Safety and security information for the University of Nebraska-Kearney, including crime & fire statistics for the 2015 calendar year. This information was submitted to the U.S. Department of Education according to law.

The University of Nebraska-Kearney does not discriminate based on gender, age, disability, race, color, religion, marital status, veteran’s status, national or ethnic origin, or sexual orientation.
Annual Campus Security,  
And Fire Report  
University of Nebraska at Kearney  
2016

Annual Campus Security and Fire Safety Report and Clery Act Overview

The University of Nebraska-Kearney Police Department (UNKPD) has responsibility for the preparation and distribution of the University of Nebraska-Kearney’s Annual Campus Security and Fire Safety Report (ASR), which is reviewed and updated annually as one cohesive document per the requirements of the federal law known as the Clery Act. To ensure the ASR is accurate and comprehensive, the UNKPD uses its own records, as well as sends out requests for crime statistics and other necessary information to Campus Security Authorities (see description below), any applicable law enforcement agencies, and pertinent campus officials. The data is compiled and reviewed to ensure that no duplication takes place and things are appropriately categorized. All records concerning the completion of the ASR (crime reports, daily incident logs, referrals for disciplinary action, copies of timely warnings, etc.) are maintained by the UNKPD. The ASR is completed and posted by October 1st of each year. The ASR, along with other crime prevention, safety and reporting information can be found on the UNKPD website: http://www.unk.edu/offices/police/

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 to currently enrolled students and employees notifying them of the Annual Campus Security 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 Facilities Building at 2501 19th Avenue or by calling (308) 865-8911. A link to this report is located on the employment web page and the student admissions web page. Upon request applicants for enrollment or employment will be given a copy of this report.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) is the landmark federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The "Clery Act" is named in memory of 19 year old Lehigh University freshman Jeanne Ann Clery who was raped and murdered while asleep in her residence hall room on April 5, 1986. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Act is enforced by the United States Department of Education.

The Clery Act requires colleges and universities to: Publish an Annual Security Report (ASR) by October 1, documenting three calendar years of select campus crime statistics, including security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault, domestic violence, dating violence and stalking. The law requires that schools make the report available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. Schools may comply with this
requirement via the internet if required recipients are notified and provided exact information regarding the on-line location of the report.

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

**Disclose and provide to the U.S. Department of Education, crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities, including Greek housing and remote classrooms** – The statistics must be gathered from campus police or security, local law enforcement and other school officials who have "significant responsibility for student and campus activities,” (Campus Security Authority) (CSA) The Clery Act requires reporting of crimes in seven major categories, some with significant sub-categories and conditions:

1. Criminal Homicide  
   a. Murder & Non-negligent manslaughter  
   b. Negligent manslaughter  
2. Sex Offenses  
   a. Rape  
   b. Fondling  
   c. Incest  
   d. Statutory Rape  
3. Robbery  
4. Aggravated Assault  
5. Burglary  
6. Motor Vehicle Theft  
7. Arson 

Hate crimes must be reported by category of prejudice, including race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, and/or disability. In addition to the above-noted crimes, if the crime committed is classified as a hate crime, statistics are required for the following four additional crime categories:

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

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

1. Domestic Violence  
2. Dating Violence  
3. Stalking
Institutions are required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):

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

**Issue timely warnings about Clery Act crimes which pose a serious or ongoing threat to students and employees** – Institutions must provide timely warnings in a manner likely to reach all members of the campus community. Timely warnings are limited to those crimes and incidents an institution is required to report and include in its ASR. There are differences between what constitutes a timely warning and an emergency notification; however, both systems are in place to safeguard students and campus employees.

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

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

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

**Campus security authority (CSA) 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, and the Dean of Student Affairs, Police Officers, Community Service Officers, the Student Conduct Officer, Residence Life staff, Student Activities staff, Student Health Care staff, the Director of Counseling and Student Health, 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.

**Student Code of Conduct**

The University of Nebraska at Kearney (UNK) is a community of scholars which values the freedoms of inquiry and expression. The Student Code of Conduct is intended to present a clear statement of student rights and responsibilities and to set forth the procedures established by the University of Nebraska at Kearney to protect those rights and address the abdication of those responsibilities. The Student Code of Conduct describes the types of acts that are not acceptable in an academic community, as well as the general processes used to address those acts.

The UNK Student Code of Conduct procedures act as an educationally-based fact-finding process, not a court of law. Its proceedings are not civil or criminal trials. The hearings are not adversarial proceedings but rather inquiries conducted by the Conduct Officer and/or Board. Students do not relinquish their rights or shed their responsibilities as citizens by becoming members of the University community. Students must also be aware that, as citizens, they are subject to all federal and state laws in addition to all University regulations governing student conduct and responsibilities.

**Law Enforcement on campus**

The UNKPD, which has 10 officers having full police and arrest powers, is in charge of coordinating all campus safety and security measures. UNKPD officers enforce University regulations and laws of the State of Nebraska on the University of Nebraska Kearney campus. These men and women complete courses of certification at the State Law Enforcement Training Center and are commissioned by the State of Nebraska as Special Deputy Sheriffs. They undergo continuous training to upgrade and maintain their professional skills as law enforcement officers.

UNKPD officers enforce University regulations, laws of the State of Nebraska within their jurisdiction which includes all university-owned, leased or controlled property and the streets adjoining and adjacent to the university, and in support of the Kearney Police Department.

UNKPD officers are responsible for a full range of public safety services, including investigations, medical emergencies, fire emergencies, traffic accidents, enforcement of state and local laws and all other incidents requiring police assistance to include arresting necessary persons.

UNKPD officers conduct foot, bicycle and motorized patrol of campus 24 hours a day 365 days a year. UNKPD works closely with the Kearney Police Department, the Buffalo County Sheriff’s Office, and the Nebraska State Patrol. Although there are no written memoranda of understandings.
between these agencies all agencies actively assist each other as needed. Incidences that cross jurisdictions or require additional personnel or equipment beyond the University’s abilities will be conducted jointly with another agency. The Kearney Police Department also responds to any off-campus incident involving students or student organizations within the city limits. UNKPD will assist them upon their request. University police officers have direct radio communication with both the Kearney Police Department and the Buffalo County Sheriff’s Department and are part of the Buffalo County 911 Emergency Center as they dispatch for the university.

To report a crime UNKPD can be contacted by telephone, in person, or by e-mail

- Phone: Contact UNKPD at 308-865-8911
- Email: unkpd@unk.edu
- Emergency: If it is an emergency, simply dial 911. All law enforcement agencies in Buffalo County work from the same dispatch system. If dialing 911, the call will automatically be dispatched to the agency having primary jurisdiction.
- In person: Stop in the UNKPD, located at 2501 19th Avenue, if you see an UNKPD officer in a vehicle, on foot, bicycle, get their attention and they will assist you.
- University’s Silent Witness web page http://www.unk.edu/offices/police/police_services/unk_silent_witness.php.

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 and or the Office of Residence Life for review and potential disciplinary action. Incidents of sexual misconduct are forwarded to the University Title IX Coordinator. 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.

Reporting will assist the university in taking steps to ensure the safety of yourself and others. With such information, the university can also keep accurate records of the number of incidents occurring on University property, determine where there is a pattern of crime and alert the campus community to potential dangers.

Every month, the UNKPD provides its Uniform Crime Report to the Nebraska State Patrol as required for inclusion of crime statistics that is published by the Federal Bureau of Investigation.
The UNKPD also employs full time Community Service Officers (CSOs) whose primary purpose is to provide security on campus. CSOs do not have arrest powers (non-commissioned); however, they do undergo training in the areas of security, life safety, and the handling of situations with which they may be confronted. CSOs patrol the buildings and surrounding areas, maintaining constant radio contact with the UNKPD officers, requesting officer assistance when necessary.

**Crime Statistics**

The following criminal offenses were reported to the University police, designated Campus Security Authority or to local law enforcement agencies for university owned, leased or controlled property and the public property immediately adjacent to the main campus. To view a map of UNK campus you can go to this link: [http://www.unk.edu/about/fastfacts/maps-directions.php](http://www.unk.edu/about/fastfacts/maps-directions.php). All years reflect a 12-month calendar year. The definitions for these crime categories are taken from the FBI’s Uniform Crime Reporting Program and the Violence Against Women Act (VAWA).

A hate crime is: A crime that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias in a belief whether actual or perceived of the victim’s race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability.

From time to time, an agency will receive a complaint that is determined, through investigation, to be false or baseless. In other words, no crime occurred. If the investigation shows no crime occurred, nor was attempted, the complaint will be counted as an **unfounded crime**. Only after a thorough investigation is completed by the University Police and Parking Service, can the Director of Police and Parking Services or his/her designee classify a complaint as an unfounded crime.

**Only sworn or commissioned law enforcement personnel may determine the crime to be unfounded.**

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, for the years 2013 and 2014 as we were unable to get responses back from any agency for this location.

In 2014 and 2015 the University Study Abroad program held classes and stayed at the Park Lodge Hotel located at Galway Ireland. Statistics were not included as we were unable to get responses back from the agency for this location.
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Liquor law continued

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There were no hate crimes reported at the University of Nebraska Kearney in 2013, 2014 or 2015.

**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 post card 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 are 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, and general location, description of the crimes or fires, and a disposition of the complaint that occurred in their patrol district. The log does not include names or specific locations, such as residence hall room numbers. This log is updated within 2 business days of the initial report being taken or any new information being obtained 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 located in the Facilities Building, at 2501 19th Avenue Kearney, NE and is maintained for a minimum of 60 days. Requests for crime log information in excess of the 60 day period will be honored within 2 business days.

• 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**

I. PURPOSE To notify the campus community in a timely manner of specific crimes that occur within the University Clery geographic area that pose a serious or continued threat to the community. This notification is intended to aid in the prevention of future crimes and allow community members to take steps to aid in their own safety.

II. DEFINITIONS

A. Campus Security Authority

Campus Security Authority is any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. This includes anyone with security responsibility or anyone who has a significant responsibility for student and campus activities, including but not limited to, the following:

Chancellor
Senior Vice Chancellor of Academic/Student Affairs
Dean- Student Affairs
Police Officers
Community Service Officers
Student Conduct
Housing Director, Resident Assistants, and Residential Life Coordinators
Student Activities staff
Student Health Care
Athletics Director and Coaches
Human Resources
Ombudsperson
Title IX Coordinator
Student Organization Advisors

B. Clery Act Crimes:
Murder and Non-Negligent Manslaughter, Negligent Manslaughter, Sex Offenses (Forcible and Non-Forcible), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Arrest, Drug Arrests, Liquor Arrests and Hate Crimes as defined by the Federal Bureau of Investigation’s Uniform Crime Reporting Handbook.

C. Clery Geographic Area:

1. Campus-

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

2. Non-campus building or property –

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

3. Public Property –

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus
D. Pastoral Counselor:
A person, who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

E. Professional Counselor:
A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

III POLICY
The University of Nebraska at Kearney, in compliance with Clery Act – 20 USC 1092, will notify the campus community of Clery-specified crimes reported to UNKPD occurring in Clery geographic areas that represent a serious or continued threat to students and employees, by providing timely warnings.

IV. PROCEDURES
A. Implementing a Timely Warning:

1. Campus Security Authorities are required to notify Police and Parking Services any time they believe an incident has occurred that may be a Clery crime and has occurred in the predetermined Clery geographic areas. Due to the confidential nature of their job responsibilities Pastoral or Professional Counselors are exempt from reporting to the police;

2. Local law enforcement agencies also have been asked to notify Police and Parking Services if they become aware of a situation(s) that warrant a notice;

3. A timely warning must be issued for any Clery Act Crime that occurs in any Clery geographic areas and which poses a serious or continuing threat to the campus community;

4. A timely warning may be issued for other incidents as deemed necessary by UNKPD taking into consideration the seriousness of the threat, its likelihood to continue to be a threat to the community, and the frequency of the incidents;

5. Any UNKPD Supervisor or Officer is responsible for making the decision whether a timely warning will be issued. He or she can do this in consultation with other University and city departments if needed;

   a. When assessing if a notification is necessitated, officers will determine if the incident was a Clery crime, if the incident happened on Clery geographic area and if there is a serious or continuing threat to the campus.
B. Determining Whether a Continued Threat Exists:

Whether a reported crime constitutes a continuing threat must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community, the possible risk of compromising law enforcement efforts.

C. Timely Warning Notice Content:

1. The timely warning must contain sufficient information about the nature of the threat to allow members of the campus community to take action to protect themselves. The timely warning should include information that would promote safety and that would aid in the prevention of similar crimes.

2. A timely warning may include but is not limited to the following, unless issuing any of this information would risk compromising law enforcement efforts:
   a) Date and time of the incident;
   b) A brief description of the incident;
   c) Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips);
   d) Suspect description(s) when deemed appropriate and if there is sufficient detail; (The description of subjects in a case will only be included in a timely warning if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, they will not be included in the notification)
   e) UNKPD contact information;

3. These warnings will withhold the names of the victims associated with any crimes

4. Unless exigent circumstances exist, UNKPD will draft an email containing the proposed timely warning and forward it to UNK Communications and Community Relations for review. If exigent circumstances exist, the notification will be sent without the review process.

D. Timing of the Timely Warning:

1. Although federal regulations provide no clear guidelines on the length of time between the receipt of a crime report and the dissemination of timely warnings, the University will take no more time than necessary to analyze the threat, determine the need for the notice and disseminate the timely warning. Due to necessity a timely warning may be issued with few facts and then updated as more information is provided, if needed.

2. Unless exigent circumstances exist, the UNKPD Director or designee, the Communications and Community Relations office and other departments as deemed necessary will determine the content of any follow-up messages and will use some or all of the below distribution methods to communicate updated information about the threat to the university community. This does not preclude UNKPD personnel from issuing follow-
E. Distribution:

1. The timely warning must be distributed in a manner reasonably likely to reach the entire campus community.

2. Depending on the circumstances any of the following methods, or combination thereof, may be used including but not limited to:
   a) UNKAlert
   b) Campus-wide email
   c) Posting of notices
   d) UNK website(s)
   e) Social media
   f) Text messages
   g) News release
   h) Voice message over various public address systems

F. This policy is not applicable if a notification is sent out under the Immediate Notification Policy immediate notification.

**Immediate Notification Policy**

I. PURPOSE

To immediately notify the campus community of significant emergencies or dangerous situations involving the immediate threat to the health and safety of students or employees on campus, upon the threat’s confirmation. This notification is intended to allow community members to take steps to aid in their own safety.

II. DEFINITIONS

a. Significant Emergency or Dangerous Situation – Any situation which encompasses an imminent or impending threat to the campus. This could include:
   o Serious criminal incidents
   o Active shooter/ armed intruder
   o Hostage/barricade incident
   o Civil unrest or rioting
   o Suspicious package, bomb or explosives confirmation
   o Severe structural damage or fire
   o Serious health outbreaks
   o Biological threat
   o Terrorist incidents
   o Approaching tornado, or extreme weather conditions

b. Responsible Authorities – Those persons who are receiving, responding to, or investigating the possibility of a significant emergency or dangerous situation.
III. POLICY
Per the Higher Education Opportunity Act, the University of Nebraska Kearney will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus.

The university will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

IV. PROCEDURES
c. How to Report –
   i. When a member of the university community believes a significant emergency or dangerous situation exists, he or she should immediately notify the University Police and Parking Services Department (UNKPD) by calling 308-865-8911, or 911.
   ii. If this emergency is a serious health matter he or she should contact Student Health at 308-865-8218, or 911.

d. Process to Confirm
   i. Once a report has been received, UNKPD or UNK Counseling and Healthcare will, without delay, gather necessary facts through investigations or collaboration with other departments to determine if a threat exists as described above.
   ii. During this process UNK Counseling and Healthcare will notify UNKPD of the investigation.

e. Determine who will Receive the Notification
   i. Notification shall be sent to the appropriate segment or segments of the university that will be directly impacted by the incident. This will be determined by the agency confirming the facts of the incident.

f. Determine the Content of the Message
   i. Once facts are present to show there is a significant emergency or dangerous situation involving the immediate threat to the campus community, the agency confirming these facts will craft the content of the message.
   ii. This notification will warn people in the affected area of the emergency and list any precautionary steps to take if known.
   iii. This notification will withhold the names of the victims associated with any emergency.
   iv. Unless exigent circumstances exist, the Department of Communications and Community Relations will determine the content of any follow-up messages with the assistance, as needed, from the Incident Commander, responding agencies and collaborating agencies. Any follow-up message will use some or all of the distribution systems available to the university.
g. Determine how it will be Sent
   i. Based on the above determination the emergency and who is affected, UNKPD or their assisting agency will determine what modes of communication will be used.
   ii. The methods of communication below may be utilized in the event of an Immediate Notification, including but not limited to:
      1. UNKAlert which utilizes any or all of the following: e-mails, text-messages (SMS), phone calls, post to Facebook, Twitter and the UNK website home page
      2. Campus-wide Announce e-mail to employees
      3. Campus-wide Announce or Student Bulletin e-mail to students
      4. Voice Over Fire Alarm system
      5. News release or media statement

h. Initiation of the System and any Follow Up Messages
   i. For immediacy, the initial message will be sent by UNKPD.
   ii. If other departments are available at the time of the incident UNKPD may request assistance in sending the message. Other departments who have access and the ability to send the Immediate Notification message are:
      1. Communications and Community Relations
      2. Emergency Planning and Management
      3. Risk Management
   iii. Unless exigent circumstances exist, the Department of Communications and Community Relations will determine the content of any follow-up messages with the assistance, as needed, from the Incident Commander, responding agencies and collaborating agencies. Any follow-up message will use some or all of the distribution systems available to the University.
   iv. If this policy is utilized the Timely Warning policy is not relevant. Federal law specifies that “an institution that follows its Immediate Notification procedure is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

V. EXTERNAL NOTIFICATIONS
All external notifications will be handled by Communications and Community Relations unless external media was used in the initial notification. Communications and Community Relations will be the contact department for all external media unless otherwise determined through the Incident Command Process.

VI. SYSTEM TESTING
   i. The UNKAlert system is tested a minimum of once a semester by the Department of Emergency Planning and Management, unless it is activated for a real event prior to the scheduled drill.
   ii. The Voice over Fire Alarm Speaker system is tested annually.
   iii. Any issues or concerns discovered during testing or during issuance of any message will be immediately addressed.
Emergency Response Procedures

UNK has an Emergency Operation Team, which has plans in place to deal with emergency situations on the University of Nebraska at Kearney campus. This plan is designed to provide guidance to the University’s responders and the campus community applicable to all emergencies. It has identified functional responsibilities of various organizations and offices within the University.

To view the Emergency Operation Plan or request a copy, contact UNKPD at (308) 865-8911 or at 2501 19th Avenue or go to http://www.unk.edu/eop/

All new employees were given a copy of the Emergency Operation Plan on a yellow sheet. Posters of the plan were also placed on public bulletin boards in academic buildings.

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

UNK has a Training committee within 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 residence halls. For these drills, occupants are made aware of a date range the drill will be held but not the time. Building evacuation plans are reviewed, updated and sent out at this same time. These drills are documented and any issues of concern are forwarded to the proper department to be addressed.

In 2015 some of the exercises and/or trainings the University conducted or participated in were:

- **Evacuation Drills**
  - Time frame is announced
  - Academic Buildings Thursday August 31th through Thursday September 11th
- **Tornado Drill**
  - Time frame announced
  - Drill held: Wednesday March 25, 2015
  - We use this day to educate the campus about the University Emergency Operation plan and shelter locations.

- **Preparedness Symposium**
  - Announced
April 28, 2015
One day conference with several workshops presented throughout the day.

Agricultural Virtual Tabletop
- Announced
- June 25, 2015
- Focus on communicable animal disease outbreak at large events.

Active Shooter Training
- Announced
- Train campus population on what to do in an active shooter situation.

Trainings
- Design exercise training
- Weather spotter training
- MGT 312 Senior Level Officials Training
- NIMS IS 300 and 400
- NIMS 100, 200 and 700 for new EOT Members
- Orientation session for Facilities on “Intro to Emergencies”
- EOT Exec trained on UNKAlert

University of Nebraska Kearney Shelter-In-Place Plan

I. **Purpose**

- To provide for the timely and orderly process to shelter in place all or part of the University of Nebraska at Kearney campus when it is determined that such action is the most effective means available for protecting the population.

II. **Definitions of Shelter–In-Place**

- The action of seeking immediate shelter indoors following the announcement of an emergency situation.

III. **Responsibilities**

a. EOT Emergency Coordinator

- Oversee the dissemination of internal information related to the emergency. Including: activating UNKAlert to notify the campus that they should shelter in place. Coordinate support activities, work with outside entities and manage resources for the response. Serve as a liaison between the University administrative group, the EOC, the Incident Commander and the city EOC.

b. Incident Commander
• Responsible for the overall control of the incident. Identify the emergency and make decisions as to shelter in place or not.

c. Building Emergency Coordinator
• Implement shelter-in-place procedures after receiving official notification. Keep occupants calm and informed regarding reason for shelter-in-place and possible duration. Provide notification and status updates to Incident Commander. Restore building to normal function following an all clear.

d. Police and Parking Services
• Responsible to coordinate security for the affected area.

e. Facilities
• Responsible for managing all HVAC systems to preserve life safety and the building and its contents, manage generator operations, lead and advise the EOC and the Incident Command for all HAZMAT events, and assist in securing University buildings occupied by Facilities staff. Facilities will assist in determining any damage to campus property and the ability of the University to occupy/utilize them.

f. Counseling and Health Care
• Available for telephone triage regarding health issues.

g. Human Resources
• Responsible for advising the EOC on any employee information needed. Afterwards, Human Resources would advise the campus community on payroll matters for the affected time, coordinate and provide EAP services, and handle the need for any altered work schedules for the future of recruitment to replace any employees.

h. Residential and Greek Life
• Responsible for communicating shelter-in-place plans to all residents and locking residence hall doors.

i. University Relations
• Responsible for the dissemination of external information related to the emergency and evacuation, maintain and post an emergency webpage, and monitor and control rumors both internally and externally.

j. Information Technology Services
• Responsible for maintaining network and application service to include SAP, PeopleSoft and integrated applications, e-mail, and the University web page as long as possible. Arrange for activation of the alternate hosting site for the UNK web pages if needed. Establish Internet connectivity for Incident Command and EOC. Secure and shut down network equipment when it becomes imperative.

k. Academic Affairs
• Responsible for advising the EOC of sensitive functions or areas of campus that may need special response consideration such as animal labs or radioactive/hazmat materials. After the initial sheltering is concluded, Academic Affairs will advise the EOC on COOP (Continuity of Operation Plan) matters.

l. Student Affairs
• Coordinate all student response efforts

m. Disabilities Services
• Coordinate and execute preplanning for emergency situations with students registered with a disability

n. Business Services
• Responsible for activating the emergency alert system for the University cable television. Assist in establishing telecommunications services for the Incident Command and the Emergency Operation Center.

o. Buffalo County Emergency Manager
• Responsible for advising the UNK Emergency Management Coordinator on city decisions, coordinate support activities and manage resources.

p. American Red Cross
• Responsible for coordinating mass care activities including registration, lodging and feeding individuals who were off campus when the shelter-in-place was declared and now cannot access their homes. This effort will be supported by the Salvation Army and other service organizations.

IV. Concept of Operation

a. Shelter-In-Place Order
• Shelter-in-place orders will be made by the Chancellor of the University or his/her designee or by the direction of the City of Kearney.
• In situations where rapid deployment of shelter-in-place is critical to ensure the continued health and safety of the community, the on-scene command has authority to order the shelter-in-place.

b. Shelter-In-Place Decision Consideration
• When deciding whether to shelter-in-place care must be exercised by decision-makers to ensure that a directed shelter-in-place will not place the affected population into a more dangerous situation than posed by the primary hazard or alternative response actions. When making this decision the following considerations should be addressed:
  o Weather conditions
  o How quickly the different responses can be implemented
  o How safely the different responses can be implemented
  o Availability of alternative shelters

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

d. Public Notification
• Shelter-In-Place Warning
  o All possible warning modes will be utilized to direct the affected population to shelter-in-place. This includes the use of UNKAlert! System to notify individuals by phone, e-mail and text message. The University will also post information on the University web page and television scrolling, if possible. Whenever possible, the university building evacuation personnel will walk through the building, going door to door to notify occupants.

• Public Information
o UNK Communications and Marketing will ensure that emergency information is disseminated to the media in a timely manner. Instructions to the public and situation updates will be issued as the information becomes available.

e. Building Emergency Personnel

- For the purpose of this plan, Emergency Personnel and their alternates are regular employees who have been selected to ensure that building sheltering is carried out as planned. Building emergency personnel and their alternates shall be selected by the Building Supervisor among building occupants and on a voluntary basis. For the identification of your buildings emergency personnel refer to your building evacuation plan.
- Following is a list of building emergency personnel and their corresponding duties.
- PLEASE NOTE: Assigned duties are to be carried out only if you are not putting yourself in danger or risking your personal safety.

- Work Area Representative -
  * Maintain a current list of employees, including part time and student employees and their work schedule;
  * Instruct area occupants to shelter-in-place when notified of an emergency.
  * Assist and/or direct occupants with limited mobility to their safe rooms
  * Check off co-workers who have sheltered-in-place.
  * Report emergency situations and missing persons to the Emergency Coordinator.
  * Transmit the All-Clear signal to building occupants.

- Floor Monitor -
  * Check all rooms, corridors and restrooms on assigned floors to ensure building occupants have been notified of the shelter-in-place order
  * Make sure windows, doors and fire doors on enclosed stairways and exits are closed.
  * Assist and/or direct occupants with limited mobility to their safe rooms
  * Report emergency situations and missing persons to the Emergency Coordinator.
  * Transmit the All-Clear signal to building occupants

- Emergency Coordinator -
  * Secure and lock all exterior doors as needed
  * Collect information on building occupants from Floor Monitors and Work Area Reps.
  * Report information to first responders or the UNK EOC on occupants needing assistance or those who may be missing.
  * Relay information and updates to building occupants about the situation as they become available.
  * Transmit the All-Clear signal to Floor Monitors and Work Area Reps.
  * Supply the EOT with necessary information and assist them with any necessary debriefings.
f. Procedures

- Upon notification of sheltering in place, emergency personnel will complete the job tasks listed above. It is the responsibility of all building occupants to follow any emergency directions and immediately proceed to a safe location within the building. Faculty are responsible for dismissing their classes and relaying all emergency directions to their students. University employees and students are responsible for relaying all emergency directions to their visitors/customers.
- Contract workers will be made familiar with the procedure outlined herein and are expected to shelter upon notification.
- Designated essential personnel needed to continue or shut down critical operations while a shelter-in-place is underway are responsible for recognizing and/or determining when to abandon the operation and shelter themselves.
  - Sheltering Instructions by Types
    1. If sheltering for a tornado, go to the predetermined tornado shelter in your building.
    2. If you are sheltering due to a civil disturbance/Hostage/Active shooter situation:
      a. Lock and barricade doors.
      b. Turn off lights, close the blinds and block any windows.
      c. Turn off or silence anything that makes noise radios, cell phones and computers.
      d. Keep yourself and occupants calm, quiet and out of sight. Take adequate cover/protection i.e. concrete walls, thick desks, filing cabinet (cover may protect you from bullets).
      e. As quietly as possible have one person call 911. Give detailed information about the situation.
      f. Stay alert and adjust your plan as the situation changes.
    3. If you are sheltering due to hazardous materials, harmful contaminants or weather conditions
      a. Close and lock all windows, exterior doors and any other opening to the outside.
      b. Close window shades, blinds or curtains.
      c. If possible seal gaps around doors and windows.
      d. Select an interior room above the ground floor, with the fewest windows or vents. Avoid overcrowding and avoid rooms with mechanical equipment.
      e. Close the interior door to the room you are sheltering in.
      f. Shut down all experiments.
      g. Consider having a room with a standard landline phone available in case radios or cell phones systems fail during the emergency.
      h. Anyone showing obvious symptoms of exposure to a contaminant must be separated from others. They should wash/shower with soap and water and place contaminated clothing in a sealed bag if possible.
  - Disability Procedures
1. Any person unable to sheltering-in-place or who needs assistance with sheltering-in-place should inform a building occupant or a floor monitor. Move to an interior room. If it is unsafe to do so, remain in your office/classroom/residence.

2. Supervisory personnel and course instructors are responsible for identifying and escorting to safety individuals with disabilities located in their offices/classrooms, if possible.
   a. Access Control
      - If possible building emergency personnel will lock all building outside doors to limit access to the building when necessary.
   b. Re-Entry
      - Remain indoors until “All Clear” message is received and then follow any directions given. If needed, Facilities will inspect university buildings and property to ensure they are able to be utilized after a shelter-in-place event.

Evacuation Procedures

Building Evacuation -

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

Building occupants are also responsible for ensuring that their visitors/customers follow the evacuation procedure described herein, and leave the building along with all other occupants.

Faculty are responsible for dismissing their classes and directing students to leave the building by the nearest exit upon hearing the alarm or being notified of an emergency.

Designated essential personnel necessary to continue or shut down critical operations while an evacuation that 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:
  o Go to a stairwell immediately.
  o 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.
  o Call 911 to ensure rescue personnel are notified of your location and your need for assistance to evacuate.
  o Provide operator with your exact location, building name, floor and room numbers.
  o Give phone number you are calling from.
  o 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 Marketing will ensure emergency and evacuation information is disseminated to the news media on a timely basis. Instructions to the public; such as traffic routes to be followed, location 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 Incident Commander will determine the need for special transportation, coordinate the use of transportation resources to support the evacuation and announce convenient centralized locations as assembly areas. There could be cases where elderly, infirm or persons with a disability in the evacuation area will not be able to get to the assembly point or would need a special type of transportation. Provisions will be made for vehicles to transport these individuals. The public will be instructed how to notify EOC of any special transportation problems. The 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 are prohibited on property controlled by the University of Nebraska at Kearney, in University vehicles, and at events sponsored by the University. This prohibition applies to all members of
the general public, students, and University employees, except University employees who are specifically so authorized as part of their job responsibilities and authorized law enforcement personnel performing official duties. Exceptions to this policy may only be authorized by the Vice Chancellor for Business and Finance or his/ her designee. Any person violating this policy is subject to University discipline up to and including expulsion/termination and/or may be charged with the appropriate criminal offense.

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

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

**Drug and Alcohol Policy**

**(A)**

**STANDARDS OF CONDUCT FOR EMPLOYEES AND STUDENTS REGARDING ALCOHOL AND DRUGS**

The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws. The Board of Regents of the University of Nebraska has directed officers of the University to cooperate with State and Federal agencies in the prevention of drug abuse. See Board of Regents of the University of Nebraska, Minutes, Vol. 29, pp. 90–91 (September 12, 1967). In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988 and the Safe and Drug-Free Schools and Communities Act of 1994, the University has formulated standards of conduct for both its employees and its students which prohibit the following acts:

1. **use, possession, manufacture, distribution, or sale of illegal drugs or drug paraphernalia on University premises or while on University business or at University activities, or in University supplied vehicles either during or after working hours;**

University business or attending University activities or in University supplied vehicles, either during or after working hours;
(3) unauthorized use, manufacture, distribution, possession, or sale of alcohol on University premises or while on University business, at University activities, or in University-supplied vehicles, either during or after working hours;
(4) storing in a locker, desk, vehicle, or other place on University owned or occupied premises any unauthorized controlled substances, drug paraphernalia, or alcohol;
(5) use of alcohol off University premises that adversely affects an employee’s or student’s work or academic performance, or an employee’s or student’s safety or the safety of others;
(6) possession, use, manufacture, distribution, or sale of illegal drugs off University premises that adversely affects the employee’s work performance or the student’s academic performance, or an employee’s or student’s safety or the safety of others;
(7) violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution, or sale of alcohol, controlled substances, or drug paraphernalia;
(8) in the case of employees, failure to notify an employee’s supervisor of an employee’s arrest or conviction under any criminal drug statute as a result of a violation of law which occurs at the University of Nebraska workplace.
[The Standards of Conduct were approved by the Regents in 1990. See Board of Regents of the University of Nebraska, Minutes, Vol. 55, p. 205 (October 12, 1990).]

(B)
DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER FEDERAL, STATE OR LOCAL LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL
The information on the following pages summarizes selected provisions of Federal, State, and local laws that provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol.
FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF CONTROLLED SUBSTANCES
21 U.S.C. § 844(a)
First Conviction: Up to 1 year imprisonment and fine of at least $1,000 or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years, and a fine of at least $2,500. After 2 or more prior drug convictions: at least 90 days in prison, not to exceed 3 years, and a fine of at least $5,000.
21 U.S.C. §§ 853(a) and 881 (a)
Forfeiture of tangible and intangible personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. Forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for use, to transport or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances.
21 U.S.C. § 844a

21 U.S.C. § 862
Denial of Federal benefits, such as financial aid grants, contracts, student loans, and professional and commercial licenses, for individuals convicted of distributing controlled substances (drug trafficking). The denial can last up to 5 years for the first conviction and up to 10 years for the second conviction. Those who have three or more convictions will be permanently ineligible for all Federal benefits.

18 U.S.C. § 922(g)
Ineligible to receive or possess a firearm or ammunition.

Miscellaneous
Authority to revoke certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., is vested with the officials of individual Federal agencies.

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

Chart 1 summarizes trafficking penalties under Federal law for various types of drugs. This information is published by the United States Drug Enforcement Administration and is available online at http://www.justice.gov/dea/druginfo/ftp3.shtml (last visited November 17, 2015).

STATE PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF CONTROLLED SUBSTANCES
The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. In addition, other Nebraska State laws establish penalties for various drug-related offenses as summarized below. Charts 2 and 3 summarize the sanctions under Nebraska law for possession or distribution of various drugs.

CRIMES INVOLVING MINORS:
Any person 18 years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver or dispense a controlled substance or a counterfeit controlled substance (i) to a person (under the age of 18 years; (ii) in, on, or within 1,000 feet of a school, college, university, or playground; or (iii) within 100 feet of a youth center, public swimming pool, or video arcade shall be punished more severely. The law also provides for an enhanced penalty for anyone 18 years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. See Neb. Rev. Stat. § 28-416(4) and (5) (Reissue 2008, Cum. Supp. 2014; Supp. 2015).

Persons under the age of eighteen who violate the drug laws may be subject to additional sentencing provisions found in Neb. Rev. Stat. § 28-416 (18) (Reissue 2008, Cum. Supp. 2014; Supp. 2015), these include impounding licenses or
permits issued under the Motor Vehicle Operator’s License Act, completion of community service, and attending drug education classes.

**PROBATION CONDITIONS:**

**TAX PROVISIONS:**
Anyone who possesses or sells the following amounts of controlled substances or imitation controlled substances must pay the appropriate taxes to the Nebraska Department of Revenue and have the stamps attached to the controlled substances. Marijuana is not included in the definition of “controlled substances” here but is also taxed, as follows:

Illegal marijuana is taxed at $100 for each ounce or portion of an ounce. Neb. Rev. Stat. § 77-4303 (Reissue 2009).

Any controlled substance that is sold by weight or volume (i.e., cocaine, crack, methamphetamine, etc.) is taxed at $150 for each gram or portion of a gram. Neb. Rev. Stat. § 77-4303 (Reissue 2009).

Any controlled substance that is not sold by weight (i.e., LSD, Quaaludes, methamphetamine in tablets, PCP, etc.) is taxed at $500 for each 50 dosage units or portion thereof. Neb. Rev. Stat. § 77-4303 (Reissue 2009).


**PROPERTY FORFEITURE:**
Property used to manufacture, sell, or deliver controlled substances can be forfeited to the State. Property subject to forfeiture may include cash, cars, boats, and airplanes, as well as drug paraphernalia, books, records and research, including formulas, microfilm, tapes, and data. Neb. Rev. Stat. § 28-431 (Reissue 2008).

**BEING UNDER THE INFLUENCE OF ANY CONTROLLED SUBSTANCE FOR UNAUTHORIZED PURPOSE:**
It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner. In a prosecution, the State need not prove that the accused was under the influence of a specific controlled substance, only that the accused manifested symptoms or reactions caused by the use of any controlled substance. Neb. Rev. Stat. § 28-417(1)(g) (Reissue 2008).

**DRUG PARAPHERNALIA OFFENSES:**
It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Reissue 2008).

"Drug paraphernalia" is defined to include such things as hypodermic syringes, needles, pipes, bongs, roach clips, and other items used, intended for use, or designed for use with controlled substances. Neb. Rev. Stat. § 28-439 (Reissue 2008).

It is unlawful to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances in which one should reasonably know, that it will be used to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. This section does not apply to pharmacists who sell hypodermic syringes or needles for the prevention of the spread of infectious diseases. Neb. Rev. Stat. § 28-442 (Reissue 2008).

It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under the age of 18 who is at least 3 years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 2008).

A violation of Neb. Rev. Stat. § 28-441 (use or possession of drug paraphernalia) is punishable on the first offense by a fine of up to a maximum of $100; a second offense within two years of the first is punishable by a fine not less than $100 and not more than $300; a third offense within two years of the second is punishable by a fine of not less than $200 and not more than $500. Neb. Rev. Stat. §§ 28-441 and 29-436 (Reissue 2008). The penalty for violation of Neb. Rev. Stat. § 28-442 (delivery or manufacture of drug paraphernalia) is not more than a 6-month imprisonment or a $1,000 fine or both. Neb. Rev. Stat. § 28-442 (Reissue 2008) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). The penalty for violation of Neb. Rev. Stat. § 28-443 (delivery of drug paraphernalia to a minor) is imprisonment for not more than 1 year or a $1,000 fine or both. Neb. Rev. Stat. § 28-443 (Reissue 2008) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

IMITATION CONTROLLED SUBSTANCES:
It is a violation of Nebraska law to knowingly or intentionally manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 2008 and Cum. Supp. 2014). "Imitation controlled substance" is a substance that is not a controlled substance or controlled substance analogue but which is represented to be an illicit controlled substance or controlled substance analogue. Neb. Rev. Stat. § 28-401 (29) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). First offense violations of this law are punishable by a 3-month imprisonment or a $500 fine or both. A second offense violation of this statute is punishable by not more than a 6-month imprisonment or a $1,000 fine or both. Neb. Rev. Stat. § 28-445 and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

CONTROLLED SUBSTANCE ANALOGUES:
For purposes of Nebraska’s Uniform Controlled Substance Act, controlled substance analogues (often called "designer drugs") are treated as controlled
substances. Such an analogue is defined as (a) substantially similar in chemical structure to the chemical structure of a controlled substance or (b) having a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401(30) (a) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

SELECTED ALCOHOL OFFENSES
MINOR IN POSSESSION:

SAFE HARBOR:
A penalty may not be imposed on a person who otherwise violated this law if the person (i) requested emergency medical assistance in response to the possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent; (ii) was the first person to make the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

PROCURING ALCOHOL:
It is a violation of Nebraska law to sell, furnish, give away, exchange, deliver, or permit the sale, gift, or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Reissue 2010 and Cum. Supp. 2014). Violation of this law is generally punishable by not more than a 1-year imprisonment or a $1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). However, if alcohol is knowingly and intentionally provided to a minor and the minor’s consumption of the alcohol or impaired condition attributed to the alcohol leads to the serious bodily injury or death of any person, the person who provided the alcohol shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days’ imprisonment. The penalty for a Class IIIA felony is a 3-year imprisonment and 18-month post release supervision or a $10,000 fine or both and a minimum of a 9-month post-release supervision if imprisonment is imposed. See Neb. Rev. Stat. § 53-180.05(2) (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and Neb. Rev. Stat. § 28-105(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015) available at http://uniweb.legislature.ne.gov.

CONSUMPTION ON PUBLIC PROPERTY:
It is a violation of Nebraska law for any person to consume alcoholic liquors upon property owned or controlled by the State or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such properties. Neb. Rev. Stat. § 53-186 (Reissue 2010 and Cum. Supp. 2014). A violation of this statute is punishable on the first offense by a fine of up to a maximum of $100; a second offense within 2 years of the first is punishable by a fine not less than $100 and not more than $300; a third offense within 2 years of the second is punishable by a fine of not less than $200 and not more than $500. Neb. Rev. Stat. § 53-186 (Reissue 2010 and Cum. Supp. 2014) and § 29-436 (Reissue 2008)

**DRIVING WHILE INTOXICATED:**
Operating or being in physical control of a vehicle while under the influence of alcoholic liquors or drugs is a violation of Nebraska law when such person has a concentration of eight-hundredths (.08) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath. Neb. Rev. Stat. § 60-6,196 (Reissue 2010). Violation of this law is punishable on first offense by not more than 60 days but not less than 7 days of imprisonment and a $500 fine. Neb. Rev. Stat § 60-6,197.03 (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). In addition, an offender’s driver’s license is revoked for 6 months and the offender is ordered not to drive any motor vehicle for any purpose for a like period. Neb. Rev. Stat. § 60-6,197.03(1) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). Suspended sentence or probation includes a mandatory requirement that probation or suspension be conditioned on an order that the offender will not drive any motor vehicle for any purpose for 60 days and pay a $500 fine. Neb. Rev. Stat. § 60-6,197.03(1) (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

Penalties for a second conviction include a $500 fine and a maximum of a 6-month imprisonment, with no less than a mandatory 30-day imprisonment. Neb. Rev. Stat. § 60-6,197.03 (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). As part of the judgment of conviction, the offender’s operator’s license is revoked for 18 months. Neb. Rev. Stat. § 60-6,197.03(3) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). If an offender is placed on probation or the sentence is suspended, a mandatory condition is that the offender must not drive any motor vehicle for any purpose for a period of 18 months. Neb. Rev. Stat. § 60-6,197.03(3) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). In addition, the probation order shall include as one of its conditions the payment of a $500 fine and confinement in the city or county jail for 10 days or the imposition of not less than 240 hours of community service. Neb. Rev. Stat. § 60-6,197.03(3) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). Penalties for a third conviction include a $1,000 fine and a maximum of a 1-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15 years. Neb. Rev. Stat. § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015) and Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). If an offender is placed on probation, or the sentence is suspended, a mandatory condition is that the offender’s operator’s license shall be revoked for a period of at least 2 years but not more than 15 years. Neb. Rev. Stat.
§ 60-6,197.03(4) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). In addition, the probation order shall include the payment of a $1,000 fine and as one of its conditions confinement in the city or county jail for 30 days. Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

Fourth and subsequent convictions will result in up to a 3-year imprisonment and 18 months post-release supervision (with a minimum of 9 months post-release supervision if imprisoned) or a $10,000 fine, or both, and are a Class IIIA felony conviction. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and Neb. Rev. Stat. § 28-105(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least 180 days imprisoned in a city or county jail or an adult correctional facility. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). Probation or suspension of sentence must be conditioned so that the offender’s license is revoked for a period of 15 years. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). In addition, the probation order shall include as one of its conditions a $2,000 fine and confinement in the city or county jail for 90 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 90 days after release. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

Persons with a higher concentration of alcohol, fifteen-hundredths (.15) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath on a first conviction and subsequent conviction, are subject to even stiffer penalties. Neb. Rev. Stat. § 60-6,197.03(2), (5), (6), (8) and (10) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). Where a person has three prior convictions and then has another conviction involving this higher alcohol concentration, he or she shall be guilty of a Class IIA felony, punishable by up to 20 years in prison. Neb. Rev. Stat. § 60-6,197.03(8) (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and Neb. Rev. Stat. § 28-105(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

Persons convicted of a DWI violation may be ordered to have an ignition interlock device installed at their expense on each motor vehicle owned or operated by the convicted person. Neb. Rev. Stat. §§ 60-6,197.03 and 60-6,211.05 (Reissue 2010; Cum. Supp. 2014; Supp. 2015). DWI convictions also have an impact on the ability of a person to obtain both automobile and life insurance coverage. Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol, e.g. “open container” laws.

**DESCRIPTION OF HEALTH RISKS ASSOCIATED WITH USE OF ILLICIT DRUGS AND ABUSE OF ALCOHOL**

Serious health risks are associated with the use of illicit drugs and alcohol. These health risks are described in Chart 4, which includes information published by the National Institute on Drug Abuse available at http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts (last visited November 18, 2015). The National Institute on Drug Abuse states that Most drugs of abuse can alter a person’s thinking and judgment, leading to health risks, including addiction, drugged driving and infectious disease. Most drugs
could potentially harm an unborn baby; pregnancy-related issues are listed in the chart below for drugs where there is enough scientific evidence to connect the drug use to specific negative effects.


(D) ASSISTANCE, UNIVERSITY SANCTIONS, AND OTHER INFORMATION

ASSISTANCE

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

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

UNIVERSITY SANCTIONS

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

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

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

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

As required by 41 U.S.C. § 8102(1), part of the Drug-Free Workplace Act of 1988, faculty and staff involved in the performance of federal contracts or grants must notify their supervisor within five days if they are convicted of any criminal drug statute as a result of violation of the law that occurs at the workplace. The term “conviction” means a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of the Federal or State criminal drug statutes. The supervisor will immediately notify the Academic Affairs Office when faculty members are affected or the Human Resources Office when staff members are affected. The University, in turn, will notify the applicable granting or contracting agency or agencies of the conviction within ten days after receiving notice of an employee’s criminal drug statute conviction.
REVIEW
Biennially the University will review its Substance Abuse Policy/Program to determine its effectiveness and to ensure that the sanctions required for violations of the policy are consistently enforced.
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), if court ordered
- 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://nebraskalegislature.gov/laws/laws.php for Nebraska state statutes or 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) 865-8911, 2501 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 and Marketing. All inquiries to the University regarding the missing student’s case, or information provided to any individual about a missing student, shall be referred to the 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**

**STATEMENT OF POLICY**

- 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.

- 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

- 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.

- 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.

- 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**

- 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.

- 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.

- 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.

- 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.

  - 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.
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

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

- 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;
- 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;
- 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
- 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

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

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

- 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;
- Basing findings on the greater weight of the evidence standard;
- Treating all parties fairly and equally;
- Notifying all parties that the investigation will be impartial, prompt and equitable; and
- Providing all parties an opportunity to be heard.

**University Disciplinary Procedures**

- Investigations of allegations against students will be handled using the Response to Allegations of Student Sexual Misconduct disciplinary procedures.
- Investigations of allegations against employees will be handled using the Response to Allegations of Employee Sexual Misconduct disciplinary procedures.
- 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.
- If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

**5. POSSIBLE SANCTIONS AFTER SEXUAL MISCONDUCT FINDING**

- 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.

**State Statute Definitions and penalties**

**Sexual Assault**

**28-317 Sexual Assault** It is the intent of the Legislature to enact laws dealing with sexual assault and related criminal sexual offenses which will protect the dignity of the victim at all stages of judicial process, which will insure that the alleged offender in a criminal sexual offense case have preserved the constitutionally guaranteed due process of law procedures, and which will establish a system of investigation, prosecution, punishment, and rehabilitation for the welfare and benefit of the citizens of this state as such system is employed in the area of criminal sexual offenses.

28-318. Terms, defined.

As used in sections 28-317 to 28-322.04, unless the context otherwise requires:
(1) Actor means a person accused of sexual assault;

(2) Intimate parts means the genital area, groin, inner thighs, buttocks, or breasts;

(3) Past sexual behavior means sexual behavior other than the sexual behavior upon which the sexual assault is alleged;

(4) Serious personal injury means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ;

(5) Sexual contact means the intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact shall also mean the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Sexual contact shall also include the touching of a child with the actor's sexual or intimate parts on any part of the child's body for purposes of sexual assault of a child under sections 28-319.01 and 28-320.01;

(6) Sexual penetration means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's or victim's body or any object manipulated by the actor into the genital or anal openings of the victim's body which can be reasonably construed as being for nonmedical or non-health purposes. Sexual penetration shall not require emission of semen;

(7) Victim means the person alleging to have been sexually assaulted;

(8) Without consent means:

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

(b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and

(c) A victim need not resist verbally or physically where it would be useless or futile to do so; and

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

**28-319. Sexual assault; first degree; penalty.**

(1) Any person who subjects another person to sexual penetration (a) without the consent of the victim, (b) who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age is guilty of sexual assault in the first degree.

(2) Sexual assault in the first degree is a Class II felony. The sentencing judge shall consider whether the actor caused serious personal injury to the victim in reaching a decision on the sentence.

(3) Any person who is found guilty of sexual assault in the first degree for a second time when the first conviction was pursuant to this section or any other state or federal law with essentially the same elements as this section shall be sentenced to a mandatory minimum term of twenty-five years in prison.

**28-319.01. Sexual assault of a child; first degree; penalty.**

(1) A person commits sexual assault of a child in the first degree:

(a) When he or she subjects another person under twelve years of age to sexual penetration and the actor is at least nineteen years of age or older; or

(b) When he or she subjects another person who is at least twelve years of age but less than sixteen years of age to sexual penetration and the actor is twenty-five years of age or older.

(2) Sexual assault of a child in the first degree is a Class IB felony with a mandatory minimum sentence of fifteen years in prison for the first offense.

(3) Any person who is found guilty of sexual assault of a child in the first degree under this section and who has previously been convicted (a) under this section, (b) under section 28-319 of first degree or attempted first degree sexual assault, (c) under section 28-320.01 before July 14, 2006, of sexual assault of a child or attempted sexual assault of a child, (d) under section 28-320.01 on or after July 14, 2006, of sexual assault of a child in the second or third degree or attempted sexual assault of a child in the second or third degree, or (e) in any other state or federal court under laws with essentially the same elements as this section, section 28-319, or section 28-320.01 as it existed before, on, or after July 14, 2006, shall be guilty of a Class IB felony with a mandatory minimum sentence of twenty-five years in prison.

(4) In any prosecution under this section, the age of the actor shall be an essential element of the offense that must be proved beyond a reasonable doubt.
28-320. Sexual assault; second or third degree; penalty.

(1) Any person who subjects another person to sexual contact (a) without consent of the victim, or (b) who knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his or her conduct is guilty of sexual assault in either the second degree or third degree.

(2) Sexual assault shall be in the second degree and is a Class IIA felony if the actor shall have caused serious personal injury to the victim.

(3) Sexual assault shall be in the third degree and is a Class I misdemeanor if the actor shall not have caused serious personal injury to the victim.

28-320.01. Sexual assault of a child; second or third degree; penalties.

(1) A person commits sexual assault of a child in the second or third degree if he or she subjects another person fourteen years of age or younger to sexual contact and the actor is at least nineteen years of age or older.

(2) Sexual assault of a child is in the second degree if the actor causes serious personal injury to the victim. Sexual assault of a child in the second degree is a Class II felony for the first offense.

(3) Sexual assault of a child is in the third degree if the actor does not cause serious personal injury to the victim. Sexual assault of a child in the third degree is a Class IIIA felony for the first offense.

(4) Any person who is found guilty of second degree sexual assault of a child under this section and who has previously been convicted (a) under this section, (b) under section 28-319 of first degree or attempted first degree sexual assault, (c) under section 28-319.01 for first degree or attempted first degree sexual assault of a child, or (d) in any other state or federal court under laws with essentially the same elements as this section, section 28-319, or section 28-319.01 shall be guilty of a Class IC felony and shall be sentenced to a mandatory minimum term of twenty-five years in prison.

(5) Any person who is found guilty of third degree sexual assault of a child under this section and who has previously been convicted (a) under this section, (b) under section 28-319 of first degree or attempted first degree sexual assault, (c) under section 28-319.01 for first degree or attempted first degree sexual assault of a child, or (d) in any other state or federal court under laws with essentially the same elements as this section, section 28-319, or 28-319.01 shall be guilty of a Class IC felony.

28-320.02. Sexual assault; use of electronic communication device; prohibited acts; penalties.
(1) No person shall knowingly solicit, coax, entice, or lure (a) a child sixteen years of age or younger or (b) a peace officer who is believed by such person to be a child sixteen years of age or younger, by means of an electronic communication device as that term is defined in section 28-833, to engage in an act which would be in violation of section 28-319, 28-319.01, or 28-320.01 or subsection (1) or (2) of section 28-320. A person shall not be convicted of both a violation of this subsection and a violation of section 28-319, 28-319.01, or 28-320.01 or subsection (1) or (2) of section 28-320 if the violations arise out of the same set of facts or pattern of conduct and the individual solicited, coaxed, enticed, or lured under this subsection is also the victim of the sexual assault under section 28-319, 28-319.01, or 28-320.01 or subsection (1) or (2) of section 28-320.

28-703. Incest; penalty.

(1) Any person who shall knowingly intermarry or engage in sexual penetration with any person who falls within the degrees of consanguinity set forth in section 28-702 or any person who engages in sexual penetration with his or her stepchild who is under nineteen years of age commits incest.

(2) Incest is a Class III felony, except that incest with a person who is under eighteen years of age is a Class IIA felony.

(3)(a) For purposes of this section, the definitions found in section 28-318 shall be used.

(b) The testimony of a victim shall be entitled to the same weight as the testimony of victims of other crimes under this code.

Domestic Violence - Any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with who the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence law of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence of the jurisdiction.

Associated State of Nebraska Statutes:

- Statute 28-323 defines Intimate relationship as “a spouse; former spouse; person who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship

- Statute 42-903 defines Family and Household members as “spouse of former spouse, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, other persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship.”
Statute 42-903 defines abuse as “Attempting to cause or intentional and knowingly causing bodily injury with or without a dangerous instrument; or placing by means of credible threat, another person in fear of bodily injury. For purpose of this subdivision credible threat means a verbal or written threat, including a threat preformed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal written, or electronically communicated statements and conduct that is made by a person with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family or engaging in sexual contact or sexual penetration without consent.

**Stalking and harassment** - Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.

28-311.02. Stalking and harassment; legislative intent; terms, defined.

(1) It is the intent of the Legislature to enact laws dealing with stalking offenses which will protect victims from being willfully harassed, intentionally terrified, threatened, or intimidated by individuals who intentionally follow, detain, stalk, or harass them or impose any restraint on their personal liberty and which will not prohibit constitutionally protected activities.

(2) For purposes of sections 28-311.02 to 28-311.05, 28-311.09, and 28-311.10:

(a) Harass means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose;

(b) Course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning, contacting, or otherwise communicating with the person;

(c) Family or household member means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a causal relationship or an ordinary association between persons in a business or social context; and
(d) Substantially conforming criminal violation means a guilty plea, a nolo contendere plea, or a conviction for a violation of any federal law or law of another state or any county, city, or village ordinance of this state or another state substantially similar to section 28-311.03. Substantially conforming is a question of law to be determined by the court.

**Federal Definitions**

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

**Sex Offenses** –
- **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: 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) 865-8911 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 http://www.unk.edu/offices/human_resources/aaeo/respect/documents.php

- 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 http://www.unk.edu/offices/human_resources/aaeo/respect/documents.php

- 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. http://www.unk.edu/offices/human_resources/aaeo/respect/documents.php

- 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 filing out the paperwork. http://www.unk.edu/offices/human_resources/aaeo/respect/documents.php
• 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) 865-8911 or local police at (308) 237-2104 or 911.**
- Preserve all physical evidence of the harassment.
- 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.

### 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.

- 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. This 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:
www.cityofkearney.org

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;
vii. Transferring between class sections;
ix. 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.

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;
   iv. 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.

   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.

If the alleged victim is deceased as a result of such a crime or offense, the next of kin of such victim shall be treated as the alleged victim.

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](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
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 has 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:**
  - **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.
  - **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.
  - **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.
  - **Lie.** If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

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

• **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have 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 2015**

- This same training was also presented in a classroom setting for early arriving groups. The online training included information on prohibited behavior concerning Domestic Violence, Dating Violence, Sexual Assault, Stalking as well as Bystander Intervention.

**Primary prevention and awareness programs for all new employees in 2015**

- In 2015 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.

**The University offered the following ongoing awareness and prevention programs for students and employees in 2015**

- January 22, 2015: Stalking Awareness Panel
- January 29, 2015: Obsessed: Stalking Awareness Movie
- February 12, 2015: Healthy Relationships
- April 14, 2015: Suicide Prevention
- September 13, 2015: Bystander Intervention
- October 01, 2015: Bystander Intervention
- October 23, 2015: Suicide Prevention
- November 6 2015: Healthy Relationships
- November 18, 2015: Suicide Prevention

**Additional awareness and prevention programs for students and employees in 2015:**

- *Basic Self Defense* - The UNK police department offers free training to the men and women who are affiliated with UNK. Participants will learn hands on techniques as well as partake in classroom discussions.

- *Sexual Assault Prevention* – This program offers objectives of what is a sexual assault, effects of a sexual assault, preservation of evidence, and prevention. This class will educate participants on the dangers and the realities of sexual assaults among college age students. We will also focus on consent and bystander intervention, in order to be confident and intervene should an incident arise.
• **Danger of Social Media** - This continuously evolving class is designed to help with internet safety. The UNK Police Department uses an interactive approach with real life examples on how easy it is to become a victim. This class will also assist in ideas and ways for the class attendees to remain safe, and to place themselves in favorable situations, by creating awareness.

• **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.

• **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** – Join a panel of local experts as they discuss personal accounts of stalking, address questions from the audience and provide additional information and resources. In an informal setting; listen, learn and anonymously or publicly ask questions. Regardless of why you attend you will leave with new life knowledge.

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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/](https://sor.nebraska.gov/)

Listings of registered sex offenders in the United States can be found at: [http://www.nsopw.gov/(X(1)S(k5ratrc5si33ymvt1ezf0l2i))/en-US](http://www.nsopw.gov/(X(1)S(k5ratrc5si33ymvt1ezf0l2i))/en-US)
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) 865-8911. 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.
• *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_Prevention](http://www.unk.edu/offices/police/Crime_Prevention)

**Other Educational Classes**

Prevention, intervention and educational programs addressing alcohol, tobacco, sexual assault, domestic/dating violence, stalking, bystander intervention, relationship classes and body image are also presented. These classes can be tailored to the group wanting the presentation. The following is a list of a few of these classes which are not already listed above:

• *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.

- “Yak Attack” Cyberbullying- Promotes how to be aware of social media and the dangers of it.

- **Healthy Relationships** - Each month’s presentation is focused on a different area surrounding healthy relationships. Throughout the year we will cover dating/domestic violence, sexual violence, stalking and consent. Specific topics may include but are not limited to; setting boundaries, gender roles, healthy sexuality, traits of healthy and unhealthy relationships, warning signs, values and consent.

- **Obsessed: Stalking Awareness movie** – Promotes being aware of your personal safety and what stalking is.

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**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 have 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.

University of Nebraska - Kearney Trespass Policy RP-6.4.7 1.

Persons Not Authorized in Non-Public Areas of University Buildings. The areas of University academic, research, public service, and administrative buildings of the University used for classrooms, laboratories, faculty and staff offices, and the areas of University student residence buildings used for student living quarters are not open to the general public. Any person not authorized to be or remain in any such building area will be deemed to be trespassing on University property, and may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521.

2. Persons on University Property Between the Hours of 11:00 pm and 6:00 am

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 and 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 restrictions relating to their presence on University property.

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

3. Persons in University Buildings After Closing to the Public.

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


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

Maintenance and Security of Campus Facilities

- 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) 865-8911 or Facilities Management and Planning at (308) 865-1800.
- Police and Parking Services annually conduct 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 locks exterior doors to Residence buildings. Police and Parking Services then complete a nightly door check to make sure all doors are secure. Operating deficiencies to the doors and security hardware are reported to Facilities Management and Planning. Residence Life is also notified of doors that are left unlocked or propped open on Residence Halls.
- 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, 2014, 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.

As of May 2013 Conrad Hall, is no longer used as an on campus residence hall.
As of May 2014 Martin Hall, is no longer used as an on campus residence hall.

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 2015, UNK installed 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 these logs go to the Police and Parking Services office at 250119th 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) 865-8911. 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) 865-8911 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
  - 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.
  - Supervisory personnel are responsible for identifying and escorting individuals with disabilities located in their buildings to safety if possible.
  - 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.

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Preparation of the Annual Campus Security and Fire Report
The preparation and disclosure of the annual Campus Security 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.
**Glossary**

“Actor” means a person accused of sexual misconduct.

“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.

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

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

“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. 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.

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.

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

“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.

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.

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.

“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.

“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.

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

“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.

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

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

“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 causal relationship or an ordinary association between persons in a business or social context.
“Intimate parts” means the genital area, groin, inner thighs, buttocks or breasts.

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

“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.

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

“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.

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.

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

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

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

“Report” means a written or verbal statement by a person to a University Official regarding allegations of sexual misconduct.

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

“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.

“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.

“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.
“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.

“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.

“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.

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

“Sexual penetration” means sexual intercourse in its ordinary meaning, cunninlingus, 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.

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

“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.

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.”

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.

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.

The term “University” means University of Nebraska.

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

OR

Any calendar day where the campus offices are open for business and classes are in session, excluding weekends and national holidays.

“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.

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.