

A photograph of the University of Nebraska Medical Center campus. In the center is a tall, cylindrical tower with a colorful, abstract design. To the left is a tall glass building labeled 'BUFFETT CANCER CENTER'. To the right is a curved glass building labeled 'DURHAM RESEARCH'. In the background, a red brick building is labeled 'DURHAM RESEARCH CENTER II'. A pedestrian bridge connects the left and right buildings. The foreground shows a paved road with yellow lines and a traffic sign.

UNIVERSITY OF NEBRASKA MEDICAL CENTER

ANNUAL CAMPUS SAFETY AND FIRE REPORT

2026

University of Nebraska Police and Public Safety Department

One Department
Multiple Campuses
One Mission

<https://www.unmc.edu/aboutus/public-safety/index.html>

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Executive Summary

This 2026 Annual Safety and Fire Report was compiled for enrolled or prospective students, and employed or prospective faculty and staff. Its purpose is to communicate the safety of the University of Nebraska Medical Center campus.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), is a federal law that requires Institutions of Higher Education (IHEs) in the United States to disclose information about crime on and around their campuses. Enacted in 1990, the law was named after Jeanne Clery, a 19-year-old Lehigh University student who was tragically murdered in her dorm room in 1986. The Clery Act mandates institutions to:

1. **Publish an Annual Security & Fire Report (ASR):** This report includes statistics for various crimes, security policies, fire-related incidents, and information on how to report crimes.
2. **Maintain a Public Crime & Fire Log:** IHEs must keep a daily crime & fire log that is accessible to the public.
3. **Issue Emergency Notifications and Timely Warnings:** IHEs are required to alert the campus community about crimes that pose a serious or ongoing threat.
4. **Report Crime Statistics:** The law requires IHEs to report statistics on specific crimes, such as sexual assault, robbery, and hate crimes, in specified geographic categories.
5. **Rights for Victims of Sexual Assault:** The Act provides certain rights to victims of sexual assault on campus.
6. **Fire Statistics** for on-campus student housing.

The goal of the Clery Act is to ensure transparency around campus crime policy and statistics, promoting campus safety and informed decision-making for current and prospective students, families, and employees.

In recent years, the most significant crime statistic change is a notable increase in actual and attempted motor vehicle thefts. The increase is due primarily to the “Kia Challenge” social media trends that encouraged the theft of Hyundai and Kia brand vehicles by exploiting a design flaw.

The University of Nebraska Police and Public Safety Department (UNPPSD), along with Omaha Police Department, worked tirelessly to investigate and arrest persons responsible for vehicle thefts and attempted thefts. The arrests made in these cases marked a noticeable decrease in the frequency of such thefts, indicating that a small number of actors were responsible for the increase.

UNPPSD Support Services completed a large upgrade to the security camera system on both campuses, increasing both the number of cameras and the video quality. The number of cameras and card access readers continues to increase, enhancing safety throughout the campuses.

Across campuses and with university and community partners, UNPPSD is continually improving campus safety through accelerated engagement, embracing technology, advancing knowledge and partnerships, and recruiting highly qualified personnel.

UNPPSD welcomes students and faculty to the 2026 Academic Year. This is an exciting time and an opportunity to note that safety is everyone’s responsibility. A truly safe and secure campus depends on every person’s vigilance and reporting – if you “See Something, Say Something.” Contact information for the respective campuses is listed in this report.

Again, welcome to the new school year! Go Labs!

Welcome

A message from the Chancellor of the University of Nebraska Medical Center, H. Dele Davies, MD:

On behalf of the UNMC community, I want to thank our University of Nebraska Police and Public Safety Department for the work they do 24/7 to create safe and secure environments for our students, staff, faculty, patients and visitors.

Their presence is constant, but we, too, play a role. Community safety is a shared responsibility and requires each of us to look out for one another and “say something” when we see behavior that’s suspicious, unusual or out-of-character. It calls us to familiarize ourselves with campus emergency preparedness plans and heed UNMC Alert notifications. And it demands that we trust our judgment and stay vigilant. Take a moment to program UNMC’s emergency and non-emergency contact numbers into mobile phone and thank our police and public safety department for the work they do on our behalf.



your

Together, we will continue to create a safe and welcoming environment for all.

H. Dele Davies, MD
Chancellor, UNMC

A message from the Associate Vice Chancellor of Public Safety and Chief of Police for the University of Nebraska Medical Center, Charlotte Evans:

On behalf of the University of Nebraska Police and Public Safety Department (UNPPSD), I am honored to present the 2026 Annual Safety and Fire Report. This report serves as a vital resource for our entire university community – students, faculty, staff, and visitors alike. Our department is unwavering in its commitment to fostering a safe and secure environment for everyone who walks through our doors.

The UNPPSD is a comprehensive team dedicated to your well-being. Our Police and Security Officers, Emergency Management Personnel, Communications and Dispatch Personnel and Support Services staff work tirelessly to provide a robust network of services designed to deter crime, maintain order, and offer immediate assistance when needed. Whether patrolling on foot, bicycle, or marked vehicles, our presence is readily available across campus. We encourage you to approach our officers – they are approachable and here to serve you.

This report offers a transparent overview of our efforts. You will find detailed information on crime statistics, our comprehensive response protocols, and the various safety resources readily available to you. We believe in open communication, and during any significant safety concern, we utilize email and text message alerts to disseminate timely and accurate information. Familiarizing yourself with these resources and protocols is an essential step in ensuring a safe and enjoyable experience on our vibrant campus.

If you have any questions about our emergency notifications, timely warnings, policies, procedures, or any non-emergency concerns regarding campus safety, I encourage you to reach out to our team at unmcpublicsafety@unmc.edu.

To learn more about our department, please visit us on [our website and social media](#).

I hope to see you there!

Charlotte Evans
Associate Vice Chancellor
Chief of Police



Overview

Statement of Commitment

The Annual Campus Safety and Fire Report (ASR) includes safety and fire information for the University of Nebraska Medical Center, including crime & fire statistics for the years 2023-2025, 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 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.

UNPPSD Organizational Vision

Building upon the data and insights gleaned from the 2025 Annual Campus Safety and Fire Report, the University of Nebraska Department Police & Public Safety Department (UNPPSD) sets its sights on a future characterized by:

- **Enhanced Proactive Safety:** Utilizing the crime and fire statistics from previous years and current trends, the UNPPSD will prioritize proactive measures to address identified vulnerabilities. This may involve targeted patrols, improved security infrastructure, and enhanced safety education programs.
- **Expanded Community Engagement:** The UNPPSD recognizes the importance of a collaborative approach to safety. By fostering open communication and building strong relationships with students, faculty, staff, and the surrounding community, the department aims to create a more vigilant and informed campus environment.
- **Data-Driven Decision Making:** The UNPPSD will leverage data from the ASR and other sources to continuously evaluate its effectiveness. By analyzing trends and identifying areas for improvement, the department can refine its strategies and resource allocation to ensure maximum impact on campus safety.
- **Inclusion and Equity:** The UNPPSD remains steadfast in its commitment to a discrimination-free environment. By fostering inclusivity and ensuring equal access to safety resources for everyone, the department strives to create a campus where all members feel safe, respected, and empowered to contribute to a vibrant and secure community.

Through these strategic pillars, the UNPPSD aspires to make the University of Nebraska campuses a model for proactive safety and community well-being.

Jeanne Clery Act

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 report's existence and make a copy available to them upon request. Other Clery Act Required Elements are included in this ASR.

An electronic copy of the ASR is available on the Public Safety's website. A paper/hard copy can be requested for no cost at the Public Safety office located at 4215 Emile St. during business hours. A hard copy may also be requested by emailing unmcpublicsafety@unmc.edu. A hard copy will be provided within two business days of the request.

On March 7, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) ([42 U.S.C. 12291 et seq.](#)) was signed into law. It requires institutions to disclose additional crime statistics, policies, and programs related to dating violence, domestic violence, and stalking. It includes disclosure of statistical information regarding new categories of hate crimes, and disclosure of the procedures that victims should follow if a crime of dating violence, domestic violence, or stalking has occurred. The ASR includes the required statistical data for VAWA as well.

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.

University of Nebraska Police and Public Safety (UNPPSD)

UNPPSD includes four divisions: Patrol (including sworn law enforcement officers (LEOs) with full police authority, and non-sworn campus security officers (CSOs)), Dispatch/Communications, Emergency Management, and Support Services.

LEOs complete certification at the Nebraska Law Enforcement Training Center and are commissioned by the State of Nebraska as duly sworn Law Enforcement Officers (LEOs). This designation grants the LEOs statewide jurisdiction. They have the authority to enforce University Policies, Omaha city ordinances, and state laws.

Campus Security Officers (CSOs) are non-sworn personnel who enforce University policies and provide support to the LEOs. CSOs are trained in first aid, CPR, AED, and defensive tactics. All officers may undergo other specialized training, such as crisis intervention training and de-escalation training to provide a better service to the campus community.

The UNPPSD coordinates all functions of campus safety. The Patrol Division is responsible for the continuous patrol of campus property, identified patrol area, responses to calls for service, and enforcement of state and local laws. UNPPSD LEOs and CSOs patrol UNMC's Main Campus and CSOs patrol the Bellevue Medical Center. At Bellevue Medical Center, law enforcement services are provided by Bellevue Police Department.

Building Access and General Security

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

- Individual university departments are responsible for the security of their interior spaces and designate the individuals who have access to their interior spaces.
- Keys are not permitted to be duplicated by departments or individuals.
- All access devices remain the property of the University 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 UNPPSD 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.

Student Housing Access and Security

On Campus

The UNMC on campus housing information can be found in [Appendix A](#).

Off Campus Housing

While UNMC does not offer any off-campus housing, it does work with local businesses and provides a list of possible apartment rental locations with convenient proximity to the university. These locations are not included in this report because UNMC does not own or manage them.

Non-Residential Business Access

Access to non-residential campus buildings and facilities may be open to members of the campus community, guests, and visitors during normal business hours and for limited designated hours on weekends and designated holidays, or restricted based on security requirements. Access times will vary depending upon the nature of the building and activity.

Faculty, students, and staff 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 University business only.

Residential Living Security Tips

- 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 left unsecured. 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.

High Security Areas Access

High security access is determined by UNPPSD, Environmental Health and Safety (EHS), or a specific university department. It requires additional access restrictions because of the contents or activities conducted within.

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.

Security Cameras

It is the policy of UNPPSD that faculty, staff, students and visitors to campus will not be subjected to unnecessary invasions of their privacy. Video monitoring will only be used responsibly, in furtherance of a legitimate University interest in providing safety and security for its faculty, staff, students, visitors and properties. Security cameras are not monitored 24 hours per day.

Emergency Management

Emergency Management aims to effectively prevent, mitigate, prepare for, respond to, recover from, and provide continuity during emergencies or disasters that could affect the safety of students, faculty, staff, visitors, or the environment of UNMC.

This department is staffed with personnel supporting development of campus policies, plans, procedures, training, and exercises.

Plan Development

Comprehensive Emergency Management Plan

Hazard Specific Plans

- Active/Armed Intruder
- Fire
- Medical Emergency
- Suspicious Person
- Power Outage
- Earthquake
- Severe Weather

Training

- Active/Armed Intruder (Run-Hide-Fight)
- General Preparedness
- Stop-the-Bleed

Exercises

- Leadership Response training
- Support UNPPSD training and coordination
- As need, defined by operational happening or leadership request
- Fire/Evacuation Exercises/Drills

Missing Persons

The UNPPSD will immediately respond to, and thoroughly investigate, all reports of 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.

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.

The University is dedicated to safety and welfare of each 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 UNPPSD.

Incidents of missing juveniles should be reported immediately. It is preferred that the reporting party talk directly to a UNPPSD officer. UNPPSD will immediately initiate an investigation which relatives, and, if appropriate, a preliminary inspection of their student housing room. UNPPSD 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 UNPPSD 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.

UNPPSD Written Directive 2.6 – Missing Persons Policy Statement

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

Any person who believes another person is missing, for any period of time, and/or endangered may report such to any member of the UNPPSD or other CSA.

Jenne Clery Act Compliance

Daily Crime & 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. A hardcopy log of the previous 60 days is accessible to the public during normal business hours at UNPPSD Offices. Requests for additional crime data beyond the last 60 days will be fulfilled within two business days.

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. UNPPSD combines the Daily Crime Log and Fire Log into one document.

The Crime & Fire Log contains Clery incidents for the UNO campus reported to UNPPSD and is searchable for specific events and/or locations. This log includes Clery and may include non-Clery crimes, non-criminal, and fire incidents. It does not contain every crime or incident. It can be located [here](#).

Historical crime and incident data or the Daily Crime and Fire Log hardcopy can be requested from the UNPPSD Office during normal business hours, located at:

Clery Crime Definitions

Public Safety encourages accurate and prompt reporting of all crimes. Clery Act reports never contain a victim's personally identifying information. The University must report statistics for violations of the law that occur on Clery Geography and result in arrests or persons being referred for disciplinary action.

To provide the University community with important information, timely warnings, and emergency notifications, crime statistics for four general criminal categories are tracked for all required annual reports and Web-based data collection. The University defines these crimes based on the federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) Hate Crime data collection guidelines.

- Criminal Offenses: Murder, Sexual Assault, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson
- 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 incidents against victims of dating and domestic violence, and stalking must also be reported.
- Arrests and Referrals for Disciplinary Action: The University is also 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.

Reporting Crimes on Campus

Campus Safety and Security Reporting

The University of Nebraska Police & Public Safety Department supports the Department of Education's mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. Campus safety is an important consideration when choosing a post-secondary school. More information can be found at: www.ed.gov.

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. Firsthand information is always more accurate and complete. Students, staff, and faculty should also, at any time, contact the department when they 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, 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 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 completely.

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, 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 allowed by law.

Public Safety Dispatch is **NOT** a 911 call center. They respond similarly by taking the necessary information and sending officers as appropriate to assist. However, they are not equipped for all situations. For example, when callers who are non-English speakers, or those requiring TTY/TDD-capable terminals is necessary, calling 911 may be the best options.

Clery Act Required Elements

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 Clery Act crimes were reported.

UNPPSD discloses crime statistics for reported Clery Act crimes that occur:

- On campus,
- On public property within or immediately adjacent to the campus, and
- 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. More details are included in the Geography section below.

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.

Crime Statistic Reporting

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
- Violence Against Women Act (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 the definition in more than one of these categories, it must be reported in each category.

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.

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 campus faculty, students, and staff.

Policies, Statements, 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.

Crime and Clery Reporting to the University

Crimes are reported to and investigated by the University of Nebraska Police and Public Safety Department (UNPPSD). All members of the UNPPSD are classified as Campus Security Authorities (CSAs), and other non-public safety CSAs are outlined. Clery incidents may be reported to CSAs and may be referred to UNPPSD for possible criminal investigation.

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”.

Each of these required elements of Clery Act and Violence Against Women Act reporting is outlined in detail below.

Crime Statistics

Records include crime reports, daily incident summaries, referrals for disciplinary action and Title IX Reports. Details are included in the table below. UNPPSD is also responsible for uploading statistical data regarding crime and fires to the Department of Education's reporting portal as required each year.

	On-Campus			Non-Campus			Public Property			Housing		
	2025	2024	2023	2025	2024	2023	2025	2024	2023	2025	2024	2023
Clery Crime												
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Offenses - Rape	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Offenses - Fondling	0	4	4	0	0	0	0	0	0	0	0	0
Sexual Offenses - Incest	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Offenses - Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	1	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	7	10	0	2	0	0	0	0	0	0	0
Burglary	1	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	7	2	17	0	0	0	0	1	4	0	0	0
Arson	0	0	1	0	0	0	0	0	0	0	0	0
VAWA												
Domestic Violence	1	5	2	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	2	1	0	0	0	0	0	0	0	0	0
Hate Crimes												
Intimidation - Gender	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation - Race	0	0	1	0	0	0	0	0	0	0	0	0
Intimidation - Religion	4	0	0	0	0	0	0	0	0	0	0	0
Intimidation - Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation - National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation - Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0

	2025	2024	2023	2025	2024	2023	2025	2024	2023	2025	2024	2023
Intimidation - Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation - Disability	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property - Gender	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property - Race	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property - Religion	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property - Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property - National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property - Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property - Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property - Disability	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault - Gender	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault - Race	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault - Religion	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault - Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault - National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault - Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault - Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault - Disability	0	0	0	0	0	0	0	0	0	0	0	0
Weapons												
Arrests	1	0	2	0	0	0	0	0	0	0	0	0
Referrals	0	0	0	0	0	0	0	0	0	0	0	0
Drugs												
Arrests	4	3	19	3	0	2	0	5	7	0	0	0
Referrals	0	0	0	0	0	0	0	0	0	0	0	0
Liquor												
Arrests	1	1	0	1	0	0	1	1	0	0	0	0
Referrals	0	0	0	0	0	0	0	0	0	0	0	0

Reported Emergencies

Emergencies reported to dispatch will be investigated for credibility and an appropriate response will be issued. For situations that require Emergency Notification, the on-shift police sergeant will determine if an emergency notification is required. For situations that do not require an emergency notification, the Chief of Police will determine the need for and language of a timely warning. Emergency Notifications, Timely Warnings, and Security/Safety Bulletins will be issued through the campus emergency notification system known as UNMC Alert.

Emergency Notifications

The University and its various departments monitor situations and events that may develop leading into possible threats to the life safety of its faculty, staff, and students. If such information is received, key stakeholders determine if and what type of alert, message, or actions need to be taken.

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

The University of Nebraska at Omaha 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.

Several resources are available for distributing and receiving critical information and instructions during an emergency. The primary method for notifying the campus community of a significant emergency or dangerous situation is the Emergency Notification System (ENS), referred to as UNMC Alert.

UNMC Alert

Several modalities are available to be utilized to distribute important information and instructions during incidents that may pose a threat to our faculty, staff, or students.

- University Email (mandatory; cannot opt out)
- Personal Email (opt-in)
- SMS Text
- Voice Calls
- Digital Signage
- Computer Crawler (banner messages)
- Downloadable phone app with push notifications
- Building Public Address System (where available)
- Specialized Connections

Timely Warnings

The University will alert the campus community to Clery-specific 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 and confirmed. The University may not have all the facts surrounding a criminal incident; however, if a serious and continuing threat to its students and employees exists, UNPPSD will issue a timely warning regarding the type of criminal incident that has occurred.

- 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 within the designated 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.
- How: Timely Warnings will be issued utilizing campus-wide email and may include other distribution modalities as available or necessary.

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.

- Safety/Security Bulletin Scope: Criminal or activity that is NOT a Timely Warning or Emergency Notification.
- Why: Security Bulletins are triggered by criminal events that may or currently represent a threat to campus security.
- When: Issue a bulletin as soon as the pertinent information is available.

Other Methods for Delivery

Additional information and updates may be provided through University marketing and communications teams via organizational websites, daily/regular newsletters, and social media accounts, including the UNPPSD website and social media for more information found at linktr.ee/UNPPSD

Bias and Hate Incidents

UNMC has a reputation of integrity and excellence in teaching, research and patient care. To maintain this reputation, UNMC's Code of Conduct requires all faculty, staff, and students to conform to the highest ethical standards and meet all legal obligations in the performance of their duties.

Specifically, UNMC has additional policies and procedures in place that address discrimination and harassment and is committed to creating and maintaining a welcoming campus community. Every individual is valued and should feel welcomed as a member of this community.

The university receives and responds to reports of bias incidents that have been experienced or witnessed. If anyone believes they have witnessed or experienced a bias-related incident, please report it to Public Safety, Title IX, or use the online form found at .

Reports will be reviewed in a timely manner. For emergencies, please contact Public Safety (402.559.5555) or 911.

If you would like to share a compliment, a concern, or any other information about the behavior or actions of an officer or other department staff, please use one of the following options:

- Contact Chief Charlotte Evans at charlotte.evans@unmc.edu or by calling 531.559.1004.
- Contacting Public Safety Dispatch by using the "Report an Emergency: 402-559-5555" button on the Public Safety website at www.unmc.edu/business-finance/safety/police/index.html.
- Contacting any public safety officer, or
- Completing a citizens complaint form, found at cm.maxient.com/reportingform.php?UnivofNebraskaSystem&layout_id=83, and returning it to the Public Safety business office located at 4215 Emile St.

Specific Hazard Response

Emergency Numbers (internal)

Blood / Biological Exposure	402.559.6824
HAZMAT Spill.....	402.559.6356
HIPAA / Privacy Breach.....	402.559.5136
Post-Exposure (OUCH)	402.888.6824
All other Emergencies – Contact Public Safety.....	402-559-5555
Veterinary Emergency	
After Hours	402.559.5111
Work Hours	402.559.4034
It is the responsibility of UNMC community members to be vigilant for the safety, welfare and security on the campus. If anyone witnesses an incident on campus, please report it using the following links and/or phone numbers:	
Crime/Violent Incident	402.559.5555
Non-Emergency	402.559.5111
Animal Safety or Treatment Incident (including improper or unethical use, veterinary emergency, etc.)	
Compliance Violation.....	402.559.6767

Reporting non-emergency concerns or to seek support, use this [form](#) or contact Public Safety at 402.559.5111.

University Reporting Procedures

Reporting Criminal or Title IX Incidents

Anyone may also report to:

- Appropriate law enforcement agency or by speaking
- 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.
- Contacting Public Safety at 402.559.5111
- 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, Victim and Survivor Advocates, and Title IX Advocates that may serve in this confidential role.
- Officials With Authority (OWA)
- While the University encourages University community members with knowledge of potential violations of sexual misconduct Policy to the Title IX Coordinator, the University will only have actual notice of sexual misconduct if an individual reports to an OWA. OWA 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 OWA.
- Chancellor, H. Dele Davies, MD
 - dele.davies@unmc.edu
- Vice Chancellor of Business and Finance, Anne Barnes
 - annebarnes@unmc.edu
- Director of Ombuds, David Carver
 - dcarver@unmc.edu
- Assistant Vice Chancellor, Human Resources, Linda Cunningham

- lcunning@unmc.edu
- Title IX Coordinator, Jayme Wangler
 - 402.552.2214
 - jwangler@unmc.edu
- Associate Vice Chancellor for Student Success, Philip Covington, Ed.D.
 - philip.covington@unmc.edu
- www.unmc.edu/titleix/
- www.nebraska.ethicspoint.com
- Students, staff, and faculty may also use the Report of Safety Concern form to report various non-emergency concerns found at cm.maxient.com/reportingform.php?UnivofNebraskaSystem&layout_id=83.

Disciplinary Process

The general steps of the University's disciplinary process for sexual misconduct incidents follow this sequence (see later in report for specific information):

1. Formal Complaint
2. Notice of Allegations to the Parties
3. Investigation (up to 90 University days)
4. Review of gathered evidence (10 University days)
5. Investigative Report (Review by Parties at least 10 University days before hearing)
6. Pre-hearing Conference (at least 2 days prior to hearing)
7. Disciplinary Hearing (attempted within 1 month of the Investigative Report being completed)
8. Appeal if any (Appeal must be filed within 7 University days of hearing decision delivery & 14 University days for appellate review)

Executive Memorandum 38: Section J (p. 21) and Executive Memorandum 39: Section J (p. 18)

In all University disciplinary proceedings regarding sexual misconduct, the process will rely on the "preponderance of the evidence" standard, meaning the greater weight of the evidence presented regarding the alleged misconduct. Greater weight of the evidence is not determined by the number of witnesses who testify concerning a disputed fact but is the *amount of evidence which on the whole, and when fairly and impartially considered, provides an impression that the misconduct was more likely to have taken place than not*. If the evidence concerning a disputed fact is evenly balanced, or if it leans in favor of the accused, then the University will have failed to meet the required burden of proof (**Executive Memorandum 38: Section C.15 (p. 6); and Executive Memorandum 39: Section C.15 (p. 7).**

Sanctions

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

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

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

- The severity, persistence, or pervasiveness of the prohibited conduct;
- The nature of the prohibited conduct;
- Whether the prohibited conduct threatened physical safety;
- Any incidents of prior misconduct by a Respondent, including the Respondent's disciplinary history, at the University or elsewhere;

- The impact of the prohibited conduct on other members of the University community;
- An assessment of a Respondent's potential for development, including whether the Respondent has accepted responsibility for the prohibited conduct;
- The maintenance of a safe, nondiscriminatory, and respectful work and learning environment; and

Any other mitigating, aggravating, or compelling factors.

Be aware that sanctions may be imposed in combination with one another. The following is a list of possible sanctions for students and employees:

Student Sanctions

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

Employee Sanctions

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

Executive Memorandum 38: Section K (p. 39-44) and Executive Memorandum 39: Section K (p. 37-38)

Supportive Measures

The University will provide supportive measures (formerly called protective measures) to the parties to enable equal access to the University's educational activities and programs. Supportive measures are non-punitive, individualized services that are offered as appropriate and reasonably available. The University will maintain as confidential any supportive measures provided to the Complainant or the Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. Any supportive measures offered to either party cannot punish, discipline, or unreasonably burden the other party. The measures the University may provide include, but are not limited to:

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

Executive Memorandum 38: Section H (p. 17-18) and Executive Memorandum 39: Section H (p. 16-17)

Case Resolution Timelines

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

The University will strive to conduct investigations of the allegations within ninety (90) University Days of receipt of the Formal Complaint. If the investigation will take a longer amount of time to complete, both parties must be informed in writing of the extension of the timeline. While the University will attempt to accommodate the schedules of parties and witnesses throughout the grievance process in order to provide parties with a meaningful opportunity to exercise the rights granted to parties under the Policy and Procedures, it is the University's obligation to meet its own designated time frames, and the grievance process can proceed to conclusion even in the absence of a party or witness (Executive Memorandum 38: Section J.6.f (p. 29) and Executive Memorandum 39: Section J.6.f (p. 26)).

Disciplinary Process for Sexual Misconduct

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

- University of Nebraska Board of Regents Sexual Misconduct Policy: docs.nebraska.edu/unop/docs/Board%20of%20Regents/Policies/board-governing-documents/board-of-regents-policies.pdf
- Executive Memorandum 38 (Student Sexual Misconduct Procedures): docs.nebraska.edu/unop/docs/Board%20of%20Regents/Policies/executive-memorandum/procedures-for-sexual-misconduct-reports-against-students.pdf

Executive Memorandum 39 (Employee Sexual Misconduct Procedures): docs.nebraska.edu/unop/docs/Board%20of%20Regents/Policies/executive-memorandum/procedures-for-sexual-misconduct-reports-against-employees.pdf

Definitions Used in UNMC Adjudication of Sexual Misconduct Complaints

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

- "Dating violence" means violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with
- the victim; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship.
- “Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or
- intimate partner, by a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
- Domestic violence includes domestic assault. Under Nebraska law, a person commits domestic assault if the person (i) intentionally and knowingly causes bodily injury to their intimate partner;
- (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner.

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

- “Retaliation” means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.
- “Sexual assault” means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim’s age or because of the victim’s temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
- “Sexual exploitation” includes, but is not limited to: prostituting another person; 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.
- “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:
- An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
- Sexual assault (see definition herein);
- Dating violence (see definition herein);
- Domestic violence (see definition herein); or
- Stalking (see definition herein)

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

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

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

The following are additional definitions that will be applicable in UNMC's addressing of sexual misconduct complaints through Title IX:

- "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.
- "Bodily injury" shall mean physical pain, illness, or any impairment of physical condition.
- "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".
- "Confidentiality" means that the University will not disclose the names of individuals involved in sexual misconduct cases to others except on a need to know basis or as required by law. The University will instruct employees and students about the requirement not to disclose confidential information. Confidentiality is not the same as anonymity, where an individual is not named or personally identified.
- "Consent" is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.
- Consent can be withdrawn at any time, as long as the withdrawal of consent is clearly communicated by words or actions.
- Consent cannot be coerced or compelled by force, threat, deception, or intimidation.
- Consent cannot be given by someone who is incapacitated or does not have the legal capacity to consent, as defined below in the definition of "incapacitated".

Consent cannot be assumed based on silence, the absence of "no" or "stop," the existence of a prior or current relationship, or prior sexual activity.

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

- “Crimes of Violence” are those offenses that involve force or threat of force, including murder and non-negligent manslaughter, rape, robbery, and aggravated assault.
- “Education program or activity” includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- “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.
- “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.
- “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.

- “In violation” means that it is more likely than not that a Respondent has committed one or more acts of sexual misconduct. In other words, a preponderance of the evidence standard must be used to find sexual misconduct.
- “May” is used in the permissive sense.
- “Not in violation” means that it is more likely than not that a Respondent did not commit one or more acts of sexual misconduct.
- “Past sexual behavior” means a person’s sexual behavior other than when the sexual misconduct is alleged to have occurred.
- “Private body parts” means the genital area, groin, inner thighs, buttocks, or breasts.
- “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.
- “Relevant evidence” means evidence that has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.
- “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.

- “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.
- “Shall” is used in the imperative sense.
- “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.
- “University” means University of Nebraska.

“University Day” means a weekday on which the campus offices are open. Check the academic calendar on the campus website to determine the days on which the campus offices are closed.

Individuals play a number of important roles within the University’s Sexual Misconduct investigation and adjudication process. To help explain the various duties, the following are descriptions of each of those roles within the process:

- “Advisor” means any individual who provides the Complainant or Respondent support, guidance, or advice and may accompany the Complainant or Respondent to any meeting or grievance proceeding, such as a meeting in the investigation or the Hearing. The Complainant and the Respondent may choose their advisor, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of the advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceeding. If a Complainant or the Respondent does not have an advisor present at a live hearing, the University will provide without fee or charge to that party, and advisor of the University’s choice who may be, but is not required to be an attorney, to conduct cross-examination on behalf of that party. Other than to conduct cross-examination, the parties’ respective advisors may not speak on behalf of the parties during the hearing and may not directly participate in any aspect of the hearing. The Complainant or the Respondent, however, may consult with their respective advisors during a meeting or the hearing. The Hearing Board Chair may limit the length and frequency of consultations so that they do not unreasonably delay the hearing or unreasonably interfere with the presentation of evidence.
- Campus Security Authority (CSA) is a University official charged with the duty to report incidents of sexual misconduct to the person in charge of Clery Act Reporting. All officers of the Public Safety Department are CSAs.
- “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”.
- Conduct Officer is a University employee who has responsibilities related to student conduct and usually presents the University’s information during a hearing.
- “Decision Maker” is an individual who makes a determination as part of the Sexual Misconduct grievance process. There may be one or more decision maker(s) involved in any given proceeding, for example, a hearing or appeal. The decision maker(s) will not be the same person(s) as the Title IX Coordinator or the Investigator(s) and will issue a written

determination regarding the responsibility. Decision makers may include Hearing Officers, Appeals Officers, and Hearing Board Members.

- “Hearing Board” is a subset of the University Conduct Board. The hearing Board will be composed of an odd number of three or more members, including one (1) student member.
- “Hearing Facilitator” is a University official designated to coordinate a Hearing.
- “Investigator” means a University official authorized to investigate complaints of sexual misconduct.
- “Member of the University community” includes any individual who is a student, staff, or faculty member, University official, or any other individual employed by the or acting on behalf of the University. An individual’s status in a particular situation shall be determined by the Investigator or Title IX Coordinator.
- “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 Officials With Authority (OWAs):
 - President, Chancellors, Provost, Vice Presidents, Vice Chancellors, and UNCA and Campus Title IX Coordinators.
- “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”.
- “Student” has the same meaning as used in the Student Code of Conduct. The term “student” includes all persons enrolled at the University, including online and non-degree seeking individuals. A student’s enrollment ends when the student graduates, withdraws from the University, or fails to register for classes for three (3) consecutive semesters, with summer term considered to be a semester, or no longer has a continuing student relationship with the University. Students who are accused of committing a violation of the Student Code of Conduct while they are enrolled at the University may still be held responsible for the violation even if they later withdraw from the University prior to a resolution of the alleged violation.
- “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.
- “University Conduct Board” has the authority to hear and resolve charges that a student or a student organization violated the Standards of Academic Integrity and Responsible Conduct (“Standards”) and if the Board determines that a violation occurred, for determining the University’s response.
- “University official” includes any individual employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. University officials who are designated as campus security authorities will report crimes, arrests, and disciplinary referrals to the person in charge of Clery Act reporting. Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules when they are acting within the scope of their counseling or professional responsibilities.
- “University Presenter” is the person who presents the case on behalf of the University at the Hearing. This person may be, but is not required to be, the Investigator or the Title IX Coordinator.
- “Witness” is a person believed to have information regarding an incident which may violate the Sexual Misconduct Policy, including but not limited to someone present when the incident occurred, someone the Complainant or Respondent communicated with about the incident,

and/or someone who may have information relevant to the incident. Witness participation in the grievance process is voluntary. While the University encourages witnesses to cooperate with the grievance processes, the University cannot compel or require witnesses to participate.

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

Education Program and Activities—Education program or activity includes locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

On-Campus—On-campus includes all University premises, including all University of Nebraska locations; physical campuses, including all adjacent streets and sidewalks, and any University affiliated programs; events or activities, including those located in other states or countries; and the use of any University electronic systems.

Off-Campus—Off-campus means any location that is not on-campus. These Procedures apply to conduct that occurs off-campus in the following situations:

- The Student Code of Conduct states that it applies to conduct that occurs off campus.
- The conduct occurs in or on the grounds of a University-approved Housing Unit.
- The conduct occurs at events or during travel authorized, funded, or sponsored by the University.
- The conduct occurs at events or travel funded or sponsored by a student organization.
- The conduct poses a risk to the health and safety of individuals and application of the Student Code of Conduct is reasonably necessary to educate the students about the risks of the conduct or to educate the student avoid engaging in the conduct in the future.
- The conduct poses a serious risk to the health and safety of individuals and is of the type that the student could easily engage in on campus.
- The conduct was intentional and caused, or attempted to cause, physical injury to a University employee or another student.
- The conduct could, or was intended to, cause harm on campus.
- The Title IX Coordinator:
 - Determined that the conduct in a particular matter distinctly and clearly implicates the University's interests;
 - Prepares a written explanation of the interests and how the conduct implicates them; and

Provides the written explanation to the student or student organization.

The University must dismiss an allegation of sexual harassment under Title IX in a Formal Complaint if the conduct did not occur in the University's education program or activity or if the conduct did not occur against a person in the United States.

Pursuant to Board of Regents By-Law 5.5, the Student Code of Conduct should not be applied as a matter of course to off-campus conduct simply because the conduct also violates federal, state, or local law.

Actions Taken by Title IX Coordinator

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

- Discuss the availability of supportive measures;
- Consider the Complainant's wishes with respect to supportive measures;

- Inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint;
- Explain to the Complainant the process for filing a Formal Complaint against the Respondent; and

If applicable, explain to the Complainant that if a Formal Complaint alleging sexual harassment under Title IX is dismissed, the alleged sexual misconduct may be addressed under a different provision of the Student Code of Conduct.

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

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

Anonymity and Confidentiality

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

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

- The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- How and to whom the alleged offense should be reported;
- Options about the involvement of law enforcement and campus authorities, including notification of the Complainant's option to:
 - Notify proper law enforcement authorities, including on-campus and local police;
 - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - Decline to notify such authorities.
- Information about orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the University;
- Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for Complainants, both within the University and in the community.

Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. The Complainant and the Respondent and their respective advisors are asked to keep private information that does not consist of "the

allegations under investigation” (For example, evidence related to the allegations that has been collected and exchanged between the parties and their advisors during the investigation under or the Investigative Report summarizing relevant evidence sent to the parties and their advisors).

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

Reporting Timeframe

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

Amnesty

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

Emergency Removal

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

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

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

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

- State the factual basis for the Respondent's emergency removal and explain why the Respondent's conduct or presence on campus presents an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct that emergency removal is necessary; merely reciting the language of the Code is insufficient;
- State that the Respondent may challenge the decision immediately, in writing, following the removal;
- State that the Respondent has a right to a meeting, in person or remotely, with the Vice Chancellor responsible for student conduct or other designated University Official within three (3) University Days after the emergency removal becomes effective to present information to show that the requirements for an emergency removal have not been satisfied and that the emergency removal should therefore be lifted;
- State the time, date, and place of the meeting with the Vice Chancellor responsible for student conduct or other designated University Official and state that the student may be accompanied by an advisor of their choosing, including an attorney, but that the student is responsible for any fees that the advisor may charge; and
- State that after the expiration of the three (3)-day period, a student may seek to have the emergency removal lifted by making a Request for Reinstatement.

After the expiration of the three (3)-day period, a student who has been removed on an emergency basis may seek reinstatement by making a Request for Reinstatement ("the Request") on the ground that:

- The requirements for an emergency removal were not met when the student was removed on an emergency basis and are not currently met or
- Circumstances have changed such that the requirements for an emergency removal are no longer met.

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

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

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

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

Grievance Process for Formal Complaints

The grievance process begins when a Complainant signs, or a Title IX Coordinator signs, a Formal Complaint requesting that the University investigate an allegation of sexual misconduct.

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

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

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

Filing A Formal Complaint

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

Consolidation of Complaints

The University may consolidate Formal Complaints as to allegations of sexual misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

Notice of Allegations

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

- Notice of the University’s Sexual Misconduct Policy and Procedures, and an explanation of the grievance process and Informal Resolution process.
- Notice of the allegations of the conduct potentially constituting sexual misconduct, including:

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

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

Preliminary Review of Formal Complaint and Situation When a Formal Complaint Must or May Be Dismissed

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

- The conduct would not constitute sexual harassment as defined by the Sexual Misconduct Policy and Procedures, even if proved;
- The conduct did not occur in the University's education program or activity; or
- The conduct did not occur against a person in the United States.

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

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

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

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

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

Upon dismissal of any or all of the allegations in the Formal Complaint, the Title IX Coordinator must provide a Notice of the Dismissal to the parties within (7) days of the Title IX Coordinator's

decision to dismiss any or all of the allegations. The Notice of Dismissal must be provided to the parties simultaneously and must:

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

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

Appeals of the Dismissal of a Formal Complaint

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

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

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

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

The Appeals Officer may request additional information from the Title IX Coordinator or the parties at the Appeals Officer's discretion. The Appeals Officer will review all of the information and determine whether to grant or deny the appeal. The written decision will describe the result of the appeal and the rationale for the result. If an appeal does not clearly raise one or more of the reasons listed above, the Appeals Officer will dismiss the appeal without further consideration. If the Appeals Officer determines that the appeal clearly raises one or more of the reasons, the Appeals Officer may 1) affirm, in whole or in part, the decision on Dismissal, 2) overturn, in whole

or in part, the decision on Dismissal, 3) or refer the Formal Complaint back to the Title IX Coordinator for further consideration or proceeding. A final outcome on an appeal is not subject to further appeal. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University Days after receipt of the record and any additional information, though this may vary based on the scope of the appeal or unforeseen circumstances. The written determination will be provided simultaneously to the Complainant, the Respondent, and the Title IX Coordinator. Any non-Title IX alleged violations may continue to be investigated during the Appeal Process.

Investigation

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

Prior to meeting with the Complainant or the Respondent, the Investigator will provide written notice to the person being interviewed of the date, time, location, participants, and purpose all investigative interviews or other meetings, with sufficient time for the party to prepare to participate. In general, sufficient time will be at least five (5) University Days, however, a party may agree to meet sooner.

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

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

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

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

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

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

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

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

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

Formal Hearings in Cases of Alleged Sexual Misconduct

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

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

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

When the Investigator sends the Investigative Report to the Respondent and the Complainant, the Title IX Coordinator or their designee will forward a copy of the Investigative Report to the Hearing Facilitator. The Hearing Facilitator will schedule a hearing date, time, and location and

notify the parties of the same. The University will strive to complete a hearing within one (1) month from the issuance of the investigation report. (May be delayed due to Informal Resolution.)

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

The Respondent and the Complainant shall have the right to attend a Pre-Hearing Conference. The purpose of the Pre-Hearing Conference is to plan for the hearing, discuss the issues and facts that will be presented at the hearing, exchange information about witnesses likely to be called, answer procedural questions, and settle those matters which may be agreeably concluded. Generally, the Chair of the Hearing Board will preside over the Pre-Hearing Conference. During or prior to the Pre-Hearing Conference, the parties shall be informed of the names of the Hearing Board members.

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

During the Prehearing conference, the parties will be instructed about the use of past sexual behavior of the Complainant [See [Neb. Rev. Stat. § 27-412](#) (2016) (Relevance of person's alleged past sexual behavior or alleged sexual predisposition).] or past sexual assault by the Respondent [See [Neb. Rev. Stat. § 27-415](#) (2016) (Evidence of crimes of sexual assault in civil cases).] as evidence at the hearing. In most situations, questions and evidence of the past sexual history of either the Respondent or the Complainant are not relevant and will not be admitted at the hearing except in very limited situations, which are:

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

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

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

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

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

The Respondent(s), the Complainant, and the University Presenter shall have the right to hear all evidence, present evidence, testify, and to hear and question witnesses. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Examples of privileges under law include Lawyer-Client, Physician-Patient, Professional Counselor-Client; Spousal, Clergy, and Victim's Advocate.

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

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

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

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

At the beginning of the full hearing, the Chair of the Hearing Board should state the date, time, and place, and their name and role as the Chair of the Hearing Board for the record. The Chair should then have the other members of the Hearing Board identify themselves and state whether there is a quorum. If there is not a quorum, then the hearing must be rescheduled unless all parties waive on the recording any objection to the lack of a quorum. The Chair should then identify the other persons present, ask the University Presenter to read the alleged violation(s), and ask the Respondent if the Respondent admits to the alleged violation(s).

The Chair must conduct the hearing in a manner that facilitates the presentation of relevant evidence by the Complainant, the Respondent, and the University Presenter. The Complainant, the Respondent, and the University Presenter have the right to call witnesses, including expert witnesses, and present their respective cases. The members of the Hearing Board may ask questions to clarify what the witness said or to elicit more detailed information. The Chair of the Hearing Officer has the discretion to:

- Allow the parties to make opening statements, closing statements, or both, with reasonable time limits;
- Allow witnesses to testify by videoconferencing technology;
- Require that the witnesses who have not yet testified wait somewhere other than the hearing room until they are called to testify; and
- Schedule separate hearings if charges have been brought against multiple respondents or multiple charges have been brought against a single respondent.

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

Questioning of Parties and Witnesses During a Hearing

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

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

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

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

At the conclusion of the hearing, the Hearing Board must go into closed session to deliberate and make its decision based solely upon the evidence introduced and received at the hearing. The decision must be made by a majority vote.

A Respondent is presumed to be not responsible. The determination of the merits of the case shall be made using the preponderance of the evidence standard.

Determination of Hearing Board

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

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

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

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

Appeals of Hearing Board Determination after Formal Hearing

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

A determination may be appealed for the following reasons:

- A procedural irregularity that affected the outcome of the matter;
- The discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

- The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
- The sanction(s) imposed were arbitrary and capricious or an abuse of discretion; or
- A finding of fact in the determination is clearly erroneous and does not have factual support in the record and affected the outcome of the matter.

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

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

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

Remedies for Complainant

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

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

Informal Resolution

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

not offer or facilitate an Informal Resolution process to resolve allegations that an employee engaged in sexual misconduct against or sexually harassed a student.

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

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

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

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

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

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

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

Differences in the Procedure for Employees

The following procedures supplement the University of Nebraska Sexual Misconduct Policy and describe the grievance process related to reports of sexual misconduct against employees where they are different from the process for students (definitions, reporting process and initial actions are the same as for students). Employee as used in the Procedures includes all University faculty, staff, and other personnel within the categories defined by §§ 3.1.1 through 3.1.3 of the Bylaws of the Board of Regents of the University of Nebraska, found at nebraska.edu/regents/bylaws-policies-and-rules/#docaccess-561ba7704cc9aa644361a3e21b00ca4dfdfcef7414e2f55a4cc8363a9a75c43a, whether full or part time. When the Respondent is both a student and an employee, the Title IX Coordinator or their designee will determine whether the Student or Employee Sexual Misconduct Procedures (and/or the adjudication process from both) apply based upon the facts and circumstances, such as whether the Respondent's status as a student or an employee predominates in the context of the Prohibited Conduct. If the Respondent is found responsible for violating the Sexual Misconduct Policy, the sanctions may affect both their status as a student and employee.

Jurisdiction

The University's jurisdiction will continue to extend to conduct that occurs outside the context of the University employment or education program or activity where the Title IX Coordinator or their designee determines that action is necessary 1) in order to protect the health or safety of members of the University community, 2) there are effects of the conduct that interfere with a person's ability to participate in an education program or activity, including employment, 3) if the conduct is related to an employee's performance or their capacity to perform their work responsibilities, or 4) if the conduct occurs when the faculty or staff member is serving in the role of a University employee.

Administrative Leave

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

Emergency Removal

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

Additional Recipients of Records

The Record of the Hearing will be provided to the appropriate supervisor, unit head, Vice Chancellor or other relevant administrator responsible for appropriate employment action in accordance with applicable employment laws, policies, practices, and agreements.

For all cases involving crimes of violence, non-forcible sex offenses and/or stalking where the University has taken action against a student who is the alleged perpetrator of the crime, the

University will provide, upon request by the victim, a report of the disciplinary proceedings conducted against the student and the result. In cases where the alleged victim is deceased as a result of the crime, the next of kin will be treated as the alleged victim in regard to the report requests.

All those individuals who oversee the above-noted processes receive, at a minimum, annual training on the issues related to dating violence, domestic violence, sexual assault, stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability. All University investigators, decision-makers, appellate officers, and informal resolution facilitators are trained in accordance with 34 CFR § 106.45 (b)(1)(iii). (p. 30575 of Federal Register Volume 85, No. 97). Following Code of Federal Regulations (CFR) 106.45.10.D, the university maintains the materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates the informal resolution process and makes them publicly available on our website. The Office of Civil Rights Compliance website lists training attended on or after August 14, 2020, when the 2020 Title IX regulations took effect. The University is required to maintain records of trainings for seven (7) years.

Programming Related to Sexual Misconduct Awareness and Prevention

The University provides many educational programs and conducts activities throughout the year to raise awareness of sexual offenses, domestic/dating violence and stalking on campus for incoming students and employees, as well as the current campus community. Specific awareness and training programs are available through a variety of University outlets. While these programs and campaigns focus on primary prevention and awareness, many resources are available for those who have experienced sexual misconduct.

Training the Campus Community

Faculty, staff, and students are required to complete an on-line training annually that addresses awareness and the prevention of sexual misconduct. They receive an email providing an explanation of the training and how to access it prior to the start of classes/work. Called “U Got This,” the training comes in one version for undergraduate students, one for grad students and one for employees. The training is provided by the Office of Civil Rights Compliance and is consistently evaluated for ways to be improved. The system provides completion information to ensure the training is taken as required. This training program provides:

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

Additional Information and Tips Regarding Prevention and Supporting Survivors

The University’s programs provide excellent information regarding safe and positive options for bystander intervention, as well as information on risk reduction, as the ultimate goal of these programs is to keep sexual misconduct from occurring; it is important for members of the campus community to know how to effectively intervene and take protective measures. The following provides some general information on safe and positive options for bystander intervention and risk reduction.

Bystander Intervention

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

It is important to recognize healthy and unhealthy behaviors that could potentially lead to sexual violence and effectively intervene before the negative behavior escalates. A past campus survey indicated that one barrier to Nebraska students intervening was that they did not know when to do so. The various workshops and programs noted above provide opportunities to discuss these challenges and encourage intervention, even when someone isn’t sure. The workshops emphasize approaches such as asking “Is everything OK here?” or other open-ended questions. Some bystander intervention options that one may take include:

- Determine if you should do something immediately or if something could be done later; recruit help if necessary.
- Approach everyone as a friend.
- Do not be antagonistic and avoid using violence.
- If things get out of hand or become too serious, contact the police.
- Direct approaches:
- Have a face-to-face conversation with the person, be honest, and let them know of your concerns;
- Distract the person or suggest another way of looking at things;
- Change attitudes regarding the situation (active listening, open conversation).
- Indirect approaches:
- Ask people around you what they think could be done;
- Casually ask the person how things are going and if there are any problems;
- Offer support to the person(s) being affected by the situation;
- Learn from the situation and make a plan for next time.

Risk Reduction Strategies

Here are some ways to help reduce the risk of becoming a victim in social situations:

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

Here are some ways to avoid dangerous situations:

- Trust your instincts – If it feels unsafe/uncomfortable, it probably isn’t the best place to be.
- Be aware of your surroundings.
- Avoid isolated areas.
- Travel light and take only what you really need.
- Carry your cell phone accessibly.

Here are some ways to create a safer climate for everyone:

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

Supporting a Survivor

Listen

- Let your friend explain their experience in their own words, at their own pace. Let them decide how much information and what information they are ready and willing to share.

Believe

- Tell your friend that you believe them and let them know that what happened to them is not their fault.

Connect with resources

- There are many resources on campus that can help a survivor with issues related to safety and well-being (see above in this report).

Support

- Your friend may not be ready to make decisions yet, or they may not make the decision that you think is best. It may be hard to understand but remember that you are not in their position. It's important that survivors be able to regain some control by making their own choices and decisions.

Ask

- If you are not sure how to help, just ask. Ask your friends what they need from you and be honest about whether or not you can provide that help.

Respect

- Your friend trusted you with this information, so it is important to respect their privacy. Please do not share their story with anyone without their permission.

Understand

- It is normal for a traumatic event to cause people to act differently than usual. For example, your friend may laugh at something very serious or sleep more than usual. Try to be patient and understanding.

Take care of you

- It can be difficult being the person your friend trusted this information. You might want to process this experience with a Victim Survivor Advocate or a counselor at CAPS. We support those who support survivors. Reach out to us to talk with an Advocate. It is important to take care of yourself, too.

One may have trouble finding the right things to say to a friend or worry about saying the wrong thing. Making mistakes is okay – apologize and try to learn from the mishap. Sexual and relationship violence is never the fault of the survivor. There are some common questions well-intentioned people may ask survivors that can make them feel as if they did something wrong or are at fault.

In order to help avoid this, here are some questions that may send a message that does not match the person's intent and so should be avoided by someone just wanting to help:

- “How much did you have to drink?”
- “What were you wearing?”
- “Did you fight back?”
- “Why didn’t you yell for help?”
- “Why didn’t you call the police right away?”
- “Why did you go home with them to begin with?”
- “Why did you wait to tell someone?”

It is normal for the person receiving the report to have feelings, emotions, opinions, or questions. However, it is important that you don’t blame the survivor, even inadvertently with your comments and questions. It is just as important that you pay attention to how you are feeling and reach out for help with processing what you have experienced.

Programs, Services, and Policies

Clery Compliance

UNMC directs Public Safety to manage all aspects of Clery Act compliance. This includes the Daily Crime and Fire Log, Annual Safety and Fire Reporting, timely warnings, emergency notifications, CSA training and management, and policy requirements.

UNMC has full faith in the department to accomplish these requirements but maintains accountability for Clery Act compliance and works mutually to ensure Clery communication.

Campus Security Authorities (CSAs)

Campus Security Authority (CSA) is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution. CSAs are an integral portion of the Clery Act requirements. A CSA is anyone who has a direct influence on campus or student activities.

- 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.

Accommodations (ADA)

The University of Nebraska Medical Center takes pride in its diverse population and is committed to providing all students the opportunity to take full advantage of its programs and facilities. In keeping with this philosophy, UNMC strives to eliminate architectural and programmatic barriers

that may prevent qualified students with disabilities from obtaining an academic or professional degree. Reasonable accommodations (e.g. auxiliary aids and services or academic adjustments) are offered to provide students with disabilities an equal opportunity to participate in academic programs and to promote and facilitate the integration of students with disabilities into the mainstream of university academic life. Students should initiate requests for accommodation; however, the accountability and responsibility of accommodations is shared among faculty, students, administrators, and staff. Reasonable accommodations for students with disabilities are designed to provide equal access in a manner that does not compromise essential elements of academic programs. The UNMC ADA Policy is found at catalog.unmc.edu/general-information/student-policies-procedures/student-accommodation-policy/

ADA Grievance Procedure

The University of Nebraska Medical Center (“UNMC”) has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Sections 503 or 504 of the Rehabilitation Act of 1973, as amended ([29 U.S.C. 794](#)) or Section 202 of the Americans with Disabilities Act of 1990 ([42 U.S.C. 12132](#)). Section 202 states, in part, that “no individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” The UNMC ADA Grievance Procedure is found at catalog.unmc.edu/general-information/student-policies-procedures/ada-504-grievance-procedure/

Complaints from students should be addressed to Dr. Phil Covington, who has been designated to investigate complaints under the ADA and the Rehabilitation Act:

- Dr. Phil Covington, Associate Vice Chancellor for Student Success, and Interim ADA/504 Coordinator for Students Division of Student Success
 - 402-559-2792
 - philip.covington@unmc.edu

Counseling and Psychological Services (CAPS)

CAPS provides mental health and wellness related services for the UNMC campus community. CAPS provides individual therapy to UNMC students free of charge. Our licensed therapists offer a comfortable and confidential space for students to address their concerns and accomplish their personal and academic goals. We utilize a short-term, solution-focused model. This simply means that we work to address your concerns as quickly as possible, so you feel better sooner. We know that your life is stressful, and we want you to be your best self as soon as you are able. The webpage for UNMC CAPS is found at www.unmc.edu/student-success/student-health/counseling/index.html

We offer in-person sessions for those in the Omaha area as well as sessions via Zoom for those people outside of Omaha or those who prefer virtual sessions. All UNMC students have access to CAPS services regardless of their campus location. To make an appointment or if you have any questions, call 402.559.7276

Each of our counselors is licensed to provide mental health therapy and/or substance abuse treatment in the state of Nebraska. Our staff provide a safe, confidential atmosphere where personal concerns can be openly explored within a culturally sensitive context. Medical referrals are available if needed.

Email to counselors is not monitored at all hours. If you need to make an appointment or speak to a counselor, please call 402.559.7276. If experiencing a mental health emergency and need immediate assistance, please dial 911 or go to the nearest emergency room.

Drug and Alcohol Abuse Prevention

UNMC understands that the academic environment can be stressful and that student/life balance is difficult. The University acknowledges that mental and physical health are directly related to student success. In order to achieve and maintain mental and physical health, students should be aware of the substance abuse dangers that may exist on or off-campus. Please visit the following website for more information.

Prevention of Substance Use and Mental Disorders | SAMHSA

www.samhsa.gov/substance-use/prevention/substance-use-disorders#substance-use-disorder-prevention

Drug Free Campus

The University of Nebraska desires to provide an alcohol and drug-free, healthy, safe, and secure work environment and has established a code of conduct for all campuses of the University of Nebraska system. UNMC will comply with all federal and state laws, regulations and orders, including the policies of the Board of Regents which pertain to providing a drug free campus. The UNMC Drug Free Campus Policy is found at catalog.unmc.edu/general-information/student-policies-procedures/drug-free-campus/

Non-Discrimination & Harassment Policy

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

UNMC complies with all local, state and federal laws prohibiting discrimination, including Title IX, which prohibits discrimination on the basis of sex.

Sexual Misconduct which includes dating violence, domestic assault, domestic violence, rape, sexual assault, sexual harassment (including hostile environment and quid pro quo), and stalking is covered under UNMC Policy No. 1107, Sexual Misconduct.

The UNMC Non-Discrimination & Harassment Policy is found at catalog.unmc.edu/general-information/student-policies-procedures/non-discrimination-and-harassment/

Safety

The University of Nebraska Board of Regents policy requires that UNMC develop and implement an effective written injury and illness prevention program which promotes occupational safety and health practices and strives to reduce work-related accidents and injuries on campus. In addition, UNMC's injury and illness prevention program complies with applicable federal regulations, the Revised Statutes of Nebraska, and the rules and regulations promulgated by the State of Nebraska Commissioner of Labor.

UNMC recognizes its role of stewardship in protecting and conserving the human, property, and financial resources of the University. Each employee and student of UNMC must also recognize this commitment and practice the highest degree of concern for the safety of fellow employees, students, patients, and the general public. It is the policy of UNMC to promote safety at all times and to prevent occupational injury, illness, and financial loss to the institution.

The UNMC Safety Policy is found at <https://catalog.unmc.edu/general-information/student-policies-procedures/safety/>

Sexual Misconduct

Title IX of the Education Amendments of 1972 ([20 U.S.C. .1681 et seq.](#)) prohibits discrimination on the basis of sex in education programs receiving Federal financial assistance. Title IX states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be

denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Title IX prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX.

The UNMC Sexual Misconduct Policy is found at catalog.unmc.edu/general-information/student-policies-procedures/student-sexual-harassment-policy/

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, UNPPSD 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.

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 [here](#).

Listings of registered sex offenders in the United States can be found [here](#).

More information on rape, abuse, and incest can be found [here](#).

Weapons

It is the policy of the University of Nebraska Medical Center to prohibit possession of deadly weapons on University property. For purposes of this policy, a deadly weapon can be identified as any firearm, knife, bludgeon, or other device, instrument, material, or substance, whether animate or inanimate, which, in the manner it is used or is intended to be used, is capable of producing death or serious bodily injury.

No persons, on or entering University premises, will be allowed to retain in their possession firearms, guns, electroshock weapons, weapons, ammunition explosives or incendiary devices. Any item classifiable as a potentially dangerous weapon, and for which a purpose of possession cannot be established, is prohibited. Members of the law enforcement agencies of municipal, county, state and federal governments on official visits on campus are exempt from this provision.

The UNMC Deadly Weapons Policy is found at catalog.unmc.edu/general-information/student-policies-procedures/deadly-weapon/

Campus Fire Report

Fire Safety – Student Housing

Buildings are equipped with safety equipment. Members of the University community (Members) are responsible for knowing what fire safety equipment is available in their area.

Members may not disable any fire safety equipment, and they should report any malfunctions or inoperable smoke detectors, sprinklers, or other fire safety equipment to facilities as soon as possible.

- University Housing maintains compliance with Fire Life Safety codes.
- Fire Life Safety systems (alarm panels, sprinklers, smoke detectors, etc.) are inspected annually.
- Smoke detectors in student rooms are inspected at least once per year.
- 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 will walk the areas affected until the systems are back online.
- All residence hall facilities have fire extinguishers in compliance with the applicable code.

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 Public Safety 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.

Fire Hazards

Student housing residents may not store any items in the furnace closet area of their suite or block air intake vents outside the furnace closet area. Failure to comply can result in a fire that endangers not only student residents' lives but the lives of others in the building. Anyone who fails to adhere to this policy will be held responsible for any resulting damages.

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. Personal grills designed for outdoor use, including gas and electricity, 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.

Storage of flammable materials in buildings is not allowed. 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. Egress doors can be identified with an "EXIT" sign directing occupants out of the building.

The University of Nebraska does not allow any type of space heaters in student housing.

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.

Students, faculty, or staff may not possess lit 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 to by the owner. If the power goes out, use flashlights only.

All extension cords must be U.L. approved. All extension cords must be in like-new condition. No repaired or damaged extension cords are permitted and will be immediately removed. Multiple outlet "octopus" plugs are not allowed. However, surge protectors are allowed.

Prohibited items may be removed by staff.

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.

Fire Evacuation Drills / Exercises and Equipment

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.

Resident Advisors (RA) will conduct training for any students who move, to include change of housing locations, within the first four (4) weeks of the Spring semester. Rosters of completed training will be signed by the RA and Housing Director and submitted for tracking by campus Emergency Management.

Fire Evacuation will be conducted at least once per year in all buildings.

In 2025, there was one fire drill for all university buildings.

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 Public Safety 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.

Fire 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 doorknob 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.

Fire Safety Disclosures

The HEA fire safety regulations apply only to institutions with on-campus student housing facilities and focus exclusively on those facilities.

UNMC is a non-smoking campus. Smoking is prohibited in all buildings on campus.

The regulations do not apply to other buildings on your campus or to any non-campus student housing facilities your institution might own or control. An institution with on-campus student housing facilities is required to:

- Maintain a log of all reported fires that occur in those on-campus student housing facilities.

- Publish an annual fire safety report that contains fire safety policies and fire statistics for each of those facilities.
- Submit the fire statistics from the fire safety report annually to the Department.

Future Fire Safety Improvements

The University continually evaluates fire-safety systems and practices. Based on the University's annual review, no additional fire-safety improvements have been identified as necessary at this time.

Fire Statistics (2023, 2024, and 2025)

Year	Campus	Location	Address	Total Fires in Each Building	Fire Incident	Cause	Medical Treatment	Deaths	Property Value
2023	UNMC	Student Housing	3903 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	3905 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	4637 Farnam St., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	3869 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	3871 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	3873 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	3873B Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	3875 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	3861 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	3863 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	3865 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	3867 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	404 S 40th St., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	406 S 40th St., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	415 S 41st St., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	411 S 41st St., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	602 S 38th Ave., 68105	0	0	N/A	N/A	N/A	N/A
2023	UNMC	Student Housing	608 S 38th Ave., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	3903 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	3905 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	4637 Farnam St., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	3869 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	3871 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	3873 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	3873B Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	3875 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A

Year	Campus	Location	Address	Total Fires in Each Building	Fire Incident	Cause	Medical Treatment	Deaths	Property Value
2024	UNMC	Student Housing	3861 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	3863 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	3865 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	3867 Dewey Ave., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	404 S 40th St., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	406 S 40th St., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	415 S 41st St., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	411 S 41st St., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	602 S 38th St., 68105	0	0	N/A	N/A	N/A	N/A
2024	UNMC	Student Housing	608 S 38th Ave., 68105	0	0	N/A	N/A	N/A	N/A
2025	UNMC	Student Housing	4637 Farnam St., 68105	0	0	N/A	N/A	N/A	N/A
2025	UNMC	Student Housing	404 S 40th St., 68105	0	0	N/A	N/A	N/A	N/A
2025	UNMC	Student Housing	406 S 40th St., 68105	0	0	N/A	N/A	N/A	N/A
2025	UNMC	Student Housing	415 S 41st St., 68105	0	0	N/A	N/A	N/A	N/A
2025	UNMC	Student Housing	411 S 41st St., 68105	0	0	N/A	N/A	N/A	N/A
2025	UNMC	Student Housing	602 S 38th St., 68105	0	0	N/A	N/A	N/A	N/A
2025	UNMC	Student Housing	608 S 38th Ave., 68105	0	0	N/A	N/A	N/A	N/A

UNMC Fire Safety Systems within Residential Facilities

Address	Units	Smoke Detector	Warning Modalities	Sprinkler	Fire Extinguisher	Alarm Monitored
404 S 40TH ST	5	YES	SIREN	NO	NO	NO
406 S 40TH ST	4	YES	SIREN	NO	NO	NO
411 S 41ST ST - #1, #2, #3, #4	4	YES	SIREN	NO	NO	NO
411 S 41ST ST - #5 & #6	2	YES	SIREN	NO	YES	NO
415 S 41ST ST	11	YES	SIREN	NO	YES	NO
602 S 38TH ST - APARTMENT BLDG	30	YES	STROBE/SIREN	YES	YES	OFD/UNPPSD
608 S 38TH ST - APARTMENT BLDG	30	YES	STROBE/SIREN	YES	YES	OFD/UNPPSD
3910 DEWEY AVE #1	1	NO	NO	NO	NO	NO
3910 DEWEY AVE #2	1	YES	NO	NO	NO	NO
3910 DEWEY AVE #3	1	YES	NO	NO	NO	NO
3910 DEWEY AVE #4	1	NO	NO	NO	NO	NO
3910 DEWEY AVE #5	1	YES	NO	NO	NO	NO
3910 DEWEY AVE #6	1	NO	NO	NO	NO	NO
4637 FARNAM ST	1	YES	NO	NO	NO	NO
4643 FARNAM ST	1	YES	NO	NO	NO	NO
414 S 40TH	5	YES	NO	NO	NO	NO
3869 DEWEY AVE - UNMC RESIDENCES	235	YES	SPEAKER/STROBE	YES	YES	OFD/UNPPSD

All apartments have smoke detectors

Students may call 911 or Public Safety/UNPPSD Dispatch 402.559.5555 to report emergencies or request assistance.

UNMC Apartment Buildings include pull stations in the hallways, fire extinguishers, and smoke detectors in common areas.

Smoke detectors are connected to both Public Safety/UNPPSD and Omaha Fire Department.

Appendices

Appendix A: On Campus Housing Details

UNMC Campus

Building Name	Address	Type
	3910 Dewey Ave. 68105	House
	4637 Farnam Street 68105	House
	4643 Farnam Street 68105	House
	414 S 40 th Street 68105	Apartment Building
UNMC Residences	3869 Dewey Ave. 68105	Apartment Building
Student Apartments	404 S 40 th St. 68105	Apartment Building
	406 S 40 th St. 68105	Apartment Building
Student Apartments 1	602 S 38 th Ave. 68105	Apartment Building
Student Apartments 2	608 S 38 th Ave. 68105	Apartment Building
	411 S 41 st St. 68105	Apartment Building
	415 S 41 st St. 68105	Apartment Building

Appendix B: Clery Geography

The following locations support UNMC faculty and students and in some cases are buildings under the authority of UNMC. Clery activities are recorded and reported under the respective campus security and administration.

Non-Campus Location – Bellevue Medical Center

Emergencies occurring on BMC's campus, located at 2500 Bellevue Medical Center Drive Bellevue, Nebraska 68123, can be reported to Public Safety by calling 402.559.5555 or calling 911. BMC Public Safety personnel work closely with the Bellevue Police Department to provide law enforcement services to the students, faculty, and staff at BMC. Non-emergencies can be reported at 402.559.5111 or email at unmcpublicsafety@unmc.edu. Clery crimes reported to public safety are reported in the crime statistics as "Non-Campus".

Off-Campus UNMC Branches – University of Nebraska in Lincoln, NE (UNL)

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 24-hours a day.

For crimes occurring off campus, you may also contact 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 College of Dentistry – 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

Off-Campus UNMC Branches – University of Nebraska at Kearney, NE (UNK)

UNMC College of Nursing and UNMC College of Allied Health Professions - 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. This form can be found at unk.co1.qualtrics.com/jfe/form/SV_0IDssXOUdB81oq1

UNKAlert FAQ

Kayleigh Dawson
Chief Compliance Officer/Title IX Coordinator Office of Equity and Compliance
1601 University Drive, URN A 301
308.865.8655
dawsonkn@nebraska.edu

Off-Campus UNMC Branches – College of Nursing Northern Division – Norfolk, NE

UNMC students and faculty share space with Northeast Community College faculty and students.

UNMC College of Nursing, Northern Division
801 East Benjamin Avenue Norfolk, NE 68701
Student Services 402.844.7890
College Administration 402.844.7894
Fax: 402.844.7926

Off-Campus UNMC Branches – College of Nursing Western Division – Scottsbluff, NE

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
- Non-Emergency 308.632.7176
- Security Officers can be reached 11:00 p.m. – 7:00 a.m. 7 days a week at 308.641.0351
- Scottsbluff Campus Main Office - 308.635.3606

Off-Campus UNMC Branches – College of Dentistry – Dental Clinic – Gering, NE

UNMC College of Dentistry students provide dental and dental-hygiene services in Gering through the Community Action Partnership of Western Nebraska Health Center (CAPWN). UNMC confirms this is its Gering community dental training location. Public Safety needs are met by the Gering Police Department.

- Emergencies: call 911
- Non-Emergency 308.436.5088
- Office phone 308.436.5089
 - Police Department Business Hours are 7:30am – 4:30pm.

UNMC, BMC, and Clarkson College Building Geography

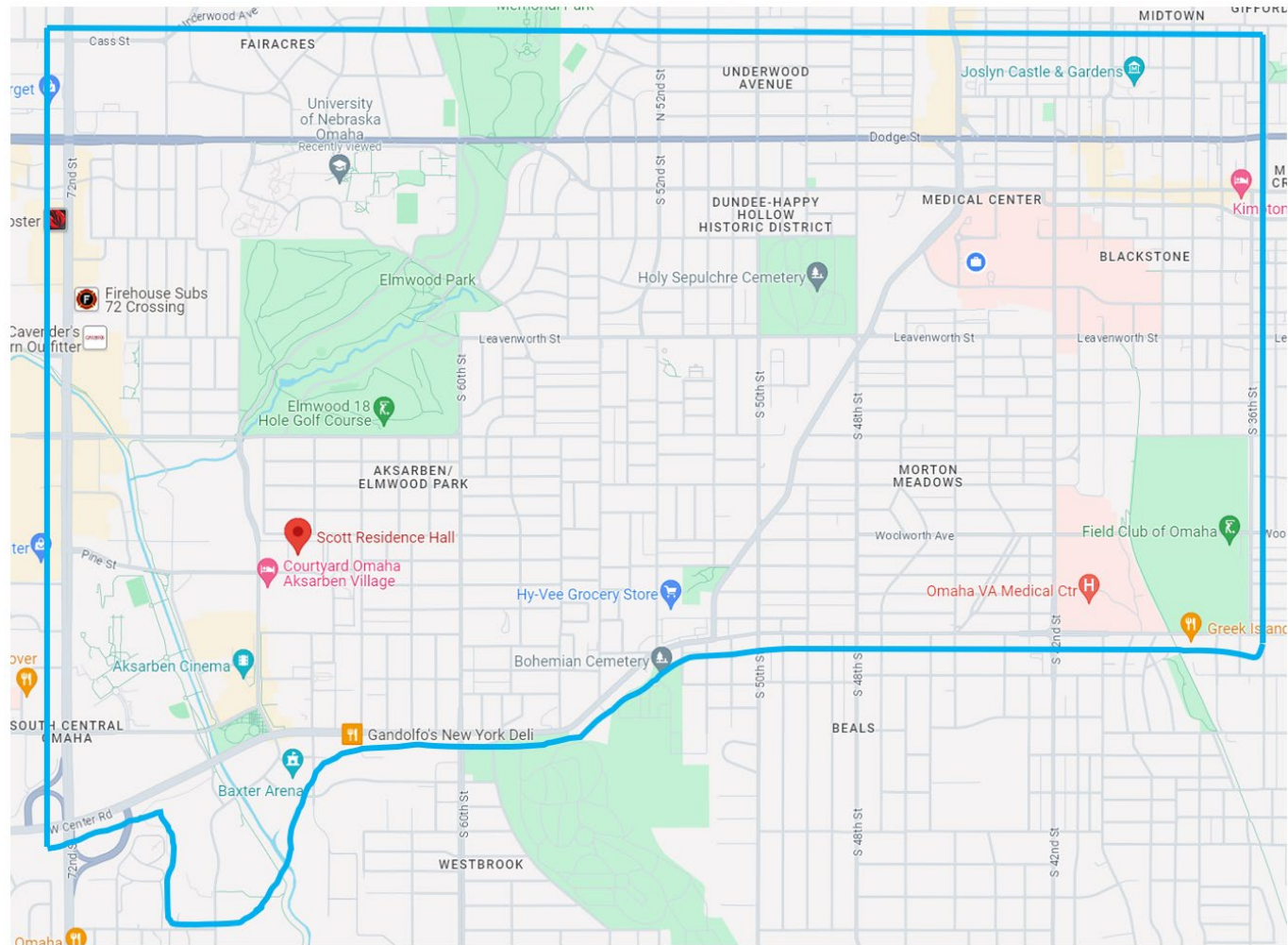
Building	Address	Campus	Clery Geography
HOUSE - 411	411 S 41ST ST	UNMC	On Campus Housing
HOUSE - 415	415 S 41ST ST	UNMC	On Campus Housing
ACADEMIC AND RESEARCH SERVICES	4215 EMILE ST	UNMC	On Campus
ADMINISTRATION ANNEX 10	4230 LEAVENWORTH ST	UNMC	On Campus
ADMINISTRATION ANNEX 14	4460/4470 FARNAM ST	UNMC	On Campus
ADMINISTRATION ANNEX 15	4501 DODGE ST	UNMC	On Campus
ADMINISTRATION ANNEX 18	3901 DEWEY AVE	UNMC	On Campus
ANNEX 19 FACILITIES TRAILER	4646 JONES PLZ	UNMC	On Campus
ADMINISTRATION ANNEX 20	510 S 38TH AVE	UNMC	On Campus
ADMINISTRATION ANNEX 21	521 S 38TH AVE	UNMC	On Campus
ADMINISTRATION ANNEX 22	601 S SADDLECREEK RD	UNMC	On Campus
ADMINISTRATION ANNEX 23	4646 JONES PLZ	UNMC	On Campus
ADMINISTRATION ANNEX 31	3858 MARCY ST	UNMC	On Campus
ADMINISTRATION ANNEX 32	3929 HARNEY ST	UNMC	On Campus

Building	Address	Campus	Clery Geography
ADMINISTRATION ANNEX 8	412 S SADDLECREEK RD	UNMC	On Campus
ADMINISTRATION CENTER	426 S 40TH ST	UNMC	On Campus
ANNEX 16 COMMERCIAL FEDERAL BUILDING	4444 FARNAM ST	UNMC	On Campus
ANNEX 17	4412 FARNAM ST	UNMC	On Campus
BCC SCOTT RESEARCH TOWER	505 S 45TH ST	UNMC	On Campus
BCC WARNER CANCER HOSPITAL	505 S 45TH ST	UNMC	On Campus
BELLEVUE MEDICAL CENTER	2500 BELLEVUE MEDICAL CENTER DR	BMC	Non-Campus
BELLEVUE MEDICAL OFFICE BUILDING	2510 BELLEVUE MEDICAL CENTER DR	BMC	Non-Campus
BENNETT HALL	4204 EMILE ST	UNMC	On Campus
BUFFET CANCER CENTER	505 S 45TH ST	UNMC	On Campus
CENTER FOR NURSING SCIENCE	4101 DEWEY ST	UNMC	On Campus
CENTRAL UTILITIES PLANT	6331 UNIVERISTY DR S	UNMC	On Campus
CLARKSON COLLEGE	101 S 42ND ST	Clarkson College	On Campus
CLARKSON COLLEGE STUDENT CENTER	104 S 41ST ST	Clarkson College	On Campus
CLARKSON DOCTORS BUILDING NORTH	4242 FARNAM ST	UNMC	On Campus
CLARKSON DOCTORS NORTH	4242 FARNAM ST	UNMC	On Campus
CLARKSON DOCTORS SOUTH	4239 FARNAM ST	UNMC	On Campus
CLARKSON FAMILY MEDICINE	4200 DOUGLAS ST	UNMC	On Campus
CLARKSON STUDENT APARTMENTS	104 S 41ST ST	Clarkson College	On Campus
CLARKSON TOWER	4350 DEWEY CIR	UNMC	On Campus
CLARKSON TOWER LOT 1	42ND & DEWEY CIR	UNMC	On Campus
COLLEGE OF NURSING	4111 DEWEY ST	UNMC	On Campus
DAVIS GLOBAL CENTER (iEXCEL)	4111 EMILE ST	UNMC	On Campus
DURHAM OUT-PATIENT CENTER-UNIT 6	4400 EMILE ST	UNMC	On Campus
DURHAM RESEARCH CENTER	550 S 45TH ST	UNMC	On Campus
DURHAM RESEARCH CENTER II	560 S 45TH ST	UNMC	On Campus
EAST UTILITY PLANT	510 S 40TH ST	UNMC	On Campus
EPPLEY ADMINISTRATION	6101 UNIVERSITY DR N	UNMC	On Campus
EPPLEY CANCER INSTITUTE	4315 DEWEY CT	UNMC	On Campus
EPPLEY SCIENCE HALL	4220 DEWEY CT	UNMC	On Campus
HIXSON-LIED CENTER	4350 DEWEY AVE	UNMC	On Campus
HOME INSTEAD CENTER	730 S 38TH AVE	UNMC	On Campus
HOUSE - 602	602 S 38 TH AVE	UNMC	On Campus Housing
HOUSE - 608	608 S 38 TH AVE	UNMC	On Campus Housing

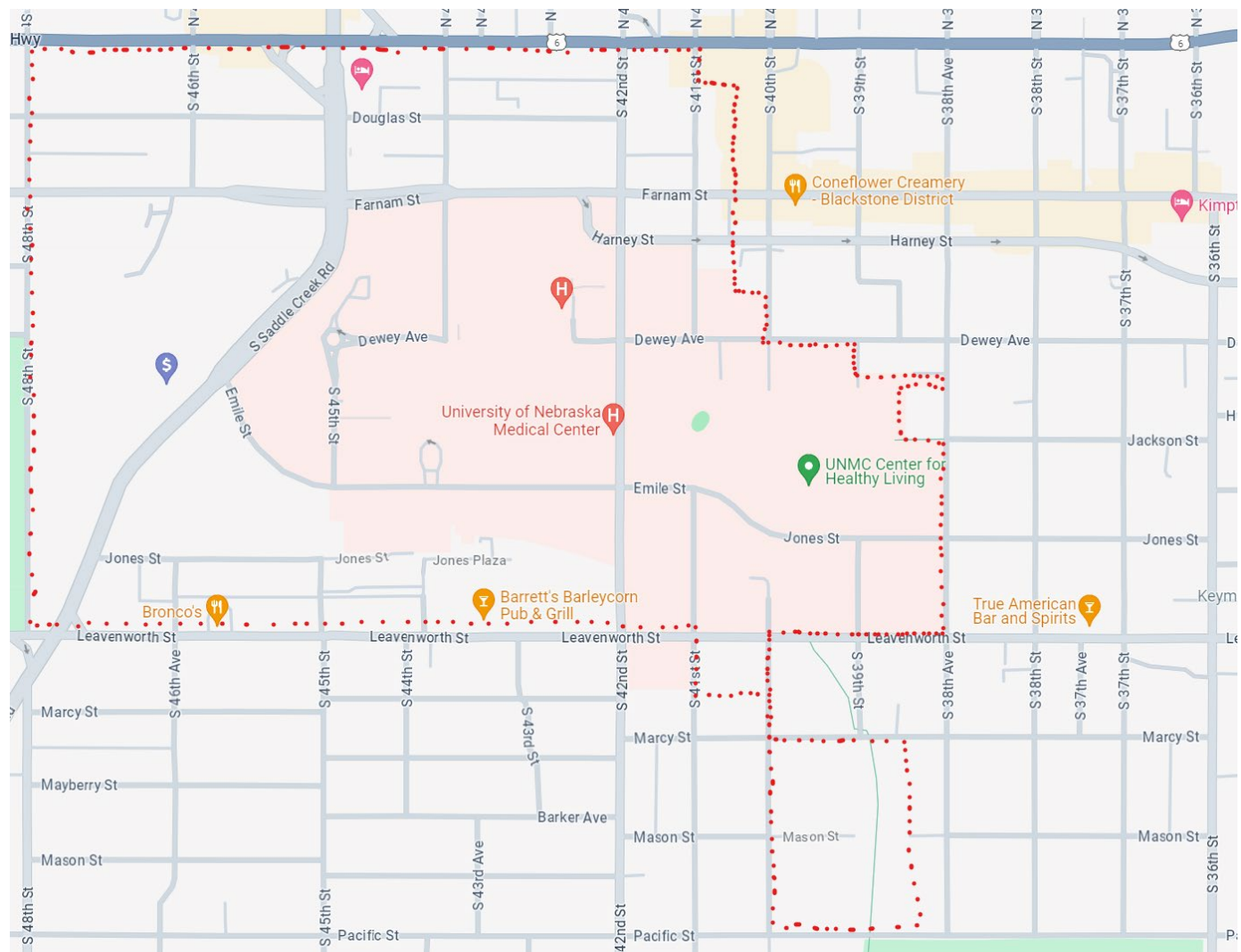
Building	Address	Campus	Clery Geography
INTEGRATED SERVICE CENTER	3930 PACIFIC ST	UNMC	On Campus
INTERNATIONAL HOUSE	428 S 38TH ST	UNMC	On Campus
KEIWIT TOWER	333 S 44TH ST	UNMC	On Campus
LAURITZEN OUTPATIENT CENTER	4014 LEAVENWORTH ST	UNMC	On Campus
LIED TRANSPLANT CENTER	4310 EMILE ST	UNMC	On Campus
LOZIER CENTER FOR PHARMACY - DRUG DISCOVERY	4040 EMILE ST	UNMC	On Campus
MAURER CENTER FOR PUBLIC HEALTH	519 S 40TH ST	UNMC	On Campus
MEDICAL SCIENCES BUILDING	4400 EMILE ST	UNMC	On Campus
MICHAEL F SORRELL CENTER	619 S 42ND ST	UNMC	On Campus
MIDTOWN CLINIC	139 S 40TH ST	UNMC	Non-Campus
MIDWEST EYE CARE - PETERSEN MEDICAL BUILDING	4353 DODGE ST	UNMC	On Campus
MUTUAL OF OMAHA	3333 FARNAM ST	UNMC	On Campus
NSRI/LION'S EYE BANK	3925 DEWEY AVE	UNMC	On Campus
PARKING STRUCTURE 2	4420 EMILE ST	UNMC	On Campus
PARKING STRUCTURE 3	4400 EMILE ST	UNMC	On Campus
PARKING STRUCTURE 5	4110 DEWEY AVE	UNMC	On Campus
PARKING STRUCTURE 50	4405 EMILE ST	UNMC	On Campus
PARKING STRUCTURE 6	4111 HARNEY ST	UNMC	On Campus
PARRISH ALTERNATIVE SCHOOL	4469 FARNAM ST	UNMC	On Campus
PETERSEN MEDICAL BUILDING LL LEVEL	4353 DODGE ST	UNMC	On Campus
POYNTER HALL	510 S 42ND ST	UNMC	On Campus
SHACKLEFORD HALL	4367 EMILE ST	UNMC	On Campus
SPECIALTY SERVICES PAVILLION	4350 EMILE ST	UNMC	On Campus
STORZ PAVILLION	4350 DEWEY AVE	UNMC	On Campus
STUDENT APARTMENTS - 404	404 S 40TH ST	UNMC	On Campus Housing
STUDENT LIFE CENTER	3908 JONES ST	UNMC	On Campus
TRUHLSEN EYE INSTITUTE	3902 LEAVENWORTH ST	UNMC	On Campus
UNIVERSITY TOWER	4400 EMILE ST	UNMC	On Campus
WASTE ACCUMULATION BUILDING	4645 JONES PLZ	UNMC	On Campus
WEIGEL WILLIAMSON CENTER FOR VISUAL REHAB	704 S 38TH ST	UNMC	On Campus
WILLIAMS SCIENCE HALL	525 S 42ND ST	UNMC	On Campus
WITSON HALL / MCGOOGAN LIBRARY	528 S42ND ST	UNMC	On Campus

Monroe-Meyer Institute (MMI) moved from the UNMC Campus to the University of Nebraska Omaha (UNO) Scott Campus but is administrated by UNMC. Any Clery-Reportable Incidents occurring at MMI will be reported on UNO's Annual Safety and Fire Report.

Patrol Area – Public Safety Primary Patrol Jurisdiction



Clery Geography – UNMC – Main Campus



Clery Geography – Nebraska Medicine – Bellevue Medical Center (BMC)



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Appendix C: Federal, State, Local Law References: Drug & Alcohol

Description of Applicable Legal Sanctions Under Federal, State, or Local Law for Unlawful Possession or Distribution of Illicit Drugs and Alcohol

The information on the following pages summarizes selected provisions of Federal, State, and local laws that provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol.

Federal Penalties and Sanctions for Illegal Possession of Controlled Substances

[21 U.S.C. 844\(a\)](#)

First Conviction: Up to 1-year imprisonment and fine of at least \$1,000 or both. After 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.

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. 853\(a\)](#) and [881\(a\)](#)

Forfeiture of tangible and intangible personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1-year imprisonment. Forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for us, to transport or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances.

[21 U.S.C. 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.

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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 [NRS 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 [NRS 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 [NRS 28-441](#) or subsection (3) of [NRS 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. [NRS 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. [NRS 28-416 \(14\)](#) (Cum. Supp. 2020).

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. [NRS 77-4303](#) (Reissue 2018).

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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. [NRS 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. [NRS 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. [NRS 28-105\(1\)](#) (Cum. Supp. 2020) available at <http://nebraskalegislature.gov/laws>; [NRS 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. [NRS 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. [NRS 28-417\(1\)\(g\)](#) (Reissue 2016).

Drug Paraphernalia Offenses

It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. [NRS 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. [NRS 28-441\(3\)](#) (Cum. Supp. 2020); [NRS 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. [NRS 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. [NRS 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. [NRS 28-443](#) (Reissue 2016).

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A violation of [NRS 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. [NRS 28-441](#) (Cum. Supp. 2020). and [29-436](#) (Reissue 2016). The penalty for violation of [NRS 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. [NRS 28-442](#) (Cum. Supp. 2020) and [NRS 28-106\(1\)](#) (Reissue 2016). The penalty for violation of [NRS 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. [NRS 28-443](#) (Reissue 2016) and [NRS 28-106\(1\)](#) (Reissue 2016)

Imitation Controlled Substances

It is a violation of Nebraska law to knowingly or intentionally manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance. [NRS 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. [NRS 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. [NRS 28-445](#) (Reissue 2016) and [NRS 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. [NRS 28-401\(31\)\(a\)](#) (Cum. Supp. 2020).

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. [NRS 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. [NRS 53-180.05\(4\)](#) and [NRS 53-181](#) (Cum. Supp. 2020); [NRS 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; [NRS 53-180.05\(4\)](#) and [NRS 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

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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. [NRS 53-180.05\(4\)](#) and [NRS 53-181\(3\)](#) (Cum. Supp. 2020)

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. [NRS 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. [NRS 53-180.05\(1\)](#) (Cum. Supp. 2020) and [NRS 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 [NRS 53-180.05\(2\)](#) (Cum. Supp. 2020) and [NRS 28-105\(1\)](#) (Cum. Supp. 2020) available at 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. [NRS 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. [NRS 53-186](#) (Cum. Supp. 2020) and [NRS 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. [NRS 60-6,196](#) (Reissue 2010).

Violation of this law is punishable on the first offense by seven to 60 days of imprisonment and a \$500 fine. [NRS 60-6,197.03](#) (Cum. Supp. 2020) and [NRS 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. [NRS 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. [NRS 60-6,197.03\(1\)](#) (Cum. Supp. 2020)

Penalties for a second conviction include a \$500 fine and a maximum of a 6-month [NRS 60-6,197.03](#) (Cum. Supp. 2020) and [NRS 28-106\(1\)](#) (Reissue 2016). As part of the judgment of conviction, the offender's operator's license is revoked for 18 months. [NRS 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. [NRS 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

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days or the imposition of not less than 240 hours of community service. [NRS 60-6,197.03\(3\)](#) (Cum. Supp. 2020).

Penalties for a third conviction include a \$1,000 fine and a maximum of one-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15 years. [NRS 28-106\(1\)](#) (Reissue 2016) and [NRS 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. [NRS 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 condition's confinements in the city or county jail for 30 days. [NRS 60-6,197.03\(4\)](#) (Cum. Supp. 2020).

Fourth convictions are a Class IIIA felony. [NRS 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. [NRS 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. [NRS 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 abstinence from alcohol use for no less than 90 days after release. [NRS 60-6,197.03\(7\)](#) (Cum. Supp. 2020).

Fifth and subsequent convictions are a Class IIA felony. [NRS 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. [NRS 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. [NRS 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 abstinence from alcohol use for no less than 180 days after release. [NRS 60-6,197.03\(9\)](#) (Cum. Supp. 2020)

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Appendix D: Nebraska Laws Regarding Sexual Assault/Consent

Sexual Assault ([NRS 28-318](#); [28-319](#); [28-319.01](#); [28-320](#); [28-320.01](#); and [28-320.02](#))

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 ([NRS 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.

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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 ([**NRS 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 ([**NRS 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 ([**NRS 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.

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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.