Community Standards	Warning/ Probation & Restitution or Refer to Director of Student Conduct and Community Standards
Disorderly Conduct	Warning/ Probation & Educational Sanction	Warning/ Probation & Educational Sanction or Refer to Director of Student Conduct and Community Standards	Refer to Director of Student Conduct and Community Standards / Conduct Board
False Reports/ Fire Safety	Probation, Fine & Educational Sanction	Probation, Fine & Educational Sanction/ Refer to Director of Student Conduct and Community Standards / Conduct Board	Refer to Director of Student Conduct and Community Standards / 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 Refer to Director of Student Conduct and Community Standards / Conduct Board
Weapons/ Firearms	Refer to Director of Student Conduct and Community Standards / Conduct Board	Refer to Director of Student Conduct and Community Standards / Conduct Board	Refer to Director of Student Conduct and Community Standards / 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 Refer to Director of Student Conduct and Community Standards

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 Director of Student Conduct and Community Standards. 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 Student Policy

This policy contains the official notification procedures of the University of Nebraska at Kearney (UNK) for any missing student who resides in on-campus housing, in accordance with the requirements of the Higher Education Opportunity Act of 2008 (HEOA).

When completing their Housing Contract online, UNK students that reside in on-campus housing facilities are required to identify a confidential missing person contact. The University administration will utilize the individual's confidential missing person contact **only** when a student is determined to be missing. Only authorized campus officials and law enforcement may gain access to this information. If a student doesn't specify a confidential contact, the emergency contact will be considered the contact for these purposes. This individual will be updated as to the progress of the investigation into the missing person. This designated confidential contact will remain in effect until changed or revoked by the student.

Any individual of the University community who believes that a residential student is missing, must immediately notify the University of Nebraska at Kearney Police Department (UNKPD) at (308) 865-8911, 2501 19th Avenue as soon as possible and/or the Office of Residence Life at 308-865-8519, 2504 9th Avenue, Warner Hall, Suite 2200. The UNKPD will make all appropriate notifications, determined by the circumstances of each individual case. 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.

If a student is under 18 years of age and is not emancipated, in addition to notifying any confidential contact person designated by the student, the university is required by law to notify a custodial parent or guardian within 24 hours of the determination that the student is missing. At that time, UNKPD will also 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.

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. Please note, if you have concerns about a student, the UNKPD can be notified at any point, even if the individual hasn't been missing for a full 24 hours.

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.

The University of Nebraska at Kearney strives to provide a safe and secure learning, living, and working environments for all 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 about these types of 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.

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.
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 safely 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 of 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.

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, 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.

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.
4.

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. 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 Compliant 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).

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 where involved in a dating relationship.

3. "Retaliation" means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Sexual Misconduct Policy.

4. "Sexual assault" means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
    a. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

b. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim's age or because of the victim's temporary or permanent mental incapacity.
c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

5. "Sexual exploitation" includes, but is not limited to: prostituting another person; non-consensual visual or audio recording of sexual activity; non-consensual display or distribution of photos, images or information of an individual's sexual activity or intimate body parts; non-consensual voyeurism; coercing someone against their will to engage in sexual activity, or; knowingly transmitting sexually transmitted disease (STD) without disclosing STD status.

6. "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:
   a. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
   b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
   c. Sexual assault (see definition herein);
   d. Dating violence (see definition herein);
   e. Domestic violence (see definition herein); or
   f. Stalking (see definition herein).

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

   For employees, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual's employment and create an abusive working environment.
7. "Sexual misconduct" includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.
8. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
   a. fear for their safety or the safety of others or
   b. suffer substantial emotional distress.

C. Related Definitions

1. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. ''Notice'' as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

2. "Bodily injury" shall mean physical pain, illness, or any impairment of physical condition.
3. "Confidentiality" means that the University will not disclose the names of individuals involved in sexual misconduct cases to others except on a need to know basis or as required by law. The University will instruct employees and students about the requirement not to disclose confidential information. Confidentiality is not the same as anonymity, where an individual is not named or personally identified.
4. "Consent" is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.
    a. Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.
    b. Consent cannot be coerced or compelled by force, threat, deception, or intimidation.
    c. Consent cannot be given by someone who is incapacitated or does not have the legal capacity to consent, as defined below in the definition of "incapacitated".
    d. Consent cannot be assumed based on silence, the absence of "no" or "stop," the existence of a prior or current relationship, or prior sexual activity.

    There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.
5. "Crimes of violence" are those offenses that involve force or threat of force, including murder and non-negligent manslaughter, rape, robbery, and aggravated assault.
6. "Education program or activity" includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
7. "Force or threat of force" means (a) the use of physical force which overcomes the person's resistance or (b) the threat of physical force, express or implied, against the person or a third party that places the person in fear of death or in fear of serious personal injury to the person of a third party where the person reasonably believes that the actor has the present or future ability to execute the threat.
8. "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and requesting that the University investigate the allegation of sexual misconduct. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under the Sexual Misconduct Policy and will comply with the requirements of the Sexual Misconduct Policy.
9. "Incapacitated" means an individual is unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, being asleep, unconscious or in any other state where the individual is unaware that sexual contact is occurring, or based on their age (pursuant to Nebraska law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation. Consent does not exist when the individual initiating sexual activity knew or should have known of the other individual's incapacitation.

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

10. "In violation" means that it is more likely than not that a Respondent has committed one or more acts of sexual misconduct. In other words, a preponderance of the evidence standard must be used to find sexual misconduct.
11. "May" is used in the permissive sense.
12. "Not in violation" means that it is more likely than not that a Respondent did not commit one or more acts of sexual misconduct.
13. "Past sexual behavior" means a person's sexual behavior other than when the sexual misconduct is alleged to have occurred.
14. "Private body parts" means the genital area, groin, inner thighs, buttocks, or breasts.
15. "Preponderance of the Evidence" is the standard of evidence the University uses to determine whether the Respondent violated the Sexual Misconduct Policy. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that the Respondent violated the Sexual Misconduct Policy.
16. "Relevant evidence" means evidence that has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.
17. "Remedies" are measures designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same supportive measures that are already being provided to the Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
18. "Serious personal injury" means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
19. "Shall" is used in the imperative sense.
20. "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.
21. "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 many 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 Code of Ethics hotline is available for online reporting or by calling 844-348-9584.
- A person may also contact the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX or by calling 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 Complainant[1] or past sexual assault by the Respondent[2] 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.

[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 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.

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; an
    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.

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 University's Student Code of Conduct to the facts;

v. 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

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.

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 where involved in a dating relationship.
3. "Retaliation" means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the Sexual Misconduct Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Sexual Misconduct Policy.

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

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

    For employees, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual's employment and create an abusive working environment.
7. "Sexual misconduct" includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.
8. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
    a. fear for their safety or the safety of others; or
    b. suffer substantial emotional distress.

C. Related Definitions

1. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. ''Notice'' as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.
2. "Bodily injury" shall mean physical pain, illness, or any impairment of physical condition.
3. "Confidentiality" means that the University will not disclose the names of individuals involved in sexual misconduct cases to others except on a need to know basis or as required by law. The University will instruct employees and students about the requirement not to disclose confidential information. Confidentiality is not the same as anonymity, where an individual is not named or personally identified.
4. "Consent" is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.
    a. Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.
    b. Consent cannot be coerced or compelled by force, threat, deception, or intimidation.
    c. Consent cannot be given by someone who is incapacitated or does not have the legal capacity to consent, as defined below in the definition of "incapacitated".
    d. Consent cannot be assumed based on silence, the absence of "no" or "stop," the existence of a prior or current relationship, or prior sexual activity.

    There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.
5. "Crimes of violence" are those offenses that involve force or threat of force, including murder and non-negligent manslaughter, rape, robbery, and aggravated assault.
6. "Education program or activity" includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
7. "Force or threat of force" means (a) the use of physical force which overcomes the person's resistance or (b) the threat of physical force, express or implied, against the person or a third party that places the person in fear of death or in fear of serious personal injury to the person of a third party where the person reasonably believes that the actor has the present or future ability to execute the threat.
8. "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and requesting that the University investigate the allegation of sexual misconduct. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under the Sexual Misconduct Policy and will comply with the requirements of the Sexual Misconduct Policy.

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

    There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.
10. "In violation" means that it is more likely than not that a Respondent has committed one or more acts of sexual misconduct. In other words, a preponderance of the evidence standard must be used to find sexual misconduct.
11. "May" is used in the permissive sense.
12. "Not in violation" means that it is more likely than not that a Respondent did not commit one or more acts of sexual misconduct.
13. "Past sexual behavior" means a person's sexual behavior other than when the sexual misconduct is alleged to have occurred.
14. "Private body parts" means the genital area, groin, inner thighs, buttocks, or breasts.
15. "Preponderance of the Evidence" is the standard of evidence the University uses to determine whether the Respondent violated the Sexual Misconduct Policy. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that the Respondent violated the Sexual Misconduct Policy.
16. "Relevant evidence" means evidence that has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.
17. "Remedies" are measures designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same supportive measures that are already being provided to the Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
18. "Serious personal injury" means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
19. "Shall" is used in the imperative sense.

20. "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.
21. "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 many 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 Code of Ethics hotline is available for online reporting or by calling 844-348-9584.
- A person may also contact the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX or by calling 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; an
   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 Complainant[1] or past sexual assault by the Respondent[2] 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 constitutes, 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 begin 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

Terms, defined (R.R.S. Neb. §28-318)

As used in sections 28-317 to 28-322.05, 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 also means 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 includes only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Sexual contact also includes 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 abuse by a school employee under section 28-316.01 or 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, non-health, or nonlaw enforcement 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 victim was compelled to submit due to the use of force or threat of force or coercion, or
   b. the victim expressed a lack of consent through words, or
   c. the victim 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 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.
   f. A victim need not resist verbally or physically where it would be useless or futile to do so; and
9. Force or threat of force means:
   a. the use of physical force which overcomes the victim's resistance, or
   b. the threat of physical force, express or implied, against the victim or a third person that places the victim in fear of death or in fear of serious personal injury to the victim or a third person where the victim reasonably believes that the actor has the present or future ability to execute the threat.

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.

*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; legislative intent (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.

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 fifteen 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, or
   b. under section 28-319 of first degree or attempted first degree sexual assault, or
   c. under section 28-320.01 before July 14, 2006, of sexual assault of a child or attempted sexual assault of a child, or
   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,
   b. under section 28-319 of first degree or attempted first degree sexual assault,
   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.

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.
2. A person who violates this section is guilty of a Class ID felony. If a person who violates this section has previously been convicted of a violation of this section or section 28-308, 28-309, 28-310, 28-311, 28-313, 28-314, 28-315, 28-319, 28-319.01, 28-320.01, 28-813.01, 28-833, 28-1463.03, or 28-1463.05 or subsection (1) or (2) of section 28-320, the person is guilty of a Class IC felony.

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.
   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 Terms, defined (R.R.S. Neb. §79-2,140)

For purposes of the Lindsay Ann Burke Act, unless the context otherwise requires:

1. Dating partner means any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or long-term.
2. Dating violence means 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.
3. Department means the State Department of Education; and
4. School district has the same meaning as in section 79-101.

Domestic Assault; penalties (R.R.S. Neb. §28-323)

1. A person commits the offense of domestic assault in the third degree if he or she:
   a. Intentionally and knowingly causes bodily injury to his or her intimate partner.
   b. Threatens an intimate partner with imminent bodily injury.
   c. Threatens an intimate partner in a menacing manner.
2. A person commits the offense of domestic assault in the second degree if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument.
3. A person commits the offense of domestic assault in the first degree if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.

4. Violation of subdivision (1)(a) or (b) of this section is a Class I misdemeanor, except that for any subsequent violation of subdivision (1)(a) or (b) of this section, any person so offending is guilty of a Class IIIA felony.
5. Violation of subdivision (1)(c) of this section is a Class I misdemeanor.
6. Violation of subsection (2) of this section is a Class IIIA felony, except that for any second or subsequent violation of such subsection, any person so offending is guilty of a Class IIA felony.
7. Violation of subsection (3) of this section is a Class IIA felony, except that for any second or subsequent violation under such subsection, any person so offending is guilty of a Class II felony.
8. For purposes of this section, intimate partner means a spouse; a former spouse; persons who have a child in common whether they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this subsection, 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.

Protection from Domestic Abuse Act - Terms defined (R.R.S. Neb. §42-903)

For purposes of the Protection from Domestic Abuse Act, unless the context otherwise requires:

1. Abuse means 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.
   c. Engaging in sexual contact or sexual penetration without consent as defined in section 28-318.
2. Department means the Department of Health and Human Services.
3. Family or household members includes 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 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; and
4. Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol.

Stalking (R.R.S. Neb. §28-311.03)
Any person who willfully harasses 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.

Stalking and Harassment; legislative intent; terms, defined (R.R.S. Neb. §28-311.02)
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, or harass them 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, or stalking the person or 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 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 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 casual 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.

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."
3. 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;

Federal Definitions

1. **Sexual Assault**
   a. 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 the "Uniform Crime Report."
2. **Statutory Rape**
   a. Non-forcible sexual intercourse with a person who is under statutory age of consent.
3. **Forcible Fondling**
   a. 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.
4. **Domestic Violence**
   a. Any Felony or Misdemeanor crimes of violence committed by:
      i. A current or former spouse or intimate partner of the victim.
      ii. A person with whom the victim has a child in common.
      iii. A person who is cohabitating with or has cohabitated with the victim as a spouse.
      iv. 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
      v. 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.
5. **Dating Violence**
   a. Violence committed by a person:
      i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
      ii. where the existence of such 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.

6. **Stalking**
   a. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
      i. fear for the person's safety of others; or
      ii. suffer substantial emotional distress.
7. **Sexual Harassment**
   a. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
      i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing.
      ii. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual
      iii. 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 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: UNK Student 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; Associate Vice Chancellor 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: UNK Student 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. Student 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 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) Associate Vice Chancellor 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 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 offender to stay away from you. 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 UNK Student 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 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) Associate Vice Chancellor 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: UNK Student 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.
9. Anytime a student or employee reports to a CSA or a UNKPD officer that they have been involved in a sexual assault, been involved in dating violence or domestic violence, been harassed, or been stalked, they will be provided a pamphlet (EMPOWER) either by UNKPD or the SAFE Center (dependent upon the situation.)
10. This pamphlet of written information and resources includes both on and off campus resources. It includes phone numbers and contact information for local health and counseling offices, local victim advocates, legal assistance as well as several national contacts. This pamphlet also includes links to the UNK Sexual Misconduct Policies for both students and employees, explains how to make an anonymous report (with or without police involvement,) and explains all the victim's rights and options moving forward.
    A. This pamphlet can be accessed online as well: https://www.unk.edu/offices/police/_files/empower-pamphlet.pdf
    B. The resource document that accompanies the pamphlet is online as well: https://www.unk.edu/offices/police/_files/empower-pamphlet-resources.pdf
    C. Once in contact with Title IX, depending upon the circumstances, they will provide you with additional resources specific to their area.

Steps to Report 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 Student Health 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 does 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 (FAN), 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..

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 should the victim change their mind about later.

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. A complainant may then meet with Student Counseling or UNK Police Department to develop a Safety Plan. A Safety Plan is a plan for the victim to reduce the 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 department's 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 was located within the Office of Diversity and Inclusion and was staffed by the Gender and Sexuality Resource Officer. The office was a safe space for survivors and for students identifying in the LGBTQIA+ community. They also provided prevention programming on campus around gender equality.

*****PLEASE NOTE*** Effective July 1, 2023, this office/program is no longer a viable resource.**

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 is comprised of fully licensed, qualified nurse practitioners and registered nurses who provide primary health care services for UNK students. Student Health serves as an initial starting point for healthcare needs and referrals. When necessary, they will help guide and assist necessary referrals to ensure the best and appropriate care.

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

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, and to increase empowerment for victims to promote safety and help individuals and communities address conditions that facilitate violence. With no intent to blame victims and recognizing that only abusers are responsible for their abuse, the following are some strategies to increase one's risk of sexual assault or harassment and to improve safety on campus (taken from Rape, Abuse, and 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 mobile 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 SnapChat, can 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? 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 or 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.

- **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 first-year students' 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, smoking, 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 Office of Equity and Compliance.

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.

Unless otherwise noted, all presentations listed below will continue to be included in annual prevention and awareness programming.

Primary prevention and awareness programs offered for all students in 2022:

- 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 training was offered throughout the year.

Primary prevention and awareness programs offered for all new employees in 2022:

- In 2022, Human Resources incorporated a link to "UNK – Report = Support! Faculty/Staff Sexual Misconduct Prevention and Response" training into New Employee Orientation. This training is mandated by the Office of Equity/Compliance for Title IX purposes.
- The Office of Equity/Compliance has a library of training resources available to departments and offers training on sexual harassment and Title IX issues.

In 2022, most 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 instructions on 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 2022, 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. Additional presentations (including, but not limited to) were made at Athletics Compliance meetings, with Greek Life and ROTC.

This training is also provided annually to new students, existing students, new employees, and existing employees. This presentation includes 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. As well, it provides the institution's interpersonal violence definitions which include dating violence, domestic violence, sexual assault, and stalking.

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.

Prevention programs and presentations offered by The **Student and Family Transitions / Fraternity and Sorority Life** department:

- 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 education regarding safe and positive options for bystander intervention.
- Student Engagement / Fraternity and Sorority Life (FSL) partners with the UNK Student 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)** provides additional prevention education throughout the year: ***PLEASE NOTE* Effective July 1, 2023, this office/program is no longer a viable resource.**
  - Presentations on how to identify elements of rape culture, identify, and reduce risk factors, and become agents of change within their own communities.
  - Presentations afford members of the community 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.

Prevention programs and presentations offered by the **Gender and Sexuality Resource Office (GSRO)** in 2022**: ***PLEASE NOTE*** Effective July 1, 2023, this office/program is no longer a viable resource.**

- 02/01/2022 Business Classes Diversity Presentation
  - Presentation given to existing students on a needs-only basis.
  - The presentation included the basics of what diversity in the workplace looks like. The students engaged with new ideas and acknowledged existing biases when it comes to a more diverse and globalized work environment after college.
- 03/24/2022 Safe Zone Training for faculty and staff
  - Presentation given to all existing faculty and staff on a regular basis.
  - The presentation (Safe Zone) is a campus-wide training program committed to making UNK a safer, more welcoming, and inclusive environment for members of the LGBTQ+ community.
- 04/04/2022 Safe Zone Training for SAFE Center
  - Presentation given to new staff members of the SAFE Center on a needs-only basis.
  - The presentation (Safe Zone) is a campus-wide training program committed to making UNK a safer, more welcoming, and inclusive environment for members of the LGBTQ+ community.
- 09/03/2022 ODI Scholars Fall Retreat Presentation
  - Presentation given to all new students on a regular basis.
  - The presentation gives students the all-in-one opportunity to get resources for gender diverse students as well as an opportunity to learn about the resources available for student support at UNK.
- 10/14/2022 A Walk in Her Shoes Event/Presentation
  - Presentation given to all existing students on a regular basis.
  - Includes a march at UNK to help build awareness of gender violence during National Domestic Violence Awareness Month. This event also promotes healthy masculinity at UNK and helps to show everyone on our campus that we empathize with their struggle and validate their experiences.

Prevention programs and presentations offered by the **UNK Counseling Center** in 2022**:**

- 01/20/2022 You Can Help a Friend (suicide prevention)
  - Presentation given to RAs in Residence Life completed the training (approximately 65 RAs.)
  - The curriculum for this training is provided by the JED Foundation and focuses on warning signs and symptoms of mental health issues and/or suicide. The training includes guidelines on how to help a person who is suicidal or in a mental health crisis.
- 08/15/2022 You Can Help a Friend (suicide prevention)
  - Presentation given to student mentors in the Thompson Scholars Learning Community.
  - The curriculum for this training is provided by the JED Foundation and focuses on warning signs and symptoms of mental health issues and/or suicide. The training includes guidelines on how to help a person who is suicidal or in a mental health crisis.
- 08/16/2022 Through Open Doors
  - Presentation given to RAs in Residence Life (approximately 75 RAs.)
  - The presentation is a collaborative training done by Residence Life and the Counseling Center to educate all RAs in topics such as recognizing and responding to students with eating disorders, suicidal students, and survivors of sexual assault.
- 09/26/2022 You Can Help a Friend (suicide prevention)
  - Presentation given to all work studies (students) employed by Campus Recreation (12 students.)
  - The curriculum for this training is provided by the JED Foundation and focuses on warning signs and symptoms of mental health issues and/or suicide. The training includes guidelines on how to help a person who is suicidal or in a mental health crisis.

Prevention programs and presentations offered by the **Office of Residence Life** in 2022**:**

- January 2022 – UNKPD crime identification and prevention technique presentation for RA Training.
- February 2022 – Healthy Relationship Series in all Residence Halls to assist with understanding the difference between abusive and health relationships.
- February 2022- Stress Management and Burnout Series in all Residence Halls to assist with developing positive stress coping techniques.
- April 21, 2022 – Alcohol and Substance usage floor programs in tandem with Tony Hoffman program.
- April 2022 – Self-Care and Wellness Programming: All Residence Halls with how's your mood intentional conversations.
- August 2022 – Mental Health Advocate program began and Mental Health First Aid Training for 25 RAs to prevent suicide was provided.
- August 2022 – RA Training included information on the Clery ACT, Title IX, First Five Minutes (handling an active shooter and crisis situation presentation), and Through Open Doors scenario practice.
- August 2022 – Inclusion Advocate program to assist students in communicating with Diverse Students, First Generation Students, and Students with Disability
- September 2022 – Conflict Management Series in All Residence Halls to assist with understanding health vs abusive relationships.
- September 2022 – Healthy Habits bulletin board and connect at Cushing event to assist with encourage healthy behaviors.
- October 2022 – Mental Health Advocates host Tea Talks to assist students in finding healthy coping strategies for stress.
- October 2022 – Mental Wellness Screening Day in tandem with UNK Counseling
- October 20, 2022 – Community and Togetherness Event to encourage students to find healthy alternatives to drinking.
- November 3, 9, 17, 30, 2022- Let's Talk Series hosted with UNK Counseling
- December 2022– Wellness Week – Cocoa and Coping with UNK Counseling

Prevention programs and presentations offered by the **Office of Student Engagement** in 2022**:**

- 03/2022 Becoming a New Greek
  - Presentation given to all new and existing members of Fraternity and Sorority Life (FSL).
  - The presentation included information on Alcohol Education, Hazing Prevention Education, Utilizing peer leaders, Alcohol Harm Reduction Techniques, the Good Samaritan Law, and the definition of Hazing.
- 03/2022 Mental Health First Aid Training
  - Presentation given to all existing members of Fraternity and Sorority Life (FSL), Chapter leaders, and Recruitment Counselors.
  - The presentation explained the correlation between mental health and substance-use issues. The presentation also taught participants how to intervene in mental health crisis situations.
- 03/06/2022 Diversity Workshop
  - Presentation given to all new and existing members of Fraternity and Sorority Life (FSL).
  - Participants completed the privilege walk and debriefed the activity to examine their own individual privilege.

- 04/21/22 Tony Hoffman event
  - Presentation available to the entire university community – any employee, faculty, staff, or student could attend.
  - Presentation given by a former Olympic Athlete about his triumphant journey through sports stardom, mental health struggles, substance use disorder, and homelessness. This presentation showed participants the correlation between alcohol and drug use and sexually violent acts as well as the importance of being an active bystander.
- 09/26/2022 Becoming a New Greek
  - Presentation given to all new and existing members of Fraternity and Sorority Life (FSL).
  - The presentation included information on Alcohol Education, Hazing Prevention Education, Utilizing peer leaders, Alcohol Harm Reduction Techniques, the Good Samaritan Law, and the definition of Hazing.
- 11/11/2022 Protect the Herd 1.0 – Bystander Intervention
  - Presentation given to all new and existing Freshman and Sophomore members of Fraternity and Sorority Life (FSL).
  - The objective of this presentation is to teach students three skills of being a proactive bystander.
    - Delegate
    - Distract
    - Directly Intervene
  - Participants had the opportunity to apply these skills in specific scenarios regarding substance use, mental health, and sexual assault.

Prevention programs and presentations offered by the **Health Promotion Office** in 2022**:**

- 03/25/2022 Alcohol and Vaping Education
  - Presentation given to students.
  - The presentation provided participants with general facts and information.
  - regarding alcohol and vape usage. Included information on the use and abuse, negative effects, and intervention resources.
- 03/28/2022 Alcohol and Vaping Education
  - Presentation given to students.
  - The presentation provided participants with general facts and information.
  - regarding alcohol and vape usage. Included information on the use and abuse, negative effects, and intervention resources.
- 04/04/2022 Alcohol and Vaping Education
  - Presentation given to students.
  - The presentation provided participants with general facts and information.
  - regarding alcohol and vape usage. Included information on the use and abuse, negative effects, and intervention resources.
- 04/06/2022 Alcohol and Vaping Education
  - Presentation given to students.
  - The presentation provided participants with general facts and information.
  - regarding alcohol and vape usage. Included information on the use and abuse, negative effects, and intervention resources.

- 04/21/22 Tony Hoffman event
  - Presentation available to the entire university community – any employee, faculty, staff, or student could attend.
  - Presentation given by a former Olympic Athlete about his triumphant journey through sports stardom, mental health struggles, substance use disorder, and homelessness. This presentation showed participants the correlation between alcohol and drug use and sexually violent acts as well as the importance of being an active bystander.
- 04/26/22 Bystander Intervention
  - Presentation given to all UNK student athletes.
  - The objective of this presentation is to teach students three skills of being a proactive bystander.
    - Delegate
    - Distract
    - Directly Intervene
  - Participants had the opportunity to apply these skills in specific scenarios regarding substance use, mental health, and sexual assault.
- 09/15/22 Bystander Intervention
  - Presentation given to all first-year students in the Thompson Scholar Learning Community and KHOP Community.
  - The objective of this presentation is to teach students three skills of being a proactive bystander.
    - Delegate
    - Distract
    - Directly Intervene
    - Participants had the opportunity to apply these skills in specific scenarios regarding substance use, mental health, and sexual assault.
- 11/08/22 Bystander Intervention
  - Presentation given to all first-year students and executive members in Fraternity and Sorority Life (FSL).
  - The objective of this presentation is to teach students three skills of being a proactive bystander.
    - Delegate
    - Distract
    - Directly Intervene
  - Participants had the opportunity to apply these skills in specific scenarios regarding substance use, mental health, and sexual assault.
- 11/09/22 Bystander Intervention
  - Presentation given to all first-year students and executive members in Fraternity and Sorority Life (FSL).
  - Police officers with the UNK Police Department spoke with students about the risks of binge drinking alcohol as well as the dangers of drinking and driving.

The following list is of the university's crime prevention programs (these may or may not be noted above.) Please note, these may or may not have been presented in the 2022 calendar year but are available to the campus community.

- #Mattering – Inclusivity Training Program
- 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.
- Campus Security Authority (CSA) training – An online training that includes the current Clery Center training video, slides that define what a CSA is, their responsibility to report, what crimes are reportable, what a hate crime is, Clery reportable geography, what is a Timely Warning, what is an Emergency Notification and provides 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.
- 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.
- 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.
- Trivia Night – Trivia on prevention, alcohol and marijuana facts, mental health coping strategies.
- Wellness Week – Offered a virtual wellness week to expose students to the eight dimensions of wellness focusing on holistic wellness, healthy stress management.
- *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.
- *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.
- *Workplace Violence* – Informational workshop on workplace 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.
- *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.
- *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.
- *Safe Walk* – CSOs/Officers are available to escort anyone within a two-block radius of campus. To utilize this service, call (308) 865-8911.
- *Security Surveys* –UNKPD can perform a security survey or audit for individual areas or departments.
- *Grounds and Building Surveys* – Safety surveys of the University property are 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.
- *Lighting Surveys* – UNKPD 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.

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 about 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 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 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 is 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 or arrested 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 monthly 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 whether 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 completes 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 key-card access which means that they must scan their ID 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 the 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 Associate Vice Chancellor of 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, 2022, 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 has 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 Hall	XX		XX	XX	XX	XX	XX
Centennial Towers East	XX		XX	XX	XX	XX	XX
Centennial Towers West	XX		XX	XX	XX	XX	XX
Mantor Hall	XX		XX	XX	XX	XX	XX
Men's Hall	XX		XX	XX	XX	XX	XX
Nester Hall North	XX		XX	XX	XX	XX	XX
Nester Hall South	XX		XX	XX	XX	XX	XX
Plambeck Early Childhood Education Center	XX		XX	XX	XX	XX	XX
Randall Hall	XX		XX	XX	XX	XX	XX
University Residence North	XX		XX	XX	XX	XX	
University Residence South	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 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 in 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: 308-865-1800 or directly 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 always be maintained in the closed position. Exit signs shall be always illuminated. 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 and COPE
    - Centennial Tower East – Parking lot #1 corner of 9th Ave and 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
    - Plambeck Early Childhood Education Center –
    - Randall Hall – Parking lot #11 far west of Randall
    - University Residence North – Parking lot #14, by HSC and COE, west end
    - University Residence South – Parking lot #14, by HSC and COE, east end

5. **Fire Drills –**

Location	**Date**	**Time Started**	**Time Ended**
Antelope Hall	August 31, 2022	1400	1700
Centennial Towers East	August 31, 2022	1400	1700
Centennial Towers West	August 31, 2022	1400	1700
Mantor Hall	August 31, 2022	1400	1700
Men's Hall	August 31, 2022	1400	1700
Nester Hall North	August 31, 2022	1400	1700
Nester Hall South	August 31, 2022	1400	1700
Randall Hall	August 31, 2022	1400	1700
University Residence North	August 31, 2022	1400	1700
University Residence South	August 31, 2022	1400	1700
Village Flats	August 31, 2022	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 familiarized 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 an 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 the nearest stairwell immediately.
  - Inform and/or ask someone, a building occupant, or a floor monitor, 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).
  - Provide 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 doorknob 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 it 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 skillets, and infrared ovens may be operated in residence hall kitchens only. Microwave ovens, standalone freezers and window mounted air conditioning units are not allowed to be brought to campus. Residents that reside in Antelope/Nester are permitted to have and use toasters, toaster ovens, George Foreman-style grills, electric skillets, electric grills, and infrared ovens in the kitchen area. These items are not permitted for use in sleeping rooms.
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, Smoking and Vaping:** The use of all forms of tobacco, smoking and vaping products is prohibited on the University of Nebraska at Kearney property with exception to 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.

Fire Statistics

Location	Year	Number of Fires	Cause of Fire	Number of injuries	Number of Deaths	Value of Property Damage
Antelope	2022	0	N/A	N/A	N/A	N/A
1013 West 26th Street, Kearney, NE	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
CTE	2022	0	N/A	N/A	N/A	N/A
1002 West 29th Street, Kearney, NE	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
CTW	2022	0	N/A	N/A	N/A	N/A
1014 West 29th Street, Kearney, NE	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Conrad	2022	0	N/A	N/A	N/A	N/A
2615 11th Ave, Kearney, NE	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Mantor	2022	0	N/A	N/A	N/A	N/A
1203 West 26th Street, Kearney, NE	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Martin	2022	0	N/A	N/A	N/A	N/A
904 West 27th Street, Kearney, NE	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Men's	2022	0	N/A	N/A	N/A	N/A
1103 West 26th Street, Kearney, NE	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Nester North	2022	0	N/A	N/A	N/A	N/A
905 West 26th Street, Kearney, NE	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Nester South	2022	0	N/A	N/A	N/A	N/A
904 West 26th Street, Kearney, NE	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
Randall	2022	0	N/A	N/A	N/A	N/A
1207 West 26th Street, Kearney, NE	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
URN	2022	0	N/A	N/A	N/A	N/A
1601 University Drive, Kearney, NE	2021	0	N/A	N/A	N/A	N/A
	2020	0	N/A	N/A	N/A	N/A
URS	2022	0	N/A	N/A	N/A	N/A
1700 University Drive, Kearney, NE	2021	0	N/A	N/A	N/A	N/A
	2020	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
Village Flats	2022	0	N/A	N/A	N/A	N/A
2201 University Drive, Kearney, NE	2021	1	cooking and some nearby cardboard caught fire	0	0	0
	2020	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 because 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 because 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 because 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.