Annual Campus Security, Crime Awareness
And Fire Report
University of Nebraska at Kearney
September 22, 2014

Annual Security Report
The Annual Campus Security, Crime Awareness and Fire Safety Report prepared by the University Police and Parking Services department, introduces you to the University of Nebraska at Kearney (UNK), its services, security measures and fire measures, and policies and regulations that promote campus safety. Crime statistics for the previous three years related to the university are also provided. The Annual Campus Security, Crime Awareness and Fire Safety Report can be found at http://www.unk.edu/annual_security_report.

Disclosure
In accordance with the Student Right to Know and Campus Security Act of 1990, 20 U.S.C. Section 1092 the University of Nebraska at Kearney each year mails a post card and e-mails currently enrolled students and employees notifying them of the Annual Campus Security, Crime Awareness and Fire Safety Report. A web site is included with this post card and e-mail directing individuals where to access the report. Copies of the report may also be obtained at the Police and Parking Services office in the General Services Building at 2507 19th Avenue or by calling (308) 865-8517. A link to this report is located on the employment web page and the student admissions web page. Upon request applicants for enrollment or employment will be given a copy of this report. UNK also provides crime statistics to the United States Department of Education. Crime statistics which reflect offenses reported to campus authorities during the three preceding school years are included in this report.

University Profile
The University of Nebraska is a state-supported institution of higher education comprised of four main administrative units; the University of Nebraska at Kearney (UNK), the University of Nebraska at Lincoln (UNL), the University of Nebraska Medical Center (UNMC), the University of Nebraska at Omaha (UNO) and such other institutions and units as may be designated by the Legislature. UNK is a community of approximately 6,900 students, employing approximately 1,000 faculty and staff members as of the fall of 2013. UNK is located in the community of Kearney, Nebraska which has a population of approximately 30,900.

Although the area, with its small-town feel and neighborly attitude, is perceived to have a relatively low crime rate, crime prevention remains a high priority for the University. UNK does its part to ensure a safe, protected and orderly environment for its community by having its professionally trained police force partner with the University and surrounding community.

Campus Authority
Campus authority at UNK is any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. This is to include but not limited to the Chancellor, Senior Vice Chancellor of Academic/Student Affairs, Assistant Vice Chancellor Communications and Community Relations, the Dean-Student Affairs, Police Officers,
Community Service Officers, the Student Conduct Officer, Residence Life staff, Student Activities staff, Student Health Care staff, Athletics, Human Resources, Ombudsperson, Title IX Coordinator and student organization advisors. Other officials may be identified by additional policy generated by the Chancellor or his/her designee as deemed necessary and the university will maintain, revise, and disseminate procedures as required to effectuate this legislation. Professional mental health, pastoral, and other licensed counselors when functioning in that capacity are not considered campus security authorities; however, all members of the university community including the above listed are encouraged to report crimes or criminal activity to the Police and Parking Services Department or anonymously at the University’s “Silent Witness” web page http://www.unk.edu/offices/police/police_services/unk_silent_witness.php. Further professional mental health, pastoral, and other licensed counselors are encouraged to let their clients know their options for reporting such crimes.

**Conduct**

The University respects and protects the dignity, integrity, and reputation of all its students and employees. Students and employees must comply with the regulations of the University which are necessary to maintain order, protect people and property, and fulfill the purposes and responsibilities of a university. The University is responsible under state law for maintaining order and is empowered to exclude those who are disruptive. Individuals who violate University policy, federal, state or local laws can be prosecuted through the court system and/or disciplined through the University student conduct process or the employee disciplinary process. This includes incidents that occur off University property and reported to outside law enforcement agencies.

**Law Enforcement Authority/Working Relationship with State and Local Police**

Campus safety and security is coordinated by the Police and Parking Services Department, which has ten full-time police officers who have full police and arrest powers. University police officers enforce University regulations and laws of the State of Nebraska within their jurisdiction which includes all university-owned, leased or controlled property and the streets adjoining and adjacent to the university, and in support of the Kearney Police Department. Police officers are responsible for a full range of public safety services, including investigations, medical emergencies, fire emergencies, traffic accidents, enforcement of state and local laws and all other incidents requiring police assistance to include arresting necessary persons. University police officers conduct foot, bicycle and motorized patrol of campus 24 hours a day 365 days a year.

The University Police and Parking Services Department works closely with the Kearney Police Department, the Buffalo County Sheriff’s Office, and the Nebraska State Patrol. Although there are no written memoranda of understandings between the agencies all agencies actively assist each other as needed. Incidences that cross jurisdictions or require additional personnel or equipment beyond the University’s abilities will be conducted jointly with another agency. The Kearney Police Department also responds to any off-campus incident involving students or student organizations within the city limits. Police and Parking Services will assist them upon their request. University police officers have direct radio communication with both the Kearney Police Department and the Buffalo County Sheriffs Department and are part of the Buffalo County 911 Emergency Center as they dispatch for the university.
University police officers are graduates of the Nebraska Law Enforcement Training Center and are commissioned by the Governor of the State of Nebraska as Special Deputy State Sheriffs. They are trained in all phases of law enforcement, including the use of firearms; however, university police are not equipped with firearms. They further complete on-going training to upgrade and maintain their professional skills as law enforcement officers.

**Reporting of Criminal Activities and Emergencies**

Faculty, staff, students and guests should report all crimes and public safety related incidents which happen on campus promptly to Police and Parking Services for further investigation. Police and Parking Services can be contacted at 2507 19th Avenue, General Services Building, Kearney, Nebraska 68849 or by dialing (308) 865-8517 during business hours, 8am to 5pm, Monday through Friday or (308) 627-4811 or (308) 237-2104 at any time. If the situation is occurring off campus dial (308) 237-2104, if it is an emergency dial 911. If a student or employee is unsure who to report a crime to or would like assistance in the reporting process they may contact Police and Parking Services. If you want to stay anonymous we encourage you to report the crime on line at the University’s Silent Witness web page at http://www.unk.edu/offices/police/police_services/unk_silent_witness.php. Reporting will assist the university in taking steps to ensure the safety of yourself and others. With such information, the university can also keep accurate records of the number of incidents occurring on University property, determine where there is a pattern of crime and alert the campus community to potential dangers.

UNK is further equipped with ten outdoor emergency telephones. These phones are programmed to dial 911 when activated. To activate a phone simply push the button displayed on the phone.

Upon receipt of a call, University Police Officers are dispatched to the site of the complaint to investigate the situation. They prepare and submit incident reports for the use of UNK authorities, other law enforcement agencies, and city, county, state or federal prosecutors. All incident reports involving UNK students or reports that occur in the residence halls are forwarded to the Student Conduct Officer or the Office of Residence Life for review and potential disciplinary action. Incidents of sexual misconduct are forwarded to the University Title IX Coordinator. To keep anonymity while seeking assistance, contact the Counseling Care department at (308) 865-8248. Regardless of how a report is made, it is important to report incidents promptly so that an investigation can be conducted promptly and evidence preserved.

**Crime Statistics**

The following criminal offenses were reported to the University police, designated Campus Security Authority or to local law enforcement agencies for university owned, leased or controlled property and the public property immediately adjacent to the main campus. All years reflect a 12-month calendar year. The definitions for these crime categories are taken from the FBI’s Uniform Crime Reporting Program and the Violence Against Women Act (VAWA).

A hate crime is a crime that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias in a belief whether actual or perceived of the victim’s race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability.
Incidents shown in the “On-Campus Residential” category are also included in the statistics shown in the “On Campus” category.

<table>
<thead>
<tr>
<th>Crime Classification</th>
<th>On –Campus</th>
<th>On-Campus Residential</th>
<th>Non-Campus</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
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<td>Sex Offenses</td>
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<td>Forcible</td>
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<td>Robbery</td>
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<tr>
<td>Aggravated Assault</td>
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<td>0</td>
</tr>
<tr>
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<tr>
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<td>0</td>
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<tr>
<td>Arson</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Liquor-Law Violation</td>
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<tr>
<td>Arrest</td>
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<td>Weapons Possession</td>
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<td>Arrest</td>
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<td>Disciplinary Referrals</td>
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<table>
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<tr>
<th>Non-Clergy Crimes</th>
<th>On –Campus</th>
<th>On-Campus Residential</th>
<th>Non-Campus</th>
<th>Public Property</th>
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</table>

There were no hate crimes reported at the University of Nebraska Kearney in 2013.
Incidents shown in the “On-Campus Residential” category are also included in the statistics shown in the “On Campus” category.

<table>
<thead>
<tr>
<th>Crime Classification</th>
<th>On – Campus</th>
<th>On-Campus Residential</th>
<th>Non-Campus</th>
<th>Public Property</th>
</tr>
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<tbody>
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<td>Murder</td>
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<td>Manslaughter</td>
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<tr>
<td>Sex Offenses</td>
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<tr>
<td>Forcible</td>
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<td>Non-Forcible</td>
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<td>Robbery</td>
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<tr>
<td>Aggravated Assault</td>
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<td>Motor Vehicle Theft</td>
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<td>Arson</td>
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<td>1</td>
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<td>0</td>
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<tr>
<td>Liquor-Law Violation</td>
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<td>Arrest</td>
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<td>Disciplinary Referrals</td>
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<td>Drug-Related Violations</td>
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<td>0</td>
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<td>Weapons Possession</td>
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<td>Arrest</td>
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<tr>
<td>Disciplinary Referrals</td>
<td>0</td>
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</table>

There was 1 hate crime reported at the University of Nebraska at Kearney in 2012. The incident occurred on campus in a residential building, was in reference to an incident of harassment and was directed at the individual’s race.
Incidents shown in the “On-Campus Residential” category are also included in the statistics shown in the “On Campus” category. Local law enforcement statistics were not included for the Awarii Dunes Golf Course location as we were unable to get responses back from all agencies for this location.

<table>
<thead>
<tr>
<th>Crime Classification</th>
<th>On – Campus</th>
<th>On-Campus Residential</th>
<th>Non-Campus</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>0</td>
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<td>Manslaughter</td>
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<td>Sex Offenses</td>
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<td>Forcible</td>
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<tr>
<td>Robbery</td>
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<td>Aggravated Assault</td>
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<td>Motor Vehicle Theft</td>
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<td>Arson</td>
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<td>0</td>
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<tr>
<td>Liquor-Law Violation</td>
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<td>Arrest</td>
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<td>Disciplinary Referrals</td>
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<tr>
<td>Drug-Related Violations</td>
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<td>Disciplinary Referrals</td>
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<td>Weapons Possession</td>
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<td>Arrest</td>
<td>0</td>
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<tr>
<td>Disciplinary Referrals</td>
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</table>

Non-Clery Crimes

<table>
<thead>
<tr>
<th>Crime Classification</th>
<th>On – Campus</th>
<th>On-Campus Residential</th>
<th>Non-Campus</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple Assaults</td>
<td>6</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Larceny</td>
<td>53</td>
<td>6</td>
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<td>0</td>
</tr>
<tr>
<td>Vandalism</td>
<td>33</td>
<td>12</td>
<td>1</td>
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</tbody>
</table>

There were no hate crimes reported at the University of Nebraska Kearney in 2011.
University Notification
UNK believes that dissemination of information is the key to educating our community about the occurrence of crime on campus. Efforts are made to advise members of the campus community on a timely basis about university crime and crime-related problems. These efforts include the following

- **Annual Report**: An annual report of crime-related information is compiled. A postcard is mailed and an e-mail is sent to university members telling them where to access the report.

- **Uniform Crime Report**: UNK Police and Parking Services Department monthly submits crime statistics to the Uniform Crime Report which is published yearly by the Federal Bureau of Investigation. The yearly report provides detailed statistical information and is available at public libraries.

- **Daily Crime and Fire Log**: Police and Parking Services document a daily crime and fire log that details the date, time, general location, description of the crimes or fires, and a disposition of the complaint that occurred on campus. This log is updated within 2 business days of the initial report being taken or any new information being obtained unless there is clear convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur. This log is available to the general public at the Police and Parking Services Office, General Services Building, 2507 19th Avenue Kearney, NE and is maintained for a minimum of 60 days. Requests for crime log information in excess of the 60 day period will be honored within 2 business days.

- **UNKAlert!**: Is a notification system that allows the university to notify campus community members of a campus threat. Messages can be sent by e-mail, text message and phone. They further can be posted to the University website, Twitter and Facebook pages.

The release of information to the public shall be in compliance with all federal, state and local laws.

Timely Warnings/Safety Alerts
In the event a situation arises on campus that a campus security authority, local law enforcement or UNKPD becomes aware of and is a Clery reportable crime (Murder and non-negligent manslaughter, negligent manslaughter, forcible sexual assault, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft and arson) and is considered to represent a serious or continuing threat to the campus, a campus-wide “Timely Warning/Safety Alert” will be issued by the Director of Police and Parking Services or his/her designee. The issuance of Timely Warnings for non-Clery crimes will be done on a case by case basis taking into account the frequency of the offense and the likelihood for additional occurrences. The body of this “Timely Warning/Safety Alert” will include (if obtained) a short description of the crime or incident giving the time, date, location, suspect’s description, weapons used and the suspect’s vehicle. Information is released contingent upon the information not interfering with department operations, infringing on an individual’s rights or the violation of an existing law. These warnings will withhold the names of the victims associated with any crime.
Depending on the particular circumstances of the crime, these alerts can be provided through various media including the university e-mail system, the automated notification system (UNKAlert!) and posted flyers. In such instances, the notice will be posted at the entry of each building. Anyone with information warranting a timely warning should report the circumstances to the Police and Parking Services Office by phone at (308) 627-4811 or in person at 2507 19th Avenue in the General Services Building.

Immediate Notification/Safety Alerts

Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees, the University will immediately notify the campus community.

The definition of a significant emergency or dangerous situation involving an immediate threat is any situation which encompasses an imminent or impending threat to the campus. This includes but not limited to fires, serious health outbreaks, bombs, terrorist incidents, armed person(s), explosions, civil unrest and tornados that are likely to impact the campus.

When determining whether to make this notification, the University will take into account any compromises the notification could make on their efforts to contain and/or respond to the situation or to assist the victims. They will do this while taking into account the safety of the community.

When a member of the university community believes a significant emergency or dangerous situation exists, they should notify the Police and Parking Services office at (308) 627-4811, the Assistant Vice Chancellor for Business and Finance at (308) 865-8427, the Director of Police and Parking Services at (308) 865-8517, the Director of Residence Life at (308) 865-8519, or the Emergency Operation Team’s Faculty Representative at (308) 865-8518. Once one of the above individuals receives a report, he/she shall without delay investigate and confirm the facts of the situation and determine whom it will impact. The individual receiving and investigating the situation or their designee will write a notification and send it to the affected population through UNKAlert! The notification will warn people in the affected area of the emergency and any precautionary steps to take if known.

Immediately thereafter; administrative staff will be notified to include: University Communications, who will prepare and send all future communications and messages to the larger community. During this process alternative means of communication other than UNKAlert! may be used to include but not limited to university e-mail lists, university websites, social media and external news media.

Release of any and all information shall be contingent upon the information not interfering with department operations to contain or respond to the emergency, infringing on an individual’s rights or the violation of an existing law.

Emergency Response Procedures

UNK has an Emergency Operation Team and plans in place to deal with emergency situations on the University of Nebraska at Kearney campus. This plan is designed to provide guidance to the
university’s responders and the campus community applicable to all emergencies. It has identified functional responsibilities of various organizations and offices within the University. To view the Emergency Operation Plan or request a copy, contact the Police and Parking Services Department at (308) 865-8517 or at 2507 19th Avenue or go to http://www.unk.edu/eop/

All new employees were given a flip book of the Emergency Operation Plan. Posters of the plan were also placed on all public bulletin boards in academic buildings.

Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees, the University will immediately notify the campus community of the situation through the UNKAlert! system.

The UNKAlert! system is tested each semester to make sure it is in proper working order if it has not been utilized recently.

UNK has a Drills and Exercise committee and a Training committee of the Emergency Operations Team which designs and implements exercises and trainings throughout the year to test the University’s emergency operations plans. These exercises are conducted for both the University as a whole and for single departments or areas. This committee also oversees annual evacuation drills for academic buildings and bi-annual drills for the residence halls. In academic buildings, occupants are made aware of a date range the drill will be held but not the time. In residence halls, evacuation drills are conducted both announced and unannounced. Building evacuation plans are reviewed, updated and sent out at this same time. These drills are documented and any issues of concern are forwarded to the proper department to be addressed.

In 2013 some of the exercises and or trainings the University conducted or participated in were:

- MGT 404 – Special Event and Large Scale Event Command
- AWR 232- Mass Fatalities Planning Response for Rural Communities
- Evacuation drills
- State wide tornado drill
- Student travel tabletop
- Radio usage exercise
- NIMS 100, 200 and 700 training for new EOT members
- Incident Command tabletop

All trainings and exercises were announced ahead of time.

**Evacuation Procedures**

**Building Evacuation**

At the sound of the Emergency Alarm, it is the responsibility of all building occupants to evacuate immediately and proceed to predetermined assembly points, away from the building.

Building occupants are also responsible for ensuring that their visitors/customers follow the evacuation procedure described herein, and leave the building along with all other occupants.
Faculty are responsible for dismissing their classes and directing students to leave the building by the nearest exit upon hearing the alarm or being notified of an emergency.

Designated essential personnel necessary to continue or shut down critical operations during an evacuation is underway are responsible for recognizing and/or determining when to abandon the operation and evacuate themselves.

Contract workers will be made familiar with the procedure outlined herein and are expected to leave the building when the alarm sounds.

**Evacuation Instructions** –
Whenever you hear the building alarm or are informed of a general building emergency:

- Do not panic or ignore the alarm.
- Dismiss classes in session and leave the building immediately, in an orderly fashion.
- Do not go back to your office or classroom area for any reason.
- Do not use the elevators.
- Follow the quickest evacuation route from where you are.
- Proceed to the designated emergency assembly point for your area. If the designated assembly point/area is unsafe or blocked due to the emergency, proceed to the alternate assembly point.
- Report to your Work Area Rep or Instructor at the assembly point to be checked off as having evacuated safely; also report any knowledge you may have of missing persons.
- Return to the building only after emergency officials or building monitors give the all-clear signal. (Silencing the alarm does not mean the emergency is over.)

Any person unable or who needs assistance to evacuate should proceed to the nearest stairwell. If it is unsafe to do so, remain in your office/classroom/residence. Emergency evacuation personnel will check stairwells and ensure emergency response and rescue personnel are notified if someone has taken refuge there.

Supervisory personnel and course instructors are responsible for identifying and escorting individuals with disabilities located in their offices/classrooms to safety if possible. If they are not able to evacuate the individual, they need to at a minimum get them to a stairwell and then notify rescue personnel.

If you are on a building floor **WITHOUT** an exit that goes directly to the outside, and you hear a fire alarm, or are informed of an evacuation:

- Go to a stairwell immediately.
- Inform or ask someone, a building occupant or a floor monitor in particular, to alert the first arriving emergency responders of your presence and location.
- Call 911 to ensure rescue personnel are notified of your location and your need for assistance to evacuate.
- Provide operator with your exact location, building name, floor and room numbers.
- Give phone number you are calling from.
- If possible remain by phone, police have radio contact with officers at scene and will keep you informed of the situation. (The information you provide to the emergency
operator will be relayed to emergency and rescue personnel arriving at the scene, who will assist in your safe evacuation, if circumstances warrant.)

**Campus Evacuation**
Responsibility for issuing an evacuation order rests with the Chancellor, his/her designee or by direction of the City of Kearney. When there is an immediate need to protect lives and provide for public safety, the on-scene commander can make the decision to evacuate. Individual responsibility should be taken by all faculty, staff, students and guests to ensure their own safety.

**Public Notification**
Persons to be evacuated should be given as much warning time as possible. On slow moving events, pre-evacuation notice will be given to affected residents. All warning modes will be utilized to direct the affected population to evacuate campus. This will include use of the UNKAlert! system to notify individuals by phone, e-mail and text message. The University will also post information on the University website and UNK’s primary social media channels. Wherever possible, the University building evacuation plans will be implemented and work-area reps and floor monitors will walk through buildings going door-to-door to notify occupants.

The Office of University Communications and Community Relations will ensure emergency and evacuation information is disseminated to the news media on a timely basis. Instructions to the public such as traffic routes to be followed, location of temporary reception centers and situation updates will be issued as information becomes available.

**Movement**
It is anticipated that the primary evacuation mode will be in private vehicle. Evacuation routes will be selected by law enforcement officials at the time of the evacuation decision. If at all possible, two-way traffic will be maintained on all evacuation routes to allow continued access for emergency vehicles. Movement instructions will be part of the warning and subsequent public information releases.

**Transportation**
The Emergency Management Coordinator will determine the need for special transportation, coordinate the use of transportation resources to support the evacuation and announce convenient centralized locations as assembly areas. There could be cases where elderly, infirm or persons with a disability in the evacuation area will not be able to get to the assembly point or would need a special type of transportation. Provisions will be made for vehicles to transport these individuals. The public will be instructed how to notify EOC of any special transportation problems. The University Child Development Center will take priority when assessing transportation needs.

**Access Control**
During times of evacuation, University buildings will be locked down. In certain situations, buildings will be pinned so that only authorized emergency personnel have access. A perimeter would be established and enforced by Police and Parking Services. An access pass system would be established.
Re-entry
The re-entry decision and order will be made by the Chancellor or his/her designee after the threat has passed and the evacuated area has been inspected by all necessary safety personnel.

Firearms and Weapons Policy
Possession of firearms, explosives, destructive devices, dangerous chemicals, fireworks or any other item defined by Nebraska state statutes (Chapter 28, Article 12) as a deadly weapon is prohibited on property controlled by the University of Nebraska at Kearney, in University vehicles, and at events sponsored by the University. This prohibition applies to all members of the general public, students, and University employees, except University employees who are specifically so authorized as part of their job responsibilities and authorized law enforcement personnel performing official duties. Exceptions to this policy may only be authorized by the Vice Chancellor for Business and Finance or his/ her designee. Any person violating this policy is subject to University discipline up to and including expulsion/termination and/or may be charged with the appropriate criminal offense.

The possession of concealed weapons on property controlled by the University of Nebraska is prohibited (State statute 69-2441). This ban applies to University of Nebraska vehicles and events sponsored by the University. This prohibition applies to all members of the general public, students, and University employees, except University employees who are specifically authorized to carry concealed weapons as part of their job responsibilities and authorized law enforcement personnel performing official duties.

For the purpose of this policy, the term “property controlled by the University of Nebraska” shall mean and include all property owned by the University, all property leased by or licensed to the University, and all fraternity houses, sorority houses, or other student housing facilities recognized by the University.

Drug and Alcohol Policy
The illegal possession, use or distribution of drugs or alcohol by any persons is a violation of university rules as well as state and federal laws. Officers of the University cooperate with State and Federal agencies in the prevention of drug abuse. University Police Officers enforce all Nebraska laws and university policies concerning the purchase, possession, consumption, sale and storage of alcoholic beverages and drugs. These would include:

- 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 vehicles either during or after working hours.

- Unauthorized use or possession or the 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. 28-410 et seq., on university premises, or while engaged on university business or attending university activities or in university vehicles either during or after working hours.
• Unauthorized use, manufacture, distribution, possession or sale of alcohol on university premises or while on university business or at university activities, in university supplied vehicles either during or after working hours.

• Storing in a locker, desk, vehicle or other place on university owned or occupied premises, any unauthorized controlled substances, drug paraphernalia or alcohol.

• Use of alcohol off university premises that adversely affects an employee’s or student’s work or academic performance, or an employee’s or student’s safety or the safety of others.

• Possession, use, manufacture, distribution or sale of illegal drugs on 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.

• Violation of state or federal laws relating to the unauthorized use, possession, manufacture, distribution or sale of alcohol, controlled substance or drug paraphernalia.

• In the case of employees, failure to notify an employee’s supervisor of an employee’s arrest or conviction under any criminal drug statute as a result of a violation of law which occurs at the University of Nebraska workplace.

• In the case of students it is against the Student Code of Conduct to be in the presence of alcohol or drugs.

Conviction for violations of these laws could result in fines, loss of driver’s license and imprisonment. Students who violate the Student Code of Conduct will be subject to the process and sanctions as outlined by the code; separate from any legal sanctions they may receive. Sanctions may range up to and include suspension or expulsion from either University housing and/or the institution.

In the event a faculty or staff member violates this policy or is convicted for 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 AAUP bargaining unit, 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 AAUP bargaining unit, conviction for such offenses may be considered adequate cause for imposition of the disciplinary process provided in Article XIV of
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 the Drug-Free Workplace Act of 1988, faculty and staff involved in the performance of federal contracts or grants must notify their supervisor within five days if they are convicted of any criminal drug statute as a result of violation of the law that occurs at the workplace. The term “conviction” means a finding of guilt (including a plea of nolo contendre) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of the Federal or State criminal drug statutes. The supervisor will immediately notify the Academic Affairs Office when faculty members are affected or the Human Resources Office when staff 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.

The Best Care Employee Assistance Program (EAP) at the University of Nebraska at Kearney is available to all faculty and staff and their immediate family members in need of information and/or assistance with any personal concern, including alcohol or drug-related problems. Best Care EAP provides confidential, free, professional, short-term counseling, assessment and referral for employees and/or family members who need assistance regarding substance abuse or dependency. Supervisors can also obtain assistance in referring employees. Counseling can be obtained by calling Best Care EAP at 1-800-666-8606. A listing of additional regional resources can be found on the 10th District Court (www.district10.us/drug_and_alcohol_evaluation.htm).

- **Student on-campus resources**
  - UNK Counseling & Health Care
    - Counseling Care Office, 144 MSAB
    - Phone: 308-865-8248

- **Kearney community resources**
  - South Central Behavioral Services
    - 3810 Central Avenue
    - Kearney, NE
    - Phone: 308-234-4017

Counseling & Health Care provides Alcohol and Other Drug prevention programs and presentations. Specifically the *Alcohol CHOICES* class, which focus on:

- Why some college students drink alcohol
- How alcohol works in the body and mind
- Alcohol poisoning and blood alcohol content (BAC)
- Wise decision making regarding alcohol

In addition to this Counseling and Health Care offer:

- Alcohol Assessments
- Substance Abuse Evaluations
- Group Substance Abuse Counseling Sessions
Individual Substance Abuse Counseling Sessions

Peer Health Education (PHE) hosts programs including OkSOBERfest, UNK Movie Night, and the UNK GoPro Project. These programs promote alcohol free alternatives on nights typically known for episodic drinking and high risk behaviors.

PHE also has several grant funded activities that fall under the umbrella of www.healthedu4unk.org, its alcohol prevention website, focused on the reduction of binge drinking among 18-24 year olds. On the site, the UNK community can find resources such as BAC goggles for interactive presentations, brochures, pamphlets, games and more. Faculty, staff and students can also request programs through the site in which student volunteers, counselors or nurses can present. Finally, facts, videos, and other resources can be accessed through the site.

Many physical and psychological health risks are associated with the misuse and abuse of alcohol and other substances, including but not limited to the following:

- Accidents due to impaired judgment and coordination.
- Unwanted sexual activity.
- Difficulty with attention and learning.
- Physical and psychological dependence.
- Damage to the brain, pancreas, kidneys, liver, heart and lungs.
- High blood pressure, heart attacks, strokes, and ulcers.
- Birth defects.
- Diminished immune system.
- Death.

For additional information on the description of applicable legal sanctions under federal, state or local law for unlawful possession or distribution of illicit drugs and alcohol, state penalties and sanctions for illegal possession of controlled substances and descriptions of health risks associated with use of illicit drugs and abuse of alcohol go to http://www.unk.edu/student_affairs/drug_free_statement.pdf to view the University of Nebraska at Kearney Drug Free Schools and Campuses report.

Missing Persons Policy

For purposes of this policy, a student may be deemed a “missing person” if the university is notified a person is missing for more than 24 hours without any known reason or which is contrary to his/her usual behavioral pattern or within the 24 hour period if there is unusual circumstances.

Students will be given the opportunity yearly during the housing registration process to designate an individual or individuals to be contacted by the university no more than 24 hours after the time the student is determined to be missing. This individual will further be updated as to the progress of the investigation into the missing person. This designated missing student emergency contact will be registered confidentially and only accessible by authorized campus officials and law enforcement personnel in the furtherance of the investigation. The missing student emergency contact will remain in effect until changed or revoked by the student. If a student
decided to complete this form at a time other than housing registration or they need to make updates to this form they may contact Residence Life at (308) 865-8519 or at their office located at 2615 11th Avenue, Conrad Hall. Students under the age of 18 who are not emancipated will have their custodial parent or guardian notified no more than 24 hours after the student is determined to be missing in addition to notifying any emergency contact they have listed.

Any individual who believes a residential student may be missing must notify either the Office of Residence Life at (308) 865-8519 or (308) 440-3547 after hours, 2615 11th Avenue, Conrad Hall, or Police and Parking Services at (308) 627-4811, 2507 19th Avenue as soon as possible. If an individual who lives off campus is believed to be missing, the reporting person will be immediately referred to their local police department. All University departments will work with these agencies to assist them in their investigation. The Office of Residence Life or Police and Parking Services will work together to gather all essential information about the residential student to determine the validity and credibility of the report. If the above actions are unsuccessful in locating the student or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), the Office of Police and Parking Services will report the missing person to the National Crime Information Center of the Department of Justice and contact the appropriate law enforcement agency to report the student as a missing person and request their assistance as the lead investigating agency on the case. No later than 24 hours after determining that a residential student is missing, the Office of Residence Life will notify the emergency contact for the student. In addition, the parent/guardian for students under the age of 18 will also be contacted. The University’s Administrative and Emergency Operation Team will also be notified at this time.

The lead investigating agency will be the contact point for the release of any information pertaining to the case. This agency may consult with the university’s Office of Communications. All inquiries to the University regarding the missing student’s case, or information provided to any individual about a missing student, shall be referred to the Office of Police and Parking Services who shall refer such inquiries and information to the lead investigating agency.

Prior to providing any information about a missing student, university employees shall consult with the Office of Police and Parking Services and the investigating law enforcement authorities to ensure that communications do not hinder the investigation.

**Sexual Misconduct Policy**

UNK does not discriminate on the basis of sex in its educational programs and sexual harassment, dating violence, domestic violence and stalking are types of sex discrimination. As a result, UNK issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, UNK prohibits these offenses and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.
UNK SEXUAL MISCONDUCT POLICY AND PROCEDURES

1. STATEMENT OF POLICY
1a. Beginning with the University of Nebraska charter in 1869, Nebraska law has provided that no person shall be deprived of the privileges of this institution because of sex. Discrimination on the basis of sex is also prohibited by federal law. The University of Nebraska has programs to promote awareness of and to help prevent domestic violence, dating violence, sexual assault, and stalking and to assist members of the university community who are affected by such behavior. Rape, acquaintance rape, domestic violence, dating violence, sexual assault, sexual harassment and stalking are against the law and are unacceptable behaviors under University of Nebraska policy. These unacceptable behaviors are hereafter referred to as “sexual misconduct”. Sexual misconduct is conduct in violation of University policy and state and federal law that the University will take action to eliminate, prevent, and redress once the University has notice that sexual misconduct has occurred.
1b. The President and Chancellor shall implement procedures to address the rights of all individuals involved in cases of alleged sexual misconduct. This policy applies to all University of Nebraska employees and students regardless of sexual orientation or gender identity, and to all programs and activities under the jurisdiction of the University of Nebraska. The University may respond to complaints of sexual misconduct whether they are alleged to have occurred on or off University premises and to complaints of misconduct committed by third parties who are not employees or students.

2. AWARENESS, EDUCATION, PREVENTION AND TRAINING PROGRAMS
As required by federal statutes and administrative regulations, the University shall publicize and conduct ongoing programs for new students and employees and other members of the University community to promote awareness of the problems caused by sexual misconduct and to help prevent and attempt to reduce the risk of the occurrence of sexual misconduct. These programs shall include instruction on safe and positive options for bystander intervention that may be carried out by individuals to prevent harm or intervene when there is a risk of sexual misconduct being inflicted on another person. Training shall be provided to all persons designated as campus security authorities and involved in responding to charges of sexual misconduct.

3. ASSISTANCE TO PERSONS SUBJECTED TO SEXUAL MISCONDUCT
3.1 Persons subjected to sexual misconduct may be helped—sometimes anonymously—whether or not a complaint of any kind is filed. Changes in academic, living, transportation, and working situations may be made available on a confidential basis by the University as remedies to protect persons, complainants, or witnesses. The President and Chancellor shall disseminate information about university programs and resources available to assist persons who have been subjected to sexual misconduct, and about agencies outside the university located throughout the state that provide related services. In addition to identifying resources available to provide counseling and medical treatment, university sexual misconduct programs must provide instruction on the importance of preserving evidence as proof of sexual misconduct, and on the availability of protection orders and other remedies that may be afforded to persons who have been subjected to sexual misconduct. Preservation of evidence is required of all parties. Concealment or destruction of evidence is prohibited under university rules and the law.
3.2 A person who has or had been involved in a dating relationship, or who has or had a marital, shared residential or familial relationship with the actor may obtain either a harassment or domestic protection order. Persons who have not been involved in a dating relationship may qualify for a harassment protection order. Violation of harassment or domestic protection orders issued by courts of this or another state or tribal courts can result in a violator’s arrest and subject the violator to criminal penalties.

3.3 The Protection from Domestic Abuse Act makes the Nebraska Department of Health and Human Services (DHHS) responsible to provide victims of domestic abuse emergency services, support programs, limited medical help and legal assistance in obtaining a protection order.

4. COMPLAINTS, REPORTING AND INVESTIGATION PROCESS

A person subjected to sexual misconduct may be helped whether or not a complaint or report of any kind is filed. Changes in academic, living, transportation, and working situations may be made available by the University as remedies to protect persons, complainants, or witnesses. There are several avenues potentially available to make a report or formal complaint of sexual misconduct. A report of sexual misconduct could be made to the University, a civil suit could be filed against the actor responsible for the sexual misconduct, a criminal charge could be filed as a result of a law enforcement investigation, and/or an administrative complaint can be made to the United States Department of Education, Office of Civil Rights (OCR). A person may also choose not to make a report or take further action.

Complaints to the University

4.0 Students, employees and third parties may complain of violations of the university policy against sexual misconduct. Complaints of sexual misconduct can be made to Campus Security Authorities (CSAs), Investigators, Human Resources or Student Affairs Officers, and Title IX Coordinators. Information on how to file complaints will be publicized by the President and Chancellors.

4.1 The University will protect the privacy of the parties involved in a sexual misconduct case to the extent possible under the law. In some situations, including those in which disciplinary action is a possible outcome, the law may require disclosure to respondents.

4.2 The University may be required by law to investigate complaints of sexual misconduct, but that investigation may be limited by the information provided by the Complainant and the Complainant's willingness to pursue a formal complaint.

4.3 If the Complainant wishes to avoid revealing his or her identity, the University will make every reasonable effort to abide by Complainant’s wishes to remain anonymous; however, the University is required to balance such a request with interest in protecting the safety of other members of the community.

4.3.1 Factors that will be considered in determining whether to disclose a report of sexual misconduct, a complaint, or the identity of the Complainant to a Respondent include: the seriousness of the alleged conduct; the Complainant's age; whether there have been other complaints about the same individual; and the Respondent’s rights to receive information about the allegations.
4.3.2 If the University proceeds with an investigation or other response to the Report of sexual misconduct, then the Investigator will notify the Complainant before the Respondent is contacted. Retaliation against the Complainant or a third party in an attempt to prevent or otherwise obstruct the reporting or remediation of sexual misconduct is prohibited. The Complainant and others contacted during the course of an investigation should be notified of the University's anti-retaliation policy.

**Handling of Confidential Reports**

4.4.1 If the Complainant would like to remain anonymous, the Investigator will:

4.4.1.1 Explain that the University endeavors to investigate the allegations as presented without revealing the Complainant's identity, but that the University cannot ensure complete confidentiality and it may be limited in its ability to take disciplinary action if the Complainant desires to remain anonymous;

4.4.1.2 Advise Complainant that the University has an obligation to investigate and document allegations of sexual misconduct, to include general information about reports of criminal sexual misconduct in annual security report statistics which do not identify either the person claiming to have been subject to criminal sexual misconduct or the actor alleged to have committed criminal sexual misconduct;

4.4.1.3 To the extent practicable, provide resources and internally manage the Complainant's situation, as the University would if the Complainant did not request anonymity; and

4.4.1.4 Ask the Complainant to acknowledge and sign a document confirming that s/he has requested anonymity and that may mean that the University is unable to take disciplinary action against the Respondent.

**Investigation by University**

4.5 The University will investigate and act upon information that is provided to it about allegations of sexual misconduct.

4.6 The University is committed to the following when investigating sexual misconduct complaints:

4.6.1 Assign investigators who receive annual training on the issues related to domestic violence, dating violence, sexual assault, sexual harassment, and stalking and how to conduct an investigation that protects the safety of persons involved;

4.6.2 Basing findings on the greater weight of the evidence standard;

4.6.3 Treating all parties fairly and equally;

4.6.4 Notifying all parties that the investigation will be impartial, prompt and equitable; and

4.6.5 Providing all parties an opportunity to be heard.

**University Disciplinary Procedures**
4.7 Investigations of allegations against students will be handled using the Response to Allegations of Student Sexual Misconduct disciplinary procedures.

4.8 Investigations of allegations against employees will be handled using the Response to Allegations of Employee Sexual Misconduct disciplinary procedures.

4.9 University internal investigations, and any disciplinary or remedial actions, are independent of any civil, criminal or external administrative investigation. The University may pursue an investigation, take appropriate remedial action and or impose disciplinary sanctions against a member of the university community at the same time the actor is facing criminal charges for the same incident, even if the criminal prosecution is pending, has been dismissed, or the charges have been reduced.

5. POSSIBLE SANCTIONS AFTER SEXUAL MISCONDUCT FINDING

Institutional sanctions that may be imposed against students for sexual misconduct range from warning to expulsion. Sanctions against students may be imposed by the Student Affairs Officer, Conduct Officer, or Conduct Board. Institutional sanctions against employees range from warning to termination. Institutional sanctions against employees will be recommended by the Investigator to the person or persons authorized to impose employee sanctions. Institutional sanctions against third parties range from loss of privileges to trespass exclusion orders. Notice of the outcome of a sexual misconduct complaint must be provided to both complainant and respondent.

6. DEFINITIONS

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

a. “Actor” means a person accused of sexual misconduct.

b. “Advisor” means any person, including legal counsel, who assists the Respondent, Complainant or Investigator during a Conduct proceeding.

c. “Bodily injury” shall mean physical pain, illness, or any impairment of physical conditions.

d. “Campus security authority” (CSA) is a University official charged with the duty to report incidents of sexual misconduct to the person in charge of Clery Act reporting. All officers of a university police department or a campus security department are campus security authorities, but there are other CSAs outside of those offices. The Office of the President and each Chancellor shall prepare and publicize a list of designated campus security authorities.

e. “Complainant” means any individual who comes forward to complain of sexual misconduct against or by a member of the University community or a third party.

f. “Confidentiality” means that the University will not disclose the names of individuals involved in sexual misconduct cases to others except on a need to know basis or as required by law. The University will instruct employees and
students about the requirement not to disclose confidential information. Confidentiality is not the same as anonymity, where an individual is not named or personally identified.

g.“Consent” means agreement, approval, or permission as to some act or purpose, given voluntarily by a competent person. Nebraska law states “without consent” means:

1. (i) The person was compelled to submit due to the use of force or threat of force or coercion, or (ii) the person expressed a lack of consent through words, or (iii) the person expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor.

2. The person need only resist, either verbally or physically, so as to make the person's refusal to consent genuine and real and so as to reasonably make known to the actor the person's refusal to consent; and

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

4. In the above text, the word “person” means the individual against whom a wrongful act was allegedly committed, and the word “actor” is the individual alleged to have committed a wrongful act. When the actor knew or should have known that a person was mentally or physically incapable of resisting or understanding the nature of his or her conduct, there is no consent. A person may be incapacitated due to intoxication, mental illness or deficiency or by physical illness or disability to the extent that personal decision-making is impossible. Surprise may also prevent resistance, as where a person is grabbed from behind.

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

h.“Dating violence” is included within the definition of “Domestic assault”.

i.“Domestic assault” has three definitions which depend on the harm threatened or inflicted by an actor on a person. An actor commits domestic assault if he or she (i) intentionally and knowingly causes bodily injury to his or her intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner. An actor commits a more severe form of domestic assault if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument. An actor commits the worst form of domestic assault if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.
j. “Domestic violence” is included with the definition of “domestic assault.”

k. “Force or threat of force” means (a) the use of physical force which overcomes the person’s resistance or (b) the threat of physical force, express or implied, against the person or a third party that places the person in fear of death or in fear of serious personal injury to the person of a third party where the person reasonably believes that the actor has the present or future ability to execute the threat.

l. “Intimate partner” means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this definition, dating relationship means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

m. “Intimate parts” means the genital area, groin, inner thighs, buttocks or breasts.

n. The Term “Investigator” means a University official authorized to investigate and recommend remediation of complaints of sexual misconduct.

o. “In violation” means that it is more likely than not that an actor has committed one or more acts of sexual misconduct. In other words, a greater weight of the evidence standard must be used to find sexual misconduct.

p. The term “may” is used in the permissive sense.

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

r. The term “not in violation” means that it is more likely than not that a member of the University community did not commit one or more acts of sexual misconduct.

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

t. “Person” means the individual who allegedly was, or was determined to have been, subjected to sexual misconduct.

u. “Rape” is included under the definition of sexual assault and means an actor’s sexual penetration of a person without consent.

v. “Report” means a written or verbal statement by a person to a University Official regarding allegations of sexual misconduct.
w. “Retaliation” includes intimidation, threats, harassment, and other adverse action threatened or taken against the Complainant or a third party in an attempt to prevent or otherwise obstruct the reporting of sexual misconduct.

x. “Serious bodily injury” shall mean bodily injury which involves a substantial risk of death, or which involves substantial risk of serious physical disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

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

z. “Sexual assault” is committed when an actor subjects a person to sexual penetration (i) without the consent of the person, (ii) when the actor knew or should have known that the person was mentally or physically incapable of resisting or appreciating the nature of the person’s own conduct, (iii) when the actor is at least nineteen years of age and the person is at under twelve, or (iv) when the actor is twenty-five years of age or older when the person is at least twelve years of age but less than sixteen years of age. Sexual assault is also committed when an actor subjects a person to sexual contact (a) without consent of the person, or (b) when the actor knew of or should have known that the person was physically or mentally incapable of resisting or appraising the nature of the person’s own conduct. Sexual assault by contact should be punished more severely if the actor causes serious personal injury to a person than if the actor shall not have caused serious personal injury.

aa. “Sexual contact” means the intentional touching of a person’s intimate parts or the intentional touching of a person’s clothing covering the immediate area of the person’s intimate parts. Sexual contact also means the touching by the person of the actor’s intimate parts or the clothing covering the immediate area of the actor’s intimate parts when such touching is intentionally caused by the actor. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.

bb. “Sexual harassment” is unwelcome conduct or behavior of a sexual nature. Both violent and non-violent sexual harassment is prohibited. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature. Conduct that is sufficiently serious to limit or deny a person’s ability to participate in or benefit from the University’s educational program creates a hostile environment, and is prohibited. Examples of sexual harassment include, but are not limited to: (1) an exposure of an actor’s genitals done with the intent to affront or alarm any person, and (2) viewing a person in state of undress without his or her consent or knowledge.
cc. “Sexual misconduct” includes dating violence, domestic assault, domestic violence, rape, sexual assault, sexual harassment, and stalking.

dd. “Sexual penetration” means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, of any part of the actor’s or person’s body or any object manipulated by the actor into the genital or anal openings of the person’s body which can be reasonably construed as being for nonmedical or nonhealth purposes. Sexual penetration does not require emission of semen.

ee. The term “shall” is used in the imperative sense.

ff. “Stalking” means to engage in a knowing and willful course of conduct directed at a specific person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate.

gg. The term “student” includes all individuals taking courses at the University, whether full-time or part-time, pursuing undergraduate, graduate, or professional studies, whether or not they reside in the University residence halls. Individuals who withdraw after having allegedly committed sexual misconduct, or who are not officially enrolled for a particular term, but who have an expected continued academic relationship with the University, may be considered “students.”

hh. The “Student Affairs Officer” is the individual authorized by the University and the University Chancellor to be responsible for the administration of the Student Disciplinary Code, and in certain circumstances includes his or her designee.

ii. The “Title IX Coordinator” is the individual designated by the campus to respond to allegations of sexual misconduct by members of the university community, and in some circumstances can include his or her designee.

jj. The term “University” means University of Nebraska.

kk. The term “University business day” means any calendar day where the campus offices are open for business, excluding weekends and national holidays.

OR

The term “University business day” means any calendar day where the campus offices are open for business and classes are in session, excluding weekends and national holidays.

ll. “University official” includes any individual employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. University officials who are designated as campus security authorities must report crimes to the person in charge of Clery Act reporting. Counselors and Healthcare Professionals are bound by professional rules that may
preclude their reporting violations of University rules when they are acting within
the scope of their counseling or professional responsibilities.

mm. The term “University premises” includes all land, buildings, facilities, University
approved housing and other property in the possession of, or owned, used, or
controlled by the University, including adjacent streets and sidewalks.

**Federal Definitions**

**Sexual Assault** – Penetration, no matter how slight, of the vagina or anus with any body part or
object, or oral penetration by a sex organ of another person, without the consent of the victim.
This definition includes any gender of victim or perpetrator. Sexual penetration means the
penetration, no matter how slight, of the vagina or anus with any body part or object, or oral
penetration by a sex organ of another person, or by a sex-related object. The definition also
includes instances in which the victim is incapable of giving consent because of temporary or
permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or
because of age. Physical resistance is not required on the part of the victim to demonstrate lack
of consent. As defined by “Uniform Crime Reporting”

**Sex Offenses** –
- **Incest** - Non-forcible sexual intercourse between persons who are related to each other
  within the degree wherein marriage is prohibited by law.
- **Statutory Rape** - Non-forcible sexual intercourse with a person who is under statutory
  age of consent.
- **Forcible Fondling** – The touching of the private body parts of another person for the
  purpose of sexual gratification, forcibly and or against that person’s will; or, not forcibly
  or against the person’s will where the victim is incapable of giving consent because of
  his/her youth or because his/her temporary or permanent mental incapacity. As defined
  by “Uniform Crime Reporting”

**Domestic Violence:** Any Felony or misdemeanor crimes of violence committed by:
- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse;
- A person similarly situated to a spouse of the victim under the domestic or family
  violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person’s
  acts under the domestic or family violence laws of the jurisdiction in which the crime of
  violence occurred.

**Dating Violence:** Violence committed by a person (A) Who is or has been in a social
relationship of a romantic or intimate nature with the victim; and (B) Where the existence of
such a relationship shall be determined based on a consideration of the following factors:
- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship
Stalking: The term “stalking” means 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- Fear for the person’s safety of others; or
- Suffer substantial emotional distress.

Sexual Harassment: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic standing.
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working/academic environment.

Victim Procedures
Sexual Assault:
- Go to a safe place.
- Preserve all physical evidence of the assault. Do not shower, bathe, douche, or brush your teeth. If possible do not urinate, eat, drink liquids, take any medications, smoke or brush your teeth if oral contact took place. Save all of the clothing you were wearing at the time of the assault. Place each item of clothing in a separate paper bag. Do not use plastic bags. Do not clean any clothing garments. Do not disturb or destroy any physical evidence. If the crime occurred in the victim’s home, the victim should not clean or straighten until the police have had an opportunity to collect evidence.
- Following an incident, victims are encouraged to make a report to campus or local police. If an individual needs assistance in notifying authorities, University officials will assist them in doing so. Filing a police report does not obligate prosecution, but does provide the opportunity for the collection of evidence, investigation into the allegations and makes legal action possible. The earlier an incident is reported the easier it is to collect valuable evidence. Further reporting the crime can help you regain a sense of personal power and control and can also help to ensure the safety of other potential victims.
  o **Report the incident to the university police at (308) 627-4811 or local police at (308) 237-2104 or 911.**
- Victims have the option of keeping their report of sexual assault in complete confidence, protecting their right to anonymity, when making a report through the University Women’s Center, Counseling Care or Best Care EAP for employees. When reporting to anyone other than the University Women’s Center, Counseling Care or Best Care EAP individuals are obligated to forward the information on to the University Title IX Office for investigation and to UNK Police and Parking Services for investigation/statistical collection.
- Call a friend, a family member, or someone else you trust and ask her or him to stay with you.
- Seek medical care even if you think that you do not have any physical injuries, you should still have a medical examination and discuss with a health care provider the risk of
exposure to sexually transmitted diseases and the possibility of pregnancy resulting from the sexual assault.
  
  - Students can contact: Student Health Care at (308) 865-8218, FAN at 308-865-7492 or your local physician.
  - Employees can contact FAN at 308-865-7492 or your local physician.

- If you suspect that you may have been given a rape drug, ask the clinician where you receive medical care to take a urine sample. Rape drugs, such as Rohypnol and GSB, are more likely to be detected in the urine than in blood.

- Write down as much as you can remember about the circumstances of the assault, including a description of the assailant.

- Talk with a confidential advocate who is trained to assist sexual assault victims with the emotional and physical impacts of the assault. Advocates are available 24-hours a day, 365 days a year.
  
  - Students can contact: Women’s Center at (308) 865-8248, Counseling Care at (308) 865-8248 (24/7), or contact your local counselor.
  - Employees can contact Best Care EAP at (800) 666-8606 or contact your local counselor.

- Students who have been sexually assaulted harassed or complainants have access to University assistance in changing academic, living, working and transportation situations after an alleged incident. If the request is made by the student or complainant and if such changes are reasonably available, accommodations to minimize burden on the student or complainant may include:

- University code of conduct action, Title IX action, employee disciplinary action, criminal prosecution and civil suits are all options available to victims of sexual assault. To begin the university conduct process, the campus authority or victim should contact the Title IX Coordinator: Founders Hall #1200, (308) 865-8388, the Dean–Student Affairs, Memorial Student Affairs Building #180, (308) 865-8528 University Student Conduct Officer, Nebraskan Student Union #142A, (308) 865-1619 or the Human Resources office Founders Hall #1200, (308) 865-8388. Once the university has been notified they are obligated to investigate the incident and complete their processes.

Domestic Violence/ Dating Violence:

- If you are in IMMEDIATE DANGER, call 911.
- Go to a safe place.
- Seek medical assistance if needed.
- Preserve any physical evidence of the violence. If the crime occurred in your home do not clean or straighten until the police have had an opportunity to collect evidence.
- Report the offense to campus or local police. If an individual needs assistance in notifying authorities, University officials will assist them in doing so.
- Call a friend, a family member, or someone else you trust and ask him or her to stay with you. Let your friends know how they can help you.
- Talk with a confidential advocate who is trained to assist with dating/domestic violence. Advocates are available 24 hours a day, 365 days a year
  
  - Students can contact: Women’s Center at (308) 865-8248, Counseling Care at (308) 865-8248 (24/7), or contact your local counselor.
Employees can contact Best Care EAP at (800) 666-8606 or contact your local counselor.

- Develop a SAFETY PLAN. Include things like changing your routine, arranging a place to stay, and having a friend go places with you. Also, decide in advance what to do if the offender shows up at your residence, classroom, work or somewhere else. Women’s Center, Counseling Care or the S.A.F.E. Center can assist you in developing a safety plan [Link to safety plan].
- Consider getting a COURT ORDER/PROTECTIVE ORDER that tells the offender to stay away from you. Women’s Center, Counseling Care or the S.A.F.E. Center can assist you in filling out the paperwork [Link to protective order].
- File a complaint with the University
  - For Students contact
    - Title IX Coordinator, Director Human Resources, Founders Hall #1200, (308) 865-8388
    - UNK Senior Student Affairs Officer (Dean), Memorial Student Affairs Building, #180, (308) 865-8528
    - Associate Dean : Conrad Hall, (308) 865-8519
    - Associate Director Residence Life: Conrad Hall, (308) 865-8519
  - For Employees contact
    - Title IX Coordinator, Director Human Resources, Founders Hall #1200, (308) 865-8388

- Students and Employees who are in domestic/dating violence situations have access to University assistance in changing academic, living, working and transportation situations after an alleged incident. If the request is made by the student, employee or complainant and if such changes are reasonably available, accommodations to minimize burden on the student or employee.

**Stalking:**

- If you are in IMMEDIATE DANGER, call 911.
- Contact University Police to file a report. They can assist you with understanding and taking action if the stalker has broken the law. Remember, every state has stalking laws, including Nebraska. If you don’t want to contact the Police alone, consider contacting the UNK Women’s Center, UNK Counseling Care or Safe Center for assistance.
- Keep EVIDENCE by documenting the stalking. When the stalker follows you or contacts you, keep a log of the time, date, place and other details you may find of importance. Keep all e-mails, phone messages, letters, notes or social media messages. Photograph anything of yours the stalker damages and any injuries they may cause. Keep a list of any witnesses to the incidents. Ask witnesses to also write down what they saw. Keeping this information will be very beneficial if you decide to get a protection order. [Link to stalking evidence].
- Consider getting a COURT ORDER/PROTECTIVE ORDER that tells the stalker to stay away from you. Women’s Center, Counseling Care or Safe Center can assist you in filling out the paperwork. [Link to protective order].
• Don’t COMMUNICATE with the stalker or respond to their attempts to contact you. Communicating with them will only encourage them to continue.
• Develop a SAFETY PLAN. Include things like changing your routine, arranging a place to stay, and having a friend go places with you. Also, decide in advance what to do if the stalker shows up at your apartment/residence hall, classroom, work or somewhere else. Let your friends know how they can help you. The Women’s Center, Counseling Center or Safe Center can assist in helping you devise a personal safety plan, provide you with information about local laws and University policies and provide support and advocacy. Example safety plan can be found at http://www.unk.edu/offices/human_resources/aaeo/respect/documents.php
• Tell FAMILY, FRIENDS and OTHERS YOU TRUST about the stalking and seek their support.
• Get CAMPUS SUPPORT. The prevalence of anxiety, insomnia, social dysfunction and severe depression is much higher among stalking victims than the general population, especially if the stalking involves being followed or having one’s property destroyed. There are many services on campus that are here to offer you support.
• Trust your INSTINCTS. Don’t downplay the danger. If you feel you are unsafe, you probably are. Take THREATS seriously. Danger generally is higher when the stalker talks about harming themselves or someone else, or when a victim/survivor tries to leave or end a relationship.

Sexual Harassment:
• Tell the perpetrator in person or other documented way (in a manner or at a time when it is reasonably certain that such action will not jeopardize the student’s personal safety, academic status or professional future) that the behavior is neither humorous nor welcomed and should cease immediately.
• Keep a written record, documenting, as precisely as possible, what happened, when it took place, the names of witnesses, if any, the student’s response, and any other information that may be helpful later.
• Seek advice on how to deal with the situation from a supportive and knowledgeable person.
• File a complaint regarding the sexual harassment
  o For a student on a student violation contact:
    ▪ UNK Senior Student Affairs Officer (Dean), Memorial Student Affairs Building, #180, (308) 865-8528
    ▪ Associate Dean: Conrad Hall, (308) 865-8519
    ▪ Associate Director Residence Life: Conrad Hall, (308) 865-8519
    ▪ Title IX Coordinator, Director Human Resources: Founders Hall #1200, (308) 865-8655
  o For an employee on a student or employee violation contact:
    ▪ Title IX Coordinator, Director Human Resources: Founders Hall #1200, (308) 865-8655
• Talk with a confidential advocate who is trained to assist sexual harassment victims with the emotional and physical impacts of the harassment. Advocates are available 24-hours a day, 365 days a year.
  o Students can contact: Women’s Center at (308) 865-8248, Counseling Care at
(308) 865-8248 (24/7), or contact your local counselor.
- Employees can contact Best Care EAP at (800) 666-8606 or contact your local counselor.
- **Report the incident to the university police at (308) 627-4811 or local police at (308) 237-2104 or 911.**
- Preserve all physical evidence of the harassment.
- Students who have been sexually assaulted or harassed or complainants have access to University assistance in changing academic, living, working and transportation situations after an alleged incident. If the request is made by the student or complainant and if such changes are reasonably available.

**Procedures for Reporting a Complaint**
The University has procedures for those who report incidents of sexual misconduct including informing individuals about their right to file criminal charges as well as the availability of counseling, health care, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic transportation and working accommodations. The University will make such accommodations, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the campus police or local law enforcement. To request such accommodations students and employees should contact The Title IX Coordinator at (308) 865-8655.

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at UNK Health Care in the Memorial Student Affairs Building, with your local physician, or at the Family Advocacy Network (308) 865-7492. If evidence is to be collected it is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. If evidence is collected it will be turned over to local law enforcement and the victim’s name would need to be attached to the evidence. If evidence is collected through the Family Advocacy Network they can attach a FAN id number instead of the name. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police. Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. The Kearney Police Department may also be reached directly calling (308) 237-2104 or in person at 2025 Avenue A. Additional information about the Kearney Police department may be found online at: http://cityofkearney.org/index.aspx?nid=625
If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Mary Chinnock-Petroski by calling at (308) 865-8655, e-mailing at petroskimj@unk.edu, or coming into the office in person at 1200 Founders Hall and Campus Police (if the victim so desires.) The University will provide resources on campus, off campus, or both, to the victim and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual misconduct, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Police or other law enforcement to preserve evidence in the event that the victim changes his/her mind at a later date.

If sexual misconduct is reported to the University, below are procedures that the University will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

**Response to Allegations of Student Sexual Misconduct:**

1. **Introduction**

   a. Beginning with the University of Nebraska charter in 1869, Nebraska law has provided that no person shall be deprived of the privileges of this institution because of sex. Discrimination on the basis of sex is also prohibited by federal law.

   b. Sexual misconduct is conduct in violation of University policy and state and federal law that the University will take action to eliminate, prevent, and redress once the University has notice that sexual misconduct has occurred. “Sexual misconduct” includes dating violence, domestic assault, domestic violence, rape, sexual assault, sexual harassment (whether sexual violence is involved or not), and stalking. This policy applies to all University of Nebraska students regardless of sexual orientation or gender identity, and to all programs and activities under the jurisdiction of the University of Nebraska. All students are protected against sexual misconduct under this policy, whether the alleged sexual misconduct is committed by another University student, University employee, or third party. Persons who have been subjected to sexual misconduct may be able to receive assistance from the University regardless of whether a charge or report of any kind is filed.

   c. The University will investigate reported allegations of sexual misconduct and may take appropriate remedial action even if the person allegedly subject to misconduct or the Complainant does not wish to pursue formal charges. Any
response by the University may be hindered by a person’s or the Complainant’s desire for anonymity and/or inaction.

d. Sexual misconduct by or against a student may be investigated by the University whether it is alleged to have been committed on or off campus.

e. Any person can complain of sexual misconduct against or by a student. Complaints of sexual misconduct may be made using the University’s internal processes at the same time that criminal complaints or charge are pursued with the appropriate law enforcement or external agencies. University internal investigation and disciplinary proceedings are independent of any criminal or external proceedings.

f. The University may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if the criminal prosecution is pending, or has been dismissed, or the charges have been reduced.

g. Complaints regarding sexual misconduct against a student by a student can be made to the UNK Student Affairs Officer or Title IX Coordinator. Sexual misconduct complaints by or against employees should be made to the appropriate Human Resources Office or Title IX Coordinator.

Dr. Gilbert Hinga
Student Affairs Officer (Dean, Division of Student Affairs)
Memorial Student Affairs Building 180
(308) 865-8528
studentaffairs@unk.edu

Mary Chinnock-Petroski, Title IX Coordinator/
Human Resources Director
Founders Hall 1200
(308) 865-8388
petroskimj@unk.edu

h. University policy prohibits retaliation against any person making a complaint of sexual misconduct or against any person cooperating in the investigation, including but not limited to witnesses. The prohibition of actual or threatened retaliation applies to employees and third parties as well as students.

2. Investigations of Alleged Sexual Misconduct; Disciplinary Complaints

a. Upon receipt of a sexual misconduct complaint or report, the University will provide the Complainant a written notice describing the options of pursuing a criminal complaint with a law enforcement agency, filing an administrative charge with an external agency, and/or using the University’s
investigation and disciplinary processes. The Complainant may go forward with one or more options at the same time, but the University’s investigation may need to be delayed temporarily by, or scheduled around, an ongoing criminal or external administrative investigation.

b. Any member of the University community may submit allegations of sexual misconduct against a student. Allegations shall be prepared in writing and directed to the Student Affairs Officer or designee. The Student Affairs Officer shall then direct the allegation(s) to a Conduct Officer for investigation. Any allegation should be submitted as soon as possible after the alleged misconduct takes place, preferably within, but not limited to, seven (7) University business days after the misconduct occurred.

c. The Complainant must state, in writing, if he or she wishes to pursue a complaint. If he or she does not wish to pursue the complaint and/or requests that his or her identity remain anonymous, the Student Affairs Officer will make note of that wish in the report. Regardless of the Complainant’s choice, the University is still required to investigate reports of sexual misconduct. The Complainant must be informed if the University cannot ensure anonymity.

d. The Conduct Officer or Title IX Coordinator shall conduct an investigation to determine if the allegation(s) have merit. Investigations of the allegations should be concluded within (60) calendar days of receipt of a report, and may be permitted a longer completion period under extraordinary circumstances, but both parties must be informed in writing of the extension of the timeline. If the investigator determines by the greater weight of the evidence that a violation occurred, a recommended disposition should be included in the investigator’s report. If the investigation determines it is more likely than not that the Respondent did not violate the Student Code, the complaint may be dismissed without further proceedings. If both the Complainant and the Respondent agree to the dismissal, the complaint is resolved without any further rights of appeal by either party. If the Complainant objects, he or she may appeal the dismissal decision administratively to the Student Affairs Officer within seven (7) University business days. The Student Affairs Officer will either affirm the investigative determination, or refer the complaint for further proceedings. The Student Affairs Officer’s decision of the dismissal appeal will be final.

i. If the Complainant wishes to pursue an Administrative Resolution, the Conduct Officer will determine the Respondent’s position and take actions as necessary.

ii. If the Complainant wishes to pursue a disciplinary hearing, a formal hearing will be held by a Conduct Officer, or in cases where University Suspension or University Expulsion is sought, a hearing before a Conduct Board must be held.

iii. After the fact-finding investigation the Complainant, the Respondent, and appropriate University officials shall be given timely access to any
information that will be used during Administrative Resolution and/or Formal Hearing proceedings.

3. Interim Protective Measures

a. “No contact” directives are to be issued in writing to persons involved in any alleged sexual misconduct promptly after the University receives notice of a complaint. Respondents and the Complainant will both be expected to abide by the terms of no contact directives and may go through disciplinary proceedings should they violate the directives.

b. Students who have been subjected to sexual misconduct or Complainants may have access to other available University assistance and may change academic and/or living situations after an alleged incident, if so requested by the student or Complainant and if such changes are reasonably available. Accommodations to minimize the burden on the student or Complainant may include but are not limited to:
   
   i. Change of an on-campus student’s housing to a different on-campus location;
   ii. Assistance from the University in completing the relocation;
   iii. Arranging to end a University housing contract and/or adjusting a student account balance for refund;
   iv. Rescheduling an exam, paper, or assignment;
   v. Taking an incomplete in a class;
   vi. Transferring between class sections;
   vii. Temporary withdrawal;
   viii. Alternative course completion options;
   ix. Arranging to complete courses or lectures via distance education methods with the assistance of technology;
   x. Providing increased security at locations or activities.

c. Any student charged with sexual misconduct has the right to maintain status as a student and attend classes while the case is pending final resolution within the University Conduct process, unless it is determined by the Student Affairs Officer or his/her designee that the student’s continued participation as a student, whether inside or outside of the classroom, would seriously disrupt normal operation of the University or constitute an immediate harm, threat of harm, hostile environment and/or danger to the health, safety, or welfare of the Respondent, the Complainant, any person allegedly subject to sexual misconduct, or any member of the University community.

d. Pending completion of an investigation or University Conduct Proceedings, the Student Affairs Officer may at any time temporarily suspend a student when the Student Affairs Officer finds and believes from information coming to his or her attention that the presence of the Respondent on the University premises
would seriously disrupt normal operation of the University or constitute an immediate harm, threat of harm, hostile environment and/or danger to the health, safety, or welfare of the Respondent, the Complainant, any person allegedly subject to sexual misconduct, or any member of the University community. The Student Affairs Officer should work with the appropriate academic Dean in making the decision to discontinue the Respondent’s continued participation as a student prior to the completion of the formal proceedings.

e. During the suspension described in this section, the 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 student might otherwise be eligible, as the Student Affairs Officer may determine to be appropriate.

f. If a student placed on interim suspension is ultimately found “not in violation” of the Code, such student shall be allowed, at the reasonable discretion of the appropriate faculty, to make up academic work missed while on suspension.


a. The Conduct Officer and Conduct Board may 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 Conduct Officer or Conduct Board determines other provisions of the Student Code of Conduct were violated, they may impose proper sanctions.

b. Any student involved in a Conduct proceeding has the right to confidentiality as mandated by the Family Educational Rights and Privacy Act of 1974 (FERPA) and implementing regulations.

c. No process implemented under this Sexual Misconduct Procedure shall be open to the public. The complaining party and the Respondent are entitled to the same opportunities to have others present during a disciplinary proceeding subject to conditions established by the Conduct Officer or Conduct Board. Witnesses may be sequestered and attendance at hearings may be restricted to the Complainant, Respondent, and advisors.

d. In such cases when a student fails to appear before the Conduct Officer or Conduct Board, a plea of “not in violation” shall be entered on the Respondent’s behalf and the hearing may proceed as scheduled.

e. In all cases, whether the Respondent is present or not, the evidence in support of the allegations shall be presented and considered.

f. The determination of the merits of each case shall be made using a greater weight of the evidence standard, meaning it is more likely than not that a proposition (such as violation of the Code) was proven.
g. The burden of proof shall rest upon the Conduct Officer or Complainant bringing the misconduct charge. A Respondent is presumed not to be in violation of the Code until proven otherwise.

5. Rights of the Complainant and the Respondent in Sexual Misconduct Proceedings

a. Sexual misconduct proceedings will be conducted by trained University officials to provide a prompt, fair, and impartial process from initial investigation to the final result.

b. Both a Respondent and the Complainant have the right to see sexual misconduct charges in written form.

c. Both the Respondent and the Complainant have the right to confidentiality during sexual misconduct proceedings to the extent possible. However, the duty of confidentiality does not preclude the University from conducting a meaningful investigation or reporting such incidents as required. The duty of confidentiality shall also extend to all persons involved in processing the complaint and the investigation. The Complainant has the right to anonymity only to the extent that the Complainant does not wish to file an official complaint with the University or does not wish the University to take any action against the Respondent in regard to the complaint.

d. All charges shall be presented to the Respondent and the Complainant in written form by a University official or the Conduct Officer within seven (7) University business days after the investigation is complete.

e. Both a Respondent and the Complainant have the right to prepare a written statement in advance of a formal hearing. Both parties will have the right to view each other’s statement.

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

g. The role of the advisor is limited to providing advice to the party who has requested his/her presence in a manner which does not disturb Conduct proceedings. If an advisor fails to act in accordance with these guidelines, he/she may be barred from participation in the Conduct proceedings.

h. A Respondent and the Complainant have the right to hear all evidence, to present evidence, to testify, and to hear and submit questions for witnesses during formal hearings.

i. Direct questioning of the witnesses by the Respondent and Complainant may be limited. The Conduct Officer presiding at the hearing or the Chair of the Conduct
Board may control questioning by requiring the Respondent and Complainant to submit questions in writing to determine if the questions are appropriate, and then the presiding Conduct Officer or the Chair may pose questions to the witnesses.

j. A Respondent and the Complainant have the right to inspect all documents used as evidence and inspect a list of all witnesses for the formal hearing in advance of the hearing.

k. The Respondent may not be found to have committed sexual misconduct solely because the Respondent failed to appear for a conduct hearing.

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

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

6. Administrative Resolution Procedures in Cases of Alleged Sexual Misconduct

a. Both the Complainant and the Respondent may elect to dispose of the claim administratively. This conference will be scheduled not less than three (3), nor more than fourteen (14), University business days after the Conduct Officer’s investigation is complete. The Respondent may elect to acknowledge his or her actions and take responsibility. If the Respondent denies responsibility but the investigation determines that it was more likely than not that the Respondent violated the Code, the Conduct Officer could propose a resolution and an appropriate sanction. If both the Complainant and the Respondent agree to the proposed sanction, the complaint is resolved without a formal hearing. Mediation shall not be used to resolve sexual assault complaints.

b. Administrative Resolution procedures may be discontinued at the request of any participant, or terminated by the Conduct Officer. When Administrative Resolution fails, a formal hearing by a Conduct Officer or Conduct Board must be held.

c. If University Suspension or University Expulsion is sought and the Complainant or the Respondent cannot agree to the proposed sanction, a hearing must be held before the Conduct Board to determine the proper sanction.

d. When University Suspension or University Expulsion is not sought, a formal hearing will be held before a Conduct Officer. Unless the parties agree, the Conduct Officer who was responsible for investigation of sexual misconduct
allegations and/or who attempted an unsuccessful Administrative Resolution will not preside over the formal hearing.

7. Formal Hearings in Cases of Alleged Sexual Misconduct

a. Both the Respondent and the Complainant shall have the right to attend a pre-hearing conference to discuss the issues and facts that will be presented at the hearing, to exchange information about witnesses likely to be called, to answer procedural questions, and to settle those matters which may be agreeably concluded. The conference will not be used to settle the issue of whether or not the violation was committed or to challenge any recommended sanctions. This conference shall be held at least two (2) days prior to the scheduled hearing.

i. Students will be instructed about the use of past sexual behavior of the Complainant or past sexual assault by the Respondent as evidence at the hearing. In most situations, evidence of the past sexual history of either the Respondent or the Complainant will not be admitted at the hearing except in very limited situations.

b. A time shall be set for a hearing, not less than three (3), nor more than fourteen (14), University business days after the Respondent and the Complainant have been notified that the complaint was referred to the hearing. Maximum time limits for scheduling of hearings may be extended at the discretion of the Conduct Officer or Conduct Board Chair.

c. Hearings shall conform to the following guidelines:

i. In cases where the case is referred to a Conduct Board, the Conduct Board shall be composed of at least three (3) members of the University community.

ii. Any real or perceived conflict of interest or bias between the Conduct Officer presiding at a hearing or a member of the Conduct Board and the Respondent or the Complainant must be brought to the attention of the Conduct Officer or Conduct Board no less than two (2) University business days in advance of the hearing.

iii. The Respondent(s) and the Complainant and/or the Conduct Officer are responsible for presenting their respective cases to the Conduct Officer presiding at the hearing or the Conduct Board.

iv. The Conduct Board shall select its own Chair with all members possessing voting privileges.

v. In hearings involving more than one Respondent, the presiding Conduct Officer or Chair of the Conduct Board, at his or her discretion, may permit the hearings concerning each student to be conducted separately.

vi. The Respondent(s), the Complainant, and the Conduct Officer shall have the right to hear all evidence, to present evidence, to testify, and to hear and question witnesses.
vii. The Respondent, the Complainant, and the Conduct Officer shall have an opportunity in advance to inspect documents and a list of witnesses for the hearing no less than two (2) University business days in advance of the hearing.

viii. Pertinent records, facts, reports, and statements may be accepted as evidence for consideration by a presiding Conduct Officer or Conduct Board. Evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs may be admitted and given probative effect. Incompetent, irrelevant, immaterial, and unduly repetitious evidence should be excluded. The rules of privilege recognized by law shall be given effect. Evidence that would not be admissible in a State Court criminal proceeding by reason of the method or manner in which it was acquired shall not be admitted.

ix. All procedural and evidentiary questions are subject to the final decision of the presiding Conduct Officer or Chair of the Conduct Board.

d. After the hearing, the Conduct Board shall determine by simple majority vote whether or not University Suspension or University Expulsion is warranted. The decision of a presiding Conduct Officer or Conduct Board shall be based solely upon evidence introduced and received at the hearing. There shall be a verbatim record made, such as by sound recording, of all formal hearings. The formal hearing record shall be the property of the University.

e. Within seven (7) University business days following the conclusion of formal hearing proceedings, the presiding Conduct Officer or the Conduct Board Chair shall inform the Respondent, the Complainant, and the Title IX Coordinator in writing, of its findings and of the sanction(s) imposed, if any.

f. The presiding Conduct Officer and the Conduct Board may seek advice from the University’s Counsel throughout the hearing process on questions of law and procedure. However, the presiding Conduct Officer and Conduct Board are responsible for making their own factual conclusions.

8. Conduct Sanctions Against an Individual Student For Sexual Misconduct

a. The following sanction(s) may be imposed upon any individual student found to be “in violation” of the Code:

i. **Warning:** A formal, written notice that the student is violating, or has violated, one or more University Conduct Rules and Regulations and that a continuance of the misconduct may lead to additional disciplinary action. Also, that the incident has been documented and shall remain in the student’s conduct file for the remainder of their University career.

ii. **Probation:** A formal, written reprimand for the student’s violation(s) of specified University Conduct Rules and Regulations. This probation, including strict UNK conduct guidelines, is for a designated period of
time and may remain in effect for the remainder of a student’s University career. It includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any University Conduct Rules and Regulations during the probationary period.

iii. Loss of Privileges: Denial of specified privileges for a designated period of time.

iv. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary, and/or material replacement.

v. Discretionary Sanctions: In accordance with the goal of education and assisting students with conduct problems, this may include work assignments, educational requirements, service to the University or local community, parental notification, or other related discretionary assignments (such assignments must have the prior approval of the Conduct Officer). Any costs associated with the assignment are the responsibility of the student.

vi. Residence Hall Relocation: Moving a student from one room to another and/or one residence hall to another.

vii. Residence Hall Suspension: Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for re-admission may be specified.

viii. Residence Hall Expulsion: Permanent removal of the student from any and all of the residence halls. The student may not re-enter the residence halls, under any conditions, even as a visitor. Students expelled from the residence halls remain liable for all Residential and Greek Life costs and meal plan fees and may not be eligible for refunds for the full occupancy period of the student’s housing contracts.

ix. University Suspension: Separation of the student from the University for a definite period of time, after which the student may be eligible for return, contingent upon meeting specified conditions for re-admittance. The student must satisfactorily demonstrate to the Student Affairs Officer that all conditions for re-admittance have been met before the student will be allowed to matriculate.

x. University Expulsion: Permanent separation of the student from the University without the possibility of re-admission.

b. More than one of the sanctions listed above may be imposed for any single violation.

c. If a student fails to abide by one or more of the sanctions imposed, a hold may be placed on his/her registration account until satisfactory progress is made towards completion.

d. Other than University Expulsion, disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the student’s confidential disciplinary record.
i. After graduation, and upon application to the Conduct Officer, the student’s confidential disciplinary record may be expunged of disciplinary actions other than University Suspension or University Expulsion.

ii. Cases involving the imposition of sanctions other than University Suspension or University Expulsion shall be expunged from the student’s confidential record seven (7) years after graduation, final disposition of the case, or as otherwise authorized or required by law.

9. Appeals

a. A decision reached after a formal hearing may be appealed by the Respondent, the Complainant, or the Conduct Officer within seven (7) University business days of delivery of the decision to the parties involved in the formal hearing.

b. Appeals shall be in writing and shall be delivered to the Appeals Officer appointed by the Chancellor.

c. Appeals may be filed for one or more of the following purposes:

   i. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Code was violated, and giving the Respondent a reasonable opportunity to prepare and to present a rebuttal of those allegations.

   ii. To determine whether the sanction(s) imposed were appropriate.

d. An appeal that does not clearly raise one or more of the issues listed above shall be dismissed without further consideration.

e. An appeal shall be limited to review of the record of the initial hearing and supporting documents unless the Appeals Officer, after notice to the Complainant and Respondent, requests additional information from the presiding Conduct Officer, Chair of the Conduct Board, Complainant, or Respondent.

f. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University business days after receipt of the record and any additional information, and shall promptly issue a written decision to the Respondent, the Complainant, and the Conduct Officer.

10. Definitions

a. “Actor” means a person accused of sexual misconduct.
b. “Administrative Resolution” is at least one conference between the Conduct Officer and the Respondent and the Complainant to determine whether a student has violated the Code and to impose sanction(s), if warranted.

c. The term “advisor” means any person, including legal counsel, who assists the Respondent, Complainant, or Conduct Officer during a Conduct proceeding.

d. The term “Appeals Officer” means the person authorized by the Chancellor to determine on appeal whether the result of a formal hearing should be affirmed or modified.

e. “Bodily injury” shall mean physical pain, illness, or any impairment of physical condition.

f. The term “Code” means the UNK Student Code of Conduct.

g. The term “Complainant” means any individual who comes forward to the Student Affairs Officer, Title IX Coordinator or Human Resource Officer to complain of sexual misconduct by a student, member of the University community or a third party.

h. The term “Conduct Board” means persons authorized by the Student Affairs Officer to determine whether a student has violated the Code and to impose sanction(s), if warranted. The Conduct Board must include one or more student members when sanctions of suspension or expulsion are involved.

i. The term “Conduct Officer” means a University official authorized by the Student Affairs Officer to investigate and determine whether or not the Code has been violated. The Conduct Officer may also engage in attempts at administrative resolution or preside at a formal hearing when University Suspension or Expulsion is not sought as a sanction against a student.

j. “Confidentiality” means that the University will not disclose the names of individuals involved in a sexual misconduct case to others except on a need to know basis or as required by law. The University will instruct employees and students about the requirement not to disclose confidential information. Confidentiality is not the same as anonymity, where an individual is not named or personally identified.

k. “Consent” means agreement, approval, or permission as to some act or purpose, given voluntarily by a competent person. “Without consent” means:

   i. The person was compelled to submit due to the use of force or threat of force or coercion, or (1) the person expressed a lack of consent through words, or (2) the person expressed a lack of consent through conduct, or (3) 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.

ii. 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.

iii. A person need not resist verbally or physically where it would be useless or futile to do so.

iv. In the above text, the word “person” means the individual against whom a wrongful act was allegedly committed, and the word “actor” is the individual alleged to have committed a wrongful act. When the actor knew or should have known that a person was mentally or physically incapable of resisting or understanding the nature of his or her conduct, there is no consent. A person may be incapacitated due to intoxication, mental illness or deficiency or by physical illness or disability to the extent that personal decision-making is impossible. Surprise may also prevent resistance, as where a person is grabbed from behind.

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

l. “Dating violence” is included within the definition of “domestic assault.”

m. “Domestic assault” has three definitions which depend on the harm threatened or inflicted by an actor on a person. An actor commits domestic assault if he or she (i) intentionally and knowingly causes bodily injury to his or her intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner. An actor commits a more severe form of domestic assault if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument. An actor commits the worst form of domestic assault if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.

n. “Domestic violence” is included within the definition of “domestic assault.”

o. “Force or threat of force” means (1) the use of physical force which overcomes the person’s resistance or (2) the threat of physical force, express or implied, against the person or a third party that places the person in fear of death or in fear of serious personal injury to the person of a third party where the person reasonably believes that the actor has the present or future ability to execute the threat.

p. “Intimate partner” means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this definition, dating relationship means frequent, intimate
associations primarily characterized by the expectation of affection or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

q. “Intimate parts” means the genital area, groin, inner thighs, buttocks, or breasts.

r. The term “in violation” means that it is more likely than not that a student committed one or more violations of the Code.

s. The term “may” is used in the permissive sense.

t. The term “member of the University community” includes any individual who is a student, staff, faculty member, University official, or any other individual employed by, or acting on behalf of the University. An individual’s status in a particular situation shall be determined by the investigating Conduct Officer or Title IX Coordinator.

u. The term “not in violation” means that it is more likely than not that a student did not commit one or more violations of the Code.

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

w. “Person” means the individual who allegedly was, or was determined to have been, subjected to sexual misconduct.

x. “Rape” is included under the definition of sexual assault by an actor’s sexual penetration of the person without consent.

y. “Respondent” is any student who is charged with having violated one or more provisions of the Code.

z. “Retaliation” includes intimidation, threats, harassment, and other adverse action threatened or taken against the Complainant or a third party in an attempt to prevent or otherwise obstruct the reporting of sexual misconduct.

aa. “Serious bodily injury” shall mean bodily injury which involves a substantial risk of death, or which involves substantial risk of serious physical disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

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

cc. “Sexual assault” is committed when an actor subjects a person to sexual penetration (1) without the consent of the person, (2) when the actor knew or
should have known that the person was mentally or physically incapable of resisting or appreciating the nature of the person’s own conduct, or (3) when the actor is nineteen years of age or older and the person is at least twelve but less than sixteen years of age.

Sexual assault is also committed when an actor subjects a person to sexual contact (1) without consent of the person, or (2) when the actor knew or should have known that the person was physically or mentally incapable of resisting or appraising the nature of the person’s own conduct. Sexual assault by contact should be punished more severely if the actor causes serious personal injury to a person, than if the actor shall not have caused serious personal injury.

dd. “Sexual contact” means the intentional touching of a person’s intimate parts or the intentional touching of a person’s clothing covering the immediate area of the person’s intimate parts. Sexual contact also means the touching by the person of the actor’s intimate parts or the clothing covering the immediate area of the actor’s intimate parts when such touching is intentionally caused by the actor. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.

ee. “Sexual harassment” is unwelcome conduct or behavior of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature. Conduct that is sufficiently serious to limit or deny student’s ability to participate in or benefit from the University’s educational program creates a hostile environment, and is prohibited. Examples of sexual harassment include, but are not limited to: (1) an exposure of an actor’s genitals done with the intent to affront or alarm any person, and (2) viewing a person in state of undress without his or her consent or knowledge.

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

gg. “Sexual penetration” means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, of any part of the actor’s or person’s body or any object manipulated by the actor into the genital, or anal openings of the person’s body which can be reasonably construed as being for nonmedical or non-health purposes. Sexual penetration does not require emission of semen.

hh. The term “shall” is used in the imperative sense.

ii. “Stalking” means to engage in a knowing and willful course of conduct directed at a specific person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate.
jj. The term “student” includes all individuals taking courses at the University, whether full-time or part-time, pursuing undergraduate, graduate, or professional studies, whether or not they reside in the University residence halls. Individuals who withdraw after having allegedly committed sexual misconduct, or who are not officially enrolled for a particular term, but who have an expected continued academic relationship with the University may be considered “students.”

kk. The “Student Affairs Officer” is the individual authorized by the University and the University Chancellor to be responsible for the administration of the Code, and in certain circumstances includes his or her designee.

ll. The “Title IX Coordinator” is the individual designated by UNK to respond to allegations of sexual misconduct by students, and in some circumstances can include his or her designee.

mm. The term “University” means University of Nebraska at Kearney.

nn. The term “University business day” means any calendar day where the UNK offices are open for business, excluding weekends and national holidays.

oo. The term “University official” includes any individual employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules.

pp. The term “University premises” includes all land, buildings, facilities, University approved housing, and other property in the possession of, or owned, used, or controlled by the University, including adjacent streets and sidewalks.

Response to Allegations of Employee Sexual Misconduct

1. Sexual Misconduct and Retaliation Prohibited

Rape, acquaintance rape, domestic violence, dating violence, sexual assault, sexual harassment and stalking are against the law and are unacceptable behaviors under University of Nebraska policy. These unacceptable behaviors are hereafter referred to as sexual misconduct. Retaliation against the Complainant or a third party in an attempt to prevent or otherwise obstruct the reporting or remediation of sexual misconduct is prohibited.

2. Scope

Employee as used in this response 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.
3. Complaints of Sexual Misconduct

a. Any person—including a university official—can complain of sexual misconduct of or by a University employee. Complaints of sexual misconduct may be made using the University’s internal processes at the same time that criminal complaints or charges are pursued with the appropriate law enforcement or external agencies. University internal investigation and disciplinary proceedings are independent of any criminal or external investigation. Sexual misconduct proceedings will be conducted by trained University officials to provide a prompt, fair, and impartial process from initial investigation to the final result.

b. A complaint of sexual misconduct by or against a University employee can be made to the Human Resource Officer or Title IX Coordinator of the major administrative unit where the misconduct occurred or where the affected employee or accused employee works. The University will investigate reported allegations of sexual misconduct and may take appropriate action even if the person allegedly subject to misconduct or Complainant does not wish to pursue formal charges. Any response by the University may be hindered by person’s or Complainant’s desire for anonymity and/or inaction.

c. No process implemented under this Sexual Misconduct Procedure shall be open to the public. The accuser and the accused are entitled to the same opportunities to have others present during an Informal Resolution or Formal Hearing subject to conditions established by the University-designated Investigator or Hearing Officer. Witnesses may be sequestered and attendance at Informal Resolution or Formal Hearing proceedings may be restricted to the Complainant, Respondent and advisors.

d. Any allegations of any other violations of University conduct standards in addition to allegations of sexual misconduct that are directly related to the alleged sexual misconduct can be considered by an Investigator or Hearing Officer. Findings of sexual misconduct or other conduct violations shall be made using the greater weight of the evidence standard. The burden of proof shall rest upon the party making the claim.

e. Evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs may be admitted and given probative effect. Incompetent, irrelevant, immaterial, and unduly repetitious evidence should be excluded. The rules of privilege recognized by law shall be given effect. Evidence that would not be admissible in a State Court criminal proceeding by reason of the method or manner in which it was acquired shall not be admitted.

4. Protective Measures

a. Regardless of whether a person subjected to sexual misconduct chooses to report an incident of sexual misconduct as a crime to university police or security or local law enforcement, the University may provide interim protective measures. If interim protective measures are requested, and they are reasonably available, the University may provide assistance in changing academic, living, transportation, and working situations. Alterations may be made to the work assignments and conditions of a University employee accused of sexual misconduct as an interim protective measure while an investigation is pending or before
a hearing is concluded.

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

5. Investigation of Allegations

a. An Investigator shall be assigned to conduct an investigation to determine if the allegation(s) of sexual misconduct have merit. Investigations of the allegations should be concluded within sixty (60) calendar days of receipt of a report, and may be permitted a longer completion period under extraordinary circumstances, but both parties must be informed in writing of the extension of the timeline.

b. If the investigation determines it is more likely than not that sexual misconduct or other prohibited behavior did not occur, the complaint may be dismissed without further proceedings. If both the Complainant and the Respondent agree to the dismissal, the complaint is resolved without any further rights of appeal by either party. If the Complainant objects, he or she may appeal the dismissal decision to the person designated to review dismissals within seven (7) University business days. Findings of fact made by the Investigator shall be accepted unless clearly erroneous. The designated reviewer will either affirm the investigative determination to dismiss, or refer the complaint for further proceedings. The designated reviewer’s decision of the appeal will be final.

c. If the investigation concludes with a finding that it is more likely than not that sexual misconduct occurred, the investigative report should include sanction recommendations. The claim may be resolved through Informal Resolution or following a Formal Hearing.

d. After the fact-finding investigation, the accuser, the accused employee, and appropriate university officials shall be given timely access to any information that will be used during Informal Resolution and/or Formal Hearing proceedings.

6. Informal Resolution

Both the Complainant and the Respondent may elect to dispose of the claim by Informal Resolution. Participation in Informal Resolution may not be required of either party. An Informal Resolution conference will be scheduled not less than three (3), or more than fourteen (14) University business days after the investigation is complete. The Respondent may elect to acknowledge his or her actions and take responsibility. The Investigator could propose a resolution and an appropriate sanction. If both the Complainant and the Respondent agree to the proposed sanction, the complaint is resolved without a Formal Hearing. Informal Resolution procedures may be discontinued at the request of any participant, or terminated by the Investigator. When a claim of sexual misconduct against an employee is not concluded through Informal Resolution, a Formal Hearing by a Hearing Officer must be held.
7. **Formal Hearings**

a. Formal Hearing will determine whether sexual misconduct occurred or not.

b. Charges shall be presented to the Respondent and the Complainant in written form by a University official within seven (7) University business days after the investigation is complete.

c. Both the Respondent and the Complainant have a right to confidentiality during sexual misconduct proceedings to the fullest extent possible. The duty of confidentiality shall also extend to all persons involved in a Formal Hearing.

d. In all cases, whether the Respondent presents evidence or not, the evidence in support of the allegations shall be presented and considered. The Respondent may not be found to have committed sexual misconduct solely because Respondent failed to participate in a Formal Hearing.

e. A Respondent and the Complainant have the right to inspect all documents used as evidence and a list of all witnesses for the Formal Hearing in advance of the hearing.

f. Both Respondent and Complainant have a right to prepare a written statement in advance of a Formal Hearing. Both parties will have the right to view each other's statement.

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

i. The role of the advisor is limited. The only appropriate role for the advisor is to provide advice to the party who has requested his/her presence in a manner which does not disturb Formal Hearing. If an advisor fails to act in accordance with these guidelines, he/she may be barred from participation in the proceedings.

h. A Respondent and the Complainant have the right to hear all evidence, present evidence, testify, and to hear and submit questions for witnesses during formal hearings.

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

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

j. If sexual misconduct is found by a greater weight of the evidence to have occurred, the Hearing Officer will recommend that the University official authorized to do so impose or
seek to impose sanctions.

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

8. Possible Employment Sanctions

a. The types of sanctions that are possible as the result of a sexual misconduct disciplinary proceeding are:

   i. verbal warning;
   ii. written warning;
   iii. transfers;
   iv. completion of mandatory conditions;
   v. suspension without pay;
   vi. nonrenewal or non-reappointment;
   vii. loss of rank or position;
   viii. denial of salary increase;
   ix. activity termination;
   x. demotion in rank or pay;
   xi. termination of employment;
   xii. ban on University re-employment.

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

9. Definitions

   Unless otherwise provided, the definitions found in section 6 of The University of Nebraska Sexual Misconduct Policy, R.P. 2.1.8, apply to this statement of policy and procedure for response to allegations of employee sexual misconduct.

**Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. UNK complies with Nebraska state law in recognizing orders of protection, any person who obtains an order of protection should provide a copy to Campus Police and the Office of the Title IX Coordinator. A complainant may then meet with Counseling Care or Campus Police to develop a Safety Plan, which is a plan for the victim to reduce risk of harm while on campus or coming and going from campus. The University cannot apply for a legal order of protection, no contact order or restraining order for a victim. The victim is required to apply directly for these services. Protection orders may be available through the Buffalo County or District Court at the corner of 16th street and Central Avenue. Protection order forms can be found at
http://www.unk.edu/offices/human_resources/aaeo/respect/documents.php to print off and complete prior to going to the court house. The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim’s cooperation and consent, university offices will work cooperatively to ensure that the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the campus police departments Daily Crime and Fire Log. Victims may request that directory information on file be removed from public sources by contacting the Registrar’s Office at (308) 865-8527, unkregistrar@unk.edu, 2504 9th Avenue, Kearney NE 68849 Founders Hall.

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

The S.A.F.E. Center provides a place for individuals to escape domestic violence situations. They provide support groups and assist victims throughout the court process.
Phone: (308) 237-2599 (24/7)
Location: 620 E. 25th St. Suite 14
Website: http://www.safecenter.org

Victim Witness is given your information if legal proceedings have begun. They will contact you and explain all the steps of the legal process and support you along the way.
Phone: (308) 233-5263.
Location: 2025 Avenue A (Law Enforcement Center)

Family Advocacy Network (FAN) provides a safe environment for the survivor while meeting their medical, psychological and safety needs. FAN brings together all necessary parties needed to meet these needs for the survivors. They have trained staff to assist in all aspects of the assault and are equipped with trained medical personnel and equipment.
Phone: (308) 865-7492 (24/7)
Website: www.familyadvocacynetwork.com

SART (Sexual Assault Response Team) is a UNK/community coordinated response to sexual assaults which include a sexual assault nurse examiner (SANE), a sexual assault investigator and trained mental and physical health care providers. The SART team can be activated by the majority of the listed agencies.
The **Women’s Center** is staffed by a licensed mental health practitioner, two personal counseling graduate assistants, and a Design and Communications Associate. All are trained to respond to victims of sexual assault using strict confidential guidelines.

Phone: (308) 865-8279
(308) 865-8248 (Available 24 hours a day)

Hours: Monday through Friday—please call! Know that we welcome you.
Location: Memorial Student Affairs Building, South Hallway, Room 158
Website: [http://www.unk.edu/offices/counseling_healthcare/womens_center/index.php](http://www.unk.edu/offices/counseling_healthcare/womens_center/index.php)

**Counseling Care** provides personal counseling intended to empower UNK students with making choices and decisions from within each student's own unique circumstances. The American Counseling Association Code of Ethics and Standards of Practice serves as its standard in provision of services. Strict confidentiality is a core principle. All of Counseling Cares's counselors are master's-prepared and are nationally certified and state licensed.

Phone: (308) 865-8248 (Available 24 hours a day)

Hours: Monday – Friday from 8:00 a.m. to 5:00 p.m.
Location: Memorial Student Affairs Building, South Hallway, Room 144
Website: [http://www.unk.edu/offices/counseling_healthcare/counseling_care/index.php](http://www.unk.edu/offices/counseling_healthcare/counseling_care/index.php)

**Health Care** staff is comprised of fully licensed, qualified nurse practitioners and registered nurses who provide primary health care services for UNK students. All are trained to respond to victims of sexual assault using strict confidential guidelines.

Phone: (308) 865-8218

Hours: The Health Care clinic is open from 8:00 a.m. to 5:00 p.m. Monday through Friday (Wednesdays 9:00 a.m. to 5:00 p.m.). Walk-in clinic hours are from 8:15 a.m. until 4:00 p.m.
Location: Memorial Student Affairs Building, Northwest Door, Room 184
Website: [http://www.unk.edu/offices/counseling_healthcare/health-care](http://www.unk.edu/offices/counseling_healthcare/health-care)

**Best Care EAP** offers free, confidential counseling for benefit eligible employees and their families

Phone: (800) 666-8606

**Other Resources:**

- [http://www.rainn.org](http://www.rainn.org) – Rape, Abuse and Incest National Network
- [http://www.justice.gov/ovw/sexual-assault](http://www.justice.gov/ovw/sexual-assault) - Department of Justice
- [http://www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html) Department of Education, Office of Civil Rights
- [http://www.unk.edu/respect](http://www.unk.edu/respect)

**How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or
someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction
Recognizing that only rapists are responsible for rape, and with no intent to blame the victim the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don’t, know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don’t allow yourself to be isolated** with someone you don’t trust or someone you don’t know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- **Don’t leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
- **Don’t accept drinks from people you don’t know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
• If you suspect you or a friend have been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

• If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  b. **Be true to yourself.** Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.
  c. **Have a code word with your friends or family** so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  d. **Lie.** If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

• 16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

• 17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have full judgment before doing anything you may regret later.

**Education and Prevention Programs**
The University engages in comprehensive programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, stalking, sexual assault and other forms of sexual misconduct that are culturally relevant, responsive to the community’s needs, and assessed for effectiveness. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees.

**Primary prevention and awareness programs offered for all incoming students in 2013:**
- In 2013 Counseling and Health Care presented information to incoming students on Sexual Misconduct policies and issues during student orientation on the Saturday prior to school starting.
- In the fall of 2014 the University added to this an on-line training all incoming students must take prior to October 21, 2014. This same training was also presented in a class room setting for early arriving groups.

**Primary prevention and awareness programs for all new employees in 2013:**
- In 2013 Human Resources gave new employees informational materials on Sexual Misconduct policies. They further have a library of training resources
available to departments and offer training on sexual harassment and Title IX issues.

Ongoing awareness and prevention programs for students and employees in 2013:

- **RAD (Rape Aggression Defense)** – Police and Parking Services offers RAD training to women at no cost. This program is a comprehensive course which begins with avoidance, and progresses to the basis of hands-on defense training.

- **Rape Awareness Prevention and Education (RAPE)** – An insight into the facts vs. myths about rape. Educational information on dating, sex and rape are presented along with an open discussion promoting healthy views on sex, how to report rape and how to support a friend who has been a victim.

- **Drug Facilitated Sexual Assault Prevention** - This program offers objectives of what is a sexual assault, effects of a sexual assault, preservation of evidence, and prevention.

- **Sex Signals** – Students attended an interactive program teaching students about making proper choices during a relationship. Role playing allows students to see hear and understand the signals that could be misunderstood in a sexual encounter.

- **Take Back the Night** - Is a nationally registered march and rally, in an effort to raise awareness of domestic and sexual violence.

- **Respect2All** - Students attend a 30 minute educational theatre presentation CRACKED BUT NOT BROKEN on dating violence followed by a 30 minute interactive panel discussion on dating violence.

- **Can I Kiss You?** - Mike Domitrz through role-playing with audience members and his portrayal of intriguing characters on stage shows why “asking first” makes all the difference in relationships. Attendees are given skills to instantly use in their own relationships. They also discover how to appropriately intervene in potentially dangerous situations with their friends.

- **Clothes Line Project** - This program started in 1990 to address the issue of violence against women has become an international event. It is a way for women affected by violence to express their emotions by decorating a shirt. The shirts are then hung on a clothesline to be viewed by others as testimony to the problem of violence against women. Many men on our campus have added their support by decorating shirts alongside the women.

- **Stalking Panel** –

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**Sex Offender Registry and Access to Related Information**

Incarceration may remove a sex offender from the streets temporarily, but it does nothing to prevent the offender from committing another crime when released. The federal Campus Sex
Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where they may be able to obtain information provided by the state concerning registered sex offenders. It also requires sex offenders already registered in a state; to provide notice of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers’ services or is a student.

In Nebraska, convicted sex offenders must register with the Nebraska State Patrol. To access this information you can go to the Nebraska State Patrol sex offender web site at https://sor.nebraska.gov/

Crime Prevention

A variety of programs are offered by Police and Parking Services continually throughout the year and upon specific request. During new freshman orientation and transfer days, parents are informed of services offered to the students by multiple departments including but not limited to Residence Life, Student Affairs, the Women’s Center, and Counseling and Health Care. Often a program is designed to respond to a specific problem or request and is generally handled through the Crime Prevention Officer that serves as a resource for addressing issues of safety and prevention. For additional information, please contact UNK Police and Parking Services at (308) 865-8517. The following is a list of crime prevention programs and projects employed by the University, which are not already noted above:

- **Theft Prevention (Operation ID)** – Protection from theft and vandalism is offered to individuals in this program. During the course, an engraving tool is available for individuals to mark their valuables. This nationally recognized identification procedure has been shown to facilitate the recovery of stolen items. Police and Parking Services also suggests keeping a record of serial numbers or other identifying marks of valuable items kept on campus to aid identification and recovery. The engraving tools are maintained by Police and Parking Services and may be checked out for individual use. A brochure is available that includes a handy table for students to use to collect information on their valuables and how to report lost or stolen property.

- **Drug and Alcohol Awareness** – This class is an overview of the effects of drugs and alcohol on individuals and its impact to the campus. Discussions include signs of drug and alcohol use and effects of drug use on the body. A controlled burn of marijuana is provided to the Residence Life Resident Assistants, Complex Directors and Graduate Hall Directors to assist them in recognizing and reporting the use of the drug as well as recognizing paraphernalia used in drug usage.

- **Work Place Violence** – This Program provides insight into the fact vs. myths of work place violence. Discussions include signs for possible violent co-workers, employees or students, hiring types, and how to handle volatile situations.

- **Active Shooter Prevention** - During any given month or year, the reality of an active shooter will strike somewhere. If that somewhere is where you are you'll need the proper mindset and tools to react with purpose to maximize your chance of survival. This course will assist you in getting that mindset. Instructors will discuss what options an individual
has in those fleeting moments, what university policy and procedures are in place, and what options individuals have to help prevent such incidents.

- **Safe Walk** - Community Service Officers/Police Officers are available to escort anyone within two block radius of campus to another location in that same area. To utilize this service call (308) 224-0853 or (308) 236-2488. Signs are posted around campus and public notifications were made available through flyers, posters and the web site. Police Officers are available 24 hours a day for escorting by calling (308) 627-4811.

- **Safe Ride** - This program is offered on Tuesday’s, Thursday through Saturday from 9:00 pm to 2:00 am for students who live on campus and have had too much to drink. Individuals who have had too much to drink may call (308) 234-6725 and receive a free ride home. When the student calls they will reach the Kearney Cab Company. Upon the driver’s arrival, the student will need to show the driver their UNK ID to verify they are a UNK student. This program is run in conjunction with the Kearney Cab Company and UNK’s Health Education Office.

- **Emergency Telephones** - Exterior emergency phones that link directly to the 911 system are located in the following areas throughout the university: west of the West Center Building along the sidewalk, north of the West Center Building along the sidewalk, north of the College of Education Building along the sidewalk directly outside of the main north doors to the building, northwest of Foster Field by lot 12, northeast of Foster Field just off of lot 5 along the sidewalk, on the northeast wall of the Nebraska Student Union, northeast of the Library on the sidewalk between MSAB, Copeland Hall and the Library, along the sidewalk between A.O. Thomas and the Library, in the southwest corner of lot 8 located on the corner of 26th street and 8th avenue and north of Mantor Hall, along the sidewalk at the southwest exit of Foster Field. These phones are tested on a weekly basis to assure accuracy when needed.

- **Security Surveys** – Upon request, Police and Parking Services will perform a security survey or audit for individual areas or departments.

- **Grounds and Building Surveys** – Safety surveys of the university property are completed by the University Safety Committee annually. The committee notes any safety issues and submits work orders to the Facilities Management and Planning Department to be corrected.

- **Lighting Surveys** – Police and Parking Services completes a monthly lighting survey of university property. Any broken or badly lighted areas are noted and a work order is submitted to the Facilities Management Department to be corrected.

- **Informational Materials** – Brochures, posters, flyers and a website with information regarding these programs are made available at all presentations and at the Police and Parking Services office. This information is provided at the following website: [http://www.unk.edu/offices/police/Crime_Protection](http://www.unk.edu/offices/police/Crime_Protection)
Other Educational Classes
Prevention, intervention and educational programs addressing alcohol, tobacco, sexual assault, domestic/dating violence, stalking, bystander intervention, relationship classes and body image are also presented. These classes can be tailored to the group wanting the presentation. The following is a list of a few of these classes which are not already listed above:

- **Choices**– This alcohol education class assists participants’ awareness of their drinking patterns and behaviors and how they may be affecting their lives. Students are directed by facilitators to identify the consequences of their alcohol use, to examine their patterns using a continuum of alcohol use and abuse and to study the physical effects of alcohol. Students who have been sanctioned for alcohol violations more than once and students sanctioned by the court attend this program. Depending on the severity of the violation, a student may be sanctioned to Choices for a first time alcohol offense. This is a three hour class with a follow up session a week after the class with a therapist from the Counseling Care Office.

- **Oksoberfest** – A fun night offered once a year to university students promoting sober fun. Alcohol screenings provide feedback to students immediately regarding their current use and possible risk. Information regarding sexual assault is also provided, guiding victims to assistance and guidance for would-be assailants.

- **Dr. Ron Holt**- Presented on Gay, sexuality: Biology as a destiny and No more LGBT Suicides: Discussing Bullying and suicide risks.

- **Eating Disorders Panel** –

- **Anti-Hazing Workshop** –

- **Title IX and Code of Conduct** –

- **TIPS Training** -

- **Gate Keepers** - Is designed to teach individuals how to be better prepared to handle a person in crisis such as having thoughts of suicide. It gives individuals knowledge on how to respond to a crisis, assess the person’s needs, and then refer for help if needed.

- EAP assistance is available for employees upon request.

Access to Campus Facilities
During business hours, the university will be open to students, parents, employees, contractors and guests. The areas of university academic, research, public service and administrative buildings of the university used for classrooms, laboratories, faculty and staff offices, and areas of university student residence buildings used for student living quarters are not open to the general public. Any person not authorized to be or remain in any such building area will be deemed to be trespassing on University property, and may be cited and subject to prosecution for criminal trespass in violation of Nebraska Rev. Stat 28-520 or 28-521.
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 pm to 6:00 am. 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 restriction relating to their presence on University property.

Specifically, the right of a visitor or guest to be present on University property will be restricted when the visitor or guest has disrupted normal services, or has harmed or threatened to harm a member of the student body, faculty, or staff. The right of a visitor or guest to be on University property will be restricted when visitors or guests has damaged or poses a risk of damage or loss to University property or to the property of others located on University property.

Other than normal business hours, all buildings shall be locked in order to maintain building/content security. Some areas within the buildings also need to remain secure; therefore they will be locked with only authorized personnel allowed access. Appropriate Facilities, Police and Parking Services and Residence Life staff will have keys to all areas to provide immediate repair, maintenance and emergency response.

Some outside doors to residence halls will be unlocked from 7:00 am to 11:00 pm to allow access to entryways. However, all residence living quarters will have 24 hour key access. During extended breaks, the doors of all residence halls will be secured around the clock. Those residence halls not housing students will have the door locks pinned so that regular keys issued to resident students will not work.

Employees needing access to buildings after hours may request a building key through the Facilities Department by completing a key request form and getting the proper authorized signatures. While on university property, they need to have their university I.D. on their persons, to present upon request. Students needing access to buildings after hours need to get prior written approval through the Department of Police and Parking Services 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.

**Maintenance and Security of Campus Facilities**

Parking lots, pedestrian walkways and building exteriors are well lighted and patrolled by officers on foot, bike and vehicle patrol.

- Formal exterior lighting surveys are conducted by the Police and Parking Services Department on a monthly basis. Any deficiencies are reported to the Facilities Management and Planning Department. Members of the university community are also encouraged to report any exterior lighting deficiencies to the Department of Police and Parking Services at (308) 865-8517 or Facilities Management and Planning at (308) 865-1800.

- Police and Parking Services annually conducts an operational survey of all buildings exterior doors on campus. Survey results are then submitted to Facilities Management and Planning for follow-up repair. The purpose of this
survey is to determine that each exterior door and its locking mechanisms are working properly.

- Facilities employees lock exterior doors to academic buildings on campus buildings each evening while Residence Life staff lock exterior doors to Residence buildings. Police and Parking Services 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 on Residence Halls.

- 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.
Annual Fire Safety Report

University Staff Responsible for Fire and Life Safety: Responsibility for fire and life safety resides with the Vice Chancellor of Business and Finance. The Dean- Student Affairs, the Director of Residence Life and the Director of Facilities all have secondary responsibilities. Further the University utilizes the State Fire Marshalls office, Nebraska Fire and Sprinkler Company, Electronic Systems, Central Fire and Safety and Global Risk Consultants to inspect fire alarms, sprinkler systems and fire extinguishers.

Fire Protection Equipment/Systems: As of December 31, 2013, the university has 2,530 beds of those 1,808 are equipped with sprinkler systems. All other residence halls have central panels in public areas and hard wired room smoke detectors. All residence halls are also equipped with fire extinguishers.

Off campus UNK sanction Greek housing was comprised of a single independent house with eight beds. As of June 4th 2012 the residents moved out. This house is no longer part of the UNK sanctioned Greek housing.

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Future Improvements: UNK is proceeding with sprinkling all residence halls. All campus sleeping quarters will have sprinklers installed by 2017. During 2014, UNK will be installing carbon monoxide detectors in boiler rooms in University Residence Hall North, University Residence Hall South and at University Heights.
Health and Safety Inspections: Periodic health and safety inspections are conducted by the Residence Life Staff. The intent of these inspections is for preventative and corrective action. Students are given a 24 hour notice prior to the inspections. If their room does not meet minimal health and safety standards, they will be given 24 hours to correct the problem. Items found that may be illegal or in violation of Residence Hall policy will be confiscated and the student conduct process will be initiated.

Fire Evacuation Drills and Training Programs: Residence halls conduct bi-annual fire/evacuation drills. These drills are conducted both announced and unannounced. During this same time the building evacuation plans are reviewed, updated and sent out. Each year Residence Life staff and custodial staff that work in these buildings are trained on fire procedures and fire extinguisher training. There is no additional mandatory training for students or employees.

Fire Log: Institutions must keep a fire log that states the nature of any fires, the date, time and general location of each fire in on-campus student housing facilities. The University of Nebraska at Kearney complies with this rule by including all fire-related incidents in the daily crime and fire log. To view this log go to the Police and Parking Services office at 2507 19th Avenue Monday through Friday 8:00 am to 5:00 pm.

Fire Policies for On-Campus Student Housing Facilities:
1. In Case of Emergency: In case of life-threatening emergencies, call 911. If possible, also contact a Residence Life staff member on duty at (308) 440-3547 and Police and Parking Services at (308) 627-4811. For non-life-threatening emergency situations please contact the Office of Residence Life and Police and Parking Services.

2. Fire Alarms: 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.

3. Smoke Detectors: Smoke detectors are provided for your safety in each room/apartment and should not be tampered with or disconnected.
   a. Smoke detectors become activated when too many combustible particles accumulate in the air.
   b. A loud, high pitched noise will alert you to evacuate.
   c. If you determine that there is no fire or danger, air out your room/apartment by opening a window and fanning the smoke detector to stop the alarm. Do not open your door to the hall, as it could set off the fire alarm for the whole building. It is important that you be aware that the smoke detector does not automatically alert the fire department.
   d. If your smoke detector goes off repeatedly when there is no fire or makes other unusual noises, please fill out a work request form, available at http://www.unk.edu/offices/reslife/maintenance-request-form.php
e. It is a serious violation to disconnect or tamper with a smoke detector. Disciplinary action will be taken if detectors are found damaged or removed due to vandalism.

4. **Falsely Activating an Alarm or Failure to Evacuate:** It is an extremely serious offense to 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. Failure to evacuate during an alarm will subject the student to University disciplinary action and/or civil action.

No fuel-powered motor vehicles or associated parts are permitted within the residence halls for use, maintenance, repair, or storage.

Restitution and/or immediate eviction may be imposed for any of the following: failure to evacuate during a fire alarm, activated false alarms in residence halls, propping open fire doors, creating a fire hazard, malicious burning, or tampering with fire equipment (fire extinguishers, plastic ties securing valves, fire alarm pull stations, smoke detectors, fire hose connections, sprinkler heads, sprinkler pipes, hoses, connections, valves, and emergency exit signs, etc.).

The Office of Residence Life may pay a $100.00 reward for information leading to the persons responsible for tampering with fire equipment, activating false alarms, and/or malicious burning, including possession and/or lighting of fireworks within University property.

A $50.00 fine per violation may be imposed for not abiding by the received citation or verbal instructions of the inspector or University staff regarding the correction of fire hazards.

5. **Fire Equipment:** To ensure that fire equipment is in operating condition at all times, the use of fire extinguishers etc. should be immediately reported to Facilities at (308) 865-1800.

6. **Exits and exit access:** 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.
7. **Portable Electrical Appliances:** Only items with enclosed heating and lighting elements are permitted. Both the appliance and any cord used in connection with it must have a UL (Underwriters Laboratories) approved label. Examples of items not permitted for safety reasons include but are not limited to: toaster ovens*, toasters*, “George Foreman” style grills*, electric skillets*, electric grills*, halogen lamps, microwave ovens*, convection ovens, and window mounted air conditioning units.

Refrigerators are not to exceed 4.5 cubic feet. No modification of room switches, lights or electrical outlets is allowed, including the installation of dimmer switches, ceiling fans, etc.

Please note that the electrical system in University housing has finite abilities. Overloading these systems can present fire and safety hazards. Surge protectors, heavy duty power strips, and heavy duty extension cords are recommended.

*Allowable in Antelope/Nester Kitchenettes.

8. **Smoking:** All residence halls are smoke-free. Smoking areas are located outside each residence hall, and residents and their guests must dispose of smoking materials in the receptacles provided. Smoking is limited to designated perimeters, ten feet or beyond the buildings, including entrances. Community assembly may designate a certain outside area as smoking only.

9. **Open Flames (Candles and Incense):** Due to potential fire hazards, candles (decorative ones included, lit or unlit) and incense are not permitted in the residence halls under any circumstances. Candles and incense will be confiscated. Repeat violations could result in removal from housing due to the extreme fire danger and potentially endangering the lives of fellow community members.

The ONLY exclusion to this policy will be the short-term use of lit candles during pre-approved fraternity/sorority ritual(s) proceedings. Usage of lit candles during these rituals must be approved by the UNK Assistant Director of Student Activities and the Associate Director of Residence Life. Permission must be granted a minimum of 3 business days in advance. Chapters will be required to provide a risk mitigation plan each time a request is made to utilize candles. Ritual candles must be stored between usages in the locked ritual closest/storage facility of the respective chapters. Chapters found to be utilizing lit candles without permission or found to be storing candles outside of preapproved storage area will have the privilege of using candles rescinded. Approved requests will be shared with the UNK Risk Management Office by the Assistant Director of Residence Life.

**Fire and Evacuation Procedures:** At the sound of the Emergency Alarm, it is the responsibility of all building occupants to evacuate immediately and proceed to the predetermined assembly points, away from the building.
Building occupants are also responsible for ensuring that their visitors/customers follow the evacuation procedure described herein, and leave the building along with all other occupants.

If you find evidence of a fire that has been extinguished, and you are not sure whether it has been reported, call UNK Police and Parking Services at (308) 865-8517 or (308) 627-4811 to report the matter.

**Evacuation Instructions**

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

- Do not panic or ignore the alarm.
- Leave the building immediately, in an orderly fashion.
- Do not use the elevators.
- Follow the quickest evacuation route from where you are.
- Do not go back to your room for any reason.
- Proceed to the designated emergency assembly point for your area. If the designated assembly point/area is unsafe or blocked due to the emergency, proceed to the alternate assembly point.
- Call 911 if a fire exists. If no fire exists, notify Police & Parking Services.
- Report to your RA or alternant residence hall staff at the assembly point to be checked off as having evacuated safely; also report any knowledge you may have of missing persons.
- Return to the building only after emergency officials or building monitors give the all-clear signal. Silencing the alarm does not mean the emergency is over.

While evacuating, proceed as follows:

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

• Helping individuals with physical disabilities
  o Any person unable or who needs assistance to evacuate should proceed to the nearest stairwell. If it is unsafe to do so remain in your residence. Emergency evacuation personnel will check stairwells and ensure emergency response and rescue personnel are notified if someone has taken refuge there.
  o Supervisory personnel are responsible for identifying and escorting individuals with disabilities located in their buildings to safety if possible.
  o In any emergency requiring evacuation, do not panic, proceed as follows:
    • If you are on a building floor WITHOUT an exit that goes directly to the outside, and you hear a fire alarm, or are informed of an evacuation.
      • Go to a stairwell immediately.
      • Inform or ask someone, a building occupant or a floor monitor in particular, to alert the first arriving emergency responders of your presence and location.
      • Call 911 to ensure rescue personnel are notified of your location and your need for assistance to evacuate.
      • Provide operator with your exact location, building name, floor and room numbers.
      • Give phone number you are calling from.
      • If possible remain by the phone, police have radio contact with officers at the scene and will keep you informed of the situation.
      • The information you provide to the emergency operator will be relayed to emergency and rescue personnel arriving at the scene, who will assist in your safe evacuation, if circumstances warrant.
### Campus Fire Statistics
#### January 1, 2013 through December 31, 2013

<table>
<thead>
<tr>
<th>Location</th>
<th>Total Fires</th>
<th>Category of Fire</th>
<th>Cause</th>
<th>Injuries</th>
<th>Deaths</th>
<th>Value Property Damage</th>
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### Campus Fire Statistics
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## Campus Fire Statistics
**January 1, 2011 through December 31, 2011**

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### Preparation of the Annual Campus Security, Crime Awareness and Fire Report

The preparation and disclosure of the annual Campus Security, Crime Awareness and Fire Safety Report and campus crime statistics is compiled yearly and distributed by October 1 by the Department of Police and Parking Services in consultation with, information from and knowledge of the Chancellor, the Assistant Vice Chancellor Communications and Community Relations, the Dean-Student Affairs, the Student Conduct Officer, the Offices of Residence Life, Student Activities, Counseling and Health Care, Athletics, Academic Advising, Human Resources, and local law enforcement. The University prohibits any individual from intimidating, threatening, coercing or retaliating against anyone who is implementing this law.