

2021 Annual Campus Safety and Fire Report

Department of Public Safety

University of Nebraska at Omaha

University of Nebraska Medical Center



Message from the Chief

Welcome!

As Chief of the Department of Public Safety, it is my pleasure to welcome you to the University of Nebraska's Omaha and Medical Center Campuses, and to present the 2020 Annual Campus Safety and Fire Report (ASR).

Our Department is committed to the safety of students, faculty, staff, and visitors while on our metropolitan campuses. We value you and are here to provide the best possible service to all.

Public Safety is a comprehensive Department comprised of Police Officers, Security Officers and a host of support staff committed to providing prompt and professional services to the University community, and its guests. Our officers patrol on foot, on bicycle and in marked vehicles, so don't be surprised if you see one of them in your area. In fact, feel free to stop and chat.

If you ever need help, or feel unsafe in any way, the Department is here to assist you. We provide many safety-related services including escorts between buildings, or to your vehicle if needed. The Department also sponsors many outreach and training programs.

If there is a significant safety related incident on campus, email and text messaging alerts are our best options of getting accurate and timely information to you as fast as possible. I encourage you to take advantage of these services.

I hope you enjoy your time on our campus; we look forward to seeing you.

Charlotte Evans, MA
Chief of Police
Assistant Vice Chancellor

Please visit us on the public safety website <https://www.unomaha.edu/public-safety/index.php> or contact us directly for more information regarding these any of these services.



The Annual Campus Safety and Fire Report (ASR) includes safety and fire information for the University of Nebraska Omaha and the University of Nebraska Medical Center, including crime & fire statistics for the 2020 calendar year, and the information required by the Drug-Free Schools and Communities Act of 1989. All data is submitted to the U.S. Department of Education according to law.

The University of Nebraska Department of Public Safety's (UNDPS) provides services to the University campus community 24-hours a day. Please call 402.554.2648 for information regarding any service offered by the UNDPS.

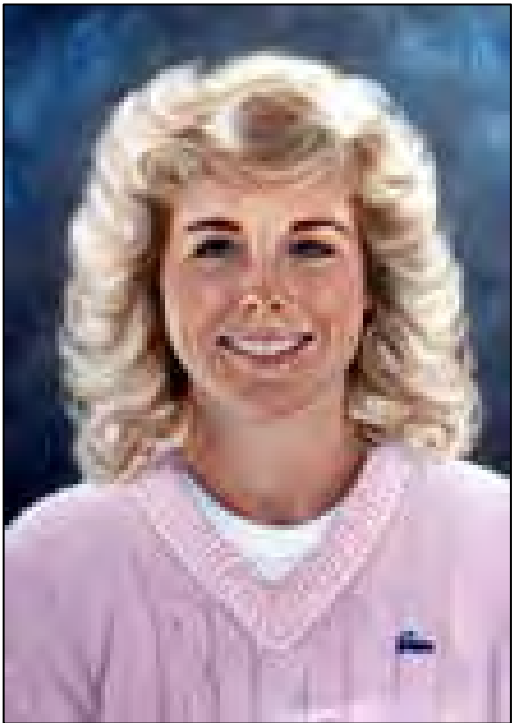
The University of Nebraska shall not discriminate based upon age, race, ethnicity, color, national origin, gender-identity, sex, pregnancy, disability, sexual orientation, genetic information, veteran's status, marital status, religion, or political affiliation

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Introduction: An Overview of Campus Safety and Security Reporting

- The Jeanne Clery Disclosure of Public Safety Policy and Campus Crime Statistics Act (20 USC §1092(f)) is a federal law, which requires colleges and universities, participating in federal student aid programs, to release information regarding crime statistics on and near their campus, and enact certain policies and procedures for handling incidents of sexual violence and emergencies.
- 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. The law also requires that schools notify students, prospective students, and employees of the reports existence and make a copy available to them upon request.
- The Act also requires institutions with a security department to maintain and publish a daily crime log to record all criminal incidents and alleged criminal incidents that are reported to Public Safety. The log also maintains a record of all reported fires that occur in on-campus student housing. The annual ASR also includes statistical information regarding fires that occur in on-campus student housing.
- On March 7, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) (Public Law 113-14) was signed into law. It requires institutions to disclose additional crime statistics, policies, and programs related to dating violence, domestic violence, sexual assault and stalking. It also included disclosure of statistical information regarding new categories of hate crimes. Additionally, it required disclosure of the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred.
- The ASR is made available to all new students and employees. Current students and employees are informed of the report through a mass email on or before October 1st of each year. Prospective students and employees are made aware of the report through the enrollment materials for prospective students and through the application materials for prospective employees.

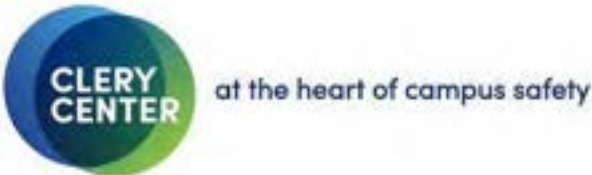


The “Clery Act” is named in memory of 19 year-old Lehigh University freshman Jeanne Ann Clery, who was raped and murdered on April 5, 1986 while asleep in her dorm room.

Crime data for UNO and UNMC Campuses as well as other educational agencies can be found at <http://ope.ed.gov/security/>

Crimes are recorded into the Daily Activity Summary Log and can be found at: <https://scsapps.unl.edu/UNO-PoliceReports/MainPage.aspx>

Elements of the Clery Act



Daily 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. Reported 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 be made available within two business days upon request.

Fire Report

- Institutions with on-campus housing must report fires that occur in campus housing, generate an annual fire report, and maintain a fire log. Both the report and the log must be accessible to the public. Public Safety combines the ASR and the annual fire safety report into one document, the “Annual Public Safety and Fire Safety Report”.

Reporting of crime statistics.

- 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." The Clery Act requires reporting of crimes in seven major categories, some with significant sub-categories and conditions.

The Clery Act requires your institution to include four general categories of crime statistics:

- Criminal Offenses
- Hate Crimes
- VAWA Offenses
- Arrests and Referrals for Disciplinary Action

Statistics must be disclosed separately for each of these four general categories. This means that when an incident meets definition in more than one of these categories, it must be reported in each category.

Arrests and Referrals for disciplinary action.

The University is required to report arrests or referrals for campus disciplinary action regarding Violation of Weapons, Drug Abuse and Liquor Laws, even if an arrest was not made. This does not include violations of University policies if there was no violation of the law.

Elements of the Clery Act (Cont.)

Timely Warnings

- 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

Emergency notifications

- 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 notification 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. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test.

Missing Students

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

Policies and Programs

- The Act requires the University to publish relevant information regarding policies and programs related to Clery Act crimes and reporting, sexual misconduct, crime prevention, security awareness, drugs and alcohol policies, and campus safety.

Hate Crimes & Violence Against Women

Hate crimes

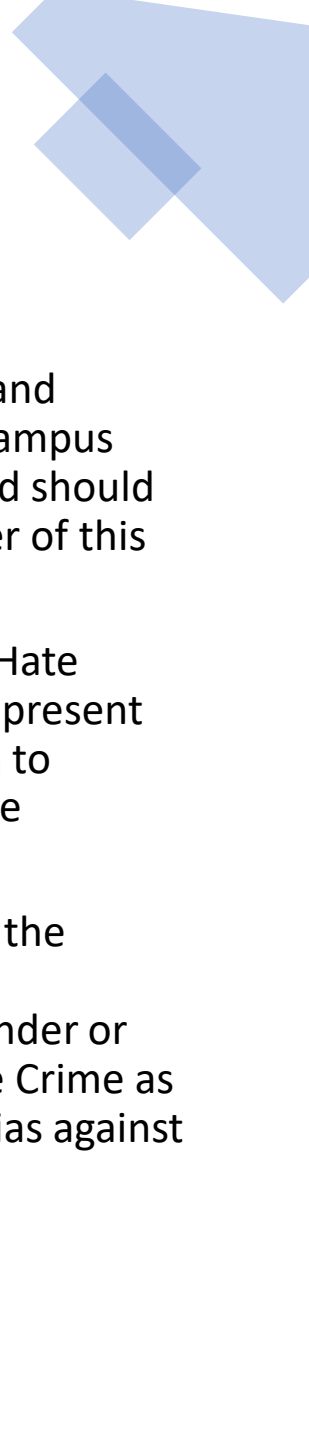
Crimes motivated by prejudice, including race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, and/or disability.

Violence against Women Act (VAWA) Statistics for violent incidents against women must also be reported.





Bias Based Crimes

- The University is committed to creating and maintaining a welcoming and inclusive campus community. Every individual is valued and should feel welcomed and included as a member of this community.
 - Before an incident can be classified as a Hate Crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias.
 - Even if the offender was mistaken about the victim's race, religion, disability, sexual-orientation, ethnicity, national origin, gender or gender identity, the offense is still a Hate Crime as long as the offender was motivated by bias against that group.
- 

The SaVE Act

While States have laws that address sexual misconduct, many institutions of higher learning have policies and procedures that govern sexual misconduct on their respective campuses.

The SaVE Act clarified the handling of sexual misconduct cases and set minimum standards for how such institutions responded to reports of sexual misconduct. At a very minimum, the Act increased transparency to school's processes and procedures affording more protection and accountability for both the accuser and the accused.

The Act guarantees victim rights, regardless of whether they choose to pursue a formal complaint or not. Students must be informed of any possible sanctions or protective measures that may result from an institutional disciplinary proceeding.

- Certain procedures must be followed upon the report of an incident of sexual violence. Evidence must be preserved for possible criminal proceedings. The ASR must clarify to whom incidents can be reported.
- Victim's options regarding formal complaints, including the right not to file a complaint formally must be explained. Victims must be provided information regarding available services regarding protection orders, counseling, health services, mental health services, victim advocacy, legal assistance, and any other services available on campus or in the community.
- Institutions must make changes to the academic, living, transportation, and working situations of any victim, if requested and reasonably available, regardless of whether a formal report is made.
- Victims have a right to seek disciplinary action and protection directly from the institution. The institution must adopt and disclose policies that state the standard of evidence required. The institution must complete a "prompt, fair, and impartial investigation and resolution".
- Requires officials who conduct proceedings to receive annual sexual violence training, including instruction on the proper conduct of an investigation, to promote the safety of victims and provide accountability.
- Requires that both the accuser and accused be entitled to the same opportunities to have an attorney or advisor present at any related meeting or proceeding.
 - Require that both the accuser and accused are simultaneously informed in writing of:
 - The outcome of any institutional disciplinary proceeding and the appeals process.
 - When the results of the proceeding become final and any changes to the results of the proceeding.
 - Provide campus wide educational programming regarding prevention.
 - The institution has a formal statement that prohibits sexual violence, provide a definition of domestic violence, dating violence, sexual assault, stalking and consent for sexual activity.
 - Promote bystander intervention and risk reduction.
 - Provide information regarding disciplinary hearings and victim's rights as required by the act.

Reporting Requirements

The UNDPS strives to strike a balance between empowering a victim's decision about whether and when to report a crime. At a minimum, it is important to report all crimes for statistical purposes and for the purpose of making timely warning reports or emergency notifications, *even if the victim does not wish to pursue further action*. In most cases, when a victim wishes to remain anonymous, **the inclusion of personally identifiable information is usually not necessary.**

The Department of Public Safety is responsible for the annual review, preparation, and distribution of the ASR.

- Document three calendar years of select crime statistics, security policies, and information on the basic rights guaranteed to victims of sexual assault, domestic violence, dating violence and stalking.
- Public Safety uses its own records and sends out formal requests for crime statistics and other necessary information to Public Safety Authorities and any applicable law enforcement agencies.
- Records including crime reports, daily incident summaries, referrals for disciplinary action, copies of timely warnings, etc., are maintained by Public Safety.

Public Safety is also responsible for uploading statistical data regarding crime and fires to the Department of Education's website by October 1 of each year.

Institutions with on-campus housing must report fires that occur in campus housing, generate an annual fire report, and maintain a fire log. Both the report and the log must be accessible to the public. UNDPS combines the ASR and the annual fire safety report into one document, the "Annual Campus Security and Fire Safety Report". UNDPS also incorporates the fire log into the Daily Crime Log.



Campus Security Authority

Even at institutions with a police department on campus, a student who is the victim of a crime may report it to someone other than the campus police. For example, a victim of a sexual offense may turn to a resident advisor for assistance, or a student whose car was stolen may report the theft to the school's director. For this reason, the *Clery Act* requires all institutions to collect crime reports from a variety of individuals and organizations that are considered to be “campus security authorities” under the law.

“Campus security authority” is a *Clery Act*-specific term that encompasses four groups of individuals and organizations associated with an institution.

- *A campus police department or a campus security department of an institution.*
- *Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department*
 - *an individual who is responsible for monitoring the entrance into institutional property).*
 - Individuals such as those who provide security at a campus parking kiosk, monitor access into a campus facility, act as event security, or escort students around campus after dark (including other students).
- *Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.*
- *An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.*
 - **An official** is defined as *any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.*

In most cases it is possible for a CSA to fulfill his or her responsibilities while still maintaining victim confidentiality. CSA reports are used by the institution to compile statistics for *Clery Act* reporting and to help determine if there is a serious or continuing threat to the safety of the campus community that would require an alert (i.e., a timely warning or emergency notification). However, those responsibilities can usually be met without disclosing personally identifying information. A CSA report does not need to automatically result in the initiation of a police or disciplinary investigation.

When and What to Report

Crimes in progress and crimes which have just occurred should be reported immediately. Whenever possible, please have the actual victim or witness of the crime call directly. First-hand information is always more accurate and complete. You should also, at any time, contact us when you are concerned that someone at the University is exhibiting troubling or threatening behavior that can potentially:

- Cause harm or has the potential to cause harm, or
- Threaten an individual's life safety, or
- Cause real or potentially serious damage to University property or operations

By calling attention to these types of behaviors the Department of Public Safety can do a threat assessment to help people who are troubled before they could harm themselves or others.

The dispatcher will ask a series of structured questions and have officers responding to the appropriate area. Listen carefully to each question and try to answer it the best you can. Do not hang up until the dispatcher tells you to do so. Information the dispatcher may ask you for includes:

- Where did the incident occur? Include building and room area.
- How long ago did the incident occur?
- Give a brief description of what occurred.
- Did the suspect(s) have any weapons?
- Where and when was the suspect last seen?
- Which direction was the suspect headed?
- Was the suspect on foot or in a car?
- Vehicle description, color, make, model and license plate
- What did the suspect look like:
- Gender, Race, Age, Height and Weight, Hair Color and Length, Clothing, Glasses/Facial Hair
- Was the suspect carrying anything?

UNO Bias Assessment and Response Team (BART)

The Bias Assessment and Response Team (BART) serves to make sure ALL people at UNO feel safe to be themselves. UNO's Bias Assessment and Response Team (BART) gathers information about non-emergency bias incidents and supports those who have become or witnessed someone become a target of an act of bias. It is also our goal to increase opportunities for communication and restorative justice for students, staff, and faculty; collect data demonstrating how student, staff, and faculty experiences affect overall campus climate. BART will address incidents and trends as they are identified through trainings or other means. We take every report of bias very seriously and want to provide the appropriate support and follow up.

Please feel free to report any information that you may think is useful. The Bias Assessment and Response Team wants to gather information related to the experience of students, faculty, and staff. Reports may even include hearing comments that were offensive and bias related. All reports will help the BART make recommendations, or take action, to make our campus a safe environment for all.

The Bias Assessment and Response Team does not adjudicate Student Code of Conduct violations. The BART will help connect students, faculty, and staff to the appropriate resources as needed.

Bias Assessment and Response Team Core Members

Jeff Knapp (He/Him/His) – Instructor, Grace Abbott School of Social Work – Co-Chair jwknapp@unomaha.edu

Jessi Hitchins (She/Her/Hers) – Director, Gender and Sexuality Resource Center jhitchins@unomaha.edu

Kristina Cammarano (She/Her/Hers) – Senior Director, Student Success kmjuarez@unomaha.edu

Patrick McNamara (He/Him/His) – Director, International Studies Program pmcnamara@unomaha.edu

Phil Covington (He/Him/His) – Senior Director, Student Life pcovington@unomaha.edu

Ferial Pearson (She/Her/Hers) - Instructor fpearson@unomaha.edu

Ethics Point

The University of Nebraska is an organization with strong values of responsibility and integrity. Our Code of Ethics contains general guidelines for conducting business with the highest standards of ethics.

The University is committed to providing a safe, secure, and ethical working and learning environment. The University is striving for a community where open, honest communications are the expectation, not the exception. The University relies on you to speak up if you believe you have observed unethical, illegal, or suspicious behavior.

This service is not meant to take the place of established reporting methods, such as communicating with a supervisor, but rather to serve as an additional avenue for individuals to report their concerns. You are encouraged to report any situation that may involve unethical, illegal or otherwise inappropriate activity.

In situations where you prefer to place an anonymous report in confidence, you are encouraged to use this hotline, hosted by a third party hotline provider, EthicsPoint. The information you provide will be sent to us by EthicsPoint on a totally confidential and anonymous basis if you should choose. You have our guarantee that your comments will be addressed.

To make a report go to: <https://secure.ethicspoint.com/domain/media/en/gui/52126/index.html>

To report by phone by dial toll-free, within the United States: 844-348-9584

After you complete your report you will be assigned a unique code called a "report key." Write down your report key and password and keep them in a safe place. After 5-6 business days, use your report key and password to check your report for feedback or questions.

This is not a 911 or emergency reporting site.

Reports submitted through this service may not receive an immediate response. If you require immediate or emergency assistance, please call 911 or contact your University police or campus security office.

UNK (308) 865-8911

UNL (402) 472-2222

UNMC (402) 559-5555

UNO (402) 554-2911

- EthicsPoint is a comprehensive and confidential reporting tool created by NAVEX Global to help management and employees work together in addressing fraud, abuse, and other misconduct in the workplace, all while cultivating a positive work environment. We believe that our employees are our most important asset. By creating open channels of communication, we can promote a positive work environment and maximize productivity. An effective reporting system will augment our other efforts to foster a culture of integrity and ethical decision-making.
- **Reporting – General**
- With EthicsPoint, you have the ability to file a confidential, anonymous report via either the telephone or the Internet.
- **What type of situations should I report?**
- The system is designed for employees to report any violation of our stated Code of Ethics, or other concern you may have. If I see a violation, shouldn't I just report it to my manager, security, or human resources and let them deal with it? When you observe some behavior that you believe violates our code of ethics, we expect you to report it. Ideally, you should bring any concerns forward to your direct manager, or other member of our management team. We recognize, however, that there may be circumstances when you are not comfortable reporting the issue in this manner. It is for such circumstances that we have partnered with EthicsPoint. We would rather you report anonymously than keep the information to yourself.
- **Why should I report what I know? What's in it for me?**
- We all have the right to work in a positive environment and with that right comes the responsibility of acting in an ethical manner and letting the appropriate people know if someone is not acting appropriately. By working together, we can maintain a healthy and productive environment. Corporate misconduct can threaten the livelihood of the entire University.
- **Does management really want me to report?**
- We certainly do. In fact, we need you to report. You know what is going on in our University – both good and bad. You may have initial knowledge of an activity that may be cause for concern. Your reporting can minimize the potential negative impact on the company and our people. Also, offering positive input may help identify issues that can improve corporate culture and performance.
- **Reporting Security & Confidentiality**
- It is my understanding that any report I send from a University computer generates a server log that shows every web-site that my PC connects with, and won't this log identify me as a report originator?
- EthicsPoint does not generate or maintain any internal connection logs with IP addresses, so no information linking your PC to EthicsPoint is available. In fact, EthicsPoint is contractually committed not to pursue a reporter's identity. If you feel uncomfortable making a report on your work PC, you have the option of using a PC outside our work environment (such as one located at an Internet café, at a friend's house, etc.) through the EthicsPoint secure website. Many people choose this option, as EthicsPoint's data shows that fewer than 12% of reports are generated during business hours.

I am concerned that the information I provide EthicsPoint will ultimately reveal my identity. How can you assure me that will not happen?

The EthicsPoint system is designed to protect your anonymity. However, if you wish to remain anonymous, you - as a reporting party - need to ensure that the body of the report does not reveal your identity by accident. For example, "From my cube next to Jan Smith..." or "In my 33 years..."

Is the telephone toll-free hot line confidential and anonymous too?

Yes. You will be asked to provide the same information that you would provide in an Internet based report and an interviewer will type your responses into the EthicsPoint Web site. These reports have the same security and confidentiality measures applied to them during delivery.

Where do these reports go? Who can access them?

Reports are entered directly on the EthicsPoint secure server to prevent any possible breach in security. EthicsPoint makes these reports available only to specific individuals within the

University who are charged with evaluating the report, based on the type of violation and location of the incident. Each of these report recipients has had training in keeping these reports in the utmost confidence.

Tips & Best Practices

Our University chooses to promote ethical behavior. All unethical conduct, at any level, ultimately hurts the system and all employees, including you. You only have to consider what happened in recent corporate scandals to see the disastrous effects that a seemingly harmless lapse in ethics can have on an otherwise healthy company. So if you know of any incidents of misconduct or ethical violations, consider it your duty to yourself and your coworkers to report it.

I am not sure if what I have observed or heard is a violation of University policy, or involves unethical conduct, but it just does not look right to me. What should I do?

File a report. EthicsPoint can help you prepare and file your report so it can be properly understood. We'd rather you report a situation that turns out to be harmless than let possible unethical behavior go unchecked because you weren't sure. The EthicsPoint system and report distribution are designed so that implicated parties are not notified or granted access to reports in which they have been named.

What if I remember something important about the incident after I file the report? Or what if the company has further questions for me concerning my report?

When you file a report at the EthicsPoint Web site or through the EthicsPoint Call Center, you receive a unique user name and are asked to choose a password. You can return to the EthicsPoint system again either by Internet or telephone and access the original report to add more detail or answer questions posed by a University representative and add further information that will help resolve open issues. We strongly suggest that you return to the site in the time specified to answer University questions. You and the University now have entered into an "anonymous dialogue," where situations are not only identified, but can also be resolved, no matter how complex.

Can I still file a report if I don't have access to the Internet?

You can file an EthicsPoint report from any computer that can access the Internet. You can file from home. Many public locations, including the public library, have Internet computers. If you don't have access to or are uncomfortable using a computer, you can call the EthicsPoint toll free hotline, which is available 24 hours a day, 365 days a year.



Department of Public Safety

Law Enforcement & Jurisdiction

The University of Nebraska Department of Public Safety coordinates all functions of campus safety.

Responsible for the continuous patrol of campus property and responds to calls for service.

UNDPS patrols UNO's Dodge Campus, Scott Campus, and Center Campus, UNMC's Main Campus and the Bellevue Medical Center 24/7.

UNDPS utilizes a compliment of sworn law enforcement officers with full arrest powers and Campus Security Officers. Sworn Officers complete certification at the State Law Enforcement Training Center and are commissioned by the State of Nebraska as Special Deputy Sheriffs. They have the authority to enforce University Policies, Omaha city ordinances, and state laws within Douglas County. Sworn Law Enforcement's primary jurisdiction is property owned by and associated with the University System in Douglas County. Campus Security Officers (CSOs) do not carry firearms and do not have arrest powers. CSOs are trained in first aid, CPR, AED, and defensive tactics. All officers may undergo other specialized training, such as crisis intervention training, to enhance their skills.



UNDPS dispatch is NOT a 911 Center. We can assess a situation and summon additional help. However, in certain situations, for example when callers who are non-English speakers, or those requiring TTY/TDD-capable terminals, calling 911 may be the best option.

Reporting Crimes or Emergencies

The University allows victims and witnesses to provide information about a crime on a voluntary, confidential basis without involving a law enforcement response, if so desired.

It is important for the safety of other students, as well as for the community as a whole, that any crime is reported so that appropriate measures can be taken.

The University understands that people may be concerned about their name becoming public and will protect the privacy of the parties involved and the confidentiality of that information, to the extent possible under the law.

UNO

Emergencies Dial 911
Or 402.554.2911

100 Eppley Administration 24/7 Service Counter:
402.554.2648
7 A.M. to 5 P.M.
Fax: 402.554.3675

unopublicsafety@unomaha.edu

To Report Student Behavior or consult with
Behavior Review Team member call: 402.290.3810

[Make Online Report](#)

Title IX Coordinator

Sarah Wiel
207B Eppley Admin. Building
402.554.3490

Student Conduct & Community Standards

Trent Fredricksen
209 Hayden House
402.554.6601

UNMC

Emergencies Dial 911
Or 402.559.5555

42nd & Emile Streets
ARS Bldg. Lower Level
Service Counter: 7 A.M. to 5 P.M.
402.554.2648
Fax: 402.554.3675

unmcsecurityoffice@unmc.edu

Title IX Coordinator

Carmen Sirizzotti, MBA
402.559.2710
csirizzotti@unmc.edu

[Secure Online Report](#)

[Student CARE Team](#)

Bellevue Medical Center

Emergencies Dial 911
Or 402.763.3030

Emergency Department
Public Safety Desk Room 1K925
M-F 8a.m. to 5:00p.m.

Crime Reporting for Statistical Purposes and Notifications

Public Safety encourages accurate and prompt reporting of all crimes. Clery Act reports and other public disclosures will never contain a victim's personally identifying information if they choose not to disclose it.

To provide the University community with important information and notifications, crime statistics for four general criminal categories are tracked for all required annual reports and Web-based data collection.

Criminal Offenses

- Murder, Sexual Assault, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson

Hate Crimes

- Any of the above crimes motivated by bias.

VAWA Offenses

- Domestic Violence, Dating Violence and Stalking

Arrests and Referrals for Disciplinary Action

- Weapons, Drug Abuse and Liquor Laws



The University must report statistics for **violations of the law that occur on *Clery Act* geography and result in arrests or persons being referred for disciplinary action.**

Classifying Crimes

The *Clery Act* requires our institution to include four general categories of crime statistics:

- **Criminal Offenses**—Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault,² including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- **Hate Crimes**—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/ Vandalism of Property that were motivated by bias;
- **VAWA Offenses**—Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for *Clery Act* reporting purposes); and
- **Arrests and Referrals for Disciplinary Action** for Weapons—Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations and Liquor Law Violations.

The University does not include violations of institution's policies if there was no violation of the law. For example, if a student of legal drinking age in the state in which an institution is located violates the institution's "dry campus" policy and is referred for disciplinary action. The University won't include that incident in the *Clery Act* statistics because the referral was not the result of a law violation.

Emergency Notifications, Timely Warnings, Security Bulletins

UNDPS will issue timely alerts in order to keep the campus community informed about safety and security issues on an on-going basis. UNODPS will alert the campus community of certain crimes in a timely manner to aid in the prevention of similar crimes.

Emergency Notifications

The University will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees.

Timely Warnings

The University will alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. The intent of a timely warning regarding a criminal incident(s) is to enable people to protect themselves.

A warning will be issued as soon as pertinent information is available. The University may not have all of the facts surrounding a criminal incident. However, if a serious and continuing threat to its students and employees exists, Public Safety will issue a warning regarding the type of criminal incident that has occurred.

Security/Safety Bulletins

May be issued in situations in which the University might choose to alert the campus community. However, the incident does not meet the threshold of a significant emergency or dangerous situation.



The University of Nebraska 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.

Emergency Notification

- **Scope:** Wide focus on any significant emergency or dangerous situation (may include Clery Act crimes).
- **Why:** Emergency notification is triggered by an event that is currently occurring on or imminently threatening the campus. Initiate emergency notification procedures for any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.
- **Where:** Applies to situations that occur on your campus.
- **When:** Initiate procedures immediately upon confirmation that a dangerous situation or emergency exists or threatens.

Timely Warning

- **Scope:** Narrow focus on Clery Act crimes.
- **Why:** Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. Issue a timely warning for any Clery Act crime committed on your Clery Act geography that is reported to your campus security authorities or a local law enforcement agency, and that is considered by the institution to represent a serious or continuing threat to students and employees.
- **Where:** Applies to crimes that occur anywhere on your Clery Act geography.
- **When:** Issue a warning as soon as the pertinent information is available.

Security Bulletin

- **Scope:** Criminal or activity that is NOT a timely Warning or Emergency Notification.
- **Why:** Security Bulletins are triggered by criminal events that represent a threat to campus security. For example, a rash of email scams or automobile break ins, targeting the University community.
- **Where:** Applies to criminal activity that impacts the University community.
- **When:** Issue a bulletin as soon as the pertinent information is available.

Alerts

A number of resources are available for distributing and receiving critical information and instructions during an emergency. In the event of a major emergency affecting the University campus, the administration may use one or more of the following means to communicate with the university community.

Emergency banner on the UNO homepage

- www.unomaha.edu

When there is an emergency on campus, the university website is updated as necessary with an emergency banner containing information about the incident or alert, and information regarding campus resources or services available to the UNO community.

All-campus email

- An all campus email is a mass email that reaches the entire UNO community

University Alert text message and email alerts

- UNO uses text message capabilities to reach a broader area than other methods permit. You can also elect to receive an email of the emergency message. This service is free to the UNO community.

Posts on UNO's official Facebook and Twitter accounts

- Over 33,000 people follow the UNO Facebook homepage, creating another opportunity to inform the University Community of a significant event.

Overhead pages and indicator lights on campus

- In the event of a hostile or emergency situation on campus or in the surrounding community, the university may enact "Shelter in Place." In this situation, the Campus Wide Paging System would instruct all members of the campus community to stay in place. All residents and staff members should follow the directions given through the broadcast system.

Look for this alert via E-Mail, Text Message or the Banner on the University Websites

The Department of Public Safety has determined that circumstances exist that may pose a threat to members and guests of the University of Nebraska campus community. Please read this notification, take any necessary precautions, and call the Department with any questions or concerns.

Property and Identity Theft

Theft is a crime of opportunity. Help Public Safety by taking that opportunity away. Most thefts reported have similar elements which led to the criminal act. The greatest reoccurring element was that of an unattended room. The victim would report they only left the room for a minute with the door left open to walk down the hall. When they returned their wallet, purse, laptop or keys were missing. If the item in your room or office has value to you then it has value to the criminals.

Here are some helpful tips that you may employ to help curb theft.

- Report suspicious person(s) immediately
- Lock your items in your desk
- Secure your doors when you leave the room
- Look out for other floor members if a suspicious person is around their office or room

Identity theft occurs when someone else fraudulently acquires and assumes your identity for financial gain.

- Limiting the Damage
 - Cancel your credit cards immediately. The key is having the toll free numbers and your card numbers handy so you know whom to call. Keep those where you can find them easily.
 - File a police report immediately in the jurisdiction where it was stolen. This proves to the credit providers you were diligent, and is a first step toward an investigation.

Important: Call the three main national credit reporting organizations immediately to place a fraud alert on your name and Social Security number. The alert means any company that checks your credit knows your information was stolen. They will then have to contact you by phone to authorize new credit. Their numbers are below.

Harassing Communications

Harassing phone calls, text messages, and online communication of a disturbing nature could become a more serious and immediate problem if not reported. You should report obscene or annoying phone calls/texts/messaging and let us help you address the problem.

In any event, you may try some of items listed below to help combat unwanted communications:


- Hang up. As soon as you hear an obscenity, improper questions or no response to your "Hello?" hang up immediately.
- Don't talk to strangers.
- Don't play detective. Don't extend the call trying to figure out who is calling. This or any other type of reaction is exactly what the caller wants and needs.
- Keep cool, don't let the caller know you are upset or angry.
- Don't try to be clever. A witty response may be interpreted as a sign of encouragement.
- Don't be a counselor. The annoyance or obscene caller certainly needs professional help, but he/she will only be encouraged by your concern and will only continue the late night calls.
- Remember, if the caller is a wrong number, they do not need to know your number. Never give your number out to an unknown caller.



Child Abuse & Neglect

Nebraska Statute 28-711 requires any person to report child abuse and neglect, including sexual assault, to law enforcement or the Department of Health and Human Services. Law enforcement is required to notify DHHS on incidents reported to them. University employees and students are encouraged to notify the UNL Police Department at 402-472-2222 immediately when these situations are suspected.

This means:

- If you suspect child abuse or neglect, you must report it
 - You should give as much information about the circumstances as possible
 - You are immune from liability from any civil or criminal liability if reported in good faith (Nebraska Statute 28-716)
 - If you know of abuse but are not reporting it, you are breaking the law (Nebraska Statute 28-717)
- 



Daily Crime and Fire 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. Reported 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 be made available within two business days upon request.

Institutions with on-campus housing must report fires that occur in campus housing, generate an annual fire report, and maintain a fire log. Both the report and the log must be accessible to the public. UNDPS combines the ASR and the annual fire safety report into one document, the "UNDPS Annual Campus Security and Fire Safety Report"

The Crime log contains incidents for both the UNO and UNMC Campuses and is searchable for specific events and/or locations and can be located at:

<https://scsapps.unl.edu/UNO-PoliceReports/MainPage.aspx>



Clery Geography

The *Clery Act* requires institutions to disclose statistics for reported crimes based on

- **where** the crimes occurred,
- **to whom** the crimes were reported,
- the **types** of crimes that were reported, and
- the **year** in which the crimes were reported.

UNDPS discloses crime statistics for reported *Clery Act* crimes that occur

- (1) on campus,
- (2) on public property within or immediately adjacent to the campus, and
- (3) in or on non-campus buildings or property the University owns or controls. The definitions for these geographic categories are *Clery Act*-specific and are the same for every institution regardless of its physical size or configuration

Clery Geography On Campus

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

On-campus Student Housing Facility. Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.




Clery Geography

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.





Branch Campuses and other Noncampus locations

The institution has two main campuses: the University of Nebraska Medical Center (UNMC), and the University of Nebraska at Omaha (UNO).

There are several branch campuses affiliated with the UNMC, including schools of nursing in Lincoln, Kearney, Norfolk and Scottsbluff and a school of dentistry in Lincoln.

Lincoln and Kearney are separate institutions and submit separate Annual Safety and Fire Reports.

In addition to branch campuses, UNO & UNMC have several noncampus locations, such as the Bellevue Medical Center.

The Clery Act definition of noncampus buildings or property is:

- 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.

Branch Campus - Lincoln



The UNL Police Department and the Lincoln Police Department use the same computer aided dispatch (CAD) system. Regardless of which agency you call, your call is entered into the system which routes your call to the proper agency for dispatching officers to the scene. Crimes occurring on the UNL campus may be reported in person at 300 North 17th Street (17th St Parking Garage) or by calling UNL Police Department at 402-472-2222 any time of day or night. For crimes occurring off campus, you may also contact the Lincoln Police Department at 402-441-6000 or call 911. For weather-related clinic closures, call 402-472-1333. Please check www.unl.edu for the most current information.

UNMC Dental College Lincoln Campus

- 4000 East Campus Loop South
- Box 830740
- Lincoln, NE 68583-0740 USA
- Phone: 402-472-1333
- Emergency after hours: 402-472-7211

UNMC College of Nursing Lincoln Campus

- 550 North 19th
- Lincoln, NE 68588-0620
- Student Services
- 402-472-3657

Blue Emergency Phones are located outside the Nebraska Union on city campus and outside the East Campus Student Union. These may be activated by simply pushing a button. This will connect you with UNL Police Department dispatch in the event you are reporting a crime. Locations of the emergency phones can be found at <https://maps.unl.edu/> and selecting the emergency phone filter.

University Police can be texted to 69050, key word UNLPD. To provide the best information in the quickest manner, it is recommended to make reports by phone, but texting is available particularly for those instances where noise or circumstances would dictate text reporting.

Branch Campus - Kearney



THE UNIVERSITY OF NEBRASKA AT KEARNEY

UNMC COLLEGE OF NURSING

2504 9th Ave, Kearney, NE 68849

Emergency 911

Non-Emergency

(308) 865-8911

UNK Silent Witness

Information submitted through this form is confidential and anonymous. If you have any information regarding a crime, please fill out the form. Anonymous reporters have been instrumental in solving crimes, we need your help.

CSA Reporting Form

This form is used for CSA's. If you want to report anonymously, please use the Crime reporting form (Silent Witness report).

UNKAlert FAQ

UNK's Title IX Coordinator is:

Mary Chinnock Petroski
Chief Compliance Officer/Title IX Coordinator
Office of Equity and Compliance
Warner Hall, Suite 2113
(308) 865-8655
petroskimj@unk.edu



UNKAlert

During an emergency, the emergency operation plan will be activated. This plan is to alert students, faculty and staff of the emergency and to list any precautionary steps to take if known.

UNKAlert will send emergency messages from UNK to devices and addresses you designate.

Communication devices can be cell phones (text and voice), landline phones, and e-mail addresses.

Branch Campus - Norfolk



The Northern Division and the J. Paul and Eleanor McIntosh College of Nursing, is located in a beautiful state-of-the-art facility which is situated on the campus of Northeast Community College. UNMC students and faculty share space with Northeast Community College faculty and students. This rich learning environment provides opportunities for joint learning experiences between students including inter-professional education and extracurricular activities.

UNMC College of Nursing, Northern Division
801 East Benjamin Avenue
Norfolk, NE 68701

Phone: (402) 844-7890

Student Services
402-844-7890

College Administration
402-844-7894
Fax: 402-844-7926



***“Education
is the great
Equalizer”***

J. Paul McIntosh



Eleanor and J. Paul McIntosh

Branch Campus - Scottsbluff



UNMC College of Nursing Scottsbluff

Located on Western Nebraska Community College's Scottsbluff Campus. WNCC partners with local law enforcement and paramedics to ensure proper authorities are always nearby and ready to assist. Security personnel also routinely patrol each of WNCC's campuses, but if you witness criminal activity on any WNCC campus, we strongly encourage you to report the incident.

The WNCC has established Resource Officers working on campus, to provide law enforcement and police services directly to the college.

Emergencies call 911 to reach the Scottsbluff Police Department.

Security Officers can be reached:

Monday-Sunday 11:00p.m. – 7:00a.m. 308-641-0351

- Student Services
- 308-632-0410
- College Administration
- 308-632-0411
- Fax: 308-632-0415

Reporting Criminal Actions UNMC Scottsbluff Sites

- Scottsbluff Police Department Non-Emergency - 308.632.7176
- WNCC Environmental Health & Safety Coordinator - 308.635.6185
- Scottsbluff Campus Main Office - 308.635.3606
- College Resource Officer - 308.635.6111



Crime Statistics

UNDPS uses its own records and sends out formal requests for crime statistics and other necessary information to Campus Security Authorities and any applicable law enforcement agencies.

Records including crime reports, daily incident summaries, referrals for disciplinary action, copies of timely warnings, etc., are maintained by UNDPS.

UNDPS is also responsible for uploading statistical data regarding crime and fires to the Department of Education's website as required each year.

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Branch Campus –Lincoln Crime Statistics

Criminal Offenses	On-Campus				Public Property			
Branch Campus Lincoln	2017	2018	2019	2020	2017	2018	2019	2020
Murder, Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Sex Offense (Forcible)	0	0	0	0	0	0	0	0
Sex Offense (non-Forcible)	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	1	0	0	0	0
Liquor Law Referral for Disciplinary Action	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0
Drug Law Referral for Disciplinary Action	0	0	0	0	0	0	0	0
Weapons Law Arrests	0	0	0	0	0	0	0	0
Weapons Laws Referral Disciplinary Action	0	0	0	0	0	0	0	0
	0	0	0	1	0	0	0	0
VAWA Crimes								
Dating Violence	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0
Hate Crimes								
No Hate Crimes Reported								

The Institution does not have any owned or controlled non-campus or student housing. Statistics are only included for the College of Nursing Building, Dental College and any adjacent public property.

Branch Campus –Kearney Crime Statistics

Criminal Offenses	On-Campus								Public Property							
Branch Campus Kearney	2017	2018	2019	2020					2017	2018	2019	2020				
Murder, Non-Negligent Manslaughter	0	0	0	0					0	0	0	0				
Negligent Manslaughter	0	0	0	0					0	0	0	0				
Sex Offense (Forcible)	0	0	0	0					0	0	0	0				
Sex Offense (non-Forcible)	0	0	0	0					0	0	0	0				
Robbery	0	0	0	0					0	0	0	0				
Aggravated Assault	0	0	0	0					0	0	0	0				
Arson	0	0	0	0					0	0	0	0				
Burglary	0	0	0	0					0	0	0	0				
Motor Vehicle Theft	0	0	0	0					0	0	0	0				
Liquor Law Arrests	0	0	0	0					0	0	0	0				
Liquor Law Referral for Disciplinary Action	0	0	0	0					0	0	0	0				
Drug Law Arrests	0	0	0	0					0	0	0	0				
Drug Law Referral for Disciplinary Action	0	0	0	0					0	0	0	0				
Weapons Law Arrests	0	0	0	0					0	0	0	0				
Weapons Laws Referral Disciplinary Action	0	0	0	0					0	0	0	0				
	0	0	0	0					0	0	0	0				
VAWA Crimes																
Dating Violence	0	0	0	0					0	0	0	0				
Domestic Violence	0	0	0	0					0	0	0	0				
Stalking	0	0	0	0					0	0	0	0				
Hate Crimes																
No Hate Crimes Reported																

The Institution does not have any owned or controlled non-campus or student housing.
Statistics are only included for the College of Nursing Building and any adjacent public property.

Branch Campus –Norfolk Crime Statistics

Criminal Offenses	On-Campus								Public Property							
Branch Campus Norfolk	2017	2018	2019	2020					2017	2018	2019	2020				
Murder, Non-Negligent Manslaughter	0	0	0	0					0	0	0	0				
Negligent Manslaughter	0	0	0	0					0	0	0	0				
Sex Offense (Forcible)	0	0	0	0					0	0	0	0				
Sex Offense (non-Forcible)	0	0	0	0					0	0	0	0				
Robbery	0	0	0	0					0	0	0	0				
Aggravated Assault	0	0	0	0					0	0	0	0				
Arson	0	0	0	0					0	0	0	0				
Burglary	0	0	0	0					0	0	0	0				
Motor Vehicle Theft	0	0	0	0					0	0	0	0				
Liquor Law Arrests	0	0	0	0					0	0	0	0				
Liquor Law Referral for Disciplinary Action	0	0	0	0					0	0	0	0				
Drug Law Arrests	0	0	0	0					0	0	0	0				
Drug Law Referral for Disciplinary Action	0	0	0	0					0	0	0	0				
Weapons Law Arrests	0	0	0	0					0	0	0	0				
Weapons Laws Referral Disciplinary Action	0	0	0	0					0	0	0	0				
	0	0	0	0					0	0	0	0				
VAWA Crimes																
Dating Violence	0	0	0	0					0	0	0	0				
Domestic Violence	0	0	0	0					0	0	0	0				
Stalking	0	0	0	0					0	0	0	0				
Hate Crimes																
No Hate Crimes Reported																

The Institution does not have any owned or controlled non-campus or student housing. Statistics are only included for the College of Nursing Building and any public property.

Branch Campus –Scottsbluff Crime Statistics

Criminal Offenses	On-Campus								Public Property							
Branch Campus Scottsbluff	2017	2018	2019	2020					2017	2018	2019	2020				
Murder, Non-Negligent Manslaughter	0	0	0	0					0	0	0	0				
Negligent Manslaughter	0	0	0	0					0	0	0	0				
Sex Offense (Forcible)	0	0	0	0					0	0	0	0				
Sex Offense (non-Forcible)	0	0	0	0					0	0	0	0				
Robbery	0	0	0	0					0	0	0	0				
Aggravated Assault	0	0	0	0					0	0	0	0				
Arson	0	0	0	0					0	0	0	0				
Burglary	0	0	0	0					0	0	0	0				
Motor Vehicle Theft	0	0	0	0					0	0	0	0				
Liquor Law Arrests	0	0	0	0					0	0	0	0				
Liquor Law Referral for Disciplinary Action	0	0	0	0					0	0	0	0				
Drug Law Arrests	0	0	0	0					0	0	0	0				
Drug Law Referral for Disciplinary Action	0	0	0	0					0	0	0	0				
Weapons Law Arrests	0	0	0	0					0	0	0	0				
Weapons Laws Referral Disciplinary Action	0	0	0	0					0	0	0	0				
	0	0	0	0					0	0	0	0				
VAWA Crimes																
Dating Violence	0	0	0	0					0	0	0	0				
Domestic Violence	0	0	0	0					0	0	0	0				
Stalking	0	0	0	0					0	0	0	0				
Hate Crimes																
No Hate Crimes Reported																

The Institution does not have any owned or controlled non-campus or student housing. Statistics are only included for the College of Nursing Building and any public property.

Policy Statements

A major requirement of the *Clery Act* is to disclose policy statements in the annual security report.

Sexual Misconduct Policy Statement

Sexual Misconduct Prohibited Actions

- The University of Nebraska desires to provide a safe and secure learning, living, and working environment for all staff, students and visitors. The University understands the impact that sexually based offenses have on their victims and the lasting effects.
- The University strictly prohibits any form of sexual misconduct. All reported incidents will be thoroughly investigated and those found responsible will be dealt with as necessary, whether criminally charged or handled through the University's judicial process. It is the goal of the University of Nebraska to eliminate these crimes from its campus.

Sexual Assault (R.R.S. Neb. §2-318 through 320)

Sexual penetration and/or sexual contact without the consent of the victim, regardless of either person's gender, including situations where coercion, force, or the threat of force was used; situations where the perpetrator knew or should have known that the victim was mentally or physically incapable of resisting or evaluating the nature of his or her conduct (i.e. mentally challenged, disabled, intoxicated, etc.); or where the perpetrator is 19 years of age or older and the victim is at least 12 but younger than 16. A victim must simply provide enough verbal or physical resistance to make the perpetrator aware of the lack of consent. Victims do not have to show continued resistance when they feel as though further resistance would be futile.

The following definitions apply:

- **Force or threat of force:** The use of physical force which overcomes the victim's resistance or the threat of physical force, expressed or implied, against the victim or a third person, where the threat places the victim in fear of their own death or serious personal injury, or that of a third person, and the victim reasonably believes that the perpetrator has the present or future ability to follow through with the threat.
- **Intimate parts:** The genital area, groin, inner thighs, buttocks, or breasts.
- **Serious personal injury:** Great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
- **Sexual contact:** The intentional touching of the victim's sexual or intimate parts, or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact also means the touching, by the victim, of the perpetrator's sexual or intimate parts or the clothing covering the immediate area of the perpetrator's sexual or intimate parts, when this touching is intentionally caused by the perpetrator. Sexual contact includes only that conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.
- **Sexual penetration:** Sexual intercourse in its ordinary meaning, cunnilingus, fellatio and anal intercourse. It also includes the intrusion, however slight, of any part of the perpetrator's or victim's body, or any object manipulated by the perpetrator, into the genital or anal openings of the victim's body. Sexual penetration **does not** require emission of semen.

Consent to Sexual Activity (R.R.S. Neb. §28-318)

“Consent” means agreement, approval, or permission as to some act or purpose, given voluntarily by a competent person.

1. “Without consent” means:

- a. The person was compelled to submit due to the use of force or threat of force or coercion; or
 - b. The person expressed a lack of consent through words; or
 - c. The person expressed a lack of consent through conduct; or
 - d. The consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor.
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.

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 19 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 15 years of age to sexual contact.

Dating Violence (R.R.S. Neb. §79-2.140)

A pattern of behavior where one person uses threats of, or actually uses physical, sexual, verbal, or emotional abuse to control his or her dating partner. Dating partner means any person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate/sexual involvement, whether casual (e.g. “friends with benefits”), serious, or long-term. It is based on a consideration of length of relationship, type of relationship and the frequency of interaction between those involved in the relationship.

Domestic Violence (R.R.S. Neb. §28-323)

A person intentionally and knowingly causes bodily injury to his or her intimate partner, threatens an intimate partner with imminent bodily injury, or threatens an intimate partner in a menacing manner. Intimate partner, regardless of gender, means a spouse, a former spouse, persons who have a child in common, whether or not they have been married or lived together at any time, and persons who are or were involved in a serious dating relationship. Serious dating relationship means frequent, intimate associations primarily characterized by the expectation of affectionate or sexual involvement. It does not include a casual relationship or an ordinary association between persons in a business or social context.

Stalking (R.R.S. Neb. § 28-311.03)

Engaging in a course of willful harassment of 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. Actions include, but are not limited to, deliberately following, detaining, contacting, or harassing the person(s), or imposing any restraints on their personal liberty.

1. **Harass.** To engage in a knowing and willful course of conduct directed at a specific person that seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose.
2. **Course of conduct.** A pattern of conduct composed of a series of acts over a period of time, however short, indicating a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or physically stalking the person or telephoning, texting, contacting, or otherwise communicating with the person.
3. **Family or household member.** Regardless of gender, a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by a blood relationship or marriage, or any person presently (or in the past) involved in a dating relationship with the victim.

Drug and Alcohol Policy Statement

The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws. Officers of the University are to cooperate with State and Federal agencies in the prevention of drug abuse. In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988, 41 U.S.C. § 701, and the Drug Free Schools and Communities Act of 1989, 20 U.S.C. § 1145g.

The illicit use of drugs and alcohol by University students and employees will not be tolerated, and any incidents involving these substances will be handled accordingly.



Hate Crimes

Crimes motivated by prejudice, including race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, and/or disability.

The University is committed to creating and maintaining a welcoming and inclusive campus community. Every individual is valued and should feel welcomed and included as a member of this community. The university serves to make sure ALL people feel safe to be themselves.

Missing Persons

- The University is dedicated to looking out for the welfare of each one of its students. The following information pertains to students that live in on campus housing and details how a report regarding any missing student is to be processed. Anyone who suspects or confirms another adult has been missing for 24 hours should immediately contact Public Safety.
- Incidents of missing juveniles should be reported immediately.
- It is preferred that the reporting party talk directly to a UNDPS officer. UNDPS will immediately initiate an investigation which includes, and, if appropriate, a preliminary inspection of their student housing room. UNDPS will gather as much information as possible from the reporting person(s) in order to determine an appropriate course of action.

Concerned parties can always notify Public Safety at any point, even if an individual has not yet been missing for a full 24 hours. The reporting person may also notify the Residence Director or other residence hall staff, as these positions are instructed to notify Public Safety of a suspected missing student immediately.

Sexual Misconduct Policies

Beginning with the University of Nebraska charter in 1869, Nebraska law has provided that no person shall be deprived of the privileges of this institution because of sex.

Discrimination on the basis of sex is also prohibited by federal law. All members of the University community are expected to conduct themselves in a manner that maintains an environment free from sexual misconduct. Sexual misconduct, which includes domestic violence, dating violence, sexual harassment, sexual assault, sexual exploitation, and stalking, is unacceptable behavior under University of Nebraska policy and against the law.

The University of Nebraska has programs to promote awareness of and to help prevent sexual misconduct, and to assist members of the university community who are affected by such behavior.

Board of Regents RP-2.1.8

Sexual Misconduct Policy

A. Statement of Policy

1. The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in the education program or activity that the University operates. The University is required by Title IX of the Education Amendments of 1972 (Title IX) and the accompanying regulations not to discriminate in such a manner. This requirement not to discriminate extends to admission and employment. Inquiries about the application of Title IX and the accompanying regulations may be referred to a University Title IX Coordinator or the Assistant Secretary for Civil Rights of the Department of Education or both.

2. Beginning with the University of Nebraska charter in 1869, Nebraska law has provided that no person shall be deprived of the privileges of this institution because of sex. Discrimination on the basis of sex is also prohibited by federal law. All members of the University community are expected to conduct themselves in a manner that maintains an environment free from sexual misconduct. Sexual misconduct, which includes domestic violence, dating violence, sexual harassment, sexual assault, sexual exploitation, and stalking, is unacceptable behavior under University of Nebraska policy and against the law. The University of Nebraska has programs to promote awareness of and to help prevent sexual misconduct, and to assist members of the university community who are affected by such behavior.

3. Sexual harassment, a type of sex discrimination, is specifically prohibited by this Policy as well as federal laws such as Title VII of the Civil Rights Act of 1964 (Title VII) and Title IX.

a. Under Title IX, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

i. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or

iii. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

b. Under Title VII, which applies to employees only, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual's employment and create an abusive working environment.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

B. Scope of Policy

1. This Policy applies to all members of the University of Nebraska community regardless of sexual orientation or gender identity, and to all education programs and activities under the jurisdiction of the University of Nebraska.
2. For the purpose of complaints alleging discrimination under Title IX, education program or activity includes locations events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.
3. The President and Chancellors shall implement procedures to address the rights of all individuals involved in cases of alleged sexual misconduct.

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

1. "Dating violence" means violence committed by a person

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship
 - ii. The type of relationship
 - iii. The frequency of interaction between the persons involved in the relationship.

2. "Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Domestic violence includes domestic assault. Under Nebraska law, a person commits domestic assault if the person (i) intentionally and knowingly causes bodily injury to their intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner.

Under Nebraska law an "intimate partner" means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship.

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

RP-2.1.8 Sexual Misconduct Policy (Cont.)

4. "Sexual assault" means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

a. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

b. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim's age or because of the victim's temporary or permanent mental incapacity.

c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

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

6. "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

a. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;

c. Sexual assault (see definition herein);

d. Dating violence (see definition herein);

e. Domestic violence (see definition herein); or

f. Stalking (see definition herein)

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

For employees, sexual harassment also means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, sufficiently severe or pervasive to alter the conditions of the individual's employment and create an abusive working environment.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

7. "Sexual misconduct" includes dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, and stalking.
8. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - a. fear for their safety or the safety of others; or
 - b. suffer substantial emotional distress.

D. Other Definitions

1. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.
2. "Bodily injury" shall mean physical pain, illness, or any impairment of physical condition.
3. "Consent" is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.
 - a. Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.
 - b. Consent cannot be coerced or compelled by force, threat, deception, or intimidation.
 - c. Consent cannot be given by someone who is incapacitated or does not have the legal capacity to consent, as defined below in the definition of "incapacitated".
 - d. Consent cannot be assumed based on silence, the absence of "no" or "stop," the existence of a prior or current relationship, or prior sexual activity.

There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.
4. "Complainant" means any individual who is alleged to be the victim of conduct that could constitute sexual misconduct. A Complainant may also be referred to as a "party".
5. "Crimes of Violence" are those offenses that involve force or threat of force, including murder and non-negligent manslaughter, rape, robbery, and aggravated assault.
6. "Force 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 or a third party where the person reasonably believes that the actor has the present or future ability to execute the threat.
7. "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct, including sexual harassment under Title IX, against a Respondent and requesting that the University investigate the allegation of sexual misconduct. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this Policy and will comply with the requirements of this Policy.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

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

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

9. “May” is used in the permissive sense.

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

11. “Official with Authority” means an official of the University who has authority to institute corrective measures on behalf of the University.

12. “Private body parts” means the genital area, groin, inner thighs, buttocks, or breasts.

13. “Preponderance of the Evidence” is the standard of evidence the University uses to determine whether the Respondent violated this Policy. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that the Respondent violated this Policy.

14. “Remedies” are measures designed to restore or preserve equal access to the University’s education program or activity. Such remedies may include the same supportive measures that are already being provided to Complainant; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

15. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct. A Respondent may also be referred to as a “party”.

16. “Serious personal injury” means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ. 17. “Shall” is used in the imperative sense.

18. “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

19. “Title IX Coordinator” is a person designated by the University to coordinate the University’s effort to comply with its responsibilities under Title IX. The Title IX Coordinator oversees the University’s gender equity work to ensure compliance with Title IX, including its policies and procedures, education/prevention efforts, and training. The Title IX Coordinator reviews information about sexual misconduct to identify and address any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) to the Title IX Coordinator.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

20. “Past sexual behavior” means a person’s sexual behavior other than when the sexual misconduct is alleged to have occurred. There are some persons who Nebraska law presumes are incapable of consenting to sexual contact or penetration as defined by Nebraska law by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

21. “University” means University of Nebraska.

E. Awareness, Education, Prevention, and Training Programs

1. As required by federal statutes and administrative regulations, the Office of the President and each Chancellor shall publicize and conduct ongoing programs for new students and employees and other members of the University community to promote awareness of the problems caused by sexual misconduct and to help prevent and attempt to reduce the risk of the occurrence of sexual misconduct. These programs shall include instruction on safe and positive options for bystander intervention that may be carried out by individuals to prevent harm or intervene when there is a risk of sexual misconduct being inflicted on another person. Training shall be provided to all persons designated as campus security authorities and involved in responding to reports of sexual misconduct.
2. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution will receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
3. In addition to the training described above, Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process will receive the following training:
 - a. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will receive training on
 - i. The definition of sexual harassment,
 - ii. The scope of the University’s education program or activity,
 - iii. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable
 - iv. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, and
 - b. Decision-makers will also receive training on
 - i. Any technology to be used at a live hearing and
 - ii. Issues of relevance of questions and evidence, including when questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant.
 - c. Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

4. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of sexual harassment.

5. The University will make these training materials publicly available on its website, or if the University does not maintain a website the University will make these materials available upon request for inspection by members of the public.

F. Reporting Sexual Misconduct

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

In addition, all individuals are expected to report conduct that may also violate criminal law to both the Title IX Coordinator and the local law enforcement. These processes are not mutually exclusive and both may happen simultaneously or at different times.

1. Any University student, employee, or other individual who seeks to report may contact the:

a. Title IX Coordinator:

i. Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

b. University Police or Public Safety for assisting in filing a criminal complaint and preserving physical evidence; and/or

c. Local law enforcement to file a criminal complaint.

2. Additionally, reports may be made to the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 1-800-421-3481.

G. Confidentiality

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

RP-2.1.8 Sexual Misconduct Policy (Cont.)

H. Resources

1. The President and Chancellors shall disseminate information about University programs and resources available to assist persons who have been subjected to sexual misconduct and about agencies outside the University located throughout the state that provide related services.
2. In addition to identifying resources available to provide counseling, advocacy, and medical treatment, University sexual misconduct programs must provide instruction on the importance of preserving evidence as proof of sexual misconduct, and on the availability of protection orders and other remedies that may be afforded to persons who have been subjected to sexual misconduct.
3. A person who has or had been involved in a dating relationship, or who has or had a marital, shared residential, or familial relationship with the actor may obtain either a harassment or domestic protection order. Persons who have not been involved in a dating relationship may qualify for a harassment protection order. Violation of harassment or domestic protection orders issued by courts of this or another state or tribal courts can result in a violator's arrest and subject the violator to criminal penalties.
4. The Protection from Domestic Abuse Act makes the Nebraska Department of Health and Human Services (DHHS) responsible to provide victims of domestic abuse emergency services, support programs, limited medical help and legal assistance in obtaining a protection order.

I. Supportive Measures

The University will offer supportive measures to Complainants whether or not a Formal Complaint is filed. Supportive measures are available for both the Complainant and Respondent.

J. Administrative Leave and Emergency Removal

The University may remove a Respondent from the University's education program or activity on an emergency basis. The University may place a non-student employee Respondent on Administrative Leave or the equivalent during the pendency of the procedures. A Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

K. University Disciplinary Procedures

1. Investigations of allegations against students and employees will be addressed using the procedures implemented by the President and Chancellors.
2. The University will follow procedures before imposing any disciplinary sanctions or other actions that are not supportive measures against Respondent for sexual harassment in violation of Title IX. Nothing in this Policy prevents the University from removing a Respondent from the University's education program or activity on an emergency basis. Nothing in this Policy prevents the University from placing a non-student employee Respondent on Administrative Leave or the equivalent.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

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

L. Grievance Process for Formal Complaints

1. A Complainant may file, or a Title IX Coordinator may sign, a Formal Complaint against a Respondent requesting that the University investigate an allegation of sexual misconduct. Filing a Formal Complaint is the first step of a grievance process that determines whether the Respondent is responsible for violating the Policy. Unless a Formal Complaint is dismissed or resolved during one of the steps of the grievance process, the grievance process will include a preliminary review of the Formal Complaint, an investigation, a hearing, and the opportunity to challenge certain decisions through an appeal. Additionally, an informal resolution process may be available at any time prior to reaching a University determination regarding responsibility. If applicable, the University may initiate informal resolution or either party may request informal resolution.
2. If the Respondent is no longer a student, employee, or participant in any University-related program or activity at the time of the report, or if the conduct does not fall within the scope of the Policy, the Formal Complaint may be dismissed. The University will, however, help a Complainant identify reporting options outside the University and provide supportive measures.
3. A Respondent is presumed not responsible for the alleged conduct unless a determination regarding responsibility by a preponderance of the evidence is made at the conclusion of the grievance process by the decision maker(s).
4. Where a determination of responsibility for sexual misconduct has been made against the Respondent, the University must provide or give the Complainant remedies.
5. If a Respondent is found responsible for a violation, sanctions may be imposed. Institutional sanctions that may be imposed against students for sexual misconduct range from warning to expulsion. Institutional sanctions against employees range from warning to termination. Institutional sanctions against third parties range from loss of privileges to trespass exclusion orders.

M. Retaliation

No member of the University community may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for Student Code of Conduct violations that do not involve sex discrimination or sexual misconduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual misconduct, for the purpose of interfering with any right or privilege secured by this Policy, constitutes retaliation.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

N. Recordkeeping

1. The University will maintain for a period of seven years records of –
 - a. Each sexual misconduct investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required by the Policy, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
 - b. Any appeal and the result therefrom;
 - c. Any informal resolution and the result therefrom; and
 - d. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The University will make these training materials publicly available on its website.
2. For each response to sexual misconduct when the University has actual knowledge, as defined by federal law, the University will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual misconduct. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity.
3. If the University does not provide a Complainant with supportive measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

O. Amendments

1. The Board of Regents may amend this Policy at any time, in whole or in part. There may be times when unexpected issues arise that require prompt action or that involve errors or omissions in the Policy. Examples include a change in federal, state, or local law, the adoption of a new Campus or University policy, the repeal of an existing Campus or University policy, the discovery of a drafting error, or the failure to anticipate a particular situation or type of conduct.
2. If an unexpected issue arises, the Policy may be amended pursuant to the following procedure:
 - a. First, the Provost of the University of Nebraska must approve the amendment.
 - b. Second, the General Counsel of the University of Nebraska must approve the amendment.
 - c. Third, the amendment must be reported to the Board of Regents at the next regularly scheduled meeting of the Board.

RP-2.1.8 Sexual Misconduct Policy (Cont.)

3. The Provost and the General Counsel may approve an amendment only if each of them separately determines that:

- a. the content of the amendment is appropriate and reasonably necessary and
- b. the subject matter of the amendment either requires prompt action or involves minor changes that correct errors or omissions in a manner consistent with the purpose and scope of the Policy. An amendment takes effect when both the Provost and the General Counsel have approved the amendment. The Board has the authority to rescind any such amendment when the amendment is reported to the Board.

P. Periodic Review

This Sexual Misconduct Policy will be reviewed at least every two (2) years. The Provost will initiate this review.

Reference: BRUN, Minutes, 72, p. 36 (May 30, 2014).

BRUN, Minutes, 76, p. 28 (August 14, 2020).

Registered Sex Offenders

- The University is committed to protecting its students and staff from sexual predators. The University will provide any applicable information regarding sexual predators to its students and staff when necessary.
- Whenever a convicted sex offender enrolls at or is employed at a postsecondary institution, they are required to notify the state, and the state is then required to notify the University. As a matter of policy, UNDPS will review the information of each reported sexual offender who becomes a student, volunteer, or employee and determine the seriousness of the threat to campus safety. In cases where it has been determined that the sex offender's crimes were of a serious nature and the offender's presence may threaten the security of those on campus, the University will provide notification to all students and staff of the sex offender's status.
- Sex offender registry information shall not be used to retaliate against the registrants, their families, or their employers in any way. Vandalism, verbal or written threats of harm are illegal and will result in arrest and prosecution.
- Listings of registered sex offenders in Nebraska can be found at:
<https://sor.nebraska.gov/>
- Listings of registered sex offenders in the United States can be found at:
<https://www.nsopw.gov/>



Who Should Report

All individuals are expected to promptly report discrimination or conduct that may violate the University's Sexual Misconduct Policy to the University.

In addition, all individuals are expected to report conduct that may also violate criminal law to both the Title IX Coordinator and to local law enforcement.

These processes are not mutually exclusive, and both may happen simultaneously or at different times.



The University will respond to reported allegations of sexual misconduct and may provide appropriate supportive measures to the Complainant even if the Complainant does not wish to pursue a Formal Complaint. If an individual would like the University to respond to allegations of sexual misconduct, it is important that the individual report to the Title IX Coordinator.

The Title IX Coordinator, or their designee, will contact the impacted party to let them know their reporting options and resources.

Complaints of Sexual Misconduct

- 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.
- 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.
- 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.
- 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.
- 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.

University Reporting Procedures

[Procedures for Sexual Misconduct Reports against Students](#)

[Procedures for Sexual Misconduct Reports against Employees](#)

[Student Code of Conduct](#)

Title IX Process

- **Make a report to the Title IX Coordinator**
 - *Any Formal Complaint that arises from a report to the Title IX Coordinator would be a part of an administrative process that could result in university-related sanctions. This cannot and will not result in criminal charges.*
 - You may report to the UNO Title IX Coordinator in the following ways:
 - By phone at 402.554.2120, By email at sweil@unomaha.edu or equity@unomaha.edu, By completing the following form: [UNO Sexual Misconduct Incident Reporting Form](#)
 - You may report to the UNMC Title IX Coordinator in the following ways:
 - Carmen Sirizzotti, MBA, 402-559-2710 | csirizzotti@unmc.edu
- **Make a report to appropriate law enforcement agency**
 - *This could result in criminal action being taken such as criminal charges. This cannot and will not result in university-related sanctions and/or action.*
 - You may report by contacting your local law enforcement or by speaking with [UN Public Safety](#)
 - UN Public Safety 402.554.2911
- **Engage with confidential resources such as advocacy and counseling**
 - *This will not result in any criminal charges or university-related sanctions*
 - The University has resources such as [Counseling and Psychological Services](#) and [Victim and Survivor Advocates](#) that may serve in this confidential role.
- **Officials With Authority**
 - While the University encourages University community members with knowledge of potential violations of the sexual misconduct Policy to the Title IX Coordinator, the University will only have actual notice of sexual misconduct if an individual reports to an Official with Authority. *Official with Authority* means an official of the University who has authority to institute corrective measures for sexual misconduct on behalf of the University. The following individuals are examples of Officials with Authority at UNO:
 - Chancellor, [Dr. Joanne Li](#)
 - Senior Vice Chancellor for Academic Affairs, [Dr. Sacha Kopp](#)
 - Vice Chancellor for External Relations, [Robert Bartee](#)
 - Vice Chancellor for Student Success, [Dr. Dan Shipp](#)
 - Vice Chancellor for Business, Finance and Business Development, [Doug Ewald](#)
 - Title IX Coordinator, [Sarah Weil](#)

Sexual Misconduct Response

The University of Nebraska takes sexual assault incidents very seriously. Any student or employee who has been sexually assaulted or physically harmed is strongly encouraged to contact the department from the location where the assault occurred or from a safe location. In addition, Title IX applies to all educational programs and all aspects of a school's educational system and ensures that victims of sexual harassment and sexual violence are protected. Victims are also encouraged to contact a victim advocate, medical or counseling services, or a local hospital or clinic. Victims may also contact the office of Institutional Equity and Compliance for appropriate action. As a guide University Housing residents should contact any Housing/Residential Life staff. The following University Offices will act accordingly to aid and assist the victim.

Victim Support Advocates or service providers will:

- Maintain the contacts as strictly confidential.
- Provide crisis intervention and advocacy, in some cases including assisting victims in seeking restraining orders.
- Assist and support the victim/survivor in contacting police and/or reporting to other University offices, if the victim consents.
- Assist the victim in obtaining medical assistance and counseling, changing academic programs or housing, etc.

Counseling and health care services will:

- Maintain the contacts as strictly confidential.
- Encourage, assist (as needed) and support the victim in reporting the incident to the police.
- Provide appropriate counseling and medical services.

Public Safety and Local Law Enforcement will:

- The Department will contact the University Victim Assistance Program.
- Investigate and gather evidence or recommend processes for obtaining and preserving evidence.
- Refer for prosecution when warranted.
- Gather evidence or recommend processes for obtaining and preserving evidence.
- Obtain a statement to accurately document what occurred.
- Inform the victim of the criminal justice process.
- Provide safety planning for the victim.
- Provide the victim with updates as the investigation progresses.
- Report to office of Institutional Equity and Compliance.

Sexual Misconduct Response (Cont.)

Housing/Residential Life Offices will:

- Contact, or encourage contact with, the local victim service office, and assist in obtaining medical care if needed.
- Encourage the victim to report the incident to the police and assist in making the report if requested by the victim. Housing/Residential Life may be obligated to report to the police the fact that an assault was reported, but the name of the victim will only be provided with the victim's consent, except in extenuating circumstances.
- If the person accused is a student, the incident will be reported to the office of Institutional Equity and Compliance and UNLPD.

Office of Institutional Equity and Compliance will:

- Explain reporting and resource options.
- Provide interim measures as needed.
- Encourage the victim to report the incident to the police and assist in making the report if requested by the victim. IEC may be obligated to report to the police the fact that an assault was reported, but the name of the victim will only be provided with the victim's consent, except in extenuating circumstances.
- Investigate, and make recommendations for action, as appropriate.

Student Affairs will:



- Assist the victim in contacting victim services office if desired.
- Encourage the victim to report the incident to the police, and will assist in making the report if requested by the victim. Student Affairs may be obligated to report to the police the fact that an assault was reported, but the name of the victim will only be provided with the victim's consent, except in extenuating circumstances.
- Report to the office of Institutional Equity and Compliance.

Protective Measures and Investigation of Allegations

- 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 before a hearing is concluded.
- 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.
- 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.
- 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.
- 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.
- 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.



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.
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Formal Hearings

- Formal Hearing will determine whether sexual misconduct occurred or not.
- 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.
- 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.
- 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.
- 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.
- 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.
- The Complainant and the Respondent have the right to be assisted by any advisor they choose, including legal counsel, at their own expense.
- 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.
- 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.
- Questions shall be addressed to the Hearing Officer, who will determine if the question is appropriate, and then ask the witness.
- Sexual misconduct proceedings should be completed in a reasonably prompt time frame.
- 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.
- 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.

Possible Employment Sanctions

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

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

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.

Standards of Conduct Regarding Alcohol and Drugs

RP-2.1.5

- The illegal possession, use, or distribution of drugs or alcohol by students and employees is a violation of University rules as well as State and Federal laws. Officers of the University are to cooperate with State and Federal agencies in the prevention of drug abuse. In satisfaction of this mandate and in order to fulfill its obligations under the Drug Free Workplace Act of 1988, 41 U.S.C. § 701, and the Drug Free Schools and Communities Act of 1989, 20 U.S.C. § 1145g, the University has formulated standards of conduct for both its employees and its students which prohibit the following acts:
- 1. use, possession, manufacture, distribution, or sale of illegal drugs or drug paraphernalia on University premises or while on University business or at University activities, or in University supplied vehicles either during or after working hours;
- 2. unauthorized use, possession, manufacture, distribution, or sale of a controlled substance as defined by the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., or Nebraska Drug Control Laws, Neb. Rev. Stat. §§ 28-401 et seq., on University premises, or while engaged on University business or at University activities or in University supplied vehicles, either during or after working hours;
- 3. unauthorized use, manufacture, distribution, possession, or sale of alcohol on University premises or while on University business, or at University activities, or in University-supplied vehicles, either during or after working hours;
- 4. storing in a locker, desk, vehicle, or other place on University owned or occupied premises any unauthorized controlled substances, drug paraphernalia, or alcohol;
- 5. use of alcohol off University premises that adversely affects an employee's or student's work or academic performance, or an employee's or student's safety or the safety of others;
- 6. possession, use, manufacture, distribution, or sale of illegal drugs off University premises that adversely affects the employee's work performance or the student's academic performance, or an employee's or student's safety or the safety of others;
- 7. violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution or sale of alcohol, controlled substances, or drug paraphernalia;
- 8. in the case of employees, failure to notify an employee's supervisor of an employee's arrest or conviction under any criminal drug statute as a result of a violation of law which occurs at the University of Nebraska workplace.

DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER FEDERAL, STATE, OR LOCAL LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL

- The information on the following pages summarizes selected provisions of Federal, State, and local laws that provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol.
- **1. Federal Penalties and Sanctions for Illegal Possession of Controlled Substances**
- *21 U.S.C. § 844(a)*
- First Conviction: Up to 1-year imprisonment and fine of at least \$1,000 or both. After one prior drug conviction: At least 15 days in prison, not to exceed 2 years, and a fine of at least \$2,500. After 2 or more prior drug convictions: at least 90 days in prison, not to exceed 3 years, and a fine of at least \$5,000.
- *21 U.S.C. §§ 853(a) and 881(a)*
- Forfeiture of tangible and intangible personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment. Forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for use, to transport or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances.
- *21 U.S.C. § 844a*
- Civil fine of up to \$10,000 for each violation of 21 U.S.C. § 844 involving controlled substances listed in 21 U.S.C. § 841(b)(1)(A).
- *21 U.S.C. § 862*
- Denial of Federal benefits, such as financial aid grants, contracts, student loans, and professional and commercial licenses, for individuals convicted of distributing controlled substances (drug trafficking). The denial can last up to 5 years for the first conviction and up to 10 years for the second conviction. Those who have three or more convictions will be permanently ineligible for all Federal benefits.
- *18 U.S.C. § 922(g)*
- Ineligible to receive or possess a firearm or ammunition.
- *Miscellaneous*
- Authority to revoke certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., is vested with the officials of individual Federal agencies.
- The United States Drug Enforcement Administration publishes information that summarizes trafficking penalties under Federal law for various drugs. The information is available at www.dea.gov/sites/default/files/drug_of_abuse.pdf. Note: These are only Federal penalties and sanctions. Additional *State* penalties and sanctions may apply.

DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER FEDERAL, STATE, OR LOCAL LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL (cont.)

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

- The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. In addition, other Nebraska State laws establish penalties for various drug-related offenses as summarized below. Charts 1 and 2 summarize the sanctions under Nebraska law for possession or distribution of various drugs.
- **Crimes Involving Minors:**
 - Any person 18 years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver or dispense a controlled substance or a counterfeit controlled substance (i) to a person (under the age of 18 years); (ii) in, on, or within 1,000 feet of a school, college, university, or playground; or (iii) within 100 feet of a youth center, public swimming pool, or video arcade shall be punished more severely. The law also provides for an enhanced penalty for anyone 18 years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. *See Neb. Rev. Stat. § 28-416(4)(a) and (5)(a) (Cum. Supp. 2020).*
 - Persons under the age of eighteen who violate the drug laws may be subject to additional sentencing provisions found in Neb. Rev. Stat. § 28-416(18) and (19) (C), these include impounding licenses or permits issued under the Motor Vehicle Operator's License Act, completion of community service, and attending drug education classes.
 - The law provides immunity from violations of §28-441 or subsection (3) of §28-416 in certain circumstances when a person may need medical assistance as a result of a drug overdose and the evidence for the violation of the laws was obtained as a result of the drug overdose and the request for medical assistance. A penalty may not be imposed on a person who otherwise violated the law if the person (i) made a good faith request for emergency medical assistance in response to the possible drug overdose of themselves or another person as soon as the emergency situation was apparent; (ii) made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible drug overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. *Neb. Rev. Stat. § 28-472.*
- **Probation Conditions:**
 - Any person convicted of a drug law violation, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse. *Neb. Rev. Stat. § 28-416 (14) (Cum. Supp. 2020).*

DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER FEDERAL, STATE, OR LOCAL LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL (cont.)

- **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 2018).
- Any controlled substance that is sold by weight or volume (i.e., cocaine, crack, methamphetamine, etc.) is taxed at \$150 for each gram or portion of a gram. Neb. Rev. Stat. § 77-4303 (Reissue 2018).
- Any controlled substance that is not sold by weight (i.e., LSD, Quaaludes, methamphetamine in tablets, PCP, etc.) is taxed at \$500 for each 50 dosage units or portion thereof. Neb. Rev. Stat. § 77-4303 (Reissue 2018).
- Failure to have the proper tax stamps attached to the controlled substance is a Class IV felony, with a criminal penalty of up to a 2-year imprisonment and 12-month post-release supervision or a \$10,000 fine or both. Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2020) *available at* <http://nebraskalegislature.gov/laws>; Neb. Rev. Stat. §§ 77-4309 (Reissue 2018).

- **Property Forfeiture:**

- Property used to manufacture, sell, or deliver controlled substances can be seized and forfeited to the State. Property subject to forfeiture may include cash, cars, boats, and airplanes, as well as drug paraphernalia, books, records, and research, including formulas, microfilm, tapes, and data. Neb. Rev. Stat. § 28-431 (Reissue 2016).

- **Being Under the Influence of Any Controlled Substance for Unauthorized Purpose:**

- It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner. In a prosecution, the State need not prove that the accused was under the influence of a specific controlled substance, only that the accused manifested symptoms or reactions caused by the use of any controlled substance. Neb. Rev. Stat. § 28-417(1)(g) (Reissue 2016).

DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER FEDERAL, STATE, OR LOCAL LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL (cont.)

- **Drug Paraphernalia Offenses:**

- It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Cum. Supp. 2020). Individuals who make a good faith request for emergency medical assistance in response to their drug overdose or when assisting another person may experience limited immunity from drug possession and paraphernalia charges if they meet certain requirements, such as requesting medical assistance as soon as the drug overdose is apparent and remaining on the scene and cooperating with medical assistance or law enforcement personnel. Neb. Rev. Stat. § 28-441(3) (Cum. Supp. 2020); Neb. Rev. Stat. § 28-472 (Cum. Supp. 2020).
- "Drug paraphernalia" is defined to include such things as hypodermic syringes, needles, pipes, bongs, roach clips, and other items used, intended for use, or designed for use with controlled substances. Neb. Rev. Stat. § 28-439 (Reissue 2016).
- It is unlawful to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances in which one should reasonably know, that it will be used to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. This section does not apply to pharmacists, pharmacist interns, pharmacy technicians, and pharmacy clerks who sell hypodermic syringes or needles for the prevention of the spread of infectious diseases. Neb. Rev. Stat. § 28-442 (Cum. Supp. 2020).
- It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under the age of 18 who is at least three years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 2016).
- A violation of Neb. Rev. Stat. § 28-441 (use or possession of drug paraphernalia) is an infraction and is punishable on the first offense by a fine of up to a maximum of \$100; a second offense within two years of the first is punishable by a fine between \$100 and \$300; a third offense within two years of the second is punishable by a fine between \$200 and \$500. Neb. Rev. Stat. §§ 28-441 (Cum. Supp. 2020). and 29-436 (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-442 (delivery or manufacture of drug paraphernalia), which is a Class II misdemeanor, is up to a 6-month imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 28-442 (Cum. Supp. 2020) and § 28-106(1) (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-443 (delivery of drug paraphernalia to a minor), a Class I misdemeanor, is imprisonment for up to one year or a \$1,000 fine or both. Neb. Rev. Stat. § 28-443 (Reissue 2016) and § 28-106(1) (Reissue 2016).

DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER FEDERAL, STATE, OR LOCAL LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL (cont.)

- **Imitation Controlled Substances:**

- It is a violation of Nebraska law to knowingly or intentionally manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 2016). "Imitation controlled substance" is a substance that is not a controlled substance or controlled substance analogue, but which is represented to be an illicit controlled substance or controlled substance analogue. Neb. Rev. Stat. § 28-401(30) (Cum. Supp. 2020). The first violation of this law is a Class III misdemeanor and the penalty may be a 3-month imprisonment or a \$500 fine or both. A second offense violation of this law is a Class II misdemeanor and the penalty may be imprisonment for up to six months or a \$1,000 fine or both. Neb. Rev. Stat. § 28-445 (Reissue 2016) and § 28-106(1) (Reissue 2016).

- **Controlled Substance Analogues:**

- For purposes of Nebraska's Uniform Controlled Substance Act, controlled substance analogues (often called "designer drugs") are treated as controlled substances. Such an analogue is defined as (i) substantially similar in chemical structure to the chemical structure of a controlled substance or (ii) having a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401(31)(a) (Cum. Supp. 2020).

- **3. State Law Penalties and Sanctions for Selected Alcohol Offenses**

- **Minor In Possession:**

- It is against the law for a person under the age of 21 years to sell, dispense, consume, or possess alcohol. Neb. Rev. Stat. § 53-180.02 (Reissue 2010). In general, unless an exception applies, any person under the age of 21 years violating this law is guilty of a Class III misdemeanor; additional consequences may apply if the person is 18 years of age or younger. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Cum. Supp. 2020); § 28-106(1) (Reissue 2016). Penalties for violation of this law may include one or more of the following: the impoundment of the offender's license for thirty days or more; the requirement to attend an alcohol education class; the requirement to complete twenty hours or more of community service; submission to an alcohol assessment by a licensed counselor; imprisonment of up to three months; and/or a \$500 fine;. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Cum. Supp. 2020); § 28-106(1) (Reissue 2016).
- The law provides immunity from minor in possession alcohol charges when someone underage is in need of medical assistance. A penalty may not be imposed on a person who otherwise violated the law if the person (i) made a good faith request for emergency medical assistance in response to the possible alcohol overdose of themselves or another person as soon as the emergency situation is apparent; (ii) made the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 53-180.05(4) and § 53-181(3) (Cum. Supp. 2020).

DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER FEDERAL, STATE, OR LOCAL LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL (cont.)

- **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 (Cum. Supp. 2020). Violation of this law is generally punishable by not more than a one-year imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Cum. Supp. 2020) and § 28-106(1) (Reissue 2016). However, if alcohol is knowingly and intentionally provided to a minor and the minor's consumption of the alcohol or impaired condition attributed to the alcohol leads to the serious bodily injury or death of any person, the person who provided the alcohol shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days' imprisonment. The penalty for a Class IIIA felony is 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) (Cum. Supp. 2020) and Neb. Rev. Stat. § 28-105(1) (Cum. Supp. 2020) available at <http://nebraskalegislature.gov/laws>.

- **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 (Cum. Supp. 2018). A violation of this statute is punishable on the first offense by a fine of up to \$100; a second offense within two years of the first is punishable by a fine between \$100 and \$300; a third offense within two years of the second is punishable by a fine between \$200 and \$500. Neb. Rev. Stat. § 53-186 (Cum. Supp. 2020) and § 29-436 (Reissue 2016).

- **Driving While Intoxicated:**

- Operating or being in physical control of a vehicle while under the influence of alcoholic liquors or drugs is a violation of Nebraska law when such person has a concentration of eight-hundredths (.08) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath. Neb. Rev. Stat. § 60-6,196 (Reissue 2010).
- Violation of this law is punishable on first offense by seven to 60 days of imprisonment and a \$500 fine. Neb. Rev. Stat § 60-6,197.03 (Cum. Supp. 2020) and § 28-106(1) (Reissue 2016). 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) (Cum. Supp. 2020). 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) (Cum. Supp. 2020).

DESCRIPTION OF APPLICABLE LEGAL SANCTIONS UNDER FEDERAL, STATE, OR LOCAL LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL (cont.)

- Penalties for a second conviction include a \$500 fine and a maximum of a 6-month 6,197.03 (Cum. Supp. 2020) and § 28-106(1) (Reissue 2016). As part of the judgment of conviction, the offender's operator's license is revoked for 18 months. Neb. Rev. Stat. § 60-6,197.03(3) (Cum. Supp. 2020). 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) (Cum. Supp. 2020). 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) (Cum. Supp. 2020).
- Penalties for a third conviction include a \$1,000 fine and a maximum of a one-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15 years. Neb. Rev. Stat. § 28-106(1) (Reissue 2016) and Neb. Rev. Stat. § 60-6,197.03(4) (Cum. Supp. 2020). 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) (Cum. Supp. 2020). 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) (Cum. Supp. 2020).
- Fourth convictions are a Class IIIA felony. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2020). 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) (Cum. Supp. 2020). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60-6,197.03(7) (Cum. Supp. 2020). 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 no less than 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) (Cum. Supp. 2020).
- Fifth and subsequent convictions are a Class IIA felony. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2020). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least two years' in prison. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2020). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. The revocation order shall require that the offender not drive for 45 days after which he or she may apply for an ignition interlock permit and installation of such device. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2020). In addition, the probation order shall include as one of its conditions a \$2,000 fine and confinement in the city or county jail for 180 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 180 days after release. Neb. Rev. Stat. § 60-6,197.03(9) (Cum. Supp. 2020).

Summary

- 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. While UNDPS believes this information is accurate, the reader is cautioned to investigate the matter more fully or consult their personal attorney.

- **Federal Penalties and Sanctions for Illegal Possession of Controlled Substances**

- First Conviction: Up to 1-year imprisonment and fine of at least \$1,000 or both. After one prior drug conviction: At least 15 days in prison, not to exceed 2 years, and a fine of at least \$2,500. After 2 or more prior drug convictions: at least 90 days in prison, not to exceed 3 years, and a fine of at least \$5,000. 21 U.S.C. 844(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. §§ 853(a) and 881(a).
- 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. 21 U.S.C. § 862.
- Ineligible to receive or possess a firearm or ammunition. 18 U.S.C. § 922(g).
- 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.

SANCTIONS UNDER NEBRASKA LAW FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ANABOLIC STEROIDS, MARIJUANA, AND HASHISH OR OTHER SUBSTANCES CONTAINING TETRAHYDROCANNABINOLS

Drug	Quantity	Penalty for "simple" possession	Penalty for manufacture, distribution, delivery, dispensation, or possession with intent to manufacture, distribute, deliver or dispense
Anabolic Steroids ¹ Schedule III(d)	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision (with 9-month minimum post-release supervision if imprisoned) or \$10,000 fine, or both. Class IV felony.	Up to 20 years imprisonment; Class IIA felony.
Hashish or Concentrated Cannabis ² Schedule I(c)(16)	Any detectable amount	Up to 2 years imprisonment and 12 months post-release supervision (with 9-month minimum post-release supervision if imprisoned) or \$10,000 fine, or both. Class IV felony.	Up to 20 years imprisonment; Class IIA felony.
Marijuana ³ Schedule I(c)(7) Or Synthetically Produced Cannabinoids ⁴ Schedule I (c)(25)	Any detectable amount up to 1 ounce	1st offense - \$300 fine and possible assignment to controlled substances course. Infraction. 2nd offense - \$400 fine and up to five days imprisonment. Class IV misdemeanor. 3rd and subsequent offenses - \$500 fine and imprisonment not to exceed 7 days. Class IIIA misdemeanor.	Up to 20 years imprisonment; Class IIA felony.
	More than 1 ounce but less than 1 pound	Up to 3 months imprisonment or \$500 fine or both. Class III misdemeanor.	
	More than one pound	Up to 2 years imprisonment and 12 months post-release supervision (with 9-month minimum post-release supervision if imprisoned) or \$10,000 fine, or both. Class IV felony.	

1 "Anabolic steroid means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids), that promotes muscle growth and includes any controlled substance in Schedule III(d) of section 28-405. Anabolic steroid does not include any anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and has been approved by the Secretary of Health and Human Services for such administration, but if any person prescribes, dispenses, or distributes such a steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subdivision" Neb. Rev. Stat. § 28-401 (32) (Cum. Supp. 2020).

2 "Hashish or concentrated cannabis means (a) the separated resin, whether crude or purified, obtained from a plant of the genus cannabis or (b) any material, preparation, mixture, compound, or other substance which contains ten percent or more by weight of tetrahydrocannabinols. When resins extracted from industrial hemp as defined in section 2-5701 are in the possession of a person as authorized under section 2-5701, they are not considered hashish or concentrated cannabis for purposes of the Uniform Controlled Substances Act." Neb. Rev. Stat. § 28-401(28) (Cum. Supp. 2020).

3 "Marijuana" is defined at Neb. Rev. Stat. § 28-401(14) (Cum. Supp. 2020).

4 Nomenclature for these cannabinoids is not internationally recognized and may change; so as long as the chemical structure of a drug fits into this drug’s enumerated categories, it shall be included. *See* Neb. Rev. Stat. § 28-405, Schedule I (c)(25) (Cum. Supp. 2020).

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

Drug ¹	Quantity	Penalty for "simple" possession	Penalty for manufacture, distribution, delivery, dispensation, possession with intent to manufacture, distribute, deliver or dispense
Methamphetamine "Meth" or "Speed" Schedule II(c)(3)	Any detectable amount up to 10 grams	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
	At least 10 grams but less than 28 grams		Not less than 3 years imprisonment and not more than 50 years imprisonment. Class 1D felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 1C felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class 1B felony.
Heroin Schedule I(b)(11)	Any detectable amount up to 10 grams	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
	At least 10 grams but less than 28 grams		Not less than 3 years imprisonment and not more than 50 years imprisonment. Class 1D felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 1C felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class 1B felony.
Cocaine or Base Cocaine "Crack Cocaine" Schedule II(a)(4)	Any detectable amount up to 10 grams	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
	At least 10 grams but less than 28 grams		Not less than 3 years imprisonment and not more than 50 years imprisonment. Class 1D felony.
	At least 28 grams but less than 140 grams		Not less than 5 years imprisonment and not more than 50 years imprisonment. Class 1C felony.
	140 grams or more		Not less than 20 years imprisonment and not more than life imprisonment. Class 1B felony.
Phencyclidine "PCP" or "Angel Dust" Schedule II(d)(4)	Any detectable amount	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
Lysergic Acid Diethylamide "LSD" Schedule I(c)(6)	Any detectable amount	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Up to 20 years imprisonment. Class IIA felony.
Fentanyl "China White" Schedule II(b)(3)	Any detectable amount	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
"Exceptionally Hazardous Drug" ³	Any detectable amount	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Not less than 1 year imprisonment and not more than 50 years imprisonment. Class II felony.
Schedule I/II/III drugs not classified as "Exceptionally Hazardous Drug"	Any detectable amount	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Up to 20 years imprisonment. Class IIA felony.
Any Controlled Substances classified in Schedule IV or V	Any detectable amount	Up to 2 years imprisonment and 9-12 months post-release supervision or \$10,000 fine or both. Class IV felony.	Up to 3 years imprisonment and 9-18 months post-release supervision or \$10,000 or both. Class IIIA felony.

1 Outlined in Neb. Rev. Stat. § 28-416 (Cum. Supp. 2020).
2 All references are to the controlled substances schedules enumerated in Neb. Rev. Stat. § 28-405 (Cum. Supp. 2020).
3 "Exceptionally Hazardous Drug" is defined in the Uniform Controlled Substances Act, Neb. Rev. Stat. § 28-401 (29) (Cum.. Supp. 2020).

Health Risks Alcohol

Serious health risks are associated with the use of illicit drugs and alcohol. The National Institute on Drug Abuse states that most drugs of abuse can alter a person's thinking and judgment, leading to health risks, including addiction, drugged driving and infectious disease. Most drugs could potentially harm an unborn baby; pregnancy-related issues are listed for drugs where there is enough scientific evidence to connect the drug use to specific negative effects. The following are some important facts to know regarding alcohol and drugs.

Alcohol

Below are key points the National Institute on Alcohol Abuse and Alcoholism provides regarding alcohol's effects on the body at <https://www.niaaa.nih.gov>. Drinking too much – on a single occasion or over time – can take a serious toll on your health. Here's how alcohol can affect your body:

Brain: Alcohol interferes with the brain's communication pathways and can affect the way the brain looks and works. These disruptions can change mood and behavior and make it harder to think clearly and move with coordination.

Heart: Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including cardiomyopathy – stretching and drooping of heart muscle; arrhythmias – irregular heart beat; stroke; and high blood pressure.

Liver: Heavy drinking takes a toll on the liver and can lead to a variety of problems and liver inflammations including steatosis, or fatty liver; alcoholic hepatitis; fibrosis; and cirrhosis.

Pancreas: Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

Cancer: Based on extensive reviews of research studies, there is a strong scientific consensus of an association between alcohol drinking and several types of cancer. In its Report on Carcinogens, the National Toxicology Program of the US Department of Health and Human Services lists consumption of alcoholic beverages as a known human carcinogen. The research evidence indicates that the more alcohol a person drinks—particularly the more alcohol a person drinks regularly over time—the higher his or her risk of developing an alcohol-associated cancer. Based on data from 2009, an estimated 3.5 percent of all cancer deaths in the United States (about 19,500 deaths) were alcohol related. Clear patterns have emerged between alcohol consumption and the development of the following types of cancer: head and neck cancer; esophageal cancer; liver cancer; breast cancer; and colorectal cancer.

Immune System: Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours after getting drunk.



Health Risks Drugs

With drugs, it has been shown that while initial use may have been voluntary, drugs of abuse alter gene expression and brain circuitry, which affects human behavior and becomes an addiction. Once addiction develops, the brain changes interfere with one's ability to make voluntary decisions, leading to compulsive drug craving, seeking and use. The long-term use of drugs can be far reaching and affect cardiovascular disease, stroke, cancer, HIV/AIDS, hepatitis, and lung disease. Drugs use has respiratory, gastrointestinal and musculoskeletal effects, and can damage kidneys, the liver, the brain and lead to premature death. In addition, the changes that occur in the brain through long-term drug use can lead to paranoia, depression, aggression, and hallucinations. These issues affect not only the individual, but loved ones, fellow students, and the public in general.

The health risks of alcohol and substances abuse are more thoroughly described by the National Institute on Drug Abuse through charts and information available at <http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts.1>





ASSISTANCE and UNIVERSITY SANCTIONS

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.







OTHER INFORMATION

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

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

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.





Crimes of Bias

The Office of Equity, Access and Diversity (EAD) was established to streamline diversity efforts at the University of Nebraska Omaha (UNO).

The EAD leads the campus wide effort to develop and sustain an inclusive and supportive campus climate.

The office investigates allegations of illegal discrimination and harassment.

- The process involves a neutral assessment of the underlying actions followed by a fair assessment of the situation with suggestions and recommendations for a resolution of the conflict.
- The focus of these internal investigations is to help facilitate an outcome that will enable individuals to experience an environment where they have an opportunity for success.
- The jurisdiction of the office includes oversight and support in meeting many of the federal and state regulatory mandates of the campus. However, our resources are also directed to working with the campus community to go beyond the minimum legal requirement to make the University of Nebraska Omaha a better place where individuals have the opportunity to reach their potential.
- Pursuant to regulations from the [U.S. Department of Labor](#), EAD generates the campus affirmative action plans for:
- Women, Minorities, Veterans, and Individuals with disabilities
- EAD is also responsible for providing institutional responses to external complaints and audits by governmental agencies.

Diversity, Equity, Access and Inclusion
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Missing Persons Policy

Policy Statement

The University of Nebraska Department of Public Safety (UNDPS) will respond to, and thoroughly investigate, reports of all adult missing persons and missing, runaway or unidentified children. Additionally, every child reported missing will be considered at-risk until significant information to the contrary is confirmed.

Reason for Policy

This Directive establishes guidelines and procedures for reporting and investigating missing persons. It includes requirements mandated by the Federal Clery Act.

Procedures

1. Initial Response.

- a. **Call-Taker Responsibility.** Accurately obtain and relay initial information, including a determination of whether or not a missing child is involved, ensuring an officer is dispatched to begin the preliminary investigation as soon as possible.
- b. **First Responder Responsibility.** An immediate investigation will be initiated in any case involving extenuating circumstances, and in all cases involving juveniles, or University of Nebraska (UN) students.
 - i. The investigation should include:
 1. Obtaining a brief history of family dynamics;
 2. Canvassing immediate area for witnesses and collection of evidence;
 3. Ongoing notifications to the public and other agencies as appropriate;
 4. Making necessary record checks and contact those who may be helpful in locating the missing person;
 5. Ensuring data is modified and/or removed from NCIC/NCIS as necessary.
 6. Searching - If not done already, personnel will search:
 - a. The entire residence and immediate surroundings where the individual could possibly be found;
 - b. The location at which the missing person was last seen;
 - c. Locations the missing person frequents.

Missing Persons Policy (Cont.)

- i. Officers shall interview the reporting party (parent/guardian if child is missing) and obtain the following information regarding the missing individual:
 1. Complete name of missing;
 2. Date and place of birth;
 3. Gender;
 4. Race;
 5. Complete physical description (including but not limited to hair & eye color, height, weight, scars, piercings, tattoos, complexion) and description of clothing;
 6. If available, a recent photograph;
 7. Social security, operator's license, and other identifying numbers;
 8. Date, time and location last seen/contacted;
 9. Circumstances of disappearance (especially any unusual circumstances which might indicate the person was abducted or is in risk of harm);
 10. Identity of friends, relatives, or others who might have information;
 11. Steps already taken to locate the missing person;
 12. Where the person might have gone, or frequented locations;
 13. If applicable, description of the involved vehicle;
 14. Custody status (if a child and applicable);
 15. Confirmation that the individual is in fact missing.

c. Supervisor Responsibility. The on-duty supervisor is responsible for determining the need for and requesting any necessary assistance from outside agencies.

- i. The shift supervisor is responsible for the following:
 1. Determining the seriousness of the situation, and the need for, and requesting of, any necessary outside assistance (may notify the Assistant Chief (AC) if deemed appropriate);
 2. Determine what information is to be disseminated and to whom;
 3. Ensuring all required notifications and system entries have been made;
 4. Coordinating search efforts until relieved.
 5. Requesting other shifts to assist in the investigation (case management rests with original officer);
 6. Establishing a liaison with the victim's family;
 7. The supervisor may, with AC approval, contact news media and request assistance in publicizing information when the individual is an at-risk person.
 8. In all instances where the missing person is seventeen (17) or younger, an immediate broadcast will be made over the appropriate radio channels.
 9. In missing persons cases involving UNO students, the supervisor shall ensure the parents/legal guardian and the resident student's specified emergency contact if listed are notified of the student's missing status within twenty-four (24) hours after the report is received. Housing or Greek Affairs shall be contacted for emergency contact information.

Missing Persons Policy (Cont.)

10. Reports should be completed as soon as possible after receiving the initial information (the Missing Person Worksheet may be used as a note-taking guide).
11. At its conclusion, each missing or abducted child incident will reviewed by the Uniformed Operations Captain and/or the Director of Communications & Support to ensure adherence to policy, documented in the Missing Person Incident Checklist.

2. Outside Agencies and the Dissemination of Information.

- a. If there is a reasonable suspicion, evidence of a crime, or fear of endangerment, the supervisor will be notified immediately to determine what information is to be disseminated and the involvement of any outside agency.
 - i. The State Patrol, Omaha Police Department or any other agency may be contacted as necessary.
 1. Whenever a missing person has been located after an initial report has been filed, it is the responsibility of the assigned officer assigned to follow-up with the investigation.
 - a. This includes notification to any cooperating agency and request cancellation of any broadcast as appropriate. The officer should obtain a print out of the cancellation and enter it into the case file.
 - ii. Housing should have a student's contact information to aid UNDPS in locating and notifying appropriate persons of the situation.
 - b. Officers will initiate a local broadcast as soon as possible for all missing persons and an NCIC/NCIS entry as soon as possible, for all at-risk missing persons.
 - c. If there is no reasonable suspicion, evidence of a crime, or fear of endangerment, the report will be forwarded through normal channels, with a copy directed as appropriate for follow-up.

3. Investigation and Search.

- a. **Investigation.**
 - i. Canvass the immediate area for witnesses.
 - ii. Initiate and maintain contact with the reporting party to receive and/or impart additional information.
 - iii. Collect and preserve evidence.
 - iv. Make ongoing notifications to the public and other agencies as appropriate.
 - v. Make necessary record checks and contact agencies or persons who could be helpful in locating the missing person.
- b. **Search.** Personnel will search:
 - i. The immediate area where the missing person could possibly be found (usually their residence).
 - ii. The location at which the missing person was last seen.
 - iii. Locations the missing person frequents.
 - iv. Staff will conduct any follow up search as appropriate.

4. Special Considerations. The supervisor will make the decision regarding the seriousness of the matter, and will contact the ADO as necessary.

- a. **At-risk Missing Persons.** A missing person is an at-risk missing person if the individual is a juvenile, elderly, physically or mentally disabled, is missing under mysterious circumstances, after a catastrophe, or a suspected victim of foul play.

Missing Persons Policy (Cont.)

- i. The UNDPS is committed to undertaking all efforts possible to quickly and safely locate at-risk missing persons, or identify found children. UNDPS personnel will respond to and thoroughly investigate all reports of this nature.
 - ii. In all instances where the missing person is seventeen (17) years of age or younger, the shift supervisor will be immediately notified. An immediate broadcast will be made to all UNDPS security personnel and information regarding the missing person, will be relayed to the Douglas County Dispatch System.
 - iii. In the event of a child under the age of twelve (12) has been reported missing, and is not located within two (2) hours (or prior to nightfall), officers shall contact the on-duty supervisor who will contact the ADO and arrange for additional assistance in searching and conducting follow-up.
 - iv. If the wellbeing of an at-risk missing person is in question, the officer will submit a completed report to the shift supervisor as soon as possible.
 - v. In any case, where it appears that the person may be in danger of physical harm, supervisors may, **with prior approval from the ADO**, contact the Public Information Officer (PIO) and the Office of University Communications, to coordinate contact with the news media and request assistance in publicizing information about the missing person.
- b. Students.** In missing persons cases involving students, the investigating officer shall inform the parents/legal guardian and the specified emergency contact, if listed (only used for missing person cases), of the student's missing status as soon as practicable, but no later than twenty-four (24) hours after the report of the student's missing status has been received.
- c. Amber Alert.** To ensure an abducted child's safe return, law enforcement has entered into a cooperative plan with Nebraska Broadcasters and other participating law enforcement agencies. The plan, known as America's Missing Broadcast Emergency Response (AMBER) plan. AMBER is a protocol for alerting the public of a child abduction by using the Nebraska Emergency Alert System (EAS) to broadcast pertinent information regarding the abduction.
- i. The AMBER plan is not activated in every case of child abduction. Before activating the plan, officers responding to a non-family abduction must establish:
 - 1. The child is seventeen (17) years of age or younger or has a proven mental or physical disability.
 - 2. There is probable cause to believe the child is in danger of serious bodily harm or death.
 - 3. There is sufficient descriptive information available concerning the suspected abductor.
 - 4. That it is not a runaway or child custody situation.
 - ii. If an officer determines that the abduction meets the AMBER plan criteria, he/she will notify the shift supervisor immediately and seek approval for an Alert issuance.
 - 1. The AMBER Alert may not be activated without approval from a shift supervisor, or the ADO.
 - 2. If available, a photograph of the child should be forwarded via email to the NSP at amberalert@Nebraska.gov. Photographs of the abductor and his/her vehicle should also be emailed.
 - 3. If approved for the AMBER Plan, the information will be faxed to NSP Headquarters Communications Center at (402) 479-4039 as an AMBER alert using the AMBER Alert Notification Plan Transmission Report. After the facsimile is sent, the case officer should call (402) 479-4921 to confirm that the facsimile was received.

Missing Persons Policy (Cont.)

4. Officers should refer to the State of Nebraska AMBER Alert Notification Plan Facsimile Transmission Packet for required reporting information. The packet contains the following:
 - a. AMBER Alert Notification Plan Transmission Report.
 - b. Authorization for Release of Juvenile Information.
 - c. Liability Agreement.
 - d. AMBER Alert Notification Plan Cancellation Form.
5. Personnel will notify the NSP of a direct phone number allowing officers to receive tips and information from the public and other police agencies. The line will be monitored and answered for a minimum of 24 hours after the plan is activated or until the alert is cancelled.
6. When appropriate, the investigating officer will complete the cancellation form and fax it to the NSP. A follow-up phone call (ensuring receipt of the fax) will also be made.
7. The investigating officer will ensure that copies of the reports are forwarded to the approving NSP officer (AMBER Alert Verification Officer) at NSP Headquarters within thirty (30) calendar days of the AMBER Alert activation.
- iii. If it is determined that the AMBER Plan's criteria is not met, an alert shall not be activated and standard operating procedure for juvenile missing persons will be followed.

5. Reports.

- a. Missing person cases that have been entered into NCIC/NCIS require a minimum of an Incident Report (IR), even when the person is located.
- b. Missing person reports should be completed as soon as possible after the initial information is received by the investigating officer from the reporting person. The Missing Person Worksheet may be used as a note-taking guide to assist in the collection of information.
- c. Officers shall document all follow-up investigation with appropriate reports.
- d. If there is no reasonable suspicion, evidence of a crime or fear of endangerment, the report will be forwarded through normal channels, with a copy directed to follow-up. Computer entries and bulletins are not required under these circumstances.

6. Follow-up

- a. The assigned officer (41.2.5d) has primary responsibility for initiating/maintaining contact with the reporting party to receive and/or provide additional information. The reporting party should be re-contacted periodically and informed on the progress of the investigation, and notified as soon as able once the individual is located.
- b. If the missing person is a child, the assigned officer shall also be responsible for:
 - i. Verifying that the located child is, in fact, the reported missing child;
 - ii. Securing intervention services, if appropriate;
 - iii. Arranging the return of the child to his/her legal guardian, or an appropriate children's shelter in the case of a runaway or missing child who has been located and who is not wanted on a warrant or other law violation or a child who was abandoned;
 - iv. Placing the child in custody and transporting him/her to the appropriate facility for admission if a runaway or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC missing-person "hit" is verified.
- c. Shift supervisor shall be immediately notified if the persons is at-risk and/or the subject is a child, due to the need for an intensified response.
 - i. At-risk persons include individuals that are elderly, physically or mentally disabled are missing under mysterious circumstances, or when foul play is suspected.

Missing Persons Policy (Cont.)

i. Additional risk factors pertaining to missing children are:

1. Twelve (12) years of age or younger; or
2. Believed or determined to be experiencing one or more of the following:
 - a. Is out of the zone of safety for his or her age and developmental stage;
 - b. Has mental or behavioral disabilities;
 - c. Is drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening;
 - d. Has been absent from home for more than 24 hours before being reported as missing;
 - e. Is in a life-threatening situation;
 - f. Is in the company of others who could endanger his or her welfare;
 - g. Is absent in a way inconsistent with established patterns of behavior and the deviation cannot be readily explained;
 - h. Is involved in a situation causing a reasonable person to conclude the child should be considered at risk.

a. Any officer who receives missing person information from an outside jurisdiction will complete a report documenting any action taken and the dissemination of the information.

- i. If the information is about a missing person that occurred outside UNO, an ***Additional Case Information Report (ACI)*** shall be completed as an Outside Police Service (OPS).
- ii. If the information is about a missing person that occurred at UNO, a missing person ***Incident Report (IR)*** should be completed

7. Requests from other Law Enforcement Agencies. Any person receiving a request for assistance in locating a missing person (adult or juvenile) believed to be in the jurisdiction of the UNDPS shall immediately report the information to the shift supervisor who shall assign to a follow-up officer for investigation or enlist the aid of a criminal investigator. In either case, such a report shall initiate a priority response from UNDPS and immediate investigative steps shall be taken and a response made back to the requesting agency as soon as possible.

Drug and Alcohol Programs

- Alcohol is usually the number one drug used on the University campus. While the majority of college students do not have substance use disorders, it is estimated that between 3 and 10 percent of all college students who choose to drink will eventually meet the criteria for a substance use disorder.
- The Counseling Center in the H&K building utilizes the Addiction Survey Index (ASI) for substance use evaluations that are generally accepted for criminal justice purposes. There is a \$75.00 fee for the evaluation. The counseling center can also assist individuals with cooccurring disorders. These are individuals who have a mental health diagnosis and a substance use disorder. Individuals can receive simultaneous treatment from licensed mental health counselors and licensed substance abuse counselors. Some counselors are dually licensed.
- For someone who is willing to seek help, they can be referred to UNO's alcohol and drug counseling services (102 H&K). They should also be encouraged to attend the AA meeting that occurs on campus Monday, Wednesday, and Fridays at noon in 101 H&K. The meeting is open to the public, including students, staff, and faculty.
- Appointments to help students put together a more specific plan to help a loved one and/or friend are always welcome. To set up an appointment with Nate Bock or Mark Frillman, call 402.554.2409.

Faculty Employee Assistance Program (FEAP)

The Faculty Employee Assistance Program (FEAP) is a confidential cost-free assessment and short-term counseling service designed to assist faculty, employees and their families in addressing emotional needs and/or personal problems at home and on the job.

When you contact FEAP, a qualified Best Care staff member will speak with you to assess the nature of the problem and to identify the best course of action to be taken. In most instances, problems can be resolved within a number of confidential and private sessions with a Best Care Professional provided at their location. If a referral to a community resource is necessary, the FEAP staff will refer you to the most appropriate resource available.

At UNO, the FEAP office is located in the Eppley Admin Building, Room 205, on Dodge Campus. Office telephone numbers are 402.554.3120 or 1.800.801.4182, and the website is:

<https://www.unomaha.edu/news/2017/08/faculty-employee-assistance-program.php>

At UNMC, employees are encouraged to call Marlene Schneider at 402-559-5175 or Susan Smith at 402-559-5323 to schedule a time to speak with an FEAP specialist. Their toll-free number is 877-960-1010



REACH© Suicide Prevention

Suicide and suicidal behaviors are major concerns for colleges and universities. Suicide is a leading cause of death among college and university students in the United States. The most powerful strategy to help combat suicide risk in college is to create a campus culture where suicide prevention is a shared campus responsibility and all members of the campus community work together to create a culture of caring and support. We believe that through REACH we can reduce the stigma of mental illness, particularly surrounding suicide and depression.

Anyone can help prevent suicide by learning the risks, warning signs, and how to intervene. REACH© is the name of the UNO suicide prevention gatekeeper training program designed to help the UNO community prevent suicide by teaching faculty, staff, and students how to:

- Recognize warning signs
- Engage with empathy
- Ask directly about suicide
- Communicate hope
- Help suicidal individuals access care and resources

Suicide prevention gatekeeper trainings are intended to provide general information to help reduce suicide risk through a training program specifically designed for individuals who are not trained and who are not licensed mental health professionals. The REACH© Training* aims to help increase knowledge and awareness of suicide risk and inform attendees on college and community resources.

**A REACH© Training is not a clinical mental health training. It does not teach suicide assessment or intervention strategies, nor is it a comprehensive training on suicide risk.*

UNO offers REACH© Training to students, faculty, and staff. REACH© Trainings are **90 minutes** in length. Please note that we are unable to offer condensed versions of the REACH© Training due to content complexity and sensitivity. Participants must arrive 15-minutes early to sign-in.

For more information about attending and/or scheduling a training, email unoreach@unomaha.edu.

- **Mary Kate Hoffmann LICSW**
she | her | hers
Counseling and Psychological Services | 101 H&K
R.E.A.C.H. Training Coordinator
- University of Nebraska at Omaha | unomaha.edu
402.554.2409

Suicide Prevention Resources

- **If you are experiencing suicidal feelings or thoughts, there is help available.** Suicidal thoughts or feelings are a medical emergency. Individuals can summon emergency assistance by dialing 911, or contacting UN Public Safety by calling 402.554.2911, or by visiting a local hospital emergency room. The Boys Town National Hotline can be reached at 1.800.448.3000.
- Counseling and Psychological Services (CAPS) counselors are prepared to offer assistance in 102 H&K Monday through Friday from 8a.m. to 5 p.m.
 - Assistance is also available for urgent but non-emergency situations. Grief, loss, severe stress, sadness, lack of motivation, or anxiety can affect anyone, at any time. Students can schedule an appointment with CAPS if they have an urgent situation. Appointments are scheduled as soon as possible based on staff availability.
- **CAPS**
- <https://www.unomaha.edu/student-life/wellness/counseling-and-psychological-services/index.php>
- **Boystown Suicide Hotline** <https://www.yourlifeyourvoice.org/Pages/home.aspx> 1.800.448.3000
- **The JED Foundation** [https://www.jedfoundation.org/ Text START to 741-741](https://www.jedfoundation.org/Text%20START%20to%20741-741)
- **American Foundation for Suicide Prevention**
- <https://afsp.org/>
- **National Suicide Prevention Lifeline**
- <https://suicidepreventionlifeline.org/>
- 1.800.273.TALK (8255). Contact the Crisis Text Line by
- texting TALK to 741-741

Bystander Intervention

Most people don't commit sexual assault or hurt their partners. Celebrating that is one part of the solution. Another important part is learning to recognize the signs when someone is in danger and stepping in to prevent it. This is called being an active bystander.

Active bystanders learn how to recognize and safely intervene in potentially dangerous situations. Sometimes this means distracting someone who appears to be targeting someone who is too drunk to consent. Other times, it means reaching out to University staff or the police for help.



Heartland Chapter CIT

Crisis Intervention Team (CIT) is a first responder's mental health collaborative program. The Heartland CIT Program is built on strong partnerships between law enforcement, mental health provider agencies, and individuals and families affected by mental health and wellness challenges.

Heartland CIT is committed to the CIT International philosophy of a team approach to transform crisis response systems. We provide quality training to police officers, hospital security guards, correction officers, dispatchers, campus security guards, probation, and community correction officers in the state of Nebraska and western Iowa. Heartland CIT also offers advanced CIT courses to our certified CIT officers annually with Enhanced CIT and Youth CIT Trainings.

Public Safety has officers who completed the Crisis Intervention Training through Heartland CIT



Advocacy, Victims & Survivor Services

- Advocates serve the needs of victims and survivors of sexual assault, dating/domestic violence, and stalking. This includes those who are directly experiencing violence or friends or family members trying to offer the survivor support. Advocates provide affirming, empowering, and confidential support for survivors and bring a non-judgmental, caring approach to exploring all options and resources. UNO provides free, confidential advocacy services and resources for students who have experienced relationship violence and sexual assault. Advocacy response will:

- Meet with you privately on campus or at a place of your choice to make a report
 - Assist you in receiving hospital, medical, counseling, and other support services even if you choose not to pursue criminal charges.
 - NOT prejudice you, and you will not be blamed for what occurred
 - Treat you and your particular situation with courtesy, sensitivity, dignity, understanding, and professionalism
 - Consider your situation, regardless of your gender identity and sexual orientation, and regardless of the gender identity and sexual orientation of the suspect(s)
- **What is the role of an Advocate?**
 - After experiencing trauma associated with sexual assault, intimate partner violence, or stalking, a survivor might not know what their options are. Our state-certified advocates are here to help you navigate your options, provide you with support, connect you with resources on-campus or within the community, and serve as a trusted point of contact throughout the whole process. GSRC Advocates believe that it is always the survivor's choice in whether or not they choose to report and which resources they choose to use.
- **Individual advocacy may include:**
 - Providing emotional support
 - Educating on resources and reporting options
 - Providing information on healthy relationships
 - Navigating on-campus and community resources
 - Accompanying survivor to hospital
 - Assisting with reporting to UNMC, UNO, or Omaha Police Department
 - Accompanying to Title IX or Law Enforcement/Legal Meetings
 - Helping with filing of a protection order
 - Developing a safety plan
 - To make an appointment, please call: [402.554.2890](tel:402.554.2890)

To receive support after hours contact the Women's Center for Advancement's 24-Hour Hotline at 402-345-7273.

Gender and Sexuality Resource Center

The mission of the Gender and Sexuality Resource Center is to foster and promote equity, access, and inclusion for all genders and sexualities through education, resources, advocacy, and activism.

This office provides specific programs and services for women, lesbian, gay, bisexual, queer spectrum, trans spectrum, intersex, asexual, two-spirit, non-straight, and gender non-conforming (LGBTQIA2S+) peoples, and survivors of interpersonal violence at the University of Nebraska Medical Center (UNMC) and the University of Nebraska at Omaha (UNO).

Gender & Sexuality Resource Center
unogsrc@unomaha.edu 402.554.2384 124 Milo Bail
Student Center, Dodge Campus



Counseling and Psychological Services (CAPS)

UNMC Counseling and Student Development (CSD) and UNO Counseling and Psychological Services (CAPS) have combined to create unified CAPS services. By sharing counseling resources of UNMC and UNO campuses, CAPS is able to provide enhanced support for all students' mental health and well-being as they pursue their academic and career goals.

Addressing Individual Needs Our goal is to provide services to best meet students' needs within our scope of practice. Through our intake process, CAPS counselors work with each individual to determine the best course of action to meet therapy goals. This sometimes includes purposeful referrals for more specialized counseling support if needed. Though counseling needs may change over time, students will continue to have access to CAPS mental health support.

Free and Confidential Counseling services remain free, and records remain confidential for UNMC/UNO students and residents. (with the exception of a fee for court-involved substance use evaluations and counseling).

Contact For questions or to make an appointment, call 402-559-7276.

Beginning June 1, 2021, CAPS-UNMC will be located at SLC 2031. Also feel free to contact Katherine Keiser at kkeiser@unmc.edu with questions or concerns

For After-Hours Emergencies Please call [402.554.2409](tel:402.554.2409) and press "2"

Student Life

- The University of Nebraska fully supports and values an inclusive community. We strive to maintain a climate of equity and respect, where we protect the rights of all in order to ensure that every member feels empowered, valued, and respected for their contributions to the mission of the university and our department.
- The University is committed to providing all residents equitable access to services, benefits, and opportunities by providing a nurturing community that values diversity and promotes the dignity of all community members.
- State law and university regulations prohibit the possession or consumption of alcohol or illegal drugs in any Housing & Residence Life property/parking facility, regardless of the resident's age. In addition, it is a violation of university policy to be in a room where alcohol and/or drugs are present.

Building Access and General Security Information

Public Safety is responsible for keys and card access additions/revocations for personnel, adjusting electronic door schedules, monitoring alarmed areas, and assisting the university in its access control needs.

- Facility Access Management
- Individual university departments are responsible for the security of their interior spaces and designate the individuals who have access to its interior spaces.
- No keys may be duplicated by departments or individuals.
- All access devices remain the property of UNO and will not be sold or in any other way transferred to an individual outside the limits of this policy.
- During non-business hours, the entrance doors of most buildings will be locked to maintain a safe campus. The Chancellor, Vice Chancellors, Deans, Directors, or designees may authorize UNDPS to grant access to areas under their control to persons conducting University business outside of normal operating hours or may submit requests to extend or reduce normal building hours when necessary to fulfill the University's mission.

Access and Security Student Housing

Student Housing in general

- Residential living for the University has had a history of being very safe, due in part to the security precautions in place.
- Violations of the housing security policies and procedures, including tampering with fire safety equipment or failure to comply with fire alarm evacuation protocol, may result in severe disciplinary sanctions (possibly including termination of your housing contract and/or referral to the judicial officer).
- Doors should never be propped open. Keeping every room door locked at all times will deter crime. Most theft in University Housing is a result of an unsecured room or unattended belongings.
- Keep rooms locked when going out during move-in, and do not leave your car unlocked when loading or unloading.

UNO Student Housing

- All housing with interior living space doors are linked to the MavCARD, which is activated upon move in.
- Guests are only allowed with the consent of the other roommates.
- All guests should be escorted to and from the suite.
- Visitation and overnight guests of one resident may not infringe on the rights of others. All windows and patio doors have locking devices and securely attached screens.
- Unescorted persons should not be given access to residence halls after hours.
- Do not allow strangers to tag along into a residence hall while residents are entering. Lock room doors and windows when anyone leaves, even if only for a minute, and take keys with you. Politely offer assistance to persons in a building or residence if they are not recognized. If they have legitimate business, they will appreciate the help. If they do not have legitimate business, they should be asked to leave.
- Do not leave coats, books, or other valuable items in common areas. Keep them in your room.
- The names, phone numbers, and locations of on-call housing staff is provided to students upon move-in. If anyone hears or sees something suspicious, they should call the police immediately, by dialing 911 or 402.554.2648.



Building Access and Security Non-Residential Building Access



The University takes all available measures to ensure the security of campus buildings, including limiting access to authorized personnel only. After normal working hours, all buildings should be locked to maintain the security of the buildings and their contents. Faculty, students, and staff members may be issued access to University buildings upon recommendation of the department Dean or Director in accordance with established procedures. Keys or access cards are issued for entry to University buildings to conduct



Most non-residential campus buildings and facilities are accessible to members of the campus community and guests and visitors during normal business hours and for limited designated hours on weekends. Access times will vary depending upon the nature of the building and activity. Except for those students, faculty and staff with keys or authorized access cards, access is generally restricted to University affiliated personnel during recognized holidays.

High Security Access

- High Security Access is determined by UNDPS, Environmental Health and Safety (EHS), or a University department. It requires additional access restrictions because of the contents or activities conducted within. Because safety and security concerns are heightened during nonbusiness hours, exterior entrance doors to such buildings are considered High Security Access.
- When possible, access is programmed to an individual's campus identification card. A traditional key will only be issued when electronic access is not available.

Fire Safety University Student Housing

- Buildings are equipped with safety equipment. As a member of the University community, you are held responsible for knowing what equipment is available in your area.
- You may not render any fire safety equipment or anywhere on campus inoperable, and you should report any malfunctions or inoperable smoke detectors or sprinklers etc., to facilities as soon as possible.
- University Housing is currently in compliance with Fire Life Safety codes. Other University fire safety facts:
- Fire Life Safety systems (alarm panels, sprinklers, smoke detectors, etc.) are inspected annually.
- Smoke detectors in student rooms are inspected two times a year (required only once by code).
- Emergency generators/battery backup lights are used to light paths to fire exits leading outside.
- All student room doors are fire rated. Buildings are never without fire protection. If any alarm or sprinkler system is down, personnel walk the areas affected until the systems are back on line.
- All residence hall facilities have fire extinguishers in compliance with the applicable code.
- According to the State Fire Marshal, the residence halls meet, and in many cases exceed, the state fire and life safety codes.

Fire Hazards

- In student housing, you may not store any items in the furnace closet area of your suite or block air intake vents outside the furnace closet area. Failure to comply can result in a fire that endangers not only your life but the lives of others in the building. Anyone who fails to adhere to this policy will be held responsible for any resulting damages. You may bring small electric grills (i.e. George Foreman), popcorn poppers, toasters, blenders, coffee pots, etc. for use in the kitchen. Kitchen appliances with an open flame will not be permitted. Staff will use their discretion if they see a kitchen appliance that might be considered a fire hazard. Grills designed for outdoor use, including gas and electric, are not permitted within housing or on outside property. Grilling facilities are available on some of the properties. Lighter fluid should not be stored inside.
- No storage of flammable materials in buildings are allowed unless contained in an approved manner. Fire regulations state that hallways may not be used for storage of any personal property at any time. Never prop open any door for any reason. Never block egress doors.
- We do not allow any type of space heaters. Objects are not to be hung on or within six inches of the sprinkler heads or on the ceiling or ceiling light/fan.
- Any sprinkler head discharge will lead to immediate dispatch of the Omaha Fire Department, evacuation of the affected areas and a prompt and thorough investigation. Persons who violate this policy are responsible for any damage done to University property and the personal property of any other person.



Candles, Appliances & Extension Cords

- You may not light candles or burn/use incense anywhere in offices or student housing. Candle warmers (with the wicks cut) and Scentsy like products are permitted, so long as they are attended by the owner.
- If the power goes out, use flashlights only.
- All extension cords must be U.L. approved. Multiple outlet “octopus” plugs are not allowed. However, surge protectors are allowed. Prohibited items may be removed by staff.

Fire Safety UNO Student Housing

		Fire Statistics					
Residential Facility		Number of Fires	Cause	Injuries requiring treatment at a medical facility	Deaths	Value of Property Damage	
Maverick Village		1	Cooking	0	0	\$0.00	
University Village		0					
Scott Court		0					
Scott Hall		0					
Scott Village		0					
Scott Crossing		0					
		Fire Safety Systems in Residential Facilities					
Residential Facility		Fire alarm monitoring by UNODPS	Fire alarm monitoring by Outside Company	Warning System	Duct Smoke Detection	Fire extinguishers	Number of evacuation drills annually
Maverick Village		X	SEI	Voice Paging	N/A	X	2
University Village		X	SEI	Strobe/Siren	N/A	X	2
Scott Court		N/A	MPS	Voice Paging	N/A	X	2
Scott Hall		N/A	MPS	Voice Paging	N/A	X	2
Scott Village		N/A	MPS	Strobe/Siren	N/A	X	2
Scott Crossing		N/A	MPS	Voice Paging	X	X	2
All student housing is 100% covered by an automated sprinkler system.							
In student housing all rooms have smoke detectors. However they are NOT connected to main annunciator panel.							
Students must call UNODPS, call 911, or activate a pull station for assistance.							
There are pull stations and fire extinguishers in all hallways							
All student housing has smoke detectors in common areas that are directly connected to the annunciator panel.							



Fire Safety UNMC Student Housing

Report all fires to Public Safety at 402.559.5555 or 911 if an emergency exists.

University Housing at UNMC is comprised of the following:

- Student Apartments 60 units (602 S. 38th St., 30 units) 608 S. 38th St. 30 units)
- Single-family housing units 3 buildings (3901 Dewey St., 3903 Dewey St., 3905 Dewey St.)
- Duplex 4 buildings (11 units) (3861-3863 Dewey St., 3865-3867 Dewey St., 3869-3871 Dewey St., 3873-3875 Dewey St.)
- 11-plex apartment 1 building (415 S. 41st Street)
- 6-plex apartment 1 building (411 S. 41st St.)
- 10-plex Apartment complex (404 S. 40th St., 406 S. 40th St.)
- International House at 428 S. 38th St.

During 2020 Calendar Year, there was one reported fire in University Housing at 404 S. 40th. There were no injuries, but damage was reported to exceed \$150,000.00.

Student Apartments are equipped with sprinklers and panels, fire and smoke monitors. There are three smoke detectors per floor, and two fire extinguishers per floor. Single family, duplexes, six and eleven-plex apartments are equipped with fire extinguishers in each kitchen and have centrally monitored wireless detection systems. The centrally monitored wireless detection systems connect directly to UNMC Campus Security Dispatch Center. Smoke detectors are installed in each bedroom, hallways and living room areas of the individual units as well as in the common hallways of the six and eleven-plex apartment buildings. Carbon Monoxide detectors are also located in each individual housing unit.

Due to the nature of UNMC owned housing, there are no regularly conducted fire drills. Persons with fire safety related questions are encouraged to call public safety and they will put you in touch with the appropriate department.



Shelter in Place

If flight is impossible, secure yourself in your space. Barricade doors and block windows. Turn off all the lights, close blinds, close and lock all windows, lock and barricade all doors.


Call UNDPS or 911. If you cannot get through by phone and have text message capability, text the UNDPS at 79516. Enter the letters UNO911 and then type your message. Dispatch will receive the message and relay information to UNDPS officers.

Do not answer the door. If you do not recognize the voice, do not change your status, stay put. Unknown or unfamiliar voices may be false and designed to give false assurances. Place signs in exterior windows to identify the location of injured persons.

Remain calm. If it is possible to flee the area and avoid danger, do so. Notify anyone you encounter to exit the building immediately. Evacuate to a safe area away from the danger and take protective cover. Stay there until help arrives.

Seek protective cover for yourself and any others (concrete walls, thick desks, filing cabinets may protect you from bullets). Keep calm and quiet and stay out of sight. For active shooters, silence cell phones (mute or turn off ringer). Consider turning off radios and computer monitors.

DO NOT APPROACH EMERGENCY RESPONDERS—let them come to you. · Remain where you are until you receive further instruction by a first responder or authorized known voice.



In cases such as a hostile intruder or external hazardous materials release, where a shelter-in place strategy is best, the following procedures are to be followed as applicable

Emergency Evacuations

In cases where evacuation is needed (fire, hazardous materials release, etc.), the following procedures are to be followed:

- Always evacuate the building if the fire alarm sounds.
- In the event of an evacuation gather your personal belongings quickly (purse, keys, cell phone, access card, etc.) and proceed to the nearest exit.
- Do not use the elevator. Move away from the problem and use alternative exits when necessary. Help those who need assistance moving. Be ready to be guided by additional instructions.
- In cases of hazardous material releases in buildings, once outside, move away from any apparent source or at right angles to the prevailing wind. If wind direction is variable, try to move away from the source of the leak if known.
- Gather at a safe distance from the building.



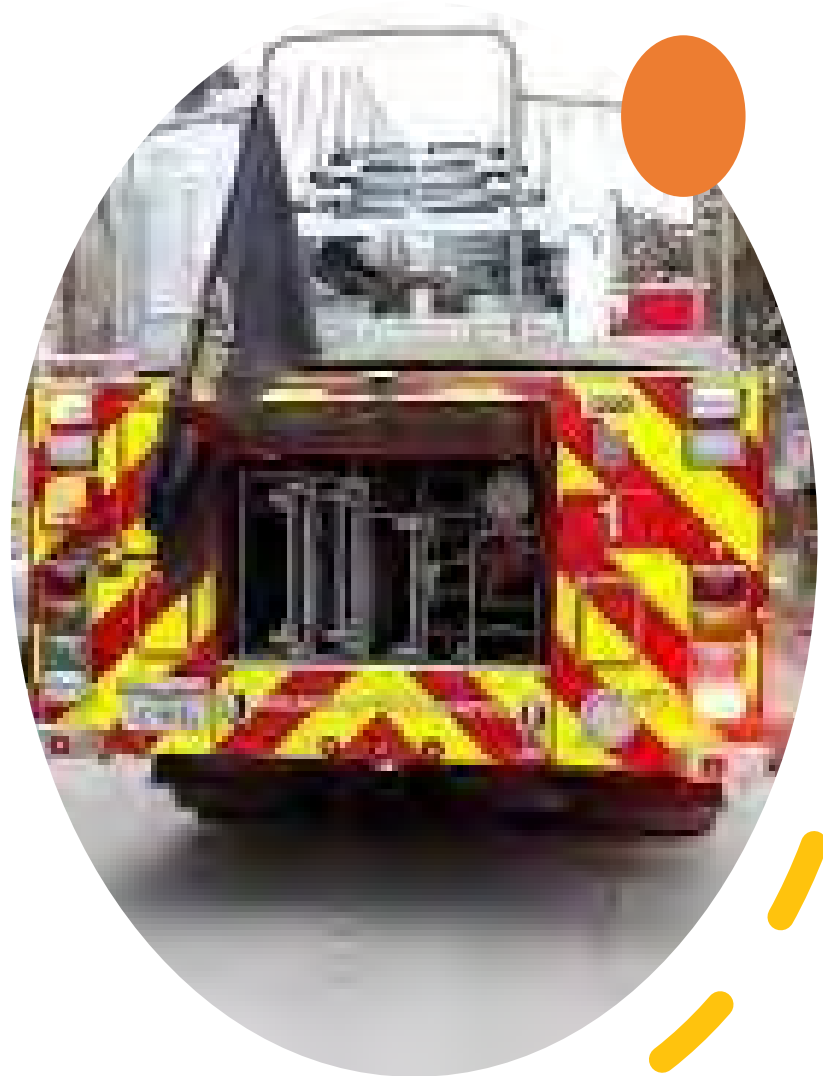
Specific Evacuation Procedures for Fire

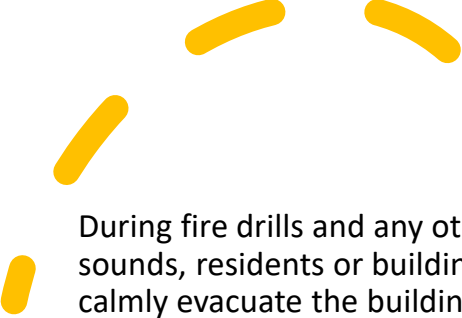
- If a fire has started or is reported, either a student or employee should activate a fire alarm and a University employee should instruct everyone to evacuate the building immediately. In the case of residence halls, a Resident Assistant is generally responsible for providing instructions.
- If possible, a student or employee should try to shut down any equipment or process that could cause a secondary fire if left unattended.
- Evacuate the building using the stairs and not the elevators. Evacuees should proceed outside and gather in a designated outdoor area a safe distance from the building. If weather conditions require, a sheltered area or building away from the building in question can be used by the evacuees. The designated gathering points should be clearly identified by University personnel.
- Once outside, University employees are expected to immediately call 911 as soon as a safe location is reached (unless otherwise aware, multiple employees should call 911 and not assume someone else has made the call or that the appropriate agencies are aware of the fire). The information given to the emergency operator should include the nature of the emergency and the location (i.e., building number and cross streets or address).
- Employees should try to account for people known to have been in the building. If pertinent knowledge regarding the fire is known, it is important that it be relayed to Omaha Fire and Rescue or UNDPs personnel outside the main entrance of the building, including any information on injuries, students or staff needing evacuation assistance and/or people trapped in the building.
- Call 911, Give as much information as possible to the dispatcher. Don't attempt to put out the fire or rescue others unless you can do so safely.
- TRY TO REMAIN CALM.



Evacuation Tips

- When you have been alerted by the fire alarm, see flashing strobe lights, or see smoke or fire:
- Stay low to the floor if there is smoke in the room. Feel the metal door knob before opening any doors.
- **IF THE DOOR FEELS HOT**, do not open the door. **IF THE DOOR DOES NOT FEEL HOT, but you open the door and heat/smoke/fire are present**, close the door and stay in the room/unit. Seal the cracks around the door using towels, sheets, pieces of clothing. Hang an object out the window (i.e. sheet, jacket, shirt) to attract the fire department's attention. Use a phone to call 911 and report that you are trapped. Be sure to give your name and location.
- **IF THE DOOR DOES NOT FEEL HOT**, brace yourself against the door and open it slightly. **If heat/smoke ARE NOT PRESENT**, exit the room/unit closing the door behind you. Go to the nearest exit or stairway. Do not attempt to use an elevator. ☐ If the nearest exit is blocked by fire, heat, or smoke, go to another exit. Go back to your room/unit if all exits are blocked. Close the door, wave something out the window, and shout for help.
- If you cannot safely exit, use a phone to call 911 and report that you are trapped. Be sure to give your hall name and room number.
- If you are trying to escape through a smoke-filled room or hallway:
- Stay low and move quickly to the nearest clear exit. Place a wet towel or a wet cloth over your head and face; breathe through the towel by taking short breaths through your nose. Cover your body with something that can be easily discarded if it catches on fire.
- After evacuating:
- Move away from the building. Emergency response personnel and equipment will be maneuvering around the building. Follow directions of the fire and police personnel.



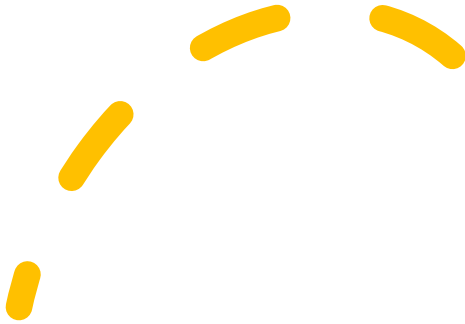


During fire drills and any other time that the fire alarm sounds, residents or building occupants are required to calmly evacuate the building and follow the instructions of staff and emergency personnel. Failure to vacate or in any other way interfere with the emergency response process will be considered a violation of policy and handled accordingly.

Tampering with or theft of fire safety equipment, including tampering with or discharging fire extinguishers, disabling bells/horns, activating a fire alarm when no emergency exists or covering or removing the batteries from individual smoke detectors, removing the entire smoke detector apparatus, or tampering with, hanging objects from, or decorating sprinkler heads in rooms of halls that are thus equipped are prohibited. Violation of policies that involve fire safety is a very serious matter and typically results in termination of the residence hall contract, as well as any necessary law enforcement action.



Fire Drills and Equipment



Make a decision, trusting your instincts, to take action to protect yourself to survive the situation. You generally will have three options:

- RUN: Can you safely escape?
- HIDE: Is there a good place to hide?
- FIGHT: Will you do whatever is necessary to incapacitate the armed intruder to survive?

Armed Intruder Emergency





Run, Hide or Fight

RUN

- Have an escape route and plan in mind.
- Leave belongings behind (except your cell phone).
- Keep your hands visible.

HIDE

- Try to hide out of the armed intruder's view.
- Find protection behind furniture if possible.
- Find a room that locks if you can. If possible, close and lock the outside door to the room. Blockade the door with furniture or other heavy objects. Close the blinds, turn off the lights, remain quiet, silence cell phones, spread out away from other individuals, and move behind available cover. Stay on the floor, away from doors or windows, and do not peek out to see what may be happening.
- If possible and safe to do so, report the location of the armed intruder.

FIGHT

- As a last resort and only when your life is in imminent danger:
- Make a plan with others in the room about what you will do if the armed intruder enters. ☐ Attempt to incapacitate the armed intruder and do whatever is necessary to survive the situation. IF OUTSIDE WHEN AN ARMED INTRUDER INCIDENT OCCURS
- Drop to the ground immediately, face down as flat as possible. If within 15-20 feet of a safe place or cover, duck and run to it. Move or crawl away from gunfire, trying to utilize any obstructions between you and the gunfire. Remember that many objects of cover may conceal you from sight, but may not be bulletproof.
- When you reach a place of relative safety, stay down and do not move. Do not peek or raise your head in an effort to see what may be happening. Wait and listen for directions from law enforcement personnel.



Calling for Help

- **CALLING FOR HELP**
- If safe to do so, call 911. Do not assume that someone else has reported the incident. If still safe to do so, next call Security Dispatch at 9-5555. During your call to 911, you will be asked questions, such as:
- What exactly is happening and how do you know? Is it still happening? Where is the suspect now? What was his/her last known direction of travel? Are there any wounded and how many? What is the specific location of occurrence? What types of weapons were used? Describe the weapon/s or other dangerous object/s if possible, and any visible ammunition:
- Were any shots fired? Describe the sound and the number of shots fired. Do you know who the suspect/s is? If yes, identify them and provide any background knowledge you may have.




Weather Emergencies

Tornado

- When sirens activate, move to the lowest, interior area of building or designated tornado shelter. Stay away from windows. Do not use elevators. Stay near inside wall when possible. Keep calm. Even though a warning is issued, the chance of a tornado striking your building or location is slight.

Winter Weather

- The decision to close the university because of adverse weather conditions will be made by the Chancellor or their designee. Should a bad weather situation arise during the workday, this decision will be made in consultation with a Weather Emergency Committee to be established by the Chancellor. This committee shall have representatives from University Communications, Facilities Management and Planning, the Vice Chancellor's Office for Academic and Student Affairs, Student Services/Registrar's Office, Human Resources, and others as input is required. Any announcement regarding a bad weather closure or delay will be conveyed via the following media:
 - The university homepage in the form of an emergency banner. All-campus email. Emergency alert text messages. The university's official social media accounts on Facebook and Twitter.
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Mass Notification Exercises

As part of its ongoing emergency preparedness program, the University conducts tests of the Alert Emergency Notification System. The University plans annual tests of tornado and fire evacuation procedures. For all tests/drills, the pertinent authorities in the applicable buildings are informed of the drill and required to explain the situation to those that will be affected by the drill (i.e. staff and students). While the University's drills will not include the entire campus all at once, the system in place will make sure that each facility goes through an annual exercise.

While the University does not commonly publicize its tests (outside of tornado drills) or emergency response procedures when conducting drills/tests, it does ensure that all Building Directors, Residence Directors and other necessary staff members are well aware of what must be done in an emergency situation, and trained on changes whenever it is needed. In addition, all residents in campus housing are made thoroughly aware of emergency procedures through meetings, and evacuation information is posted on doors and in buildings so that it is readily available. Furthermore, all students and staff are informed that the annual security and fire report contains pertinent information. The University will make certain that everyone is aware of how to evacuate facilities and handle emergency situations.