

UNIVERSITY OF NEBRASKA KEARNEY.

# EMPOWER

## **Sexual Misconduct Rights and Options**

Reference guide for students and employees  
of the University of Nebraska Kearney

**UNK**<sup>®</sup>



**S.A.F.E. Center**

Empower. Support. Educate.

You have been provided this informational booklet because someone has been in contact with you concerning sexual misconduct or a violent incident. If it hasn't occurred already, a S.A.F.E. Center advocate will try to get in contact with you. This advocate will help you explore your options regarding what has occurred, and may possibly refer you to other agencies that can assist you.

***Please note that you can reach out for assistance at any time.***

**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 Kearney (UNK) 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. The University will take action to eliminate, prevent, and remedy once the University has received notice that any sexual misconduct has occurred.

The University has programs promoting awareness, prevention, intervention and education addressing sexual misconduct, bystander intervention and relationships continually throughout the year to assist members of the community that are affected by such behavior.

## **Your health & safety are our priorities!**

*Regardless of whether a survivor elects to pursue a criminal complaint and whether the offense is alleged to have occurred on or off campus, the University will assist survivors of sexual misconduct and will provide each individual with a written explanation of their rights and options.*

**\*For Sexual Misconduct definitions, policies and procedures and additional information, please see the following link:**



## **Choosing to Report**

UNK takes incidents of sexual misconduct very seriously and encourages students and employees to report any and all occurrences. Reporting an incident of sexual misconduct or any other unwanted experience is a difficult, yet important decision.

We encourage survivors to report any misconduct to campus or local police. Filing a police report does not obligate prosecution, but does provide the opportunity for the collection of evidence, investigation into the allegations, and makes any legal action possible. The earlier an incident is reported, the easier it is to collect valuable evidence.

Reporting the crime may also help with recovery, help you regain a sense of personal power and control, help provide additional support and services to you as a survivor, and can also help to ensure the safety of other potential victims.

## **Your Privacy**

Survivors have the option when reporting sexual misconduct to protect their right to anonymity, unless they are under 18. This means that when reporting to UNK Student Health, the S.A.F.E. Center, or Best Care EAP for employees, personal identifiable information about the survivor will be treated as confidential and will not be shared, except with those that are investigating or adjudicating the incident or delivering resources or support services.

However, those entities do have an obligation to report non-identifying and statistical information regarding some crimes, including sexual assault, dating violence, domestic violence and stalking to the University of Nebraska Kearney Police Department (UNKPD) for the purpose of annual crime statistic reporting. Medical providers have a responsibility to report certain crimes to law enforcement as required by state law.

**When reporting to a University employee, employees are obligated to forward the information on to the University Title IX Office for investigation and to UNKPD for investigation / statistical collection.**

***The University will keep confidential any supportive or protective measures and/or accommodations provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the University to provide such accommodations.***

## **Options for Reporting Sexual Assault**

It is of utmost importance that you are safe. If you are in danger, immediately call or text **911**. Finding a safe and supportive environment, going to a physician to make sure that you are okay physically, and talking with a trusted person or therapist are steps that will help in healing.

Reports to law enforcement can be made **even** if the assault happened in the past. Ongoing support services are available and should be utilized if needed.

**If you are under the age of 18, sexual assault must be reported to law enforcement. Even if you are 18 or older, and there has been serious bodily injury, or if a deadly weapon was used to inflict injury, the health care provider must report to law enforcement.**

**If you are 18 or older and have not experienced any serious bodily injury, and a deadly weapon was not utilized in the commission of the crime, you have options for reporting the assault.**

When a sexual misconduct has occurred, there are the following options for reporting:

### **Option 1: Full report to law enforcement.**

Evidence will be collected by a Sexual Assault Nurse Examiner (SANE) and law enforcement will respond to take a report and investigate.

### **Option 2: Partial report to law enforcement.**

Forensic evidence will be collected by a Sexual Assault Nurse Examiner (SANE) and only the survivor's name will be reported to law enforcement. The survivor can choose to speak to law enforcement on a limited basis and will be notified if any potential match with any other case is identified. An individual that makes a partial report can choose to later convert their case to a full report to law enforcement.

### **Option 3: Anonymous report.**

Forensic evidence will be collected by a Sexual Assault Nurse Examiner. This will allow evidence to be preserved and it will be tracked with a kit number, not your name. Law enforcement will store the kit for twenty (20) years. An individual that makes an anonymous report can choose to later convert their case to a full report to law enforcement.

## **Sexual Misconduct Reporting Options**

Following is information on how to report the incident to Law Enforcement, Confidential Resources, Anonymous Resources, and how to use the online option.

### **Law Enforcement**

**UNK Police Department (UNKPD)**

**308.865.8911 or 911**

**unkpd@unk.edu**

**Kearney Police Department (KPD)**

**308.237.2104 or 911**

### **Confidential Resources**

**UNK Student Counseling**

**308.865.8248**

A mental health clinic offering counseling and support.

### **Pastoral Counselor or Attorney**

**Confidential resources** have no responsibility to take action, report to law enforcement, or report to the University the information you share with them, so long as the individual is acting in their role as counselor, pastor, or attorney at the time you share your concerns. If you share your concerns only with these individuals, the University will not conduct an investigation unless you take further action to inform campus authorities of your concerns, or the University learns about your situation from another source.

### **Anonymous Resources**

**UNK Student Health**

**308.865.8218**

On campus medical clinic offering medical care, support, and resources.

**The S.A.F.E. Center (24/hr Crisis Line)** **877.237.2513 or 308.237.2599**

Provides free options, information and services including advocacy and counseling following any sexual misconduct.

**Family Advocacy Network (FAN)**

**308.865.7492**

FAN is on-call 24/7. Please call Good Samaritan Hospital if after business hours and ask for the FAN on-call staff. Good Samaritan Hospital can be reached at **308.865.7100**.

**Anonymous resources** do not have an obligation to take action or to initiate a campus investigation. They are confidential but have an obligation to report non-identifying statistical information regarding the incident to UNKPD for inclusion in the annual crime statistics.

## **Off Campus Resources**

<b>Kearney Police Department (KPD)</b>	<b>308.237.2104</b>
Responds and investigates reports, connects individuals to resources.	
<b>Victim/Witness Assistance</b>	<b>308.233.5263</b>
Assists individuals through the criminal justice system.	
<b>Legal Aid of Nebraska</b>	<b>877.250.2016</b>
Non-Profit law firm in Nebraska offering advice, brief services and referrals.	

## **UNK Campus Resources**

<b>UNK Police Department (UNKPD)</b>	<b>308.865.8911</b>
Conducts investigations and offers resources such as the safe walk program.	
<b>Office of Equity &amp; Compliance-Title IX</b>	<b>308.865.8655</b>
Investigates sexual misconduct and addresses its impact on campus.	
<b>Residence Life</b>	<b>308.865.8519</b>
Addresses housing concerns. Housing Staff are available after hours.	
<b>Office of the Dean-Division of Student Affairs</b>	<b>308.865.8528</b>
Delivers support and resources to help students.	
<b>Office of Financial Aid</b>	<b>308.865.8520</b>
Helps all students learn and access options for financial aid.	
<b>International Student Services</b>	<b>308.865.8873</b>
Serves international students and assists with visa/immigration questions.	
<b>Disability Services for Students (DSS)</b>	<b>308.865.8214</b>
Offers support and services to students with disabilities.	
<b>UNK Student Diversity &amp; Inclusion (ODI)</b>	<b>308.865.8127</b>
Provides support / resources for culturally and ethnically diverse students and members of the LGBTQIA+ community.	
<b>Athletics</b>	<b>308.865.8863</b>
Assists student athletes with information on options, support and resources.	
<b>Fraternity &amp; Sorority Life (FSL)</b>	<b>308.865.8523</b>
Supports students involved in the Greek community.	
<b>UNK Gender &amp; Sexuality Resource Office</b>	<b>308.865.8751</b>
Provides UNK LGBTQIA+ and BIPOC issue awareness and gender disparities programming.	

## **National Resources**

### **Suicide Prevention Lifeline**

[www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)

**Call or text 988**

### **National Domestic Violence Hotline**

[www.thehotline.org](http://www.thehotline.org)

**800.799.7233**

### **National Teen Dating Abuse Helpline**

[www.loveisrespect.org](http://www.loveisrespect.org)

**866.331.9474**

### **Rape, Abuse & Incest National Network**

[www.rainn.org](http://www.rainn.org)

**800.656.4673**

### **National Human Trafficking Hotline**

[www.polarisproject.org](http://www.polarisproject.org)

**888.373.7888**

### **Strong Hearts Native American Hotline**

[www.strongheartshelpline.org](http://www.strongheartshelpline.org)

**844.762.8483**

## **Online Reporting Options**

### **UNK Sexual Misconduct Incident Reporting**

To report to the Office of Equity and Compliance visit [unk.edu/titleixreport](http://unk.edu/titleixreport)

### **University of Nebraska Reporting Fraud/Misconduct, Ethics Point**

To report fraud, abuse or other misconduct at UNK visit [unk.edu/ethicspoint](http://unk.edu/ethicspoint)

### **Anonymous Crime Reporting, “Silent Witness”**

To report a crime voluntarily and confidentially to UNKPD visit [unk.edu/silentwitness](http://unk.edu/silentwitness)

**Reporting anonymously may limit the University’s ability to conduct a full investigation and take action.**

## **Timely Warning**

Timely warnings are issued by UNKPD in coordination with other members of the University administration, in order to notify the campus community and visitors, in a timely manner, of specific crimes that occur within the University's geography that pose a serious or continued threat to the campus community members.

These warnings do not share the survivor's personally identifiable information but provides only the necessary information to help individuals within the campus community stay safe.

Depending on the situation, a timely warning may be issued in cases of sexual misconduct.

## **If You Need Medical Attention**

You can receive medical attention at any medical facility; however, certain facilities have specially-trained staff to help survivors of sexual assault and/or have the ability to offer a sexual assault forensic exam (SAFE).

Medical exams can also address other physical needs or trauma and assess for sexually transmitted infections or pregnancy.

## **On Campus Services**

### **UNK Student Health**

**308.865.8218**

2510 11th Avenue, Room 184, Kearney, NE 68849  
Open Monday - Friday 8:00 am - 5:00 pm

## **Off Campus Services**

### **CHI Health Good Samaritan Hospital**

**308.865.7100**

10 E 31st Street, Kearney, NE 68847  
Emergency Room open 24/7

### **Kearney Regional Medical Center - Bryan Health**

**308.455.3600**

804 22nd Avenue, Kearney, NE 68845  
Emergency Room open 24/7



## **Preservation of Evidence**

It is important to preserve evidence that may be useful in obtaining a protection order or proceeding with a criminal investigation or disciplinary process should you choose to do so.

- Text messages, records of phone calls, emails, pictures, notes, and gifts can all be pertinent for a report of sexual assault, dating violence, domestic violence or stalking. The University encourages individuals to go to the police or another resource in order to assist in the preservation of evidence.

## **Preservation of Evidence in Cases of Sexual Assault**

- To preserve evidence, it is recommended that you 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. Leave untouched any items you were wearing, sheets, or towels or save in separate paper bags. Do not clean the location where the incident occurred.
- Seek medical care even if you think that you do not have any physical injuries. You should have a medical examination to discuss with a health care provider the risk of long-term effects, address other physical needs or trauma and assess the risk of exposure to sexually transmitted infections and pregnancy resulting from the sexual assault.

UNK utilizes the services of the Family Advocacy Network (FAN) to complete evidence collection and forensic interviews in an environment that is safe, and trauma informed. Survivors of sexual assault can also go to FAN where options for reporting will be reviewed.

***Your immediate and long-term safety is what is most important. The resources and options outlined may be helpful as you decide what next steps are a good fit for you.***

### **The S.A.F.E. Center will:**

- Maintain the contacts as confidential by only providing non-identifying personal information to campus.
- Provide crisis intervention, safety planning, and advocacy.
- Assist and support the survivor in contacting police and/or reporting to other University offices, and supporting the survivor through that process with their consent.
- Assist the survivor in obtaining medical assistance and counseling, changing academic programs or housing, etc.
- Provide emotional support.
- Educate on resources and reporting options.
- Navigate on-campus and community resources.
- Accompany survivor to the hospital or the Family Advocacy Network (FAN).
- Accompany to Title IX, Law Enforcement or court meetings.
- Help with filing of a protection order.
- Provide additional resources and support 24/7.

### **UNK Police Department will:**

- Contact the S.A.F.E. Center.
- Investigate and gather evidence or recommend processes for obtaining and preserving evidence.
- Refer for prosecution when warranted.
- Obtain a statement to accurately document what occurred.
- Inform the survivor of the criminal justice process.
- Provide safety planning for the survivor.
- Provide the survivor with updates as the investigation progresses.
- Report to the Office of Equity and Compliance which is responsible for Title IX reports.

## **Residence Life / Student Affairs Offices will:**

- Provide immediate support and assistance including obtaining medical care if needed.
- Encourage the survivor to report the incident to police, and will assist and provide support in making the report if requested by the survivor.
- Student Affairs is obligated to report to the police the fact that an assault was reported to them and must share identifying information.
- Contact UNKPD who will work with all appropriate agencies as warranted.
- Report to the Office of Equity and Compliance.

## **Student Health and Counseling will:**

- Provide appropriate counseling and medical services. (The **ONLY** confidential reporting at UNK are the counselors at UNK Counseling.)
- ***If an individual is younger than 18, or an assault occurred when the individual was under 18, or if certain violence occurred, a report is mandatory.***
- Maintain all information as strictly confidential.
- Assist and provide support in making the report if requested by the victim.
- Make referrals to other services as needed.

*Medical providers have a responsibility to report certain crimes to law enforcement as required by state law.*

## **Office of Equity and Compliance will:**

- Explain reporting and resource options.
- Follow Title IX processes and investigate allegations of sexual misconduct.
- Provide interim measures as needed.
- Encourage the victim to report the incident to the police, and assist in making the report if requested.
- Equity and Compliance is obligated to contact UNKPD. At victim's request, they do not need to share the victim's personally identifiable information (except in extenuating circumstances.)
- Follow Title IX processes and investigate allegations of sexual misconduct.
- Make recommendations for action, as appropriate.

## **Office of Equity / Compliance**

The Title IX Specialist (or their designee) is a person assigned by the University to comply with its responsibilities under Title IX. This includes allegations of sexual misconduct by any members of the University community.

To begin the University conduct process, the survivor, advocate or Campus Security Authority should contact:

<b>Title IX Specialist</b>	<b>308.865.8655</b>
<b>Chief Compliance Officer</b>	<b>308.865.8400</b>
<b>Associate Vice Chancellor of Student Affairs</b>	<b>308.865.8528</b>
<b>University Student Conduct Officer</b>	<b>308.865.8888</b>
<b>Associate Director Residence Life</b>	<b>308.865.8519</b>
<b>Human Resources Office</b>	<b>308.865.8888</b>

*If sexual misconduct is reported to a University employee, they are obligated to forward the information on to the Office of Equity and Compliance as well as UNKPD for investigation/statistical collection.*

## **Effects of Trauma**



## **Supportive Measures/Accommodations**

The University may provide interim and/or permanent supportive measures/accommodations for a student or employee who has been subjected to sexual misconduct in order to ensure the safety of that student/employee and/or to assist with classes, activities or job responsibilities.

Examples, depending on circumstances, include:

- Change of an on-campus student's housing to a different on-campus location.
- Assistance from the University in completing the relocation.
- Arranging to end a University housing contract and/or adjusting a student account balance for refund.
- Rescheduling an exam, paper, or assignment.
- Taking an incomplete in a class.
- Transferring between class sections.
- Temporary withdrawal.
- Alternative course completion options.
- Arranging to complete courses or lectures via distance education methods with the assistance of technology.
- Providing increased security at locations or activities.
- Modifying work schedules, job responsibilities, supervisor, or re-assignment to a different work site.
- Counseling at a campus clinic or center.

## **Protection Orders and Safety**

A Protection Order is an order from a judge to protect people from abuse, sexual assault, or harassment.

UNK complies with Nebraska state law in recognizing orders of protection. Any person who obtains an order of protection should provide a copy to the UNKPD and the Office of Equity and Compliance. A complainant may meet with Student Health, Counseling, or UNKPD to develop a Safety Plan. A Safety Plan is a plan for the victim to reduce risk of harm while on campus or while coming and going from campus.

The University cannot apply for a legal order of protection, a no contact order, or a restraining order for a victim. The 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.

- Protection orders are available through the Buffalo County District Court or Buffalo County Court at the corner of 16th Street and Central Avenue, through Victim/Witness at the Kearney Police Department or at The S.A.F.E. Center.

**Domestic Abuse Protection Order:** For people who have been in close relationships (relatives, spouses or former spouses, people who have lived or are living together, etc.) It is granted because someone attempted, threatened, caused bodily injury, or intimidated the other person by credible threat, or engaged in sexual contact or sexual penetration without consent.

**Harassment Protection Order:** Not relationship dependent. Requires a number of telephone or personal contacts that seriously terrify, threaten, or intimidate the victim and serve no legitimate purpose.

**Sexual Assault Protection Order:** Not relationship dependent. It is granted because someone subjected or attempted to subject the other person to sexual contact or sexual penetration without consent.

## **Crime Victim Rights**

Throughout the process of reporting, you have rights. You have the right to be informed about each process and the right to determine your level of participation.

Reach out to The S.A.F.E. Center or Victim/Witness to learn more about your rights and so they can help advocate for you. The resources below also explain more about your rights as a victim of a crime.

[nebraskacoalitionforvictimsofcrime.typepad.com/nebraska-coalition-for-vi/victims-bill-of-rights.html](http://nebraskacoalitionforvictimsofcrime.typepad.com/nebraska-coalition-for-vi/victims-bill-of-rights.html)

[nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB43.pdf](http://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB43.pdf)

## **Nebraska Victims of Crime Alert Portal (NEVCAP)**

Nebraska Victims of Crime Alert Portal (NEVCAP) is a free anonymous computer service that provides victims of crime the ability to check on the status of a specific offender and/or to be notified if the offender is released from prison or jail or transferred to another correctional facility. Call **1.800.395.2110** or visit [nevcap.nebraska.gov](http://nevcap.nebraska.gov)

## **Crime Victims' Compensation**

You may be eligible for financial assistance with bills related to the crime committed against you. If you have medical expenses, funeral costs, or have lost wages as a result of a crime, and if these are not covered by insurance, you may be eligible for limited reimbursement under the Nebraska Crime Victims Reparation Act.

To be eligible you must report the crime to law enforcement within 72 hours and apply for detailed compensation within two (2) years from the date of the crime. The compensation program currently does not cover loss of property or pain and suffering.

***Victim Witness or The S.A.F.E. Center can assist with the paperwork.***

## **Nebraska Crime Victims' Reparations**

**402.471.2828**

[ncc.nebraska.gov/crime-victim-reparations](http://ncc.nebraska.gov/crime-victim-reparations)

## **Campus Disciplinary Process**

A Complainant may be filed with Title IX and/or Student Conduct, even if you decide not to report an incident to law enforcement.

- 1. Filing a Formal Complaint:** A Complainant may file a Formal Complaint against a Respondent requesting that the University investigate the allegation of sexual misconduct.
- 2. Notice of Allegations:** Upon receipt of a Formal Complaint, the Title IX Specialist (or their designee) will provide a written notice to the parties who are known.  
  
If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the notice, the University will provide notice of the additional allegations to the parties whose identities are known.
- 3. Preliminary Review of Formal Complaint and Situation** (when a formal complaint is reviewed and proceeds or it may be dismissed): The Title IX Specialist (or their designee) will do a Preliminary Review of the Formal Complaint. The University will investigate the allegations in a Formal Complaint.
- 4. Appeals of the Dismissal of a Formal Complaint:** The Complainant and the Respondent may appeal the dismissal of allegations of sexual misconduct under Title IX contained in a Formal Complaint.
- 5. Investigation:** The investigation process is conducted by the Title IX Specialist or one or more Investigators. The University has the burden of gathering evidence sufficient to allow the Hearing Board to reach a determination regarding responsibility.
- 6. Formal Hearings in Cases of Alleged Sexual Misconduct:** After an investigation, the University will conduct a hearing to determine whether the Respondent is responsible for violating the Sexual Misconduct Policy.

During the hearing, the Student Conduct Officer or their designee, the Complainant, and the Respondent will each have an opportunity to:

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



## **Campus Disciplinary Process: Rights and Options**

If both the survivor and respondent are student(s) and/or employee(s), the individual who seeks to report may contact:

- Title IX Specialist.
- UNKPD for assistance in filing a criminal complaint and preserving physical evidence.

If the respondent is not a student or employee, they may contact:

- Local law enforcement to file a criminal complaint if the incident occurred at an off campus location.

You have the right to:

- A prompt, fair, and impartial process from the initial investigation to the final result (completed within the time frames laid out by policy in a manner that is transparent, provides timely notice of meetings and equal access to information to both the complainant and the respondent, and conducted by officials without a conflict of interest or bias for either party. Officials receive annual training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.)
- Have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of your choice.\*\*\*\*

Notification, in writing, of:

- The result of any institutional disciplinary proceeding from your report of dating violence, domestic violence, sexual assault, or stalking.
- The institution's procedures to appeal the results.
- Any change to the results.
- When the result become final.\*\*\*\*

\*\*\*Also afforded to the respondent

**This pamphlet can be accessed online at:**



**The resource document that accompanies this pamphlet can be accessed online at:**



**Notes:**

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---



**University of Nebraska Kearney**

**STUDENT HEALTH AND COUNSELING**

Memorial Student Affairs Building, Room 184  
Kearney, NE 68849  
308.865.8248