



2025 Annual Campus Security and Fire Safety Report

***Safety and Security Information including
Crime and Fire Statistics for 2024, 2023, 2022***

Welcome to UNK!

A Message from Chief Ricci Fast

Dear Campus Community Members,

The University of Nebraska at Kearney Police Department (UNKPD) is committed to promoting a safe environment for students, staff, faculty, and visitors. I am pleased to share the *2025 Annual Safety and Fire Report* which outlines crime, arrest, and referral statistics reported to UNKPD, Campus Security Authorities (CSAs), and local law enforcement agencies surrounding the UNK campus and off-campus locations. Also, this report includes policies and procedures regarding alcohol, drugs, sexual misconduct and general safety on the UNK Campus. Additionally, this report provides information about safety services, programs, and resources available to help promote a safe campus environment.



Please visit the UNKPD website <https://www.unk.edu/offices/police/> for additional information about our services and department. On behalf of UNKPD, thank you for taking the time to read this report. We welcome your concerns, suggestions and ideas on working together to make our campus the safest place to learn, work, and live.

Sincerely,

Ricci Fast, M.S.E.
Chief of UNKPD
Badge # 623
2501 19th Ave
Kearney, NE 68849
308-865-8911
unkpd@unk.edu

Hello Loper Family and Friends!

A Message from UNK's Chief Compliance Officer



Dear Loper Community,

The Office of Compliance (OC) works to ensure that UNK complies with federal, state, and local laws, regulations, and court rulings as well as institutional policies and procedures. The OC covers a variety of responsibilities including Sexual Misconduct/Title IX, FMLA, ADA, Conflicts of Interest as well as investigating and resolving complaints of Discrimination and Harassment. The OC strives to provide an environment where everyone is given an opportunity to be heard and is treated with respect, fairness, and impartiality.

Our office oversees UNK's *2025 Annual Security and Fire Safety Report* to ensure that we meet our institutional obligations under the Clery Act. On behalf of UNK, thank you for taking the time to review this information. To learn more about UNK compliance or our department, please visit <https://www.unk.edu/about/compliance>. It is of the utmost importance that UNK remains a safe place for all our campus members, visitors as well as prospective students and employees.

Very Respectfully,

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The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status and/or political affiliation in its programs, activities, or employment.

ANNUAL SECURITY REPORT AND CLERY ACT OVERVIEW



The University of Nebraska–Kearney Police Department (UNKPD) and the Office of Compliance (OC) have overall responsibility for the preparation and distribution of the University’s Annual Campus Security and Fire Safety Report (ASR), which is reviewed and updated annually as one cohesive document per the requirements of the federal law known as the Clery Act.

UNKPD uses its records and sends out requests for crime statistics and other necessary information to any law enforcement agencies that have jurisdiction over non-campus property. While statistical requests are made, outside agencies are not required to provide crime statistics and so not all do, and some data is provided in a manner that does not provide adequate information for a statistical determination; all viable statistics that are provided are included in the crime numbers offered later in this report. UNK also receives reports from Campus Security Authorities which are employees who report information they learn about suspected or possible crimes. The data is compiled and reviewed to ensure that no duplication occurs, and incidents are appropriately categorized. UNKPD and the OC maintain all records concerning the completion of the ASR. The ASR is completed and posted by October 1st of each year. The [ASR](#) and other crime prevention, safety and reporting information for the applicable three-year statistics can be found on the [UNKPD](#) website.

UNKPD/OC is also responsible for uploading the applicable 3-year statistics regarding crime and fires, as found in the ASR, to the Department of Education’s website (ope.ed.gov/security/) click on “Get data for one school” and search for University of Nebraska at Kearney.

The University understands the importance of the information provided in its Annual Campus Security and Fire Safety Report and ensures that its existence and location is adequately publicized. A mass email is sent to all students and employees each September to notify them that the newest version of the Annual Campus Security and Fire Safety Report is available and the specific website address where the report is located. The University can also provide a paper copy upon request. Prospective students and those coming in throughout the year are notified of the report via a statement listed within the enrollment material on the admission’s website (all students must register through this one site); prospective employees are notified through a statement on the Human Resources application website (all job applicants must apply via the website).



The Clery Act

The “Clery Act” is named in memory of 19-year-old Lehigh University freshman Jeanne Ann Clery (pictured left), who was raped and murdered in her dorm room on April 5, 1986.

The Clery Act, officially known as the Jeanne Clery Campus Safety Act is a federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses.

The law is linked to an institution’s participation in federal student financial aid programs, and it applies to most higher education institutions, both public and private. The Clery Act is enforced by the United States Department of Education.

The Clery Act Requires Colleges and Universities to:

Publish an Annual Security Report (ASR) by October 1st of each year, documenting three calendar years of select campus crime statistics (crime types noted below), including security policies and procedures and information on the basic rights guaranteed to victims of sexual assault, domestic violence, dating violence, and stalking

- The law requires that schools make the report available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. Schools may comply with this requirement via the internet if required recipients are notified and provided exact information regarding the online location of the report.

Disclose and provide to the U.S. Department of Education crime statistics for incidents that occur on campus, in public areas immediately adjacent to or running through the campus, and at certain non-campus facilities, including Greek housing and remote classrooms

- The statistics must be gathered from campus police or security, local law enforcement and other school officials who have “significant responsibility for student and campus activities.” The Clery Act requires reporting of the following crimes:

Clery Act Crimes

- Criminal Homicide
 - Murder and Non-Negligent Manslaughter
 - Manslaughter by Negligence
- Sex Offenses
 - Rape
 - Fondling
 - Incest
 - Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Hazing (starting in 2025 ASR)
- Violence Against Women Act (VAWA) Offenses
 - Domestic Violence
 - Dating Violence
 - Stalking
- Hate Crimes – Must be reported by category of prejudice including race, gender, religion, national origin, sexual orientation, ethnicity and/or disability. In addition to the other crimes, if the crime committed is classified as a hate crime, statistics are required for the following four crime categories:
 - Larceny/Theft
 - Simple Assault
 - Intimidation
 - Destruction/Damage/Vandalism of Property
- Arrests/Referrals – Institutions are required to report statistics for the following categories of arrests, or referrals for campus disciplinary action if an arrest was not made:
 - Weapons Law Violations
 - Drug Law Violations
 - Liquor Law Violations

Issue timely warnings about Clery Act crimes that pose a serious or ongoing threat to students and employees

- Institutions must provide timely warnings in a manner likely to reach all members of the campus community. Timely warnings are limited to those crimes and incidents an institution must report and include in its ASR. There are differences between what constitutes a timely warning and an emergency notification; however, both systems are in place to safeguard students and campus employees.

Maintain a public crime log

- Institutions with a police or security department are required to maintain a public crime log documenting the “nature, date, time, and general location of each crime” and its disposition if it is known. Incidents must be entered into the log within two business days. The log must be accessible to the public during regular business hours, remain open for sixty (60) days, and, subsequently, made available within two business days upon request.

Devise an emergency response, notification, and testing policy

- Institutions are required to inform the campus community about a “significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.” An emergency response expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (i.e., a fire or infectious disease outbreak). Colleges and universities with and without on-campus residential facilities must have emergency response and evacuation procedures in place. Institutions are mandated to disclose a summary of these procedures in their ASR. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test.

Compile and report fire data to the federal government and publish an annual fire safety report

- Like the ASR and the current crime log, institutions with on-campus housing must report fires that occur in on-campus housing, generate both an annual fire report and maintain a fire log that is accessible to the public. If specifically identified as such, the fire report can be combined with the annual crime report, and the fire log can be combined with the crime log (UNK combines the reports and logs).

Enact policies and procedures to handle missing students’ reports

- This requirement is intended to minimize delays and confusion during the initial stages of a missing student investigation. Institutions must designate one or more positions or organizations to which reports of a student living in on-campus housing can be filed if it’s believed that they have been missing for 24 hours.



UNK Clery Act Geography

On Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On Campus Housing

Residential Facilities/Student Housing 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.

Non-Campus Property

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

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. This includes all public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from campus.

UNK Clery Act Crime, Arrest, and Referral Statistics for 2024, 2023, and 2022

Clery Crime Offenses	Year	On-Campus	On-Campus Housing	Non-Campus Property	Public Property
Murder/ Non-Negligent Manslaughter	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Rape	2024	7	5	0	0
	2023	2	2	0	0
	2022	3	1	0	0
Fondling	2024	0	0	0	0
	2023	2	2	0	0
	2022	1	1	0	0
Incest	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Statutory Rape	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Robbery	2024	0	0	0	0
	2023	0	0	0	0
	2022	1	0	0	0
Aggravated Assault	2024	2	0	0	0
	2023	2	1	0	0
	2022	0	0	0	0
Burglary	2024	5	3	0	0
	2022	2	1	0	0
	2022	3	3	0	0
Motor Vehicle Theft	2024	2	0	1	0
	2023	0	0	0	0
	2022	0	0	0	0
**Arson	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0

Violence Against Women's Act (VAWA) Crimes:	Year	On-Campus	On-Campus Housing	Non-Campus Property	Public Property
**Dating Violence	2024	0	0	0	0
	2023	0	0	0	0
	2022	1	1	0	0
**Domestic Violence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
**Stalking	2024	6	5	0	0
	2023	6	2	0	0
	2022	6	3	0	0
Arrests For:					
Weapons Law Violations	2024	1	0	0	0
	2023	0	0	0	0
	2022	1	0	0	0
Drug Related Violations	2024	0	0	5	0
	2023	3	3	0	0
	2022	10	3	0	6
Liquor Law Violations	2024	29	29	2	0
	2023	20	20	0	0
	2022	22	19	0	2
Disciplinary Referrals For:					
Weapons Law Violations	2024	0	0	0	0
	2023	0	0	0	0
	2022	1	1	0	0
Drug Related Violations	2024	1	1	0	0
	2023	0	0	0	0
	2022	5	1	0	0
Liquor Law Violations	2024	36	36	0	0
	2023	33	33	0	0
	2022	23	22	0	0

***Note: There is an increased number of Rape Statistics for 2024. UNK received (2) reports of rapes that had occurred in 2023. Per guidance, we were instructed to include them in our statistics for 2024 as that is the year in which they were reported.

***Note: These crimes are non-hierarchical, meaning they are reported separately, the crime may have occurred in conjunction with one of the above noted crimes.

***Note: Under 34 CFR 668.46(c)(5)(ii), UNKPD is required to report On-Campus Housing crime statistics also under On-Campus crime statistics (double reporting).

UNK Hate Crime and Unfounded Crime Statistics

UNK Reported Hate Crimes	
<u>On-Campus</u>	
2024- No hate crimes were reported	
2023 – One Intimidation based on national origin	
2022 -Two Intimidation based on sexual orientation	
<u>On-Campus Housing</u>	
2024- No hate crimes reported	
2023- One Intimidation based on national origin	
2022- No hate crimes were reported	
<u>Non-Campus Property</u>	
2024- No hate crimes were reported	
2023- No hate crimes were reported	
2022- No hate crimes were reported	
<u>Public Property</u>	
2024- No hate crimes were reported	
2023- No hate crimes were reported	
2022- No hate crimes were reported	

UNK Unfounded Crimes	
<u>On-Campus</u> 2024 – One unfounded motor vehicle theft 2023 – Three unfounded rapes 2022 – No unfounded crimes	<u>On-Campus Housing</u> 2024- No unfounded crimes 2023 – Two unfounded rapes 2022 – No unfounded crimes
<u>Non-Campus Property:</u> 2024 – No unfounded crimes 2023 – No unfounded crimes 2022 – No unfounded crimes	<u>Public Property:</u> 2024 – No unfounded crimes 2023 – No unfounded crimes 2022 – No unfounded crimes

UNK Fire Statistics in University Housing for 2024, 2023, and 2022

Building Name UNK Housing	Year	Number of fires Reported	Cause of fire	# of persons with fire-related injuries requiring medical treatment	# of fire- related deaths	Value of property damage
Antelope Hall 1013 W 26th Street	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---
Bess Furman Armstrong Hall 907 W 27th Street	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---
Centennial Towers East 1002 W 29th Street	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---
Centennial Towers West 1014 W 29th Street	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---
Mantor Hall 1203 W 26th Street	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---
Martin Hall 904 W 27th Street	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---
Men's Hall 1103 W 26th Street	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---
Nester Hall North 905 W 26th Street	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---
Nester Hall South 904 W 26th Street	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---
Randall Hall 1207 W 26th Street	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---
University Residence North (URN) 1601 University Drive	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---
University Residence South (URS) 1700 University Drive	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---
Village Flats 2201 University Drive	2024	0	---	---	---	---
	2023	0	---	---	---	---
	2022	0	---	---	---	---

***Note: University Residence North (URN) at 1601 University Drive and University Residence South (URS) at 1700 University Drive were not used as university housing facilities in 2024 and were demolished in July 2024.



University of Nebraska at Kearney Police Department, (UNKPD)

The University of Nebraska-Kearney Police Department, (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 improve and maintain their professional skills as law enforcement officers. 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. Officers of the UNKPD conduct foot, bicycle, and motorized patrol of campus.

**FOR EMERGENCIES AND
TO REPORT CRIMES**

Call or Text

911

UNKPD

308.865.8911

2501 19th Ave

Kearney, NE 68849

unkpd@unk.edu

To Report Online:

[Silent Witness Crime Reporting](#)

The UNKPD is the primary agency for reporting and investigating all crimes that occur on university property and will provide all necessary follow-up work to bring each incident to a final disposition. All instances of criminal or suspicious acts and emergencies occurring on the campus or any University facilities should immediately be reported to UNKPD, regardless of how seemingly insignificant the incident.

In all instances of criminal activity in UNKPD's jurisdiction, UNKPD officers work to determine the exact nature of the reported crime and the perpetrators(s) for the purposes of developing a viable case to be forwarded to Buffalo County Attorney's Office. UNKPD officers also prepare and submit the appropriate reports to be used by University of Nebraska authorities, state or federal prosecutors, and other law enforcement agencies as applicable.



Officers will respond as quickly as possible to any request for assistance. Upon receipt of a call, UNKPD officers will be dispatched. Response time is based on current activity load and the urgency of the call; crimes in progress, life safety situations, and medical emergencies have a higher priority than other types of calls. A UNKPD officer will meet with the reporting party to gather information and prepare an official report. If someone has questions or additional information about a case, they are encouraged to contact UNKPD at 308.865.8911.

The UNKPD maintains a close working relationship with local, state, and federal law enforcement agencies, which include the Kearney Police Department (KPD), the Buffalo County Sheriff's Department (BCSO), the Nebraska State Patrol (NSP), and the Federal Bureau of Investigation (FBI). Although there are no written memorandums of understanding between these agencies, all agencies actively assist each other as needed. All law enforcement agencies in Buffalo County work from the same dispatch system. UNKPD officers have direct radio communication with both the KPD and the BCSO as they are part of the Buffalo County 911 Emergency Center. All calls received are dispatched to the agency that has primary jurisdiction. Every month, the UNKPD provides its Uniform Crime Report to the Nebraska State Patrol as required for the inclusion of crime statistics published by the Federal Bureau of Investigation.

The 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 buildings and surrounding areas, maintain radio contact with the UNKPD, and can request officer assistance when necessary.

Please be aware that a UNKPD officer can take a report for documentation purposes only and not pursue an investigation at that time. If so desired, the information can be used to investigate at a later date.

Having the incident documented immediately will aid in any future investigation. Officers can also complete a safety plan upon request, whether the individual chooses to have the officer document and/or investigate the crime or not. Reports to UNKPD do not automatically mean an incident will be investigated and/or the perpetrator contacted.

DAILY CRIME AND FIRE LOG

UNKPD maintains a Daily Crime and Fire Log. The log provides information regarding any crime and/or fire that was reported to the department and: occurred on campus, in/on a non-campus building or property, or on public property within the established jurisdiction of UNKPD. This log includes the nature, date and time (for both when the incident occurred and when it was reported), general location of each incident, the disposition of the complaint (if known), and the estimated loss amounts. The log does not include individual names or specific locations, such as residence hall room numbers. The log is automatically updated as reports are entered into UNKPD's electronic records system. This log is available to the public during normal business hours at the UNK Police Department Office located at 2501 19th Avenue Kearney, NE. Any requests for crime log information older than the sixty (60) day period will be honored within two (2) business days.

SECURITY CAMERAS

UNKPD oversees video security systems used by the University for the purpose of safety, security, and facilities maintenance. Cameras are in many areas throughout campus including public areas of housing units and primary pedestrian areas. UNKPD can view all cameras whenever necessary. The video system security policy can be found at: <https://www.unk.edu/about/files/video-security-system-policy.pdf>



EMERGENCY MANAGEMENT

UNK is committed to the safety and well-being of students, faculty, staff, and visitors. As part of this commitment, the division of Emergency Management exists to coordinate planning, training, education, and preparation for possible emergency events. UNKPD is responsible for Emergency Management.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

UNKPD is responsible for emergency response and evacuation procedures for the campus. UNKPD has requested local law enforcement notify UNKPD of any event that warrants notice to UNK campus. UNKPD is responsible for the [Campus Evacuation Plan](#) which outlines the procedures and system testing.



UNK also has an [Emergency Operations Plan](#). This plan will be put into effect whenever an emergency causes major disruption to university business, threatens the lives of university students, faculty, staff and/or visitors, or has the potential to cause or causes major damage within the university. UNKPD is responsible for maintaining the [Emergency Procedures](#) for campus. Posters of the [Emergency Procedures Quick List](#) are distributed and placed throughout campus on public bulletin boards.

UNK ALERT

UNK understands the importance of being able to immediately notify students and staff of any confirmed emergency that may arise on campus. UNKPD is responsible for determining when a situation warrants an emergency notification or timely warning, initiating the campus emergency notification system, and providing any follow-up information as necessary. In the event of any threatening situation, UNKPD will, without delay and taking into account the safety of the campus community, immediately determine the content of and issue alert notifications to the campus community, unless it has been determined that issuing such an alert will, in the professional judgment of UNKPD's responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Any notifications are distributed through the UNK Alert system, which is UNK's emergency notification system.



UNKPD is responsible for maintaining the UNK Alert system. UNK Alert is comprised of a variety of methods by which UNK will notify students, faculty and staff in the event of an active or imminent emergency including:

- Text messages (SMS)
- Phone calls
- Email
- University social media sites (Facebook, Twitter)
- University website

The content of the alert will be developed based on the situation, type of incident, and the amount of information known at the time. Examples of potential emergency situations include, but are not limited to:

- Serious criminal incidents
- Fires
- Chemical spills/hazards
- Extreme weather conditions
- Serious health outbreaks

UNK Alert is tested at least once during the semester unless it has already been activated for a real event prior to its scheduled test. The test messages will be clearly identified so that contacts will understand the message being received only to test the system.

EMERGENCY NOTIFICATIONS

UNKPD is responsible for determining when a situation warrants an emergency notification. UNKPD will issue emergency notifications to campus for any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health and safety of students or employees. UNKPD has requested local law enforcement notify UNKPD of any event that warrants notice to UNK campus. UNKPD is responsible for the [Emergency Notification Policy](#) which outlines the procedures and system testing.

Emergency Notification Policy

Scope –

Emergency Notifications are issued by the 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 different immediately (such as evacuating a building) and to anticipate a potential future incident.

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.

This notification is intended to allow community members to take steps to aid in their own safety. The university will, without delay, consider the safety of the community, determine the content of the notification and initiate the notification system (UNK Alert), 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.

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.

Procedures –

A. How to Report –

- 1) UNKPD can be notified by calling 911 or 308-865-8911.

B. When to send an Emergency Notification –

- 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 an Emergency Notification will be issued. He or she can do this in consultation with other University and city/county 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 of continuing 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:
 - i. Communications and Marketing.
 - ii. Emergency Planning and Management.
- 3) There are currently templates within the UNK Alert 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 to confirm the facts of the incident.

G. Distribution –

- 1) The Emergency Notification 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) UNK Alert Communication devices can be cell phones (text and voice), landline phones, and e-mail addresses. Telephone numbers and e-mail addresses for UNK Alert 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 UNK Alert 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, X 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 assistance, as needed, from the Incident Commander, responding agencies and collaborating

agencies. Any follow-up message will use some or all the distribution systems available to the University.

- 5) If this policy is utilized, the Timely Warning policy is not relevant. Federal law specifies that “an institution that follows its Emergency Notification procedure is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

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 –

- 1) The UNK Alert system is tested a minimum once a year by UNKPD.
- 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.



TIMELY WARNINGS

UNKPD is responsible for determining when a situation warrants a timely warning. UNKPD will issue timely warnings on any issues that may pose an ongoing risk to the safety of our campus community members. UNKPD has requested local law enforcement notify UNKPD of any event that warrants notice to UNK campus. UNKPD is responsible for the [Timely Warning Policy](#) which outlines the procedures and system testing.

Timely Warning Policy

Scope –

Timely Warnings are issued by 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 timely 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.

Policy Statement –

The University of Nebraska 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 members of the campus community.

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.

Procedures –

C. How to Report –

- 1) UNKPD can be notified by calling 308-865-8911.

D. 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 UNK Alert 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) UNK Alert. Communication devices can be cell phones (text and voice), landline phones, and e-mail addresses. Telephone numbers and e-mail addresses for UNK Alert 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 UNK Alert 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, X) 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 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 UNK Alert system is tested a minimum once a year by UNKPD.
- 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.



REPORTING CRIMES ON CAMPUS

UNK encourages everyone to report any troubling, threatening or suspicious behavior as well as any possible crime information immediately to UNKPD at 308.865-8911.

Report any of the following to UNKPD:

- Anything that raises suspicion or concern
- Sighting or suspicion of firearms or other dangerous weapons
- Sighting or suspicion of drug or alcohol use on campus
- Harassing, following, or stalking behavior
- Any type of contact that makes negative or hostile reference to a faculty, staff or students
- Open displays of agitation and disruptive behavior toward faculty, staff, or students, or within campus facilities, regardless of whether a threat is made
- Individuals who are engaging in problematic or unusual behavior



It is important for the safety of the community that any crime is reported immediately so that appropriate measures can be taken. The University understands that people may be concerned about their name becoming public and will protect the privacy of the parties involved and the confidentiality of that information, to the extent allowed by law.



Campus Security Authorities (CSA)

Crimes may also be reported to individuals within the University, defined as Campus Security Authorities (CSAs). CSAs have federally mandated responsibilities to report crimes that they witness or are reported to them. UNK encourages all employees to report any information regarding possible crimes to UNKPD.

Four general categories of CSAs:

- Campus Police Department -UNKPD
- Persons responsible for campus security (non-police)
- Institutional individuals/offices to which crimes may be reported
- Officials with significant responsibility for student and campus activities
 - Some examples include, but are not limited to:
 - Team Coaches (head coaches down to graduate assistants/volunteer coaches)
 - Advisors (both academic and student organization)
 - Residence Life staff including resident assistants
 - Title IX Coordinators/Investigators
 - Deans/Directors of student-related programs
 - Student peer education advisors

Employees who are *not* considered CSAs:

- *Professional Counselors* providing mental health counseling and functioning at the time of the report within the scope of their counselor's license or certification
- *Pastor Counselor/Clergy/Ministers* associated with a religious order or denomination and functioning at the time of the report within their scope as a pastoral counselor
- There is nothing that prohibits professional counselors or clergy from letting clients know their options to report crimes

To Report a Crimes Online:

[Silent Witness Crime Reporting](#) This electronic form can be used by anyone to report a crime to UNKPD. You may submit a report anonymously. Please note reporting anonymously may limit the university's ability to investigate and take appropriate action.

[CSA Reporting Form](#) This electronic form is used by UNK CSA's to report a specific crime incident or to complete annual verification. All CSA's are required to submit an annual verification.

The University urges all students and employees to immediately report any crimes or suspicious activities so that the appropriate steps may be taken to ensure everyone's safety. Accurate and prompt reporting of incidents helps make the campus a safer place for everyone along with helping UNKPD maintain accurate records for crimes on campus.

CRIME PREVENTION AND SAFETY PROGRAMS

UNK has several events, activities, and programs offered throughout the year that are available to both students and employees regarding education on crime prevention and safety. There are multiple departments that host or present educational information to campus including but not limited to: UNKPD, Office of Compliance, Residence Life, Fraternity and Sorority Life (FSL), Student Engagement, Student Health and Counseling, and the Health Promotion Office. If you would like additional information or training on crime prevention, please contact UNKPD at 308.865.8911.

WALKING ON CAMPUS

UNKPD offers [SAFE WALK](#) for any student, employee or visitor who feels uncomfortable walking on or within two blocks of UNK campus. To request a Safe Walk, contact UNKPD at 308.865.8911.

General Safety Walking Tips

- Think ahead and plan your journey
- Avoid unpopulated areas and try to avoid shortcuts like alleyways
- Stay alert and be aware of your surroundings
- Walk in well-lit and well-traveled areas
- Carry your mobile phone with you
- Let someone know where you are going, the route you intend to take and when you expect to return
- Avoid wearing headphones/earbuds as it may restrict your ability to hear potential dangers around you
- Pay attention to other people and vehicles
- If you believe you are being followed, call 911 immediately
- Report all emergencies and suspicious activities immediately to 911



SAFETY IN BUILDINGS

- Be aware of your surroundings and stay alert
- Know where the two nearest exits are in the building
- If you become aware of a dangerous situation (fire, violence):
 - Move to the nearest exit that takes you away from danger
 - Try to stay calm, don't panic
 - Don't forget about other exits such as fire exits, delivery areas or employee only exits to escape danger
 - If you can't get out of the building, get to a safe area
 - Call 911 immediately

THEFT SECURITY

- Be aware of your surroundings and secure your belongings
- Keep valuables hidden or out of sight
- Trust your instincts: If a situation or person makes you uncomfortable, leave the area
- Lock your room or office when stepping away, even briefly
- Call UNKPD immediately at 308.895.8911
- If your wallet or credit cards are stolen:
 - Cancel your credit cards immediately
 - Notify your banking institution

AUTOMOBILE SECURITY

- Make sure your doors are locked, close your windows or sunroof when leaving your car unattended
- Park in a well-lit area if possible
- Keep your keys in a secure place in your room or office
- Never leave your keys in your car
- Never leave cash, credit cards, mobile phones, important documents or other valuables in your vehicle (if you have no choice, make sure they are hidden well out of sight)
- Never store weapons in your vehicle, call UNKPD for assistance at 308.865-8911

BICYCLE SECURITY

- [Register your bike online](#) with UNKPD
- Always secure your bike in a well-lit public bike rack
- Never secure your bike to an access rail or park it on a ramp
 - Access rails and ramps are provided to help people with disabilities enter buildings
 - If you secure your bike on an access rail or park it on a ramp, your bike may be impounded by UNKPD
- Report suspicious activity and/or persons loitering around the bike racks to UNKPD at 308.865.8911
- Use a high-quality lock such as a “U type” lock
- If your bike has quick release wheels, release the front wheel and include it with the rear wheel and frame when locking your bike to the rack
- Bikes without quick release wheels should be secured by putting the lock through both a tire and the frame when locking your bike to the rack
- When using a cable or chain lock:
 - Use a cable or chain at least 3/8” in diam
 - Use a key with a 3/8” hardened shackle with heel and toe locking
 - Pull up all slack in the cable or chain and make sure the lock is as high off the ground as possible

CAMPUS AND COMMUNITY RESOURCES

UNK Campus Resources

Resource	Contact Information
UNK Police Department	308.865.8911
Conducts investigations and offers resources such as safe walk program.	
Title IX Office	308.865.8655
Investigates sexual misconduct and addresses its impact on campus.	
Residence Life	308.865.8519
Addresses housing concerns. Housing Staff are available after hours.	
Student Affairs Office	308.865.8528
Delivers support and resources to help students.	
Office of Financial Aid	308.865.8520
Helps all students learn and access options for financial aid.	
International Student Services	308.865.8953
Serves international students and assists with visa/immigration questions.	
Disability Services for Students (DSS)	308.865.8214
Offers support and services to students with disabilities.	
Office of Intercultural Engagement & Leadership	308.865.8751
Provides support/resources for culturally and ethnically diverse students as well as members of the LGBTQIA community.	
Athletics	308.865.8863
Assists student athletes with information on options/supports/resources.	
Fraternity & Sorority Life	308.865.8057
Supports students involved in the Greek community.	

Confidential UNK Campus Resources*

**These offices are NOT mandatory reporters at UNK unless a minor (someone under the age of 19) is involved*

Resource	Contact Information
Student Health	308.865.8218
On campus medical clinic offering medical care, support and resources.	
Counseling (24/hr Crisis Line)	308.865.8248
A mental health clinic offering counseling and support.	
S.A.F.E. Center (24/hr Crisis Line)	308.237.2599
Provides free options and services including advocacy and counseling.	

Off Campus Resources

Resource	Contact Information
Kearney Police Department	308.237.2104
Responds and investigates reports; connects individuals to resources.	
Family Advocacy Network (FAN)	308.865.7492
Conducts investigative interviews and medical exams for law enforcement.	
Victim / Witness Assistance	308.233.5263
Assists individuals through the sometimes complex criminal justice system.	
Legal Aid of Nebraska	877.250.2016
Non-Profit law firm in Nebraska offering advice, brief services and referrals.	
Office of Civil Rights (OCR)	OCR.KansasCity@ed.gov
OCR is under the U.S. Department of Education and ensures Title IX compliance.	

Online Reporting Options

Note: Reporting anonymously may limit the university's ability to conduct a full investigation and take action.

Resource

UNK Sexual Misconduct Incident Reporting Form

To report dating/domestic violence, sexual assault, sexual harassment or stalking to the Title IX office. unk.edu/titleixreport

Anonymous Crime Reporting, Silent Witness

To report a crime to the UNK Police: [Silent Witness Crime Reporting Form](#)

University of Nebraska Reporting Fraud/Misconduct, Ethics Point

To report fraud, abuse or other misconduct at UNK. unk.edu/ethicspoint

Statewide Nebraska Resources

[Nebraska Department of Health and Human Services](#)

[Nebraska Network of Domestic Violence and Sexual Assault Programs](#)

[Nebraska Domestic Violence Sexual Assault Coalition](#)

Nationwide Resources

[RAINN](#)

[National Center for Victims of Crime](#)

[National Teen Dating Abuse Helpline](#)



CARE TEAM

UNK's CARE Team is a group of professionals from across campus that receive referrals on students of concern, collect additional information, identify and enact appropriate strategies for addressing the concerns. The CARE Team is comprised of a multidisciplinary group of university personnel representing a variety of campus departments. Those selected have experience in law enforcement, threat assessment, medical and mental health, university operations and student affairs. Depending on the circumstances of the CARE referral, other members of the campus community may be asked to consult with the CARE Team.

Distress Warning Signs

- Quality of their work is deteriorating, missing assignments, attendance or appointments
- Writing on themes of hopelessness, social isolations, rage, or despair, or making threats
- They are disruptive or monopolizing classroom time, their patterns of interaction change
- Showing any hostile, aggressive or violent behavior
- Demonstrating anxiety, panic, irritability or aggressive behavior
- Shows apathy, lack of energy, a change in sleeping or eating habits, or dramatic weight gain or loss; marked changes in hygiene, work habits, or social behavior
- Making statements about suicide or having suicidal thoughts or attempting to self-harm
- Voicing bizarre ideas, expressing beliefs or actions at odds with reality
- Appearing to lose touch with reality (seeing or hearing things that aren't there)
- Using alcohol or other drugs excessively
- Unable to communicate (slurred speech, disjointed thoughts)
- Others have expressed concerns

How to Make a Referral

If there may be imminent danger or harm, call UNKPD at 911 or 308-865-8911

For other questions or concerns, contact Student Health and Counseling at 308-865-8248

Anyone can make a CARE Team referral by completing the [care referral form](#)

When reporting on a student of concern, please provide as much detail as possible. This can include, but is not limited to:

- Student, faculty or staff member's name and ID number (if known)
- Factual description of the incident or behavior
- Direct quotes whenever possible
- Where and when the incident or behavior occurred
- Names and contact information of witnesses
- Your name, position and complete contact information
- Include all emails or other information you have
- Always upload voice recordings, text messages and emails to report

OFFICE OF COMPLIANCE



2nd Floor of Warner Hall, Suite 2134

308-865-8655, oc@unk.edu

The Office of Compliance (OC) helps UNK campus adhere to a complex variety of federal, state, and local laws; regulations and court rulings; institutional policies and procedures. Members of the OC exhibit collegiality, professionalism, civility, and actions consistent with established standards of ethical conduct. The OC's objective is to provide an environment where everyone is given an opportunity to be heard and is treated with respect, fairness, and impartiality. In addition, the OC strives to build and maintain meaningful relationships with campus departments and community agencies to support campus safety. The OC participates or hosts various training for members of the campus community. The OC oversees matters related to:

- ADA
- FMLA
- The Clery Act
- Conflicts of Interest
- Sexual Misconduct/Title IX
- Title VI/Discrimination/Harassment
- University Compliance

Fear of retaliation should never be an obstacle to reporting an incident of crime, discrimination, harassment or sexual misconduct. Any individual who believes they have been subjected to misconduct is encouraged to report and has the right to seek support and utilize available resources without fear of retaliation. Retaliation for reporting concerns or violations of policy is prohibited by the University. In addition, the University prohibits retaliatory conduct taken against any person who has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Retaliation is a separate violation of university policy, and if retaliation is determined to have taken place, the appropriate steps will be taken. If you believe you have been subjected to retaliation for filing a complaint, please contact the OC.

TITLE IX

The University of Nebraska–Kearney has established policies and procedures to investigate complaints of sexual misconduct and address identified concerns. UNK has designated a Title IX Coordinator to ensure the institution’s compliance with Title IX.

Title IX of the Education Amendments Act of 1972 is a federal law that states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Title IX prohibits discrimination based on sex in education programs and activities in federally funded schools. Title IX protects all students, employees, and other persons from all forms of sex discrimination.

Any person may report sex discrimination (whether the person reporting is the person alleged to have experienced the conduct). A report may be made at any time (including during non-business hours). Title IX contact information is:

Email: oec@unk.edu

Phone: 308-865-8655

Address: Warner Hall Room 2134 Kearney, NE 68849

Online Reporting Options:

UNK’s Ethic’s Point:

<https://secure.ethicspoint.com/domain/media/en/gui/52126/index.html>

UNK’s Sexual Misconduct Reporting Form:

https://cm.maxient.com/reportingform.php?UnivofNebraskaSystem&layout_id=12

Questions regarding Title IX, including its application and/or concerns about noncompliance, should be directed to the Title IX Coordinator. Individuals who believe they have experienced sex discrimination, harassment, and/or retaliation in violation of university’s policies should contact the Title IX Coordinator.



Alex Straatmann, Title IX Coordinator

Warner Hall Room 2134 Kearney, NE 68849

308-865-8400

straatmanna2@unk.edu

OVERVIEW OF THE UNIVERSITY OF NEBRASKA

SEXUAL MISCONDUCT POLICY AND PROCEDURES

The University of Nebraska–Kearney desires to provide safe and secure learning, living and working environments for all students and staff. The University understands the impact of sexual misconduct and the lasting effects. The University strictly prohibits any form of sexual misconduct: dating violence, domestic violence, sexual assault, sexual harassment and/or stalking. All received complaints of these incidents will be thoroughly investigated and those found responsible dealt with as necessary, whether criminally charged, handled through the University’s adjudication process, or both. The University of Nebraska Sexual Misconduct Policy is outlined below:

Board of Regents Policy 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:
 1. 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;
 2. 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
 3. “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.

The full policy can be found at:

- UNIVERSITY OF NEBRASKA SEXUAL MISCONDUCT POLICY
<https://www.unk.edu/about/compliance/files/university-of-nebraska-sexual-misconduct-policy.pdf>

PROCEDURES FOR SEXUAL MISCONDUCT REPORTS:

These Procedures supplement the University of Nebraska Board of Regents Sexual Misconduct Policy and describe the grievance procedures related to reports of sexual misconduct against students and employees. They are reviewed every two (2) years. The full procedures can be found at:

- EXECUTIVE MEMORANDUM 38, STUDENT SEXUAL MISCONDUCT PROCEDURES
<https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/executive-memorandum/procedures-for-sexual-misconduct-reports-against-students.pdf>
- EXECUTIVE MEMORANDUM 39, EMPLOYEE SEXUAL MISCONDUCT PROCEDURES
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UNIVERSITY RESPONSE TO SEXUAL MISCONDUCT REPORTS

The University shall take the appropriate measures to immediately address sexual misconduct whenever it is reported. In doing so, it shall provide equal consideration to both the Complainant and Respondent during any disciplinary proceeding and make decisions determined upon the facts presented during the investigation. All proceedings will be transparent to both the Complainant and the Respondent, and shall include a prompt, fair, and impartial process from the initial investigation to the final result. Informal Resolution may be determined appropriate by the institution and the parties. This can occur any time after a formal complaint has been filed. Informal resolutions are not available when the Complainant is a student, and the Respondent is an employee. The parties are afforded an equal right to appeal the outcome of a disciplinary hearing.

SUPPORTIVE MEASURES:

The University will provide supportive measures to the parties, with or without the filing of a formal complaint. Supportive measures are nonpunitive, individualized services that are offered as appropriate and reasonably available without fee or charge. 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. Examples of supportive measures include, but are not limited to:

- Counseling
- Extensions of deadlines
- Course-related adjustments
- Mutual restrictions on contact, No Contact
- Modifications of work or class schedules
- Leaves of absence
- Increased security and monitoring of areas on campus
- Campus escort services
- Changes in work or housing locations



CASE RESOLUTION TIMELINES:

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

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

UNIVERSITY PROHIBITED SEXUAL MISCONDUCT 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.

- "Dating violence" means violence committed by a person:
 - who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - where the existence of such a relationship shall be determined based on a consideration of the following factors
 - The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship
- "Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse or the victim under the

domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

- Domestic violence includes domestic assault. Under Nebraska law, a person commits domestic assault if the person (i) intentionally and knowingly causes bodily injury to their intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner.
 - Under Nebraska law an "intimate partner" means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship.
- "Retaliation" means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.
- "Sexual assault" means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim's age or because of the victim's temporary or permanent mental incapacity.
 - Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape: sexual intercourse with a person who is under the statutory age of consent.
- "Sexual exploitation" includes, but is not limited to: prostituting another person; non-consensual visual or audio recording of sexual activity; non-consensual display or distribution of photos, images or information of an individual's sexual activity or intimate body parts; non-consensual voyeurism; coercing someone against their will to engage in sexual activity, or; knowingly transmitting sexually transmitted disease (STD) without disclosing STD status.
- "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:
 - An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
 - Sexual assault (see definition herein);
 - Dating violence (see definition herein);
 - Domestic violence (see definition herein); or
 - Stalking (see definition herein)
 - To be considered sexual harassment for the purposes of Title IX, the conduct must meet the additional requirements of occurring in the University's education program or activity and against a person in the United States.
 - For employees, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual's employment and create an abusive working environment.
- "Sexual misconduct" includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.
 - "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - fear for their safety or the safety of others; or
 - suffer substantial emotional distress

RELATED SEXUAL MISCONDUCT DEFINITIONS:

- "Advisor" means any individual who provides the Complainant or Respondent support, guidance, or advice and may accompany the Complainant or Respondent to any meeting or grievance proceeding, such as a meeting in the investigation or the Hearing. The Complainant and the Respondent may choose their advisor, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of the advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceeding. If a Complainant or the Respondent does not have an advisor present at a live hearing, the University will provide without fee or charge to that party, and advisor of the University's choice who may be, but is not required to be an attorney, to conduct cross-examination on behalf of that party. Other than to conduct cross-examination, the parties' respective advisors may not speak on behalf of the parties during the hearing and may not directly participate in any aspect of the hearing. The Complainant or the Respondent, however, may consult with their respective advisors during a meeting or the hearing. The Hearing Board Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.

- “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”.
- “Consent” is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.
 - Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.
 - Consent cannot be coerced or compelled by force, threat, deception, or intimidation.
 - Consent cannot be given by someone who is incapacitated or does not have the legal capacity to consent, as defined below in the definition of “incapacitated”.
 - Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.
 - There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.
- “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 knows 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.
- “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”.

For additional definitions and individual roles involved in the process, refer to the [University of Nebraska Sexual Misconduct Procedures](#):

- EXECUTIVE MEMORANDUM 38, STUDENT SEXUAL MISCONDUCT PROCEDURES
<https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/executive-memorandum/procedures-for-sexual-misconduct-reports-against-students.pdf>
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JURISDICTION FOR STUDENTS:

The following provides information on the locations where and the circumstances when the procedures will apply for alleged sexual misconduct.

- **Education Program and Activities**—Education program or activity includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- **On-Campus**—On-campus includes all University premises, including all University of Nebraska locations; physical campuses, including all adjacent streets and sidewalks, and any University affiliated programs; events or activities, including those located in other states or countries; and the use of any University electronic systems.
- **Off-Campus**—Off-campus means any location that is not on-campus. These Procedures apply to conduct that occurs off-campus in the following situations:
 - The Student Code of Conduct states that it applies to conduct that occurs off-campus.
 - The conduct occurs in or on the grounds of a University-approved housing unit.
 - The conduct occurs at events or during travel authorized, funded, or sponsored by the University.
 - The conduct occurs at events or during travel funded or sponsored by a student organization.
 - The conduct poses a risk to the health and safety of individuals and application of the Student Code of Conduct is reasonably necessary to educate the student about the risks of the conduct or to help the student avoid engaging in the conduct in the future.
 - The conduct poses a serious risk to the health or safety of individuals and is of the type that the student could easily engage in on-campus.
 - The conduct was intentional and caused, or attempted to cause, physical injury to a University employee or another student.
 - The conduct could, or was intended to, cause harm on-campus.

ACTIONS TAKEN BY TITLE IX COORDINATOR:

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

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

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

- The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- How and to whom the alleged offense should be reported;
- Options about the involvement of law enforcement and campus authorities, including notification of the Complainant's option to:
 - Notify proper law enforcement authorities, including on-campus and local police;
 - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - Decline to notify such authorities.
- Information about orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the University;
- Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for Complainants, both within the University and in the community.
- Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

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

ANONYMITY AND CONFIDENTIALITY:

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

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

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

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

REPORTING TIMEFRAME:

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

AMNESTY:

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

EMERGENCY REMOVAL:

The University may remove a student Respondent from the University's education program or activity on an emergency basis, provided that the University:



- Undertakes an individualized safety and risk analysis;
- Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal; and
- Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The emergency removal process may be initiated by the Title IX Coordinator, and may be undertaken in addition to implementing supportive measures designed to restore or preserve a Complainant's equal access to education. Emergency removal does not preclude a Respondent from receiving supportive measures as appropriate. The University has discretion to determine the appropriate scope and conditions of removal of the Respondent from the University's education program or activity. During an emergency removal, a Respondent may be denied access to any University premises, including classes, residence hall access, sporting events, and/or all other University programs, activities or privileges for which the Respondent might otherwise be eligible, as the Vice Chancellor responsible for student conduct or other designated University Official may determine to be appropriate to address an immediate threat to the

physical health or safety of any student or other individual arising from the allegations of sexual misconduct.

The Vice Chancellor responsible for student conduct or other designated University Official must provide the Respondent with a Notice of Emergency Removal. The Notice must be sent to the Respondent's e-mail address of record and must:

- State the factual basis for the Respondent's emergency removal and explain why the Respondent's conduct or presence on campus presents an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct that emergency removal is necessary; merely reciting the language of the Code is insufficient;
- State that the Respondent may challenge the decision immediately, in writing, following the removal;
- State that the Respondent has a right to a meeting, in person or remotely, with the Vice Chancellor responsible for student conduct or other designated University Official within three (3) University Days after the emergency removal becomes effective to present information to show that the requirements for an emergency removal have not been satisfied and that the emergency removal should therefore be lifted;
- State the time, date, and place of the meeting with the Vice Chancellor responsible for student conduct or other designated University Official and state that the student may be accompanied by an advisor of their choosing, including an attorney, but that the student is responsible for any fees that the advisor may charge; and
- State that after the expiration of the three (3)-day period, a student may seek to have the emergency removal lifted by making a Request for Reinstatement. After the expiration of the three (3)-day period, a student who has been removed on an emergency basis may seek reinstatement by making a Request for Reinstatement ("the Request") on the ground that:
- The requirements for an emergency removal were not met when the student was removed on an emergency basis and are not currently met or
- Circumstances have changed such that the requirements for an emergency removal are no longer met.

The Request must be in writing, state the reasons for request, and include the evidence that supports the Request. The Request must be sent to the Vice Chancellor responsible for student conduct or other designated University Official by e-mail or certified mail or may be hand-delivered to the Vice Chancellor's office or the designated University Official's Office.

The Vice Chancellor responsible for student conduct or other designated University Official must make a decision on the Request as soon as reasonably practicable. Before making a decision, the Vice Chancellor responsible for student conduct or their design- ee has the discretion to seek additional information, to ask the Title IX Coordinator (in the event the Title IX Coordinator is not the designated University Official), an Investigator, or Conduct Officer to review and comment on the Request, or to schedule a meeting with the Respondent and their advisor.

The fact that a student was removed on an emergency basis should not be taken into account by the Hearing Officer or Hearing Board in determining whether the student violated the Code, including the Sexual Misconduct Policy.

If a Respondent who is removed on an emergency basis is ultimately found “not in violation” of the Student Code of Conduct, the Respondent may be allowed, at the reasonable discretion of the appropriate faculty member or instructor, to make up academic work missed while on emergency removal.

GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

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

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

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

FILING A FORMAL COMPLAINT:

A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and requesting that the University investigate the allegation of sexual misconduct. A “document filed by a Complainant” means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature or otherwise indicates that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, for the purposes of Title IX, a Complainant must be participating in or attempting to participate in the education program or activity of the University. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator above.

CONSOLIDATION OF COMPLAINTS:

The University may consolidate Formal Complaints as to allegations of sexual misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one

Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

NOTICE OF ALLEGATIONS:

Upon receipt of a Formal Complaint, the Title IX Coordinator or their designee will provide a written notice to the parties who are known. The Notice of Allegations will include the following information:

- Notice of the University’s Sexual Misconduct Policy and Procedures, and an explanation of the grievance process and Informal Resolution process.
- Notice of the allegations of the conduct potentially constituting sexual misconduct, including:
 - The identities of the parties involved in the incident, if known;
 - The conduct allegedly constituting sexual misconduct;
 - The date and location of the alleged incident, if known;
 - A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - Information that the parties may have up to two advisors of their choice, who may be, but are not required to be, attorneys, and may inspect and review evidence;
 - Information related to any provision in the University’s Student Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
 - Information related to the availability of supportive measures;
 - Information related to the availability of reasonable accommodations;
 - Prohibition of retaliation; and
 - Notice of other potential Student Code of Conduct violations.

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

PRELIMINARY REVIEW OF FORMAL COMPLAINT AND SITUATION WHEN A FORMAL COMPLAINT MUST OR MAY BE DISMISSED:

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

- The conduct would not constitute sexual harassment as defined by the Sexual Misconduct Policy and Procedures, even if proved;
- The conduct did not occur in the University’s education program or activity; or



- The conduct did not occur against a person in the United States.

A dismissal of an allegation of sexual harassment under Title IX does not preclude action under another provision of the University's Student Code of Conduct or Sexual Misconduct Policy.

A Complainant not participating in or attempting to participate in the education program or activity of the University at the time of the Formal Complaint does not preclude the Title IX Coordinator from signing the Formal Complaint or proceeding under another provision of the University's Student Code of Conduct or Sexual Misconduct Policy.

In the event the Title IX Coordinator or their designee determines another provision of the Student Code of Conduct and/or Sexual Misconduct Policy may apply to the alleged sexual misconduct and it is appropriate to proceed, the Formal Complaint will be investigated, adjudicated, and resolved in accordance with the process set forth in these Procedures.

The University may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon dismissal of any or all of the allegations in the Formal Complaint, the Title IX Coordinator must provide a Notice of the Dismissal to the parties within (7) days of the Title IX Coordinator's decision to dismiss any or all of the allegations. The Notice of Dismissal must be provided to the parties simultaneously and must:

- Explain the reason(s) for dismissal;
- Explain information regarding the appeal rights of the parties; and
- Notify the parties of the ongoing investigation in circumstances where the alleged sexual misconduct may otherwise be subject to a different provision of the Student Code of Conduct and/or Sexual Misconduct Policy and the grievance process will continue.

Notice of dismissal must be provided even if the grievance process will continue because the Title IX Coordinator determines the alleged sexual harassment may otherwise be subject to a different provision in the Student Code of Conduct and/or Sexual Misconduct Policy and the investigation and grievance process will continue. Under these circumstances, the notice of dismissal must notify the parties of the ongoing investigation. For example, if the alleged sexual misconduct occurred during a University sponsored event outside of the United States, the Title IX Coordinator must dismiss the Formal Complaint for the purposes of the Title IX sexual harassment complaint. The Title IX Coordinator must send notice to the parties. However, the Title IX Coordinator may determine the alleged sexual misconduct falls under the off-campus jurisdiction of the Student Code of Conduct and may continue the investigation and grievance process.

APPEALS OF THE DISMISSAL OF A FORMAL COMPLAINT:

The Complainant and the Respondent may appeal the dismissal of allegations of sexual harassment under Title IX contained in a Formal Complaint. The Title IX Coordinator or their designee's dismissal of any

non-Title IX allegations of sexual misconduct in a Formal Complaint or determination not to apply other provisions in the Student Code of Conduct and or Sexual Misconduct Policy are final and not subject to appeal. This appeal process provides both the Complainant and Respondent a reasonable, equal opportunity to submit a written statement in support of, or challenging, the dismissal. The Appeals Officer will not be the same person as the decision-maker(s) who reached the determination regarding dismissal, the Investigator(s), or the Title IX Coordinator. The Appeals Officer will not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent and comply with the training requirements set forth in the Sexual Misconduct Policy.

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

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

The appeal must be in writing and specify the reason(s) for the appeal, and be delivered to the Appeals Officer appointed by the Chancellor or their designee within seven (7) University Days of the delivery of the Notice of Dismissal. If either party submits an appeal, the other party and the Title IX Coordinator will be provided with a copy of the appeal and both will be given seven (7) University Days to submit their respective written responses.

The Appeals Officer may request additional information from the Title IX Coordinator or the parties at the Appeals Officer's discretion. The Appeals Officer will review all of the information and determine whether to grant or deny the appeal. The written decision will describe the result of the appeal and the rationale for the result. If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration. If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, the Appeals Officer may 1) affirm, in whole or in part, the decision on Dismissal, 2) overturn, in whole or in part, the decision on Dismissal, 3) or refer the Formal Complaint back to the Title IX Coordinator for further consideration or proceeding. A final outcome on an appeal is not subject to further appeal. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances. The written determination will be provided simultaneously to the Complainant, the Respondent, and the Title IX Coordinator. Any non-Title IX alleged violations may continue to be investigated during the Appeal Process.

INVESTIGATION:

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

Prior to meeting with the Complainant or the Respondent, the Investigator will provide, written notice to the person being interviewed of the date, time, location, participants, and purpose all investigative

interviews or other meetings, with sufficient time for the party to prepare to participate. In general, sufficient time will be at least five (5) University Days, however, a party may agree to meet sooner.

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

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

The Investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a grievance process under this section.

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

- Information protected by a legally recognized privilege unless the person holding such privilege has waived the privilege;
- Evidence about a party's prior sexual history unless an exception applies; and
- Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.

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

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

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

The parties will have an equal opportunity to review the Investigative Report; if a party disagrees with an Investigator's determination about relevance, the party can make that argument in the party's written response to the Investigative Report and to the Hearing Board at any hearing held; either way the Hearing Board is obligated to objectively evaluate all relevant evidence and the parties have the opportunity to argue about what is relevant (and about the persuasiveness of relevant evidence). The Investigator may redact from the Investigative Report information that is not relevant, which is contained in documents or evidence that is relevant. The Investigator may include facts and interview statements in the Investigative Report.

FORMAL HEARINGS IN CASES OF ALLEGED SEXUAL MISCONDUCT:

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

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

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

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

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

The Respondent and the Complainant shall have the right to attend a prehearing Conference. The purpose of the prehearing 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 prehearing Conference. During or prior to the prehearing Conference, the parties shall be informed of the names of the Hearing Board members.

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

During the Prehearing conference, the parties will be instructed about the use of past sexual behavior of the Complainant. In most situations, questions and evidence of the past sexual history of either the Respondent or the Complainant are not relevant and will not be admitted at the hearing except in very limited situations, which are:

- Such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or
- If the questions and evidence concern specific incidents or the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

At the request of either party, the University will provide for any live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. In addition, the University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

The Hearing Board is a subset of the University Conduct Board. It will be composed of an odd number of three or more members, including one (1) student member. One of the members shall serve as Chair. All members possess voting privileges. Any real or perceived conflict of interest or bias between a member of the Hearing Board and the Respondent or the Complainant must be brought to the attention of the Hearing Facilitator or Chair of the Hearing Board no less than two (2) University Days in advance of the hearing.

The Respondent and the Complainant have the right to be present for the hearing. If the Respondent is a student organization, then one of its officers has the right to be present for the hearing. The hearing is closed to the public. The Respondent may not be found to be responsible for sexual misconduct solely because the Respondent is not present at the Hearing. In such cases when a Respondent fails to appear before the Hearing Board, a plea of "not in violation" shall be entered on the Respondent's behalf and the hearing may proceed as scheduled. In this situation, the University will provide an advisor to conduct cross-examination of the Complainant and witnesses.

In hearings involving more than one Respondent, the Chair of the Hearing Board, in their discretion, may permit the hearings concerning each Respondent to be conducted separately.

The Respondent(s), the Complainant, and the University Presenter shall have the right to hear all evidence, present evidence, testify, and to hear and question witnesses. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information

protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Examples of privileges under law include Lawyer-Client, Physician-Patient, Professional Counselor-Client, Spousal, Clergy, and Victim's Advocate.

The role of the Complainant's and the Respondent's advisor of choice is limited to providing advice to the party and conducting cross-examination of witnesses. The role of a University appointed advisor is limited to conducting cross examination. Advisors must fulfill their role in a manner which does not disturb Conduct proceedings. If an advisor fails to act in accordance with these guidelines, they may be barred from participation in the Conduct proceedings, and the hearing may be continued.

The Hearing Board may seek advice from the University's Counsel throughout the hearing process on questions of law and procedure. However, the members of the Hearing Board are responsible for making their own factual conclusions. The Hearing Board can hear any allegations of any other violations of the Student Code of Conduct in addition to allegations of sexual misconduct that are directly related to the alleged sexual misconduct. If the Hearing Board determines other provisions of the Student Code of Conduct were violated, they may impose proper sanctions.

No process implemented under this Sexual Misconduct Procedure shall be open to the public. The Complainant and the Respondent are entitled to the same opportunities to have others present during a disciplinary proceeding subject to conditions established by the Sexual Misconduct Policy and these Procedures, the Title IX Coordinator, and the Hearing Board. Witnesses may be sequestered and attendance at hearings may be restricted to the Complainant, the Respondent and their respective advisors.

The Investigative Report may include recommended findings or conclusions as to whether Respondent violated the University's Student Code of Conduct in the Investigative Report. However, the Hearing Board is under an independent obligation to objectively evaluate relevant evidence and thus cannot simply defer to recommendations made by the Investigator in the Investigative Report. If the Investigative Report includes general findings of credibility, the Hearing Board cannot interpret the Investigator's finding of credibility as a finding of responsibility. The determination of the merits of each case shall be made using a preponderance of the evidence standard. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest upon the University. A Respondent is presumed to be not responsible for the alleged misconduct until proven otherwise.

At the beginning of the full hearing, the Chair of the Hearing Board should state the date, time, and place, and their name and role as the Chair of the Hearing Board for the record. The Chair should then have the other members of the Hearing Board identify themselves and state whether there is a quorum. If there is not a quorum, then the hearing must be rescheduled unless all parties waive on the recording any objection to the lack of a quorum. The Chair should then identify the other persons present, ask the University Presenter to read the alleged violation(s), and ask the Respondent if the Respondent admits to the alleged violation(s). The Chair must conduct the hearing in a manner that facilitates the presentation of relevant evidence by the Complainant, the Respondent, and the University Presenter. The Complainant, the Respondent, and the University Presenter have the right to call witnesses, including expert witnesses, and present their respective cases. The members of the Hearing Board may ask questions to clarify what the witness said or to elicit more detailed information. The Chair of the Hearing Officer has the discretion to:

- Allow the parties to make opening statements, closing statements, or both, with reasonable time limits;
- Allow witnesses to testify by videoconferencing technology;

- Require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify; and
- Schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.

The University Presenter will present evidence first, followed by the Complainant, and then the Respondent. Courtroom rules of evidence do not apply. The presentation of evidence may include calling witnesses who have relevant information. A party may question the witness they call in support of their position.

QUESTIONING OF PARTIES AND WITNESSES DURING A HEARING:

The Chair will permit each party's advisor to ask the other party and any witnesses called by another party all relevant questions and follow-up questions, including those challenging credibility ("cross-examination"). If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Such cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the Chair to otherwise restrict the extent to which advisors may participate in the proceedings. Before a Complainant, a Respondent, or a witness answers a cross-examination or other question, the Chair will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Additionally, the Chair will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

As a general rule, the following information may not be used during the grievance process: Information protected by a legally recognized privilege unless the person holding such privilege has waived the privilege; evidence about a Complainant's prior sexual history unless an exception applies; any party's medical, psychological, and similar records unless the party has given voluntary, written consent. The Chair will explain to the party proposing the questions any decision to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Hearing Board cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing, or decision not to answer questions or otherwise not participate in the investigation or live hearing.

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

At the conclusion of the hearing, the Hearing Board must go into closed session to deliberate and make its decision based solely upon the evidence introduced and received at the hearing. The decision must be made by a majority vote. A Respondent is presumed to be not responsible. The determination of the merits of the case shall be made using the preponderance of the evidence standard.

STANDARD OF EVIDENCE:

The university uses a “preponderance of the evidence” standard to determine whether a Respondent violated the Sexual Misconduct Policy. A finding of responsibility using a preponderance of the evidence standard 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. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests upon the university. A Respondent is presumed not responsible for that alleged misconduct until prove otherwise.

SANCTIONS:

If a Respondent or student organization is found to be responsible for a violation of the Sexual Misconduct Policy, the University’s response may involve requirements designed to educate the student or employee about the risks of the conduct, to assist the student in refraining from the conduct in the future, or to protect others. The University’s response may also involve sanctions to the student or the student organization for engaging in the conduct and to deter the student or student organization from engaging in the conduct in the future. If the Hearing Board determines the Respondent is responsible for a violation of the Sexual Misconduct Policy, it may consider the Respondent’s academic and disciplinary history in determining the appropriate sanction.

Responsive action is intended to eliminate prohibited conduct, prevent its recurrence, and promote accountability while supporting the University’s educational mission and legal obligations. Responsive action may include disciplinary, rehabilitative (including educational), restorative, and monitoring components. The University’s decisionmakers may sanction a Respondent found in violation of the sexual misconduct policy based on their discretion employing a series of factors to guide that discretion.

The following factors among others, may be considered in determining the appropriate disciplinary sanctions or other responsive actions to address a decision of responsibility for prohibited conduct for students:

- the nature and seriousness of the conduct;
- the harm that the conduct caused or might have caused;
- the student’s academic progress or experience;
- the student or student organization’s acceptance of responsibility for the conduct;
- the student or student organization’s efforts to conceal or avoid responsibility for the conduct;
- the student or student organization’s explanations for the conduct; the student or student organization’s prior record of violations; and
- 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)

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 for employees:

- the severity, persistence, or pervasiveness of the prohibited conduct;
- the nature of the prohibited conduct; whether the prohibited conduct threatened physical safety;

- any incidents of prior misconduct by a Respondent, including the Respondent's disciplinary history, at the University or elsewhere;
- the impact of the prohibited conduct on other members of the University community;
- an assessment of a Respondent's potential for development, including whether the Respondent has accepted responsibility for the prohibited conduct;
- the maintenance of a safe, nondiscriminatory, and respectful work and learning environment; and any other mitigating, aggravating, or compelling factors

STUDENT SANCTIONS:

- Written warning
- Probation
- Expulsion from Housing
- Suspension from Housing
- Mandatory Relocation
- Loss of Privileges
- Restitution
- Community Service
- Educational Programs, Assignments or Behavioral Evaluation
- Employment Restrictions
- Revocation of Admission or Degree
- Withholding a Degree
- No Contact Directive
- University Suspension
- University Expulsion

EMPLOYEE SANCTIONS:

- Coaching or Education
- Mentoring
- Verbal Warning
- Written Warning
- Changes to work duties or location
- Probation or transfer of position
- Completion of mandatory conditions
- Suspension without pay
- Non-renewal or non-reappointment
- Loss of rank or position
- Denial of salary increase
- Activity termination
- Demotion in rank or pay
- Termination of employment
- Ban on University re-employment

DETERMINATION OF HEARING BOARD:

Within seven (7) University Days following the conclusion of formal hearing proceedings, the presiding Hearing Board Chair shall inform the Respondent, the Complainant, the University Presenter, and the Title IX Coordinator in writing, of its findings and if relevant, any sanction(s).

The findings must include the following information:

- Identification of the allegations potentially constituting sexual misconduct;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, methods used to gather evidence; and hearings held;
- Finding of fact supporting the determination;
- Conclusions regarding the application of the University's Student Code of Conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Hearing Board imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and

- The University's procedures and permissible bases for the Complainant and Respondent to appeal.

The Respondent and the Complainant have the right to be notified of the decision rendered. Any initial, interim, and final decision to resolve disciplinary matters must include a statement of any University sanctions imposed together with the rationale for the decision.

If a timely appeal is filed within seven (7) University Days of the decision being delivered to the parties, the Record of the Hearing, including the determination, will be provided to the Appeals Officer. If no appeal is filed within seven (7) University Days, the Record of the Hearing will be provided to the appropriate supervisor, unit head, Vice Chancellor or other relevant administrator responsible for appropriate employment action consistent with the Hearing Officer or Hearing Board's findings and recommendations, in accordance with applicable employment laws, policies, practices, and agreements. The Record of the Hearing consists of the information, documents, and recordings related to the hearing such as the notice of the Hearing, documents related to the prehearing Conference, Investigative Report, evidence submitted by the Complainant, the Respondent, and the University Presenter, audio or audiovisual recording, transcript if any, determination, etc.

APPEALS OF HEARING BOARD DETERMINATION AFTER FORMAL HEARING:

The Complainant and the Respondent may appeal a decision reached after a formal hearing for seven (7) University Days after the decision is delivered to the parties. This appeal process provides both the Complainant and Respondent a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the Hearing. The Appeals Officer will not be the same person as the decision-maker(s) that reached the determination regarding dismissal, the Investigator(s), or the Title IX Coordinator. The Appeals Officer will not have a conflict of interest or bias for or against Complainants and Respondents generally or an individual Complainant or Respondent and comply with the training requirements set forth in the Sexual Misconduct Policy.

A determination may be appealed for the following reasons:

- A procedural irregularity that affected the outcome of the matter;
- The discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
- The sanction(s) imposed were arbitrary and capricious or an abuse of discretion; or
- A finding of fact in the determination is clearly erroneous and does not have factual support in the record and affected the outcome of the matter.

The appeal must be in writing and specify the reason(s) for the appeal, and be delivered to the Appeals Officer appointed by the Chancellor or their designee within seven (7) University Days of the delivery of the Notice of Dismissal. If either party submits an appeal, the other party and the University Presenter and/or the Title IX Coordinator will be provided with a copy of the appeal and will be given seven (7) University Days to submit their respective written responses. The Appeals Officer may request additional information from the University Presenter and/or the Title IX Coordinator or the parties at the Appeal's Officer discretion.

The Appeals Officer will review all of the information and determine whether to grant or deny the appeal. The written decision will describe the result of the appeal and the rationale for the result. If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration.

If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, in the written decision, the Appeals Officer may 1) affirm, in whole or in part, the decision on responsibility, 2) overturn, in whole or in part, the decision on responsibility, 3) affirm, overturn, or adjust the decision on disciplinary sanctions, or 4) remand the matter to remedy procedural errors or consider new evidence. The determination of the Appeals Officer is final and not subject to further appeal. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances. The written determination will be provided simultaneously to the Complainant, Respondent, University Presenter, and Title IX Coordinator.

REMEDIES FOR COMPLAINANT:

Where a determination of responsibility for sexual misconduct has been made against the Respondent, the University must provide or give the Complainant remedies. Remedies must be designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same supportive measures that are already being provided to the Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies.

Where the final determination has indicated that remedies will be provided, the Complainant can then communicate separately with the Title IX Coordinator to discuss what remedies are appropriately designed to preserve or restore the Complainant's equal access to education. Remedies that do not directly affect the Respondent must not be disclosed to the Respondent.

INFORMAL RESOLUTION:

At any time prior to reaching a determination regarding responsibility, the University may facilitate an Informal Resolution process, such as mediation, that does not involve a full investigation and adjudication. The University will not require the parties to participate in an Informal Resolution process and may not offer an Informal Resolution process unless a Formal Complaint is filed. Additionally, the University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual misconduct. The University will not offer or facilitate an Informal Resolution process to resolve allegations that an employee engaged in sexual misconduct against or sexually harassed a student.

The Informal Resolution process is facilitated by the Title IX Coordinator or their designee. The parties to any Informal Resolution process will not be required to deal directly with one another without the University's involvement. An Informal Resolution may include the range of supportive measures described above, as well as targeted and/or broad-based training and educational programming for relevant individuals and groups and/or any other remedy. For example, both parties may agree that the permanent application of supportive measures (e.g. no contact agreement) may be sufficient to resolve the Formal Complaint. An Informal Resolution process may also include a remedies-based process, which allows both parties to come to a mutual agreement regarding the resolution of the Formal Complaint.

Once an Informal Resolution process is complete, both parties will be notified simultaneously/ contemporaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution. The Informal Resolution process does not conclude with a University finding; the Respondent is not found to be “responsible” or “not responsible” of a Policy violation. However, the parties may negotiate the extent to which a Respondent may agree or concede responsibility for alleged misconduct.

Any party may request that the Informal Resolution process be terminated at any time, in which case the grievance process would proceed. The University may, at its discretion, also terminate the Informal Resolution Process at any time. In addition, while the results of the Informal Resolution process cannot be appealed, any party can withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint.

At the beginning of the Informal Resolution process, the University will obtain the parties’ voluntary, written consent to the Informal Resolution process and provide to the parties a written notice disclosing:

- The allegations;
- The requirements of the Informal Resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint; and
- Any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared.

The University will provide parties with timely access to any information that will be used during the Informal Resolution process. Any statements, admissions, or other statements made by the Complainant or Respondent during the Informal Resolution process may not be used as evidence if the matter proceeds to a Formal Hearing. The Title IX Coordinator or their designee must approve the terms of any Informal Resolution.

The Respondent may be subject to discipline for potential violations of policies in addition to the Sexual Misconduct Policy outside of the Informal Resolution Process. However, the Informal Resolution process may also address other potential violations of policies in addition to the Sexual Misconduct Policy. Informal Resolution procedures may be discontinued at the request of any party or terminated by the Title IX Coordinator or their designee. If the University and parties do not reach an agreement to resolve the Formal Complaint through the Informal Resolution process, the grievance process will be resumed with respect to the Formal Complaint, including investigation and adjudication and any Formal Hearing.

DIFFERENCES IN PROCEDURES FOR EMPLOYEES:

The following procedures supplement the University of Nebraska Sexual Misconduct Policy and describe the grievance process related to reports of sexual misconduct against employees where they are different from the process for students (definitions, reporting process and initial actions are the same as for students). Employee as used in the Procedures includes all University faculty, staff, and other personnel within the categories defined by §§ 3.1.1 through 3.1.3 of the Bylaws of the Board of Regents of the University of Nebraska whether full or part time. When the Respondent is both a student and an employee, the Title IX Coordinator or their designee will determine whether the Student or Employee Sexual Misconduct Procedures (and/or the adjudication process from both) apply based upon the facts and

circumstances, such as whether the Respondent's status as a student or an employee predominates in the context of the Prohibited Conduct. If the Respondent is found responsible for violating the Sexual Misconduct Policy, the sanctions may affect both their status as a student and employee.

JURISDICTION FOR EMPLOYEES:

The following provides information on the locations where and the circumstances when the procedures will apply for alleged sexual misconduct.

- 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.

ADMINISTRATIVE LEAVE:

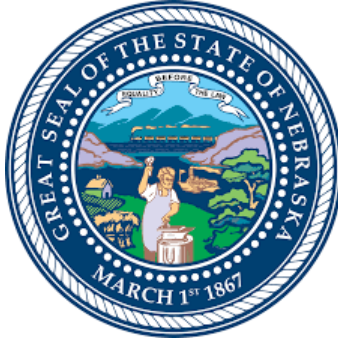
The University may place a non-student employee Respondent on Administrative Leave or the equivalent during the pendency of the Procedures. A Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Placing a student-employee Respondent on administrative leave with pay may be permissible as a supportive measure for a Complainant (for instance, to maintain the Complainant's equal educational access and/or to protect the Complainant's safety or deter sexual harassment) as long as that action meets the conditions that a supportive measure is not punitive, disciplinary, or unreasonably burdensome to the Respondent.

EMERGENCY REMOVAL:

The University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University 1) undertakes an individualized safety and risk analysis, 2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal, and 3) provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

TRAINING:

All University investigators, decision-makers, appellate officers, and informal resolution facilitators receive annual training related to issues of dating violence, domestic violence, sexual assault, stalking and on how to conduct an investigation and hearing process. The University maintains training materials and has a training list on our website. The Office of Compliance website lists training attended on or after August 14, 2020, when the 2020 Title IX regulations took effect.



NEBRASKA STATE LAWS APPLICABLE TO SEXUAL VIOLENCE

Below are definitions applicable to sexual violence per Nebraska State Statutes in regard to any criminal investigations undertaken by law enforcement. Nebraska State laws can be found at:

<https://nebraskalegislature.gov/laws/laws.php>

Consent to Sexual Activity (Neb. Rev. Stat. § 28-318): “Consent” means agreement, approval, or permission as to some act or purpose, given voluntarily by a competent person.

“Without consent” means:

- The person was compelled to submit due to the use of force or threat of force or coercion; or
- The person expressed a lack of consent through words; or
- The person expressed a lack of consent through conduct; or
- 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.
- The person need only resist, either verbally or physically, so as to make the person's refusal to consent genuine and real and so as to reasonably make known to the actor the person's refusal to consent; and
- A person need not resist verbally or physically where it would be useless or futile to do so.

“Person” means the individual against whom a wrongful act was allegedly committed, and “Actor” means the individual alleged to have committed a wrongful act. When the actor knew or should have known that a person was mentally or physically incapable of resisting or understanding the nature of their conduct, there is no consent.

Sexual Assault (Neb. Rev. Stat. § 28-318 through 320): Sexual penetration and/or sexual contact without the consent of the victim, regardless of either person’s gender, including situations where coercion, force or the threat of force was used; situations where the perpetrator knew or should have known that the victim was mentally or physically incapable of resisting or evaluating the nature of his/her conduct (i.e. mentally challenged, disabled, drunk, etc.); or where the perpetrator is nineteen years of age or older and the victim is at least twelve but younger than sixteen. A victim must simply provide enough verbal or physical resistance to make the perpetrator aware of the lack of consent; victims do not have to show continued resistance when they feel as though further resistance would be futile. The following definitions apply:

Force or threat of force: The use of physical force which overcomes the victim's resistance; or the threat of physical force, expressed or implied, against the victim or a third person, where the threat places the victim in fear of their own death or serious personal injury, or that of a third person, and the victim reasonably believes that the perpetrator has the present or future ability to follow through with the threat.

Intimate parts: The genital area, groin, inner thighs, buttocks, or breasts.

Serious personal injury: Great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.

Sexual contact: The intentional touching of the victim's sexual or intimate parts, or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact also means the touching, by the victim, of the perpetrator's sexual or intimate parts or the clothing covering the immediate area of the perpetrator's sexual or intimate parts, when this touching is intentionally caused by the perpetrator. Sexual contact includes only that conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.

Sexual penetration: Sexual intercourse in its ordinary meaning, cunnilingus, fellatio and anal intercourse. It also includes the intrusion, however slight, of any part of the perpetrator's or victim's body, or any object manipulated by the perpetrator, into the genital or anal openings of the victim's body. Sexual penetration does not require emission of semen

DATING VIOLENCE (NEB. REV. STAT. § 79-2.140): A pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse, to control his or her dating partner. Dating partner means any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate/sexual involvement, whether casual (e.g. "friends with benefits"), serious, or long-term.

DOMESTIC VIOLENCE (NEB. REV. STAT. § 28-323): A person intentionally and knowingly causes bodily injury to his/her intimate partner; threatens an intimate partner with imminent bodily injury; or threatens an intimate partner in a menacing manner. Intimate partner, regardless of gender, means a spouse; a former spouse; persons who have a child in common, whether or not they have been married or lived together at any time; and persons who are or were involved in a serious dating relationship. Serious dating relationship means frequent, intimate associations primarily characterized by the expectation of affectionate or sexual involvement but does not include a causal relationship or an ordinary association between persons in a business or social context.

STALKING (NEB. REV. STAT. § 28-311.03): Engaging in a course of willful harassment of another person, regardless of gender, or the family or household member of that person, with the intent to injure, terrify, threaten, or intimidate, or that would cause a reasonable person to fear for his/ her safety or the safety of others, and cause a person substantial emotional distress. Actions include, but are not limited to, deliberately following, detaining, contacting, or harassing the person(s), or imposing any restraints on their personal liberty.

Harass: To engage in a knowing and willful course of conduct directed at a specific person that seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose.

Course of conduct: A pattern of conduct composed of a series of acts over a period of time, however short, indicating a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or physically stalking the person or telephoning, texting, contacting, or otherwise communicating with the person.

Family or household member: Regardless of gender, a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to 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.



SEXUAL MISCONDUCT PREVENTION PROGRAMMING

The University has programs that promote awareness, prevention, intervention and educational programming regarding sexual misconduct, bystander intervention and healthy relationships throughout the year to help promote a safe and inclusive campus environment for everyone. Specific awareness and training events are available through a variety of university departments and outlets. While these programs focus on primary prevention and awareness, there are many resources available for those who have experienced sexual misconduct.

TRAINING THE CAMPUS COMMUNITY

All students and employees are enrolled and expected to complete online training that addresses awareness and the prevention of sexual misconduct annually. They receive an email providing an explanation of the training and how to access it. The training comes in one version for undergraduate students, one for graduate students and one for employees. The training is overseen by the Office of Compliance and is consistently evaluated for ways to be improved. The system provides completion information to ensure the training is completed. This training program provides:

- Basic overview of gender discrimination and sexual harassment;
- Realistic scenarios of harassment in the educational and workplace settings;
- State-specific definitions;
- Steps students and employees can take to prevent sexual misconduct;
- Personal safety tips and bystander intervention techniques;
- Warning signs of abuse and steps to take if the viewer or someone they knows has been abused;
- Contact information for campus and local resources;
- Consequences for people who violate the University's policy;
- Interactive quiz with detailed explanations to further apply concepts from training to real life scenarios.

ONGOING PREVENTION EFFORTS

UNK Campus Sexual Assault Response Team (C-SART) is a group of individuals from across campus and in the community to discuss matters pertaining to sexual assault response including coordinating training events and activities for campus. Some previous events/activities include Stalking Awareness Panel, Green Dot Training, Take Back the Night, Sexual Assault Awareness Prevention, Healthy Relationships, etc.

UNK Campus Wellness Task Force is a group of individuals from across campus and in the community to discuss wellness initiatives, policies, upcoming events, trends, and any other concerns across campus and the community.

Office of Compliance (OC), provides sexual misconduct training to various groups and departments across campus including New Student Enrollment, Athletic Compliance Meetings, ROTC, International Student Services, Intercultural Engagement and Leadership, etc. Any group or department requesting training should contact the OC at 308.865.8655.

Bystander Intervention

One important way to help avoid or end the occurrence of sexual misconduct is through bystander intervention, where someone steps in and tries to address the situation. Bystander intervention can play a significant role in prevention of sexual violence. A “bystander” is not simply a stranger who is looking in from the outside; it also means a friend or someone close to the situation who sees what is happening.

Some Bystander Intervention Options

- Determine if you should do something immediately or if something could be done later, recruit help if necessary.
- If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Approach everyone as a friend.
- Do not be antagonistic and avoid using violence.
- If things get out of hand or become too serious, contact the police.

Direct Approaches:

- Have a face-to-face conversation with the person, be honest, and let them know of your concerns;
- Distract the person or suggest another way of looking at things;
- Change attitudes regarding the situation (active listening, open conversation).

Indirect Approaches:

- Ask people around you what they think could be done;
- Casually ask the person how things are going and if there are any problems;
- Offer support to the person(s) being affected by the situation;
- Learn from the situation and make a plan for next time.

Risk Reduction Strategies

Some Tips to Reduce Risks in Social Situations

- Remember that you are responsible for your own safety
- Drink responsibly, Don't leave your drink unattended
- Trust your instincts – If it feels unsafe, go with your gut and act
- Use the buddy system – Arrive together, check-in with each other periodically, and leave together
- Be cautious of fruity drinks and those containing several different alcohols poured into large containers
- Be cautious of drinks that seem to taste “off” or “funny”

Some Tips to Avoid Dangerous Situations

- Trust your instincts – If it feels unsafe/uncomfortable, leave or get away
- Be aware of your surroundings
- Always carry your cell phone
- Avoid isolated areas

Some Tips to Create a Safer Climate for Everyone

- Notice and challenge comments by your friends that objectify people or normalize sexual assault.
- Educate yourself and your friends about consent
- Remember that stopping violence is everyone's business
- Learn to recognize myths about sexual assault and dating violence that place blame on victims, and challenge those kinds of statements when you hear them

Supporting a Survivor

There may come a time when a friend discloses that they have experienced sexual or relationship violence. Here are some tips to be supportive:

- **Listen:** Let your friend explain 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 and in the community that can help.
- **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 make their own choices and decisions.
- **Ask:** If you are not sure how to help, just ask. Ask your friends 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 people to act differently after experiencing a traumatic event. For example, your friend may laugh at something very serious or sleep more than usual. Try to be patient and understanding.
- **Take care of you:** It can be difficult being the person your friend trusted this information. You might want to process this experience with an advocate or a counselor. It is important to take care of yourself, too.

You may find it difficult to find the right things to say to a friend or worry about saying the wrong thing. If you make a mistake, it is okay to apologize and learn from it. There are some common questions people may ask survivors that can make them feel as if they did something wrong or are at fault. To help avoid this, DO NOT ask your friend any of the following questions:

How much did you have to drink?

What were you wearing?

Did you fight back?

Why didn't you yell for help?

Why didn't you call the police right away?

Why did you wait to tell someone?

It is normal for you to have feelings, emotions, opinions, or questions regarding the incident disclosed to you. Also, it is important to pay attention to how you are feeling and reach out for help if needed.

INFORMATION FOR CRIME VICTIMS

Mental Health Resources

Student Health & Counseling	308.865.8248
Best Care Employee Assistance Program (EAP)	402.354.8000 or 800.801.4182
Richard Young Behavioral Health	308.865.2000 or 1.800.930.0031
National Suicide and Crisis Hotline	988

Seeking Medical Attention

You can receive medical attention at any medical facility; however, certain facilities have specially trained staff and can offer a sexual assault forensic exam (SAFE). Medical exams can also address other physical needs or trauma, including addressing sexually transmitted infections or possible pregnancy.

On Campus

UNK Student Health
308.865.8218
MSAB Room 184 Kearney, NE
Hours: Monday - Friday 8am-5pm

Off Campus

Kearney Regional Medical Center/Bryan Health
308.455.3600
804 22nd Avenue Kearney, NE

CHI Health Good Samaritan Hospital
308.865.7100
10 E 31st Street Kearney, NE

Family Advocacy Network (FAN)
308.865.7492
507 E 26th Street Kearney, NE
(If you are unable to reach FAN, please call
308.865.7100 and ask for on-call FAN staff)



Preservation of Evidence

It is important to preserve or save evidence as this will help you if you choose to make a report to the University or to law enforcement.

- Text messages, phone calls, social media posts, emails, pictures, or notes can all be pertinent for reporting sexual misconduct/Title IX incidents. The University encourages you to go to the police to assist with the preservation of evidence.



- Regarding incidents of *Sexual Assault*, it's important that you:
 - Do not shower or bathe
 - Avoid using the bathroom
 - Seek medical care even if you think you do not have any physical injuries
 - Have a medical examination
 - SANE nurses are trained in the collection of forensic evidence and can check for injuries and exposure to sexually transmitted diseases or possible pregnancy UNK utilizes the Family Advocacy Network (FAN) for collecting evidence and conducting interviews in an environment that is safe, and trauma informed. FAN will also review your options for reporting.

[Advocacy and Support Services](#)



308.237.2599 or 24-Hour Crisis Line: 1.877.237.2513
620 E. 25th St. Suite 14, Kearney, NE

[Victim Services Division](#)



308.233.5263
2025 Avenue A Kearney, NE
Hours: Monday - Friday 8am-5pm

ADDITIONAL INFORMATION:

For all cases involving crimes of violence, non-forcible sex offenses and/or stalking where the University has taken action against a student who is the alleged perpetrator of the crime, the University will provide, upon request by the victim, a report of the disciplinary proceedings conducted against the student and the result. In cases where the alleged victim is deceased as a result of the crime, the next of kin will be treated as the alleged victim in regard to the report requests.

SEX OFFENDER REGISTRY INFORMATION

The federal Campus Sex Crimes Prevention Act includes several articles that address how states and educational institutions within must address sex offenders. They include the following:

- Each state must create a very narrowly drawn specific program to register sex offenders.
- Each state provide for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus.
- Each state requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.
- State procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate State records or data systems. If a college or university has a police department, they must be provided with this information.
- Institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders who are on campus may be obtained.

More specific information on the Act and its requirements can be found at the following location:
[offenderwatchinitiative.org/ Resources/CSCPA](http://offenderwatchinitiative.org/Resources/CSCPA)

Registered sex offenders in Nebraska ---sor.nebraska.gov

Registered sex offenders in the United States ---nsopw.gov



SECURITY OF CAMPUS FACILITIES



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 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 trespassing.

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, UNKPD 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.

All residence living quarters will have 24-hour key access. During times when the University is closed, the doors of all residence halls are secured 24 hours a day. Those residence halls that are 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. Students needing access to buildings after hours need to get prior written approval through the UNKPD 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 which can be accessed by ID keycard.



Maintenance and Security of Campus Facilities

- Parking lots, pedestrian walkways and building exteriors are well lit and patrolled by officers on foot, bike, and vehicle patrol.
- Formal exterior lighting surveys are conducted by the UNKPD. 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 UNKPD at 308-865-8911 or Facilities Management and Planning at 308-865-1800.
- UNKPD annually conducts an operational survey of all buildings' exterior doors on campus. Survey results are then submitted to Facilities Management and Planning Department to address concerns. The purpose of this survey is to determine whether each exterior door and its locking mechanisms are working properly.
- Facilities and UNKPD 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. UNKPD 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 in Residence Halls.
- The Department of Facilities Management and Planning trims shrubbery, trees, and other vegetation on campus on a regular basis.
- The Safety Committee conducts an annual survey of the University grounds and refers problem areas to Facilities Management and Planning.
- All residence halls are always locked, and residents have key-card access which means that they must scan their ID to gain entrance to the building.
- 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 except for buildings that have scheduled events.

TRESPASSING POLICY

To further protect the safety of its students, employees and visitors, and the security of its facilities, the University has developed a specific policy concerning trespassing to address issues with unauthorized people on campus or on University property. When necessary, UNK will, through UNKPD, ban certain persons from campus due to their behavior and/or actions for a set amount of time. If this person returns to campus while banned, they are subject to arrest. The policy reads as follows:

Section 1: Persons Not Authorized in Non-Public Areas of University Buildings

The areas of university academic, research, public service, and administrative buildings of the University used for classrooms, laboratories, faculty and staff offices, and the areas of university student residence buildings used for student living quarters are not open to the 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 trespassing in violation of Neb. Rev. Stat. § 28-520 or § 28-521.

Section 2: Persons on University Property Between the Hours of 11:00 p.m. and 6:00 a.m.

Persons who are not students, faculty, staff, tenants, licensees, agents or contractors of the University, or their employees, visitors or guests, shall not be permitted on University property between the hours of 11:00 p.m. and 6:00 a.m. Visitors and guests are expected to conduct themselves in a proper and lawful manner while on University property, and failure to do so may result in imposition of personal restrictions relating to their presence on University property. Specifically, the right of a visitor or guest to be present on university property will be restricted when the visitor or guest has harmed or has threatened to harm a member of the student body, faculty or staff. The right of a visitor or guest to be on university property will also be restricted when the visitor or guest has damaged or poses a risk of damage or loss to university property or to the property of others located on university property.

Section 3: Persons in University Buildings After Closing to the Public

Many University Buildings are open to the public at designated times which are posted at building entrances. Some University buildings are closed and locked during the times they are not open to the public. Also, some University buildings, such as student unions, are closed to the public at designated times which are posted at building entrances, but remain unlocked for access and use by students, faculty, staff and other authorized persons. People who are not authorized by the University to be in a university building after the posted time of closing to the public will be deemed to be trespassing on university property and may be cited and subject to prosecution for criminal trespassing in violation of Neb. Rev. Stat. § 28-520 or § 28-521.

Section 4: Ban and Bar Notices

University law enforcement or security personnel may issue written notices to any person who has been contacted or observed on University property while engaged in any unlawful or unauthorized activity banning and barring such person from University property, except as may be specifically authorized in such notice. Violation of any such notice will be deemed to be trespassing on university property, and the offending party may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521. The term “unlawful or unauthorized activity” shall mean any conduct, act or omission by any person that is in violation of (i) any law, rule, regulation or order of the State of Nebraska or of the United States, or (ii) any policy, rule or regulation of the University of Nebraska–Kearney.

Procedures for Missing Students Residing in On-Campus Housing



UNK cares about the welfare of our students. The following information pertains to students that live in on-campus housing and how any missing persons report is to be handled.

When a student completes their Housing Contract online, the student is given an opportunity to specify an individual, other than their emergency contact, that should be informed within 24 hours if the student is confirmed as missing. This information is registered in the Housing Contracts system and

accessible only to professional staff should an emergency arise and be kept separate from general emergency contact information. The name of this contact will be used only if the student is determined to be missing. It will be kept confidential by the University (only available to authorized campus officials) and only disclosed to law enforcement personnel to aid in a missing person's investigation. If a student does not specify a contact, then the emergency contact will be considered the contract. Students are informed that if they are younger than 18 years old and not emancipated and determined to be missing, the University will, within 24 hours, contact their custodial parent(s) or guardian in addition to the designated missing person's contact.

A report to police can be made at any point, even if an individual has not yet been missing for a full 24 hours. Any individual of the University community who believes that a residential student is missing must immediately notify UNKPD at 911. They may also contact the Office of Residence Life at 308-865-8519 as they are required to report missing persons to UNKPD. The Office of Residence Life and UNKPD will work together to gather information.

UNKPD will immediately initiate an investigation which may include contacting campus acquaintances, friends or relatives, and if appropriate, a preliminary inspection of their residence hall room. Local law enforcement agencies may get involved to aid in the investigation. The UNKPD will make appropriate notifications as determined by the circumstances of each individual case.

Whenever someone has a concern regarding a student or employee's welfare (whether physical or mental), UNKPD should be contacted at 911 or 308-865-8911. UNKPD officers can check on the person if they are on campus; or for those off campus, please call 911 and the call will be dispatched to the appropriate law enforcement agency.



STUDENT HOUSING SECURITY AND FIRE SAFETY INFORMATION

The Office of Residence Life at the University of Nebraska at Kearney complies with the Fair Housing Act and other federal laws. Each residence hall contract shall be governed by and enforced in accordance with the laws of the State of Nebraska. Residency on campus carries with it the expectation that residents will be responsible members of the residence hall community. By signing the Residence Life contract, residents agree to abide by all published University policies, rules and regulations. More information can be found at: [Residence Life Housing Policies & Procedures](#)

Safety and Security in Residence Halls

Residents are responsible for locking their room. Your Residence Hall room should be locked at all times. Doors leading to living areas are locked twenty-four (24) hours a day. We implore each resident to ensure the hall doors are securely locked when entering and leaving the facility. It is important that residents are security conscious in the halls, on the campus, and in the community. Students should be familiar with safety precautions. Residents should be aware of their actions and the potential danger that could be inflicted on other people. Residents found propping doors or tampering with fire doors, exit signs, or locked doors will be subject to conduct via our UNK system and legal repercussions of their actions.

Health and Safety Inspections

Periodic health and safety inspections are conducted by Residence Life staff. The intent of these inspections is for preventative and corrective action. Residents will be given 24-hour notice prior to the inspections. If a room does not meet minimal health and safety standards, residents will be asked to address the issues in a timely manner. Items found that may be illegal or in violation of Residence Hall policy will be documented and may be asked to be removed within 24 hours.

Emergency Situations

For all emergencies, please call UNKPD at 911 or 308.865.8911. You may also contact a Residence Life staff member on duty at 308.865.8519. Residence Life staff are required to report emergencies to UNKPD.

Fire Safety

State law, as well as residence hall policy, requires that all students leave their room and/or public areas when a fire alarm is sounded. Failure to evacuate during an alarm will subject the student to university disciplinary action and/or civil action. Smoke detectors are provided for your safety in each room/apartment and should not be tampered with or disconnected.



Any person who misuses fire safety equipment (including smoke detectors and sprinkler systems) may be subject to severe disciplinary action and/or arrest. If you are aware of anyone tampering with the equipment, please report to a Residence Life staff member.

Residents and guests should not falsely activate the fire alarm or tamper with the alarm equipment (heat detectors, pull stations, fire extinguisher, exit/emergency lights, and sprinkler heads or smoke detectors) and is a federal, state and local violation of the law. Equipment that needs repair or is malfunctioning should be reported to Facilities Management immediately at 308-865-1800 or to hall staff.

Exits or exit access shall not be obstructed at any time in any manner with furniture, storage, displays, vending machines, etc. Fire doors on stairwells, unless arranged to close automatically in the event of fire, shall be maintained in the closed position at all times. Exit signs shall be properly illuminated at all times. Such signs shall not be obstructed or blocked from view at any time. Exits and exit access doors shall not be locked at any time unless equipped with panic hardware or other approved means to permit emergency egress by building occupants.

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.

Fire Evacuation Procedures

- If you discover or suspect a fire, go to a pull station and sound the fire alarm, then leave the building through the nearest exit.
 - Call 911 - give as much information as possible to the dispatcher.
 - Don't attempt to put out the fire or rescue others unless you can do so safely.
 - Try to remain calm.
- When you have been alerted by the fire alarm, see flashing strobe lights, or see smoke or fire:
 - Stay low to the floor if there is smoke in the room.
 - Feel the metal doorknob before opening any doors.
- If the door feels hot, don't open the door. If the door does not feel hot, but you open the door and heat/ smoke/fire are present, close the door and stay in the room/unit.
 - Seal the cracks around the door using towels, sheets, pieces of clothing.

- Hang an object out the window (i.e. sheet, jacket, shirt) to attract the fire department's attention.
- Use a phone to call 911 and report that you are trapped. Be sure to give your hall name and room number.
- If the door does not feel hot, brace yourself against the door and open it slightly. If heat/smoke are not present, exit the room/unit closing the door behind you.
 - Go to the nearest exit or stairway.
 - Do not attempt to use an elevator.
 - If the nearest exit is blocked by fire, heat or smoke, go to another exit.
 - Go back to your room/unit if all exits are blocked. Close the door, wave something out the window and shout for help.
 - Use a phone to call 911 and report that you are trapped. Be sure to give your hall name and room number.
- If you are trying to escape through a smoke-filled room or hallway
 - Stay low and move quickly to the nearest clear exit.
 - Place a wet towel or a wet cloth over your head and face; breathe through the towel by taking short breaths through your nose.
 - Cover your body with something that can be easily discarded if it catches on fire.
- After evacuating
 - Move away from the building and proceed to the designated emergency assembly area.
 - If the designated assembly area is unsafe or blocked due to an emergency, proceed to the alternate assembly area.
 - Follow directions of the fire and police personnel.
 - NEVER RE-ENTER A BURNING BUILDING TO SAVE YOUR PERSONAL POSSESSIONS.
- Any person unable to evacuate or who needs assistance with evacuating should:
 - Ask everyone for help to assist you with evacuating the building.
 - Proceed to the nearest stairwell.
 - If the stairwell is not safe, go to a room with an outside window as far away from the danger as possible
 - Close the door and seal cracks around it
 - Open the window and hang an object out of it to draw attention and shout for help
 - Call 911 and give your name, the building name, floor and room number so rescue personnel know your location and know that you need help evacuating.

Fire Evacuation Drills & Training



Residence halls conduct annual fire/evacuation drills. These drills may be announced or unannounced. At that 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.

The fire safety systems and equipment in housing facilities are inspected at various times during the year to ensure everything is in proper working order. If any issues are found, they are immediately corrected.

UNK is continually evaluating and improving all aspects of its fire and safety systems with any necessary modifications being made as needed and when able, however, no significant plans regarding fire safety systems are in place for the upcoming year.

Residence Life Housing Rules

Cooking: is prohibited in resident rooms. Cooking may only be done in hall kitchens or in the individual kitchenettes in the Antelope/Nester complex.

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, 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.

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.

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.

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.

UNK FIRE SAFETY SYSTEMS IN UNIVERSITY HOUSING

Building Name/Address UNK Housing	Fire Alarm Monitoring (Hard Wired System)	Full Sprinkler System	Smoke Detectors	Fire Extinguishers	Evacuation Plans and Placards	Voice Over Fire Alarm System	Number of Fire Drills in 2024
Antelope Hall 1013 W 26 th Street	X	X	X	X	X	X	1
Bess Furman Armstrong Hall 907 W 27 th Street	X	X	X	X	X	X	1
Centennial Towers East 1002 W 29 th Street	X	X	X	X	X	X	1
Centennial Towers West 1014 W 29 th Street	X	X	X	X	X	X	1
Mantor Hall 1203 W 26 th Street	X	X	X	X	X	X	1
Martin Hall 904 W 27 th Street	X	X	X	X	X	X	1
Men's Hall 1103 W 26 th Street	X	X	X	X	X	X	1
Nester Hall North 905 W 26 th Street	X	X	X	X	X	X	1
Nester Hall South 904 W 26 th Street	X	X	X	X	X	X	1
Randall Hall 1207 W 26 th Street	X	X	X	X	X	X	1
Village Flats 2201 University Drive	X	X	X	X	X	X	1

***Note: University Residence North (URN) at 1601 University Drive and University Residence South (URS) at 1700 University Drive were not included for 2024 UNK Fire Safety Systems in University Housing as both buildings were NOT used as housing facilities in 2024 and were demolished in July 2024.



ALCOHOL AND DRUG RESOURCES, POLICY, AND APPLICABLE LAWS

UNK wants to ensure that resources are available to promote awareness of drug and alcohol misuse as well as to help students and staff get the help they need. To ensure best practices, the University conducts a biennial review of its drug and alcohol policies, as well as its support, prevention and awareness programs, to evaluate their effectiveness and determine any needed improvements.

CAMPUS AND COMMUNITY RESOURCES

UNK Counseling	308.865.8248
Best Care Employee Assistance Program (EAP)	402.354.8000 or 800.801.4182
South Central Behavioral Services	308.237.5951
Saint Francis Alcohol and Drug Treatment Center	308.398.5427

UNIVERSITY POLICY AND APPLICABLE LAWS

DRUG AND ALCOHOL ABUSE PREVENTION

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 <http://nebraska.edu/regents/bylaws-policies-and-rules>. Last revised June 15, 2023



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 <https://www.getsmartaboutdrugs.gov/sites/default/files/2025-03/Drugs-Abuse-2024.pdf>.

Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

2. State Penalties and Sanctions for Illegal Possession of Controlled Substances:

The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. In addition, other Nebraska State laws establish penalties for various drug-related offenses as summarized below. Nebraska laws are available at <http://nebraskalegislature.gov/laws>. Charts 1 and 2 summarize the sanctions under Nebraska law for possession or distribution of various drugs.

Crimes Involving Minors:

Any person 18 years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver or dispense a controlled substance or a counterfeit controlled substance (i) to a person (under the age of 18 years); (ii) in, on, or within 1,000 feet of a school, college, university, or playground; or (iii) within 100 feet of a youth center, public swimming pool, or video arcade shall be punished more severely. The law also provides for an enhanced penalty for anyone 18 years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. See Neb. Rev. Stat. § 28-416(4)(a) and (5)(a) (Supp. 2023).

Persons under the age of eighteen who violate the drug laws may be subject to additional sentencing provisions found in Neb. Rev. Stat. § 28-416(18) and (19); these include impounding licenses or permits issued under the Motor Vehicle Operator's License Act, completion of community service, and attending drug education classes.

Immunity and Violation Exceptions:

The law provides immunity from drug related violations in subsection (3) of §28-416 and §28-441 (which relates to drug paraphernalia) in certain circumstances. The law provides immunity when a person may need medical assistance as a result of a drug overdose and the evidence for the violation of the laws was obtained as a result of the drug overdose and the request for medical assistance. A penalty may not be imposed on a person who otherwise violated the law if the person (i) made a good faith request for emergency medical assistance in response to the possible drug overdose of themselves or another person as soon as the emergency situation was apparent; (ii) made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible drug overdose of another person:

(A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 28-472 (Cum. Supp. 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) (Supp. 2023).

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. 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 (Cum. Supp. 2024).

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. § 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. 2024). 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. 2024).

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 themselves or another person as soon as the emergency situation is apparent; (ii) made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with

medical assistance and law enforcement personnel. Neb. Rev. Stat. § 53-180.05(4) (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 2021) 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. § 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 2021). 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 2021). 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 2021).

Fourth convictions are a Class IIIA felony. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2021). 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 2021). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60-6,197.03(7) (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 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 2021).

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 180 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 180 days after release. Neb. Rev. Stat. § 60-6,197.03(9) (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 and information available at <https://nida.nih.gov/publications/drugfacts/understanding-drug-use-addiction>

D. ASSISTANCE, UNIVERSITY SANCTIONS, AND OTHER INFORMATION

Assistance:

Employees and students needing help in dealing with drug or alcohol problems are encouraged to make voluntary use of their campus Employee Assistance Programs and Student Counseling Centers. The Employee Assistance Programs and Student Counseling Centers can help by offering the following services:

- Objectively assessing the situation and referring employees or students to the proper resources.
- Supplying short-term personal counseling and problem solving.
- Providing education and training to supervisors on how to intervene with troubled employees.

University Sanctions:

In the event a faculty or staff member violates this policy or is convicted of unlawful manufacture, distribution, dispensation, possession or use of controlled substances or alcohol on University property or as part of any University activity, the University will take appropriate action.

For administrators, staff, and faculty not included in the UNK or UNO collective bargaining units, one or more of the following actions may be taken:

- Referral to the Faculty/Employee Assistance Program for evaluation and assessment to determine the appropriate treatment for rehabilitation;
- Participation in a drug rehabilitation program;
- Disciplinary action, up to and including termination of employment and referral for prosecution.

For faculty included in the UNK or UNO collective bargaining units, conviction of drug law offenses may be considered adequate cause for imposition of the disciplinary process provided in the Collective Bargaining Agreement. Violation of this policy may also be considered adequate for imposition of the disciplinary process and referral for prosecution.

As required by 41 U.S.C. § 8102(a)(1), part of the Drug-Free Workplace Act of 1988, faculty and staff involved in the performance of federal contracts or grants must notify their supervisor within five days if they are convicted of any criminal drug statute as a result of violation of the law that occurs at the workplace. The term “conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of the Federal or State criminal drug statutes. The supervisor will immediately notify the Academic Affairs Office when faculty members are affected or the Human Resources Office when staff members are affected. The University, in turn, will notify the applicable granting or contracting agency or agencies of the conviction within ten days after receiving notice of an employee’s criminal drug statute conviction.





Any questions regarding this report may be directed to:

Office of Compliance

Warner Hall Room 2138

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End of Annual Security Report