

# Annual Campus Security and Fire Report

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2019



Safety and security information for Western Nebraska Community College, including crime & fire statistics for the 2018 calendar year. This information was submitted to the U.S. Department of Education according to law.

Western Nebraska Community College does not discriminate on the basis of race, color, religion, national origin, sex or gender, age, disability, marital status, military veteran status, sexual orientation, gender expression/identity, or political affiliation, in its policies, practices, and activities related to employment, admissions, educational services/programming, student services/activities, or financial aid; as expressly prescribed by Institutional policy, state and federal laws, regulations, and executive orders.

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## **INTRODUCTION**

Western Nebraska Community College engages in educational efforts to enhance security. As an institution of higher learning, we are committed to an integrated philosophy of awareness, education, prevention, and service. We seek internal and external partnerships to promote and maintain a safe, secure environment conducive to learning, living, and working at WNCC.

In compliance with relevant provisions of federal law, Western Nebraska Community College is required to make policy and procedural information available to the campus community, as well as to prospective students and employees. Printed copies of individual reports are available upon request at the Student Services Office or by calling (308) 635-6104. The data contained in this report is for the calendar year from January 1st through December 31st of 2018 and is made available annually by October 1. For current crime statistics please go to the Student Services Office.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires postsecondary institutions to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make public their campus security policies. It also requires that crime data be collected, reported, and disseminated to the campus community and to the Department of Education annually. The Clery Act is intended to provide students and their families with accurate, complete, and timely information about safety on campuses so that they can make informed decisions. Such disclosures are permitted under the Family Educational Rights and Privacy Act (FERPA). The following web site provides more information about these and other provisions about campus safety: <http://www2.ed.gov/admins/lead/safety/campus.html>

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT - FERPA**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day the college receives a request for access. A student should submit to the registrar a written request that identifies the record(s) the student wishes to inspect. The registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the registrar does not maintain the records, the registrar shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the college to amend a record should write the school official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the college decides not to amend the record as requested, the college will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before the college discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The college discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official typically includes a person employed by the college in an administrative, supervisory, academic, research, or support staff position; a person serving on the board of governors; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the college who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney or auditor. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the college.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

**Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920  
Phone: 1-800-USA-LEARN (1-800-872-5327)**

## **Directory Information**

The law provides that "Directory Information" may be released without the consent of the student. WNCC designates the following student information as Directory Information: The student's full name, addresses, telephone numbers, e-mail addresses, photographic images, date and place of birth, major field of study, full or part-time status, class (e.g. graduate, sophomore, freshman), participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, anticipated date of graduation, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

## **Disclosure**

FERPA permits the disclosure of personally identifiable information (PII) from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student —

- To other school officials, including teachers, within the college whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))

- To officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student’s enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the college’s State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To organizations, conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as “directory information” under § 99.37. (§ 99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the school’s rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))
- To parents of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

## **Requests**

Questions about these policies and procedures related to FERPA may be directed to the Office of the Registrar at 308-635-6012.

## REPORTING CRIME STATISTICS

The College coordinates the collection and reporting of crime statistics as specified by federal law. The information is compiled into a report. Each year, enrolled students are notified via electronic mail, student handbook, and WNCC's web site where this report can be accessed and reviewed. Faculty and staff receive similar notifications by electronic mail and/or their electronic portal. Copies of this report can also be obtained from the Student Services Office. All prospective employees are notified of the report and may also obtain a copy of this report from the Human Resources office. Copies of this report will be provided to others as specified by law and upon request.

The individuals and agencies involved in the collection of data include the Vice President of Student Services, the Dean of Students, the Assistant Dean of Students, Director of Institutional Effectiveness, the Office of Human Resources, Campus Security, the Alliance Police Department, the Scottsbluff Police Department, the Sidney Police Department, the Box Butte County Sheriff's Department, the Cheyenne County Sheriff's Department, the Kimball County Sheriff Department, the Chadron Police Department, the Gordon Police Department, and the Scotts Bluff County Sheriff's Department.

In addition, WNCC, through a cooperative process with the agencies obtain relevant crime statistics from their databases, which provides appropriate crime codes, and the nature, dates, times, and the locations of crimes committed within their jurisdiction. WNCC's Institutional Effectiveness Director requests data from the agencies involved in collecting criminal statistics so that the annual report may be updated and disseminated to the campus community, the general public, and the U.S. Secretary of Education. With the exception of certain alcohol-abuse violations that may be referred for handling by the Office of Residence Life and the Assistant Dean of Students, campus agencies required to collect crime statistics report all crimes to the Dean of Students or Vice President of Student Services.

## CLERY GEOGRAPHY

For all WNCC locations: <https://www.wncc.edu/about-wncc/our-campuses/index>

The Clery Act requires WNCC to disclose statistics for reported crimes based on –

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

The College discloses statistics for reported Clery Act crimes that occur –

- on campus (including on-campus student housing facilities),
- on public property within or immediately adjacent to the campus, and
- in or on non-campus buildings or property that WNCC owns or controls.

## CLERY OFFENSES - DEFINITIONS

Pursuant to the Clery Act, statistics on the following four (4) categories of crime definitions and offenses are included in the annual security report:

## **CATEGORY ONE: TYPES OF CRIMINAL OFFENSES**

1. **Criminal Homicide:**
  - a) **Murder and Non-Negligent Manslaughter.** The willful (non-negligent) killing of one human by another. Included here is any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.
  - b) **Manslaughter by Negligence.** The killing of a person through gross negligence.
2. **Sexual Assault (Sex Offenses).** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - a) **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - b) **Fondling** is the touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental incapacity.
  - c) **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - d) **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.
3. **Robbery.** The taking, or attempting to take, anything of value from the control, custody, or care of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
4. **Aggravated Assault.** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This offense is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
5. **Burglary.** The unlawful entry of a structure to commit a felony or theft.
6. **Motor Vehicle Theft.** The theft or attempted theft of a motor vehicle.
7. **Arson.** Any willful or malicious burning or an attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## CATEGORY TWO: HATE CRIMES

**Hate Crimes.** A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Any of the crimes listed herein in which the victim was intentionally selected because of the victim's actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability must be reported as hate crimes. In addition to those offenses, the following offenses are included in Clery Act statistics only if they are Hate Crimes:

1. **Larceny – Theft.** Unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
2. **Simple Assault.** Unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
3. **Intimidation.** Is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
4. **Destruction / damage / vandalism of property.** Is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## CATEGORY THREE: VAWA OFFENSES

**VAWA Offenses.** The third category of crime statistics disclosed by WNCC are those added to the Clery Act by the Violence Against Women Act. These are Dating Violence, Domestic Violence, Sexual Assault and Stalking. Sexual Assault is included by the FBI as a Criminal Offense and is discussed above in Category One – Criminal Offenses.

1. **Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and without consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition –
  - \* Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - \* Dating violence does not include acts covered under the definition of domestic violence.
2. **Domestic Violence** is defined as a felony or misdemeanor crime 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 of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- \* By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

3. **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to –

- \* Fear for the person's safety or the safety of others; or
- \* Suffer substantial emotional distress.

For the purposes of this definition -

- \* **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly or indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- \* **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- \* **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

#### **CATEGORY FOUR: ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION**

##### **Arrests and Disciplinary Referrals for Violation of Weapons, Drug Abuse and Liquor Laws.**

Under this category of crime statistics, the College must disclose the number of arrests and the number of persons referred for disciplinary action for the following law violations:

1. Weapons: Carrying, Possession, Etc.;
2. Drug Abuse Violations; and
3. Liquor Law Violations.

#### **NEBRASKA STATE LAW DEFINITIONS**

The Violence Against Women Act and its regulations require the inclusion of certain Nebraska State definitions in a campus's Annual Security Report and also require that those definitions be provided in campaigns, orientations, programs, and trainings for employees and students. Definitions required include: consent; dating violence; domestic violence; sexual assault; and stalking.

To review said statutes in their entirety, please see the official site of the Nebraska Unicameral Legislature at the following: <http://nebraskalegislature.gov/laws/browse-statutes.php>

Consent to Sexual Activity (Neb. Rev. Stat. §28-318):

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

“Without consent” means:

1. The victim was compelled to submit due to the use of force or threat of force or coercion; or
  - a) The victim expressed a lack of consent through words; or
  - b) The victim expressed a lack of consent through conduct; or
  - c) The consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor.
2. The victim 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 victim need not resist verbally or physically where it would be useless or futile to do so.

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

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

Dating Violence (Neb. Rev. Stat. §79-2,140):

Dating violence means 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 involvement, whether casual, serious, or long-term.

Domestic Violence (Neb. Rev. Stat. §28-323):

A person intentionally and knowingly causes bodily injury to his/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 dating relationship. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a causal relationship or an ordinary association between persons in a business or social context.

Sexual Assault (Neb. Rev. Stat. §§, 28-317, 28-318, 28-319 and 28-320):

Sexual contact and/or sexual penetration 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 physically or mentally incapable of resisting or appraising the nature of his/her conduct (i.e. mentally challenged, disabled, intoxicated, etc.); or where the perpetrator is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age. A victim must simply provide enough resistance, either verbally or physically, to make the perpetrator aware of the lack of consent. A victim need not resist verbally or physically where it would be useless or futile to do so.

The following definitions apply:

1. Actor: The person accused of sexual assault.
2. Force or threat of force: The use of physical force which overcomes the victim's resistance; or the threat of physical force, express or implied, against the victim or a third person that places the victim in fear of death or in fear of serious personal injury to the victim or a third person where the victim reasonably believes that the actor has the present or future ability to execute the threat.
3. Intimate parts: The genital area, groin, inner thighs, buttocks, or breasts.
4. 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.
5. 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 actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts, when this touching is intentionally caused by the actor. Sexual contact includes only that conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.
6. 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 or victim's body, or any object manipulated by the actor, into the genital or anal openings of the victim's body. Sexual penetration does not require emission of semen.
7. Victim: The person alleging to have been sexually assaulted.

Stalking (Neb. Rev. Stat. §§28-311.02 and 28-311.03):

The willful harassment of another person, regardless of gender, or the family or household member of that person, with the intent to injure, terrify, threaten, or intimidate. Actions include, but are not limited to, deliberately following, detaining, contacting, or harassing the person(s), or imposing any restraints on their personal liberty.

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

**Programs WNCC coordinates include, but are not limited to:**

- Campus-wide e-mails, text messages and voice mails sent in extreme threat circumstances;
- Daily crime logs available for public review;
- Distribution of information to campus publications such as the student newspaper, staff newsletters, and other sources; printed material, such as brochures and fliers, displayed in public places and distributed at meetings and other events;
- Outreach services and informational programs for residence halls, and other student organizations that provide crime awareness and prevention education, information and guidance on personal safety, as well as an opportunity to promote an open dialogue about various safety and security issues;
- Voluntary programs, such as Safe Zone, designed to reduce prejudice and discrimination at the College as well as create a safe and affirming environment for all students;
- Tallying of pertinent statistical data as the result of confidential crime reports; and
- Crime alerts and crime notices posted in conspicuous locations to provide timely warnings to the community about criminal incidents considered a potential threat to students and employees.

**REPORTING CRIME**

College community members are strongly encouraged to report all criminal incidents, suspicious activities and emergency situations immediately to their local police department and the Dean of Students or Vice President of Student Services.

In case of a life-threatening emergency, make the following calls:

1. 911

The 911 operator will assist in directing the necessary response from emergency services, i.e., police, fire and paramedics. Be prepared to give the operator information about the emergency, including:

- Your name, address, and phone number for verification
- Description of suspicious person(s) or vehicle(s) involved (if applicable)
- On a first aid call, determine if the victim is conscious and breathing

Crimes or a non-emergent nature may be reported by calling the following based on your location or by telling any campus official:

**Alliance:** (308) 762-4955

**Scottsbluff:** (308) 630-6261 (during business hours M-F, 7 a.m. to 4:00 p.m.)  
(308) 632-7176 (after business hours)

**Sidney:** (308) 254-5515

WNCC also utilizes an online “**Incident Reporting Form**” for non-emergency situations that can be accessed at <http://www.wncc.edu> (“Report an Incident” link at the bottom of the home page).

WNCC security personnel routinely patrol the campus area in vehicles and on foot. On the Scottsbluff campus, security can be reached after business hours at (308) 641-0351. In certain situations, campus-wide alert is sent.

Additionally, the Vice President of Student Services and Dean of Students maintain a daily crime log that is available for review.

Campus security authorities are directed to formally report to Vice President of Student Services or Dean of Students specified criminal incidents that are reported to them or that have occurred at, or in association with, officially sanctioned events and/or activities. A “Campus Security Authority” (CSA) is defined as an “official of the institution who has significant responsibility for student and campus activities.” Examples of persons who meet the definition of a CSA include (but are not limited to):

- Dean of Students
- Director of Athletics
- Team coach
- Faculty advisors to a student group or student organization
- A student resident advisor or assistant
- A student who monitors access to residential environments
- Title IX Coordinator
- Contracted campus security officers

WNCC encourages accurate and prompt reporting of all crimes to the local police department, campus security or to a Campus Security Authority, when the victim of a crime elects to, or is unable to, make such a report. Formal reports of this nature are documented, investigated and referred for disposition. However, we recognize that in certain situations, individuals who are victims of crime may not wish to

disclose certain details of crimes or their identities. The person with whom you may discuss all of this with confidentially is the licensed counselor at the Counseling Center. If you wish only for support and counseling services, please contact the counselor at 308-635-6050.

Keep in mind that victims of offenses committed by WNCC students have several reporting options. These include 1) reporting to the police for criminal action, 2) filing a civil lawsuit against the suspect and 3) reporting to campus officials. For college sanctions to be considered, you may pursue these options simultaneously, or any one of them separately.

For example, reporting a crime and cooperating with a law enforcement investigation are necessary for criminal prosecution of a sexual assault case, but are not required for college sanctions to be brought against a student found responsible. Please see the Student Code of Conduct in the student handbook or on the WNCC website for details.

### **ADDITIONAL REPORTING OPTIONS**

WNCC does not tolerate any form of sexual misconduct or sexual assault. Non-stranger rapes account approximately 85 percent of sexual assaults committed on college campuses. These include situations in which a person is without physical or mental capacity to consent, often due to being under the influence of alcohol or other drugs. Students are encouraged to report misconduct to college officials.

Anyone who reports an incident of sexual misconduct retains the right to notify proper law enforcement, and college officials will assist in notifying local police if the student so chooses. Students may request changes in their academic and/or living situations. Such changes will be granted provided appropriate arrangements are reasonably available. The Title IX Coordinator, or designee, Kathy Ault, 1601 East 27<sup>th</sup> Street, Scottsbluff, NE 69363-1815, (308) 635-6005 can assist you with these requests.

Regardless of whether formal criminal charges are filed, WNCC reserves the right to pursue disciplinary action as deemed appropriate. The College will consider the concerns and rights of both the person making an allegation and the accused student. These rights include, among others, the right to have an adviser present during any disciplinary proceeding, and the right to notification of the outcome of any disciplinary action taken.

### **MANDATORY REPORTING REQUIREMENTS**

All College employees, with the exception of the College's counseling employees, who are aware of or witness sexual misconduct, including sexual harassment, dating violence, domestic violence, and stalking are required to promptly report to the Title IX Coordinator or a Title IX Deputy Coordinator. Any student who is aware of, or who witnesses sexual misconduct, including sexual harassment, dating violence, domestic violence, and stalking is encouraged to promptly report to the Title IX Coordinator or a Title IX Deputy Coordinator. All reports will be treated with the greatest degree of respect and privacy possible while still fulfilling the College's obligation to investigate and effectively respond to the report. It is the survivor's choice whether to participate in the investigation; however, the College may proceed with the investigation without the survivor's participation if there is a potential threat to other members of the community.

## **CAMPUS SECURITY AND RELATIONSHIPS WITH LOCAL AGENCIES**

WNCC enjoys an excellent working relationship with all local law enforcement agencies including the Scottsbluff, Gering, Alliance and Sidney Police Departments, County Sheriff offices throughout the service area and the Nebraska State Patrol. WNCC does not, however, have a formal written memorandum of understanding for the investigation of alleged criminal offenses with the external agency. The Scottsbluff Campus has a contracted Security force that patrol buildings and residence halls at night but have no powers of arrest. Although WNCC security personnel do not have arrest powers, they work closely with appropriate jurisdiction law enforcement personnel as necessary.

## **EMERGENCY NOTIFICATION SYSTEM**

WNCC has implemented a Mass Notification System (RAVE) through which we can communicate urgent messages to students/faculty/staff via text message, automated voice communication, and e-mail. To enable this system, you must inform us of your notification preferences. You may identify a wireless device such as a cell phone and or a landline on which you wish to receive voice notifications, tells that and identify it as a landline. Login to your WNCC student portal, click on User Account, under the “Self-Service menu, and then proceed to the User profile.

All members of the WNCC community are required to notify the appropriate police department of any situation or incident on campus that involves a significant emergency or danger that may pose an immediate or on-going threat to the health and safety of students and/or employees on campus. On all campuses, after calling 911, dial “0” to alert the college Emergency Notification Center of the situation.

## **Campus Timely Warning Notice and Emergency Notification System**

In the event of a substantiated serious safety concern, either on college property or in the near vicinity of the campus, numerous and diligent efforts are made to advise members of the campus community. The safety of the College community is a priority at Western Nebraska Community College. Upon confirmation of a significant emergency or dangerous situation, WNCC will (1) take into account the safety of the campus community; (2) determine what information to release about the situation; and (3) undertake a notification process as follows:

### **What warrants a “Timely Warning” or “Emergency Notification”?**

WNCC will issue Timely Warnings for a specific college location or college wide depending on the circumstances. Whenever a crime is reported to campus security, or a local law enforcement agency, that is considered to represent a serious or continuing threat to students and employees, a timely warning will be sent to the entire affected community.

Emergency Notifications will be issued, when the college is made aware of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees at a specific college location. An immediate threat as used here includes an imminent or impending threat, such as approaching fire, or a fire currently raging in a WNCC campus building. Some other examples of significant emergencies or dangerous situations are:

- outbreak of meningitis, norovirus or other serious illness;
- approaching tornado or other extreme weather conditions;
- gas leak;
- terrorist incident;
- armed intruder;
- bomb threat;
- civil unrest or rioting;
- explosion; and
- nearby chemical or hazardous waste spill.

### **Decision to Issue Campus Timely Warning or Emergency Notification – Responsibility:**

- All members of the WNCC community are required to notify the appropriate police department and campus official of any situation or incident on campus that involves a significant emergency or danger that may pose an immediate or on-going threat to the health and safety of students, faculty, staff and visitors on campus.
- The decision to issue a Campus Timely Warning Notice or Emergency Notification is made in coordination and consultation with WNCC’s Incident Command Team and College’s President or designee who acts as the Incident Commander for all three campuses. The Incident Command Team will confirm the existence of a situation that may warrant a timely warning or emergency notification and determine the extent of the notification as appropriate.
- In an extreme emergency, the notification process will be implemented at the sole discretion of the College’s President or designated team member set forth in team protocol.

### **How Campus Timely Warning and Emergency Notices are issued:**

- WNCC will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students and employees.
- Emergency notifications will be issued without delay unless doing so would compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
- As appropriate, emergency notifications may be targeted at the segment or segments of the college community that are at risk. There will be a continuing assessment of the situation as it develops and additional segments of the campus community will be notified if a situation warrants such action.
- The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by the situation, or when a situation threatens the operation of the campus as a whole.
- WNCC has implemented an emergency notification system through which we can communicate urgent messages to students/faculty/staff using one or more of the following means depending on the nature of the incident:
  - Automated voice communication
  - electronic mail messages
  - text messages
  - public announcements
  - public address system

- public postings
- WNCC’s website
- Other methods deemed necessary that may be used in the information dissemination process.

## **EMERGENCY EVACUATION**

Students should learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. WNCC does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of various designated gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, WNCC Emergency Staff, WNCC Staff and/or Residence Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes. Students receive information about evacuation and shelter-in-place procedures during their first floor meetings and during other educational sessions that they can participate in throughout the year. The Residence Life Staff members are trained in these procedures as well and act as an ongoing resource for students living in residential facilities.

WNCC conducts announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. WNCC coordinates announced and unannounced evacuation drills each year, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities.

WNCC will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year that will review the various success measures:

- A description of the test conducted;
- The date the test was held;
- The time the test started and ended; and
- Whether the test was announced or unannounced.

## **SEVERE WEATHER**

If there is a risk of severe weather, you will need to pay attention to local media outlets (radio, television, or weather service providers) to gain helpful information regarding inclement weather. College personnel will monitor weather forecasts and notify the College community of the severe weather conditions.

**TORNADO WATCH:** weather conditions are favorable for severe thunderstorms and tornadoes.

**TORNADO WARNING:** A tornado is occurring or expected to develop. Tornado warnings are issued by the National Weather Service (NWS) when the Doppler radar indicates strong rotation or when a funnel or fully formed tornado has actually been reported by a trained weather spotter. Take action to protect yourself from being blown away, struck by falling objects, or injured by flying debris.

**SEVERE THUNDERSTORM WARNING:** Is issued when a thunderstorm is indicated by radar or a storm spotter producing hail one inch or larger in diameter and/or winds equal or exceed 58 miles an hour. People in the affected area should seek shelter immediately. Severe thunderstorms can produce tornadoes with little or no advance warning.

**LIGHTNING:** Need to stop any outdoor activity and move into a safe building.

### **TORNADO RESPONSE PLAN:**

**Make sure that your weather radio works for your building.** If it does not please bring this to the attention of your supervisor and the Environmental Health and Safety (EHS) Coordinator. In specified areas of the Scottsbluff Campus where weather radios do not function properly indoors, the mass notification system is used to automatically send weather alerts issued for Scotts Bluff County to the persons responsible for monitoring weather.

In the event of a tornado WARNING in Scottsbluff, the Information Center staff will: a) sound the alarm; b) notify affected sites by phone, runner, or the mass notification system. The Incident Commander will take the two-way radio to their designated shelter area.

### **Procedure for Tornado Warning**

In the event of a WARNING issued by the National Weather Service, students, visitors, and employees will be required to seek shelter and to assemble at our designated tornado shelter until danger has passed. When the siren sounds, immediately **move to the designated tornado shelter area** within the building you are in. Listen for instructions from the Zone Coordinator at all times during the warning. **Please move in a calm and orderly fashion to the designated shelter area.**

When and where College activities are in locales other than a WNCC Campus, WNCC event coordinators, sponsors, chaperones or other College representative, responsible for the supervision of participants in said events are directly responsible for acquiring appropriate tornado shelter information in advance, leading the participants to the most appropriate shelter, and caring for participants while in the shelter during the tornado event, until the event has ended.

When the “ALL CLEAR” is given (when a tornado warning expires) all persons may resume their normal activities and classes.

### **Taking Shelter**

When taking shelter, it is suggested individuals use the following strategies: sit with your back against the wall and put your head between your knees and cover your head with your hands. If you have blankets or jackets cover your head with the items to help protect yourself from flying debris. Utilize sturdy furniture for overhead protection.

**STAY AWAY FROM WINDOWS AND DOORS WITH GLASS!**

**Do not approach power lines that have come in contact with the ground, or touch electrical equipment until it has been dried and tested.**

Our buildings and their safest places are as follows: Please note **FIRE** meeting points are in **RED** and **TORNADO SHELTER AREAS** are in **BLUE**.

**Scottsbluff Campus**

<b>Building/Zone</b>	<b>Zone Coordinators</b>	<b>Evacuation Route &amp; gathering area</b>
Conestoga Hall	<b>Residence Life Specialist</b> RA	<b>Southwest Lawn of building; Main level hallway, bathroom, kitchen, laundry</b>
Pioneer Hall	<b>Residence Life Specialist</b> RA	<b>Williams building Bus Stop; Lower level, bathrooms</b>
Pioneer Addition	<b>Residence Life Specialist</b> RA	<b>Williams Building Bus Stop; Laundry room and stairwell</b>
Williams Building	<b>Ryan Burgner</b> Alex Lutz	<b>Lawn north of building</b>  <b>Interior bathrooms, Storage Room &amp; offices</b>
Applied Tech Building	<b>Aaron Gayman</b> Corey Batt Russ Pontarolo Dan Joppa	<b>South lawn toward main building; Bathrooms</b>
Child Care Center	Director Shelly Hoagland	<b>To north of building</b> <b>Hallways, bathrooms</b>

**SCOTTSBLUFF MAIN BUILDING**

A pod & Online Learning	<b>Jennifer Pedersen</b> Brian Croft	<b>Lawn between main and ATB or front grassy area.</b> <b>Lower level gym corridor, classrooms and locker rooms</b>
B pod and interior offices	<b>Amy Winters</b>	<b>Lawn between main and ATB or front grassy area.</b> <b>Lower level gym corridor, classrooms and locker rooms</b>

C pod and labs	<b>Lorin King</b> David Nelson	<b>Lawn between main and ATB or front grassy area.</b> <b>Lower level gym corridor, classrooms and locker rooms</b>
D pod labs and office areas	<b>Tammie Kleich</b> Doug Avis	<b>Lawn between main and ATB or front grassy area.</b> <b>Lower level gym corridor, classrooms and locker rooms</b>
East lower gym level (GED/ABE, IT,ACEL offices)	<b>Mary Kay Versen</b>	<b>Grassy area between main and ATB or front grassy area.</b> <b>Stay in your area</b>
West lower gym level (Cougar Den & Bookstore)	<b>Rich Riddick</b>	<b>Lawn between main and ATB or front grassy area.</b> <b>Lower level gym corridor, classrooms and locker rooms</b>
East upper gym level (Business Division office, & College Relations)	<b>Scott Winters</b> Tom Robinson	<b>Lawn between main and ATB or front grassy area.</b> <b>Lower level gym corridor, classrooms and locker rooms</b>
West upper gym level (Athletics, journalism & art)	<b>Janet Craven</b> <b>Scott Schaub</b> Dave Nash	<b>Lawn between main and ATB or front grassy area.</b> <b>Lower level gym corridor, classrooms and locker rooms</b>
Learning Resource Center (Library)	Deb Kildow Allison Reisig	<b>Lawn between main and ATB or front grassy area.</b> <b>Lower level gym corridor, classrooms and locker rooms</b>
Business Office and Administrative Services	<b>Joshua Vesper</b> Bill Knapper	<b>Lawn between main and ATB or front grassy area.</b> <b>Lower level gym corridor, classrooms and locker rooms</b>
Educational Services	<b>Kim Reichert</b> Ellen Dillon	<b>Lawn between main and ATB or front grassy area.</b> <b>Lower level gym corridor, classrooms and locker rooms</b>

Student Services	<b>Sheila Johns</b> Gretchen Foster	<b>Lawn between main and ATB or front grassy area.</b> <b>Lower level gym corridor, classrooms and locker rooms</b>
President's Office & HR	<b>Kathy Ault</b> Susan Verbeck Jenny Keener	<b>Lawn between main and ATB or front grassy area.</b> <b>Lower level gym corridor, classrooms and locker rooms</b>

**HARMS CENTER & ESU 13**

Harms Center	<b>Patrick Leach</b> Lori Stromberg Doug Mader	<b>Exit to south parking lot lawn</b> <b>Move to tornado shelter in lower level</b>
Harms Center Lower level (includes Theater temporary location)	<b>Rebecca Kautz</b> Amber Jacoby	<b>Exit to south parking lot lawn</b> <b>Move to tornado shelter area in lower level</b>
ESU 13	<b>George Schlothauer</b>	<b>Exit to north parking lot lawn</b> <b>Move to tornado shelter area in lower level</b>

### Sidney Campus

Classrooms and office	<b>Rob Ommen Paula Abbott</b> Yavette Prater Regina Kuhns	<b>Exit to west lawn of campus</b> <b>Move to tornado shelter in main office hallway</b>
Innovation & Entrepreneurship Center	<b>Paula Abbott</b>	<b>Exit to west lawn of campus</b> <b>Move to tornado shelter in main office hallway</b>
LPN/RN Nursing (offices and classrooms)	<b>Kelly Dean</b>	<b>Exit to west lawn of campus</b> <b>Move to tornado shelter in main office hallway</b>
Aviation (main facility and hanger)	<b>Jon Leever</b> Michael Mitchell	<b>Exit building to designated area</b> <b>Move to tornado shelter area in bathrooms</b>
Housing A and B	<b>RA</b> Erin Huddleston	<b>Exit to west lawn of campus</b> <b>Move to tornado shelter in main office hallway *unless tornado or hail prevents this. Then move.</b>

### Alliance Campus

Classrooms and offices	<b>Jackie Smith</b> Tammy DuBray	<b>Exit to lawn</b> <b>Move to tornado shelter in lower level</b>
Power line Facilities (Pole lab and shop)	<b>Edward Salazar</b> Quinton Walker	<b>Exit to west parking lot – stay clear of emergency vehicles</b> <b>Move to the bathrooms</b>

### Shelter-in-Place Procedures

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

## **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, etc.) and follow the evacuation procedures for your building (close and lock your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest College building quickly. If police or fire department personnel are on the scene, follow their directions.

## **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, including the local police department, Residence Life staff members, other College employees, the federal or Nebraska State government, or other authorities utilizing the College’s emergency communications tools.

## **How to “Shelter-in-Place”**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed to the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without window or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows and close exterior doors.
4. Turn off air conditioners, heaters and fans.
5. Close vents to ventilation system as you are able. (College staff will turn off the ventilation system as quickly as possible).
6. Make a list of the people with you and ask someone to call Residence Life Staff, faculty, or other staff so they know where you are sheltering. If only students are present, one of the students should call in the list to Residence Life Staff.
7. Turn on radio or TV if available and listen for further instructions.
8. Make yourself comfortable.

## **FIRE SAFETY**

The Campus Fire Safety Right-to-Know Act is an amendment to the Higher Education Opportunity Act. This amendment serves to increase campus fire safety awareness across the nation, providing students and their families with the fire safety records of colleges and universities. Signed into law on August 14, 2008, this amendment requires post-secondary institutions to publish fire safety information and statistics.

Additionally, federal financial aid programs require eligible institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The statistics include the number, cause, related injuries and deaths, and property damages associated with each fire. In addition, each institution is required to report fire safety information to the U.S. Department of Education.

The purpose of this information is to provide prospective and current students information regarding the policies, procedures, and fire safety conditions that are present at Western Nebraska Community College.

## **FIRE SAFETY DEFINITIONS**

**Cause of fire** is the factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of intentional or unintentional action, mechanical failure, or act of nature.

**Fire** is any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire-related injury** is any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.

**Fire-related death** is any instance in which a person (1) is killed as a result of fire, including death resulting from natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or (2) dies within one year of injuries sustained as a result of the fire.

**Value of property damage** is the estimated value of the loss of the structure and contents, in terms of cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

**Fire safety system** is any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire. The following charts provide information pertaining to any fires that have occurred at WNCC on-campus housing facilities for the 2016, 2017 and 2018 calendar years,

along with information describing the fire safety system in each on-campus student housing facility and the number of fire drills held during the previous calendar year:

<b>FIRE SAFETY</b>								
<b>Facility</b>	<b>Year</b>	<b>Total Fires</b>	<b>Date</b>	<b>Time</b>	<b>Cause of Fire</b>	<b># of Injuries requiring treatment at a medical facility</b>	<b># of Death</b>	<b>Value of Property Damage</b>
Conestoga Hall 1311 E. 27 <sup>th</sup> Street, Scottsbluff, NE 69361	2018	0	0	0	0	0	0	0
Conestoga Hall 1311 E. 27 <sup>th</sup> Street, Scottsbluff, NE 69361	2017	0	0	0	0	0	0	0
Conestoga Hall 1311 E. 27 <sup>th</sup> Street, Scottsbluff, NE 69361	2016	0	0	0	0	0	0	0
Pioneer Tower 1409 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	2018	0	0	0	0	0	0	0
Pioneer Tower 1409 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	2017	0	0	0	0	0	0	0
Pioneer Tower 1409 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	2016	0	0	0	0	0	0	0
Pioneer/Bishop 1409 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	2018	0	0	0	0	0	0	0
Pioneer/Bishop 1409 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	2017	0	0	0	0	0	0	0
Pioneer/Bishop 1409 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	2016	0	0	0	0	0	0	0
Pioneer Addition 1409 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	2018	0	0	0	0	0	0	0
Pioneer Addition 1409 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	2017	0	0	0	0	0	0	0
Pioneer Addition 1409 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	2016	0	0	0	0	0	0	0
Sidney Unit A 371 Campus Drive Sidney, NE 69162	2018	0	0	0	0	0	0	0

Sidney Unit A 371 Campus Drive Sidney, NE 69162	2017	0	0	0	0	0	0	0
Sidney Unit A 371 Campus Drive Sidney, NE 69162	2016	0	0	0	0	0	0	0

Sidney Unit B 371 Campus Drive Sidney, NE 69162	2018	0	0	0	0	0	0	0
Sidney Unit B 371 Campus Drive Sidney, NE 69162	2017	0	0	0	0	0	0	0
Sidney Unit B 371 Campus Drive Sidney, NE 69162	2016	0	0	0	0	0	0	0

WNCC Residence Halls	Fire Alarm Monitoring Done on Site	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evac Plans and/or Placards	# of Fire Drills each calendar year
Conestoga 1311 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Pioneer Tower 1409 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Pioneer Addition 1409 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sidney 371 College Drive Sidney, NE 69162	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**RESIDENCE HALL POLICIES:**

**CANDLES/INCENSE/PLUG-INS**

Because of the potential fire hazard, candles and incense and plug-in type air fresheners may not be used in the residence halls.

**ELECTRICAL EQUIPMENT AND APPLIANCES**

Students may use small electrical appliances and equipment in their rooms. All appliances must be UL (Underwriters Laboratory) approved, in good working condition, and have no compromise to the wiring, wiring insulation, or plug. Because of the fire hazard involved, hot plates, indoor grills, space heaters and all other electrical equipment with open coils are not permitted. Permission to have any electrical appliance, other than TV, radio, stereo, computer, printer, microwave, small refrigerator, hair equipment, etc. must be obtained from the Residence Life Staff.

## **TRAINING, INSPECTIONS AND FUTURE IMPROVEMENTS**

Residence Life Staff are trained on fire safety procedures and evacuation plans. A safety training program is provided for the residence halls during housing orientation. The training covers fire safety, severe weather and emergency response procedures. Periodic system checks are conducted on the College's fire safety equipment and alarms and the College conducts at least one unannounced fire drill each semester. A check is conducted to ensure that the alarms can be heard in all portions of the residence halls. Following the drills, observations including, but not limited to, the building evacuation times and plans are reviewed so that any needed future improvements in the plan can be documented and implemented.

Health and safety inspections are conducted by the Residence Life Staff on a monthly basis. The purpose of these inspections is for corrective and preventative action. The College provides at least 48-hour notice prior to these inspections. If a room does not meet minimal health and safety standards they will be given a corrective notice to correct the problem. Items found that violate the housing contract, college policies or that may be illegal will be confiscated and will be handled pursuant to the Student Code of Conduct.

## **FIRE EVACUATION PROCEDURES FOR RESIDENCE HALL STUDENTS**

State law requires the College to mitigate the threat of fire and to provide adequate protection to detect and fight fires. The fire detection system and fire extinguishers have been installed for the residents' protection in compliance with the law.

**You will evacuate the building in an orderly fashion through the nearest EXIT. If the EXIT is blocked you will need to move to the next closest EXIT. We ask that you take the time to get familiarized with the EXIT(s) in your area. Once you get outside you will need to move to about 300 feet from the building, be clear of vehicle traffic, and check in with a WNCC employee or other authority.** Students are **not** allowed to get in their vehicle and leave campus until the "ALL CLEAR" is given by the Incident Commander.



When an alarm sounds, follow these guidelines:

1. Close all windows
2. Unplug electrical appliances (if time permits)
3. Grab coat and towel

4. Turn off overhead light and exit (if your doorknob is not hot!)
5. Keep low to avoid smoke inhalation
6. Leave door open
7. Remain 300 feet away from the building until clear signal is given (by College or fire official)

#### **FOLLOW ALL DIRECTIONS FROM COLLEGE PERSONNEL IN THE EVENT OF A FIRE**

Residence Assistants/Directors will check all rooms and restrooms turn off overhead lights and close doors. Residence Staff will locate the problem and call authorities.

If you turn in (pull) the alarm, please notify Residence Life Staff immediately. Remember to keep low to avoid smoke inhalation.

The College views UNAUTHORIZED USE AND TAMPERING WITH FIRE EQUIPMENT (EXTINGUISHERS AND ALARMS) AS A SERIOUS OFFENSE. The interference with the operation of smoke detectors or any other fire safety equipment will result in disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.

#### **FIRE LOG**

WNCC maintains a fire log that includes a listing of all fires that occur in an on-campus student housing facility. The log may be viewed at the Student Services Office.

#### **REPORT THAT A FIRE OCCURRED**

To report fires that have occurred in any on-campus housing, please contact the Dean of Students at 308-635-6123 or the Vice President of Student Services at 308-635-6104 and the following:

**Sidney:** Sidney Fire Department  
1115 13<sup>th</sup> Avenue, Sidney, NE 69162  
(308) 254-2880 (via Communication Center for Non-Emergency Situations); or  
(308) 254-5515 (Non-Emergency Communications)  
Emergency: 911

**Scottsbluff:** Scottsbluff Fire Department  
1801 Avenue B, Scottsbluff, NE 69361  
(308) 630-6231 (On Duty Captain / Crew)  
Emergency: 911

#### **MISSING STUDENT NOTIFICATION POLICY AND PROCEDURE**

In accordance with the Higher Education Opportunity Act of 2008 (34 CFR 668.46(h)), Western Nebraska Community College has implemented a Missing Person Notification Procedure to respond to reports of a missing student.

1. **Notification of Missing Person:** If a member of the WNCC community has reason to believe that a student who resides in on-campus housing has been missing from campus for 24 hours, he or she should immediately notify:

- **Scottsbluff Campus:** Dean of Students (308) 635-6123
  - **Sidney Campus:** Sidney Campus Director (308) 254-7404 or Student Services Coordinator (308) 254-7441.
  - **For all campus locations:** Vice President of Student Services (308) 635-6104 or WNCC Dean of Students (308) 635-6123.
2. **Report:** He or she will notify the Vice President of Student Services and initiate an investigation.
3. **Action:** The Vice President of Student Services or designate shall **immediately** notify local law enforcement of the missing person report received by the College regardless of how long the student is believed to have been missing:
- **For Alliance campus:** **Alliance Police Department**  
512 Niobrara  
P.O. Box D  
Alliance, NE  
(308) 762-4955
  - **For Scottsbluff campus:** **Scottsbluff Police Department**  
1801 Avenue B  
Scottsbluff, NE 69361  
(308) 630-6261 during Business Hours M-F 7am-4pm; and  
(308) 632-7176 after Business Hours
  - **For Sidney campus:** **Sidney Police Department**  
1715 Illinois Street  
Sidney, NE 69162  
(308) 254-5515
4. **Contact Procedure:** If the missing student is **under the age of 18 and is not an emancipated** individual, WNCC will notify the student's parent or legal guardian immediately after the College has determined that the student has been missing for more than 24 hours, in addition to any additional confidential contact person designated by the student.

#### **Contact Information Form:**

In addition to registering an emergency contact, every student who lives in on-campus housing, regardless of age, has the option to identify confidentially, an individual to be contacted by WNCC in the event the student is determined to be missing for more than 24 hours. The contact person can be anyone chosen by the student. If a student has identified such an individual, WNCC will notify that individual no later than 24 hours after the student is determined to be missing.

Students who wish to identify a confidential contact may do so by contacting the Dean of Students at (308) 635-6123.

#### **Security Awareness Programs for Students and Employees**

During new student orientation and in the residence halls students are informed of safety and security measures and ways to maintain personal safety including residence hall security. Periodically throughout the academic year the Residence Life staff present crime prevention awareness sessions on sexual assault, theft, vandalism and general sessions on personal safety on campus and in the residence halls. These programs are generally focused on helping students and employees be more aware of their responsibility for their own safety and security and of others.

### **Sexual Offender Information**

Western Nebraska Community College is committed to creating a community free from violence and fear. To assist in this effort, the following information is being made available to the campus community.

Nebraska State Statute, §29-4002 declares that sex offenders present a high risk to commit repeat offenses and the efforts of law enforcement agencies to protect communities, conduct investigations, and quickly apprehend sex offenders are impaired by the lack of available information about individuals who have pleaded guilty to or have been found guilty of sex offenses, and who live in their jurisdiction. Because of that, the Legislature determined that state policy should assist efforts of local law enforcement agencies to protect their communities by requiring sex offenders to register with local law enforcement agencies. As provided by the Sex Offender Registration Act, this information may be accessed at the web site of the Nebraska State Patrol: <https://statepatrol.nebraska.gov/services/sex-offender-registry>

At this web site, you will be given the opportunity to search by last name, first name, city, county, or zip code. This information is to be used to provide public notice and information about a registrant so a community can develop and construct a plan to prepare themselves and their families. Sex offenders have “always” been in our communities. The notification process will remove their ability to act secretly. Sex offender registry information will 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 may result in arrest and prosecution.

Listings of registered sex offenders in the United States can be found at: <https://www.nsopw.gov/>

### **Campus Facilities – Security and Access – Scottsbluff Campus**

Normal operating hours for the Scottsbluff campus of Western Nebraska Community College is 8 a.m. – 5 p.m., Monday through Thursday and 8 a.m. – 4 p.m. on Friday. Depending on the building and its requirements, physical security mechanisms include locks and keys and/or card entry systems, electronic alarms on doors are in place as well as closed-circuit security camera systems.

WNCC contracts with an outside company for security guards on the Scottsbluff campus. The guards work Monday – Sunday. Two guards are on duty each night and sit at each front desk in the two residence halls from 11:00 p.m. – 7:00 a.m. – except while making required rounds. They can be called at 308-641-0351 during the times they are on duty.

The living areas of the residence halls are secured 24 hours a day – accessed by a proximity device. Visitation hours are from 10 a.m. – midnight Sunday – Thursday and 10 a.m. – 2 a.m. Friday and Saturday. All visitors must sign in after 9 p.m. and are asked to leave when visitation hours are over.

### **Campus Facilities – Security and Access – Sidney Campus**

Normal building hours on the Sidney campus are 7:30 a.m. – 9:00 p.m. Monday through Thursday and 8:00 a.m. – 4:00 p.m. on Friday, some Saturdays from 8:00 a.m. – 5:00 p.m. There are no security guards on the Sidney campus. Depending on the building and its requirements, physical security mechanisms include locks and keys are in place as well as closed-circuit security camera systems.

Visitation hours are from 10 a.m. – midnight Sunday – Thursday and 10 a.m. – 2 a.m. Friday and Saturday. All visitors must sign in after 9 p.m. and are asked to leave when visitation hours are over.

### **Campus Facilities – Security and Access – Alliance Campus**

Normal building hours on the Alliance campus are 8:00 a.m. – 9:00 p.m., Monday through Wednesday, 8:00 a.m. – 8:00 p.m. on Thursday, and 8:00 a.m. – 4:00 p.m. on Friday. There are no security guards on the Alliance campus. Depending on the building and its requirements, physical security mechanisms include locks and keys, and alarms are in place as well as close-circuit security camera systems.

## **WNCC ALCOHOL AND ILLEGAL DRUG POLICIES**

WNCC promotes learning by engaging students, advancing scholarly inquiry, cultivating critical thought and creating knowledge. To foster an environment in which this mission can be realized, certain expectations must be placed upon each member of the college community. These expectations are non-negotiable and are monitored diligently. Individuals have the right to their own beliefs and values, but they share a responsibility to accept the consequences for failing to live up to the standards of the institution.

All students bear a responsibility to understand the policies governing their behavior as set out in the Code of Conduct. The college's policies on alcohol and illegal drugs are defined below; however, all students should be familiar with the entire code.

### **Employee Drug/Drug/Alcohol Policy**

The College affirms its responsibility and commitment to maintain a drug-free workplace strictly according to the terms and conditions of the Drug-Free Workplace Act of 1988. The College is obligated to provide a drug-free, safe, healthy, and secure workplace for employees.

The college prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances on College property or while conducting College business off-premises. Any employee convicted of a criminal drug offense under the above conditions is subject to appropriate personnel action up to and including termination or satisfactory participation in a drug rehabilitation program.

The College has established drug-free awareness programs to be implemented through the President which inform all employees about:

1. The dangers of drug abuse in the workplace;
2. The College's policy of maintaining a drug-free workplace;
3. Drug counseling, rehabilitation, and employee assistance programs; and
4. Appropriate personnel actions and penalties which may be imposed for drug abuse violations.

This policy applies to all faculty, staff or student employees; and all employees, as a condition of employment, must abide by the terms of this policy and must also report any criminal drug conviction within five days after the conviction to their immediate supervisor. This includes any drug violation occurring on or off College premises while conducting College business.

The College has also established an Employee Assistance Program (Connections) to assist faculty, staff and their families. The Connections EAP program includes assistance for alcohol and substance abuse issues and can be accessed by contacting a 24-hour toll free hotline at 1-800-779-6125. Employees may contact Human Resources for additional information.

### **Alcohol and Other Drug Information**

#### **Standard of Conduct/Disciplinary Sanctions**

Western Nebraska Community College's standards of conduct clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its officially recognized activities.

College policy prohibits the use, possession, or sale of alcoholic beverages in any form on College property, whether leased or owned, and on the specific premises of College sponsored or supervised off-campus functions, unless specifically approved by the Board of Governors in advance. The approval and authorization for the use, possession or sale of alcoholic beverages in any form on College property, within College facilities or at College sponsored or supervised off-campus functions is further conditioned upon the requirement that any use, possession or sale of alcoholic beverages be in complete conformity with the requirements of law.

The laws of local, state, and federal authorities pertaining to the possession and use of illicit drugs and alcoholic beverages on public property shall be followed. Specifically, this means that is a violation of the drug and alcohol policy for students or employees to purchase, manufacture, possess, consume, or sell such items on campus.

#### **Student Code of Conduct**

As an educational institution of higher education, WNCC seeks to provide the best educational environment for its students, faculty, and staff. The purpose of the Student Code of Conduct is to help ensure a safe and educationally productive environment for students, employees and visitors. Conduct that adversely affects a student's responsible membership in the academic community shall result in appropriate disciplinary action.

The College sets forth a clear policy regarding alcohol and other drugs and indicates the following are forms of Non-Academic Misconduct that can subject students to discipline:

- **Alcohol** - College policy prohibits the use, possession, or sale of alcoholic beverages on College property, whether leased or owned, and on the specific premises of College sponsored or supervised off-campus functions, unless specifically approved by the Board of Governors in advance and in full compliance with all applicable laws
- **Drugs** - College policy prohibits the consumption, possession or sale of controlled substances and/or the presence of persons under the influence of controlled substances on College property, whether leased or owned, and on the specific premises of College sponsored or supervised off-campus functions. Conduct covered by this offense includes but is not limited to:
  - a. Manufacture, distribution, sale, offer for sale, possession, or use of any illegal drug or narcotic, including but not limited to barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana;
  - b. Misuse or abuse of legal drugs or narcotics;
  - c. Possession of a device (drug paraphernalia) that has been used to ingest an illegal drug or narcotic.

More information, including the complete text of the code, can be found in the student handbook, and on the web at: <https://www.wncc.edu/student-life/student-life-pdfs/20190813-student-handbook.pdf>

Student or employee violations of the standards as stated in the above paragraph shall result in any one or a combination of the following disciplinary sanctions:

\*Warning

\*Disciplinary probation

\*Suspension – up to and including expulsion or termination of employment

\*Referral to an appropriate drug/alcohol treatment program

\*Any other action considered necessary by college officials

Definitions and accompanying procedures of these sanctions pertaining to students can be found in the Student Handbook. Policies and procedures of these sanctions pertaining to employees are included in the Board of Governors Policy Manual. Students' rights shall be protected in accordance with due process.

Students' accused of violating the drug/alcohol policy as established shall have the right to:

1) A hearing before the appropriate campus official or judicial board, and 2) access to an appeal as defined within the college policies and procedures.

### **Employee Drug/Alcohol Policy**

The College affirms its responsibility and commitment to maintain a drug-free workplace strictly according to the terms and conditions of the Drug-Free Workplace Act of 1988. The College is obligated to provide a drug-free, safe, healthy, and secure workplace for employees.

The college prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances on College property or while conducting College business off-premises. Any employee convicted of a criminal drug offense under the above conditions is subject to appropriate personnel action up to and including termination. College policy requires that each employee personally receive a copy of the College's Drug-free workplace Policy Statement and that each employee sign an Employee Acknowledgement Form verifying receipt and acknowledging compliance as a condition of employment.

The College has established drug-free awareness programs to be implemented through the President which informs all employees about:

- 1) The dangers of drug abuse in the workplace;
- 2) The College's policy of maintaining a drug-free workplace;
- 3) Drug counseling, rehabilitation, and employee assistance programs; and
- 4) Appropriate personnel actions and penalties which may be imposed for drug abuse violations.

This policy applies to all faculty, staff, or student employees; and all employees, as a condition of employment, must abide by the terms of this policy and must also report any criminal drug conviction within five (5) days after the conviction to their immediate supervisor. This includes any drug violation occurring on or off College premises while conducting College business.

All College employees are subject to the Board of Governors' Policy on the Use of Alcoholic Beverages that prohibits the use, possession, or sale of alcoholic beverages in any form on College property, whether leased or owned, and on the specific premises of College sponsored or supervised off-campus functions, unless specifically approved by the Board in advance. The approval and authorization for the use, possession or sale of alcoholic beverages in any form on College property, within College facilities or at College sponsored or supervised off-campus functions is further conditioned upon the requirement that any use, possession or sale of alcoholic beverages be in complete conformity with the requirements of law.

### **Employee Assistance Program (EAP)**

The College has also established an Employee Assistance Program (Connections) to assist faculty, staff and their families. The Connections EAP program includes assistance for alcohol and substance abuse issues and can be accessed by contacting a 24-hour toll free hotline at 1-800-779-6125. Employees may contact Human Resources for additional information.

### **Prevention Programs and Drug and Alcohol Centers**

WNCC has developed health education programs including those which deal specifically with the abuse of drugs and alcohol by student and employees. Example program services include educational

programs, dissemination of informational materials, counseling services, referrals and sometimes college disciplinary actions.

### **Counseling, Treatment and Rehabilitation**

There are numerous drug and alcohol counseling, treatment, and rehabilitation centers located within the 12-½ county area served by Western Nebraska Community College. The following listing groups these centers in in the following categories: information and referral offices, outpatient services and inpatient facilities. This is a partial list and inclusion of an organization does not imply endorsement nor does omission imply disapproval:

#### **Information and Referral Offices**

**Western Nebraska Community College Counseling Center**  
308-635-6090

#### **Community Action Partnership of Western Nebraska (CAPWN)**

Main Admin. Phone: (308) 635-3089  
Health Center Phone: (308) 632-2540  
After hours: (308) 635-2695  
Toll Free Phone: 1-888-448-9665  
[www.capwn.org](http://www.capwn.org)

#### **Alcoholics Anonymous (locate registered groups by town in Nebraska)**

<http://www.area41.org> (Meeting Locator)  
1-877-AA-OF-NEB (1-877-266-3632)

#### **Wyo-Braska Area Service Committee of Narcotics Anonymous (Meeting locator)**

<http://www.wyo-braskana.org/meetings>

#### **Nebraska Family Helpline**

1-888-866-8660  
<http://dhhs.ne.gov/Pages/Nebraska-Family-Helpline.aspx>

#### **Outpatient Services**

**Community Action Health Center / Community Action Partnership of Western Nebraska**  
(Behavioral Health Services offers the following: Substance Abuse Counseling, Mental Health Counseling, Medication Management and Intensive Outpatient Services)

3350 10<sup>th</sup> Street, Gering, NE 69341  
Main Admin. Phone: (308) 635-3089  
Health Center Phone: (308) 632-2540  
After Hours: (308) 635-2695  
Toll Free Phone: 1-888-448-9665  
[www.capwn.org](http://www.capwn.org)

#### **Regional West Medical Center Behavioral Health**

Medical Plaza North

Two West 42<sup>nd</sup> Street, Suite 3200  
Scottsbluff, NE 69361  
308-635-3711  
[www.rwhs.org](http://www.rwhs.org)

**Addiction Counseling and Consultation Services, Inc.**

1917 Avenue A, Scottsbluff NE 69361  
(308) 633-1390  
[www.accsinc.net](http://www.accsinc.net)

**Box Butte General Hospital Behavioral Health**

2101 Box Butte Avenue  
Alliance, NE 69301  
General Number: (308) 762-6660  
Behavioral Health: (308) 762-2723 <http://www.bbgh.org/services/medical-services/behaviorial-health.html>

**Inpatient Treatment Facilities / Services**

**Human Services Incorporated (Adult Short Term Residential (Inpatient) Treatment)**

419 West 25<sup>th</sup> Street  
Alliance, NE 69301  
308-762-7177 (24-hour crisis line)

**North East Panhandle Substance Abuse Center (NEPSAC)**

Short-term Treatment & Detox Center  
305 Foch Street  
Gordon, NE 69343  
Business Phone: (308) 282-1101  
Outpatient Satellite Office  
224 Main Street, Chadron, NE 69337  
(308) 432-3043  
1-866-614-4333

**Veterans' Hospital & Treatment Center**

500 N. 5<sup>th</sup> Street  
Hot Springs, SD 57747  
605-745-2000

**HALF-WAY HOUSE and RE-ENTRY PROGRAMS**

**Human Services Incorporated (Transitional Living Program)**

419 West 25<sup>th</sup> Street Alliance, NE 69301  
(308) 762-7177

Any of these resources can also provide information and assessment relating to drug and alcohol abuse. In addition, the local resources can furnish schedules for local and area meetings of Alcoholics

Anonymous, Narcotics Anonymous, Alanon, Adult children of Alcoholics, Alateen, and Alatot. Both inpatient and outpatient treatment centers offer help for the entire family of alcoholic or drug user.

Western Nebraska Community College makes no representation or endorsement as to the quality, effectiveness or appropriateness of any of these services. The listings herein are provided as an informational service only.

### **Review**

In compliance with the Drug-Free Schools and Communities Act and related regulations governing college campuses, the College conducts a biennial review of its Alcohol and Drug Programs to determine their effectiveness and to ensure that the sanctions required for violations of College policy are consistently enforced. A copy of the College's Biennial Report is available by contacting the Student Services Office or is posted online at <https://www.wncc.edu/about-wncc/campus-safety>. The Biennial Review also sets out the educational programs that were offered at WNCC during the review period.

### **Health Risks**

Numerous health risks have been identified with substance abuse (use of illicit drugs and excessive use of alcohol). Abusers can lose resistance to disease, develop physical and psychological dependence, become depressed, develop heart problems, contract infections, or become malnourished, physically exhausted and even die.

Reality is often distorted, reactions may be slower, and the risk of accidents increases. Extended substance abuse can cause coma, respiratory arrest, and convulsions. Injected drugs increase the risk for infectious diseases such as hepatitis and AIDS. Body systems are affected. The liver, lungs and heart are damaged.

For women, there is an increase in birth defects associated with use during pregnancy. The counseling office has more in-depth information on the inherent health risks related to substance abuse.

## **LEGAL SANCTIONS**

### **OFFENSES RELATED TO ILLEGAL DRUGS**

#### **Selected Nebraska Drug Offenses & Penalties**

The regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act (Neb. Rev. Stat. § 28-401 et seq.). In addition, there are other Nebraska State laws which establish penalties for various drug related offenses which are summarized below.

**Controlled Substance Analogue:** Nebraska's Uniform Controlled Substances Act treats controlled substance analogues the same as controlled substances. These drugs, also known as synthetic or designer drugs, are defined under the Act as a substance whose chemical structure is substantial similar to the chemical structure of a controlled substance or which have a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance.

Neb. Rev. Stat. § 28-401(31)(a)(Reissue 2016).

**Crimes Involving Minors:** Any person eighteen 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 eighteen years, (ii) in, on, or within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, a community college, a public or private college, junior college, or university, or a playground, or (iii) within one hundred feet of a public or private youth center, public swimming pool, or video arcade facility shall be punished by the next higher penalty classification. The Act also provides for an enhanced penalty for any person eighteen 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 eighteen 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. Neb. Rev. Stat. § 28-416(4)(a) and 5(a)(Reissue 2016). The Act also provides that if the person convicted of violating this section is eighteen years of age or younger, the court may as part of the conviction impound their motor vehicle licenses or permits and require such person to attend a drug education class, with subsequent offenses having greater penalties. Neb. Rev. Stat. § 28-416(19)(Reissue 2016).

**Conditions of Probation:** Any person convicted under the Uniform Controlled Substances Act and placed on probation shall attend and complete appropriate treatment and counseling on drug abuse. Neb. Rev. Stat. § 28-416(14)(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 under this subdivision, it shall not be necessary for the state to prove that the accused was under the influence of any specific controlled substance, but it shall be sufficient for a conviction under this subdivision for the state to prove that the accused was under the influence of some controlled substance by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any controlled substance. Any person who violates this section shall be guilty of a Class III misdemeanor. Neb. Rev. Stat. § 28-417(1) (g) (Reissue 2016).

**Property Forfeiture:** Property used to manufacture, sell, deliver or transport controlled substances can be seized and forfeited to the state. Property subject to forfeiture may include money, vehicles, boats, and aircraft. Neb. Rev. Stat. § 28-431 (Reissue 2016).

**Drug Paraphernalia Offenses:** It is a violation of Nebraska law for any person to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Reissue 2016). A violation of Neb. Rev. Stat. § 28-441 is punishable by a fine of not more than \$100 for first offense, not less than \$100 and not more than \$300 for second offense, and not less than \$200 and not more than \$500 on third or subsequent conviction. Neb. Rev. Stat. §§ 28-441 and 29-436 (Reissue 2016). “Drug paraphernalia” shall mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. Neb. Rev. Stat. § 28-439 (Reissue 2016). It shall be unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances in which one reasonably should know, that it will be used to manufacture, inject, ingest, or inhale or otherwise be used to introduce into the human body

a controlled substance. Neb. Rev. Stat. § 28-442 (Reissue 2016). The penalty for violation of Neb. Rev. Stat. § 28-442 is not more than six months imprisonment or \$1,000 fine or both. Neb. Rev. Stat. § 28-442 (Reissue 2016). Any person 18 years of age or older who delivers drug paraphernalia to a person under eighteen years of age who is at least three years his or her junior shall be guilty of a Class I misdemeanor (imprisonment for not more than one year or \$1,000 fine, or both. Neb. Rev. Stat. § 28-443 (Reissue 2016).

**Imitation Controlled Substances:** It is a violation of Nebraska law to knowingly and intentionally manufacture, distribute, deliver or possess with intent to distribute or deliver an imitation controlled substance. "Imitation controlled substance" is a substance which is not a controlled substance but which is represented to be an illicit controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 2016). First offense violations of this law are punishable by a three-month imprisonment, or \$500 fine, or both. A second offense violation of this statute is punishable by not more than six months imprisonment, or \$1,000 fine, or both. Neb. Rev. Stat. § 28-445 (Reissue 2016).

### **Tax penalties and consequences of conviction:**

Anyone who possesses or sells 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 and controlled substances are taxed at the following rates:

- Illegal marijuana is taxed at \$100 on each ounce or portion of an ounce. Neb. Rev. Stat. § 77-4303(1)(a) (Reissue 2009).
- Any controlled substance that is customarily sold by weight or volume is taxed at \$150 for each gram or portion of a gram. Neb. Rev. Stat. § 77-4303(1)(b) (Reissue 2009).
- Any controlled substance that is not sold by weight is taxed at \$500 for each fifty dosage units or portion thereof. Neb. Rev. Stat. § 77-4303(1)(c) (Reissue 2009).

Failure to have the proper tax stamps attached to the controlled substance is a Class IV felony, with a criminal penalty of up to two years imprisonment and twelve months post-release supervision or a \$10,000 fine or both. If imprisonment is imposed, there will be a minimum of a 9-month post-release supervision. Neb. Rev. Stat. § 28-105(1) (Reissue 2016); Neb. Rev. Stat. § 77-4309 (Reissue 2009).

## **OFFENSES RELATED TO ALCOHOL**

### **Selected Nebraska Alcohol Offenses**

**Procuring Alcohol:** It is a violation of Nebraska law to sell, furnish, give away, exchange, or deliver, or permit the sale, gift or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Reissue 2010). Violation of this law is punishable by not more than 1 year imprisonment, or \$1,000 fine, or both. Neb. Rev. Stat. § 53-180.05 (1) (Reissue 2010) and § 28-106 (1) (Reissue 2016). Any person who knowingly and intentionally violates this

provision and the acts resulted in serious bodily injury or death to any person shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days imprisonment as part of any sentence.

**Minor in Possession:** No minor may sell, dispense, consume, or have in his or her possession or physical control any alcoholic liquor. Neb. Rev. Stat. § 53-180.02 (Reissue 2010). Violation of this law is punishable by a three-month imprisonment, or \$500 fine, or both. Neb. Rev. Stat. § 53-181 (Reissue 2010); 53-180.05 (1) (Reissue 2010) and § 28-106 (1) (Reissue 2016).

- **Safe Harbor:** A penalty for violation of section 53-180.02 may not be imposed on a person who otherwise violated this law if the person: (1) Made a good faith request for medical assistance in response to the possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent after such violation of section 53-180.02; (2) Made the request for medical assistance as soon as the emergency situation is apparent; and (c) When emergency medical assistance was requested for the possible alcohol overdose of another person: (i) remained on the scene until medical assistance arrived; and (ii) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. §53-181(3)(4)(5).

**Misrepresenting Age:** No minor shall obtain, or attempt to obtain, alcoholic liquor by misrepresentation of age, or by any other method, in any tavern or other place where alcoholic liquor is sold. Neb. Rev. Stat. §53-180.01 (Reissue 2010).

**Consumption on Public Property:** It shall be unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property. Neb. Rev. Stat. § 53-186 (Reissue 2010).

A violation of this statute is punishable as follows: (1) For the first offense be fined not more than one hundred dollars; (2) upon a second conviction for the same infraction within a two-year period be fined not less than one hundred dollars and not more than three hundred dollars; and (3) upon a third or subsequent conviction for the same infraction within a two-year period be fined not less than two hundred dollars and not more than five hundred dollars. Neb. Rev. Stat. § 29-436 (Reissue 2016).

**Driving Under Influence:** Driving while under the influence of intoxicating liquors or drugs is a violation of Nebraska law. Pursuant to Neb. Rev. Stat. § 60-6,196 (Reissue 2010):

(1) It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:

- (a) While under the influence of alcoholic liquor or of any drug;
- (b) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood; or
- (c) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.

(2) Any person who operates or is in the actual physical control of any motor vehicle while in a condition described in subsection (1) of this section shall be guilty of a crime and upon conviction punished as provided in sections 60-6,197.02 to 60-6,197.08.

**A violation of this statute is punishable as follows:**

(1) Except as provided in subdivision (2) of this section, if such person has not had a prior conviction, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order that the operator's license of such person be revoked for a period of six months from the date ordered by the court. The revocation order shall require that the person apply for an ignition interlock permit pursuant to [section 60-6,211.05](#) for the revocation period and have an ignition interlock device installed on any motor vehicle he or she operates during the revocation period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of sixty days from the date ordered by the court. The court shall order that during the period of revocation the person apply for an ignition interlock permit pursuant to [section 60-6,211.05](#). Such order of probation or sentence suspension shall also include, as one of its conditions, the payment of a five-hundred-dollar fine;

(2) If such person has not had a prior conviction and, as part of the current violation, had a concentration of fifteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or fifteen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, revoke the operator's license of such person for a period of one year from the date ordered by the court. The revocation order shall require that the person apply for an ignition interlock permit pursuant to subdivision (1)(b) of section 60-6,197.01 for the revocation period and have an ignition interlock device installed on any motor vehicle he or she operates during the revocation period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order that the operator's license of such person be revoked for a period of one year from the date ordered by the court. The revocation order shall require that the person apply for an ignition interlock permit pursuant to subdivision (1)(b) of section 60-6,197.01 for the revocation period and have an ignition interlock device installed on any motor vehicle he or she operates during the revocation period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. Such order of probation or sentence suspension shall also include, as conditions, the payment of a five-hundred-dollar fine and either confinement in the city or county jail for two days or the imposition of not less than one hundred twenty hours of community service.

Neb. Rev. Stat. § 60-6,197.03.

**Increased penalties provided for subsequent offenses and for higher concentration of alcohol:**

**Second Conviction:** Penalties for a second conviction include a \$500 fine and a maximum of a 6-month imprisonment, with no less than a mandatory 30-day imprisonment. As part of the judgment of conviction, the offender's operator's license is revoked for 18-months. 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. In addition, the probation order shall include as one of its conditions the payment of a \$500 fine and confinement in the city or county jail for 10-days or the imposition of not less than 240-hours of community service.

Neb. Rev. Stat. § 60-6,197.03(3) (Reissue 2010; Cum. Supp. 2016) and § 28-106(1) (Reissue 2016).

**Third Conviction:** Penalties for a third conviction include a \$1,000 fine and a maximum of a 1-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15-years. 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. In addition, the probation order shall include the payment of a \$1,000 fine and as one of its conditions confinement in the city or county jail for 30-days.

Neb. Rev. Stat. § 28-106(1) (Reissue 2016) and Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2010; Cum. Supp. 2016).

**Fourth and subsequent convictions:** A fourth and subsequent convictions will result in up to a 3-year imprisonment and 18-months post-release supervision (with a minimum of 9-month post-release supervision if imprisonment is imposed) or a \$10,000 fine, or both, and are a Class IIIA felony conviction. Offenders in this class of enhanced convictions 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. Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15-years. The probation order shall also include as one of its conditions a \$2,000 fine and confinement in the city or county jail for 90-days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 90-days after release.

Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2010; Cum. Supp. 2016) and Neb. Rev. Stat. § 28-105(1) (Reissue 2016).

**Higher Alcohol Concentration:** Persons with a higher concentration of alcohol, fifteen-hundredths (.15) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath on a first conviction and subsequent conviction, are subject to even stiffer penalties. Where a person has three prior convictions and then has another conviction involving this higher alcohol concentration, he or she shall be guilty of a Class IIA felony, punishable by up to 20-years in prison.

Neb. Rev. Stat. § 60-6,197.03 (Reissue 2010; Cum. Supp. 2016) and Neb. Rev. Stat. § 28-105 (Reissue 2016).

**Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol, e.g. "sale to minors" and "open container" laws.**

## **Alliance, Nebraska Code of Ordinances**

### **Sec. 4-5. Minors on premises prohibited.**

It shall be unlawful for any person under the age of 21 years to be in or upon the premises occupied by the holder of any alcoholic liquor license wherein alcoholic beverages are consumed; provided, however, this prohibition shall not apply to the premises which are occupied by hotels, clubs, bona fide restaurants, supermarkets or convenience stores.

### **Sec. 4-6. Sale to minors prohibited.**

No alcoholic liquor licensee, manufacturer, or distributor shall sell or give away any alcoholic liquor to any person who is less than 21 years of age, or to any person who is mentally incompetent. It shall be unlawful for any person who is not 21 years of age to represent that is more than 21 years of age for the purpose of purchasing or receiving alcoholic liquors.

### **Sec. 4-7. Sale and possession by minor prohibited.**

(a) Except as provided in R.R.S. 1943, § 53-168.06, no minor may sell or dispense or have in his possession or physical control any alcoholic liquor in any tavern or in any other place including public streets, alleys, roads, highways, upon property owned by the state or any subdivision thereof, or inside any vehicle while in or on any other place including but not limited to the public streets, alleys, roads, highways, or upon property owned by the state or any subdivision thereof, except that a minor may possess or have physical control of alcoholic liquor in his permanent place of residence.

(b) The term minor shall mean any person, male or female, under 21 years of age; regardless of marital status.

### **Sec. 4-8. Consumption on premises.**

It shall be unlawful to consume or permit to be consumed alcoholic liquors other than beer upon premises which are licensed to sell at retail beer only (class A license). Except as otherwise provided in R.R.S. 1943, § 53-123.04, it is unlawful to consume or permit to be consumed alcoholic liquor or beer on premises holding a class D alcoholic liquor license.

## **Scottsbluff, Nebraska Municipal Code**

### **13-6-1. Alcoholic liquor; consumption; open containers; places unlawful.**

It shall be unlawful for any person:

- (1) to consume or have in his or her possession any open container of alcoholic liquor in the public streets, alleys, roads, highway or parking areas, or any other property owned by or under the control of the State or any governmental subdivision, except as provided in this Article; or
- (2) to consume or have in his or her possession any open container of alcoholic liquor in any place of public resort or any place open to the general public (including parking areas or lots) except as permitted by a license issued for the premises pursuant to the Nebraska Liquor Control Act,
- (3) to consume or have in his or her possession any open container of alcoholic liquor inside a motor vehicle unless the alcoholic liquor is located so that no occupant of the motor vehicle shall have access to it while the vehicle is in motion, or

(4) to consume any alcoholic liquor other than beer upon a premise licensed for the sale of beer at retail only.

A container of alcoholic liquor shall be considered an “open container” if the seal of the original package is broken. (Ord. 3641, 2000)

## **City of Sidney, Nebraska Codified Ordinances**

### **434.01 Driving Under Influence of Alcohol or Drugs**

No person shall operate or be in the actual physical control of any motor vehicle upon the streets or alleys or any public place within the City while under the influence of any alcoholic liquor or drug. (1958 Code § 16.58)

### **612.08 Sale to Minors; Incompetents.**

No person shall sell or give any alcoholic liquors to or procure any such liquor for or permit the sale or gift of any such liquor for or permit the sale or gift of any such liquor to or the procuring of any such liquor for, any minor or any person who is mentally incompetent or any person who is physically or mentally incapacitated due to the consumption of such liquors. (1958 Code § 3.4) (Ord. 1784. Passed 2-14-17.)

### **612.09 Misrepresentation of Age.**

No minor shall obtain, or attempt to obtain, alcoholic liquor by misrepresentation of age, or by any other method, in any tavern or other place where alcoholic liquor is sold. (1958 Code § 3.4) (Ord. 1784. Passed 2-14-17.)

### **612.12 Consumption of Liquor on Public Property, Public Roads, Streets, Alleys.**

It shall be unlawful for any person to consume alcoholic liquors in the public parks, streets, alleys, parking areas, roads or highways, or inside vehicles while upon the public parks, streets, alleys, parking areas, roads or highways; or upon property owned by the state or any governmental subdivision thereof, unless authorized by the City Council or its designated agent or unless otherwise provided by law. (1958 Code § 3.10) Ord. 1784. Passed 2-14-17.)

## **FEDERAL LAW: Federal Penalties and Sanctions for Illegal Possession of Controlled Substances:**

21 USC 801 et seq., and more specifically 21 USC 841, states that it shall be unlawful for any person to knowingly or intentionally:

To manufacture, distribute or dispense with intent to manufacture, distribute or dispense a controlled substance; or to create, distribute or dispense or possess with intent to distribute or dispense a counterfeit substance.

#### **1. 21 U.S.C. § 844(a)**

First Conviction: Up to 1-year imprisonment and shall be fined a minimum of \$1,000, or both. After one (1) prior drug conviction: Not less than 15 days in prison, not to exceed 2 years, and a fine of at least \$2,500. After two (2) or more prior drug convictions: not less than 90 days in prison, not to exceed 3 years, and a fine of at least \$5,000.

2. 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 aircraft, vehicles, or vessels, or any other conveyance used, or intended for use, to transport or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances.
3. 21 U.S.C. § 844(a)  
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).
4. 21 U.S.C. § 846  
Any person who attempts or conspires to commit any offense defined in this subchapter shall be subject to the same penalties prescribed for the offense.
5. 21 U.S.C. § 862 (a) and (b)  
Drug Traffickers: Any individual who is convicted of any Federal or State offense consisting of the distribution of controlled substance shall, at the discretion of the court, be ineligible for any and all federal benefits (e.g., student loans, grants, contracts, professional or commercial license). 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.  
  
Drug Possessors: Any individual who is convicted of any Federal or State offense involving the possession of a controlled substance shall, at the discretion of the court, be ineligible for any and can last up to one year and the individual shall be required to successfully complete an approved drug treatment program which includes periodic testing to insure the individual remains drug free.
6. 18 U.S.C. § 922(g)(9) Ineligible to receive or possess any firearm or ammunition.

Table below describes the federal mandatory minimum sentencing provisions for various drug and drug related offenses: \*Source: Congressional Research Service, January 11, 2018, available on-line at the following: <https://fas.org/sgp/crs/misc/R45075.pdf>

<u>Substance</u>	<u>Minimum</u>	<u>Maximum</u>
<b>Trafficking 21 U.S.C. § 841(b)(1)(A)/960(b)(1) substances (e.g., 1 kilo or more of heroin)</b>	10 years	life
*if death or serious injury results	20 years	life
*with prior drug felony conviction	20 years	life
*with prior drug felony conviction if death or serious injury results, or with two or more drug felony convictions	life	life
<b>Trafficking 841(b)(1)(B)/960(b)(2) substances (e.g., 100 grams or more of heroin)</b>	5 years	40 years

*if death or serious injury results	20 years	life
*repeat offender	10 years	life
*repeat offender if death or serious injury results	life	life
<b>Trafficking lesser amounts of 841(b)(1)/960(b) substances; other Schedule I or II substances; analogues; or date rape drugs: if death or serious injury results</b>	20 years	life
*repeat offender if death or serious injury results	life	life
*Simple possession of a controlled substance with 1 prior conviction	15 days	2 years
*Simple possession of a controlled substance with 2 or more priors	90 days	3 years
<b>Drug kingpin</b>	20 years	life
*repeat offender	30 years	life
*large operation (e.g., gross \$10 million + per year)	life	life
*killing in furtherance	20 years	life/death
<b>Unless a higher minimum applies, distribution of a controlled substance to a pregnant woman, or using a child</b>	1 year	2x usual penalty
*repeat offender	3 years	3x for repeat offenders
<b>Unless a higher minimum applies, distribution of a controlled substance proximate to a school or other prohibited location</b>	1 year	2x usual penalty
*repeat offender	3 years	3x usual penalty
<b>Narco-terrorism involving 841(b)(1) substances</b>	2x usual minimum	life
Firearm possession in furtherance of drug trafficking (varying by use, firearm, recidivism)	7 years–life	life
Unlawful firearm possession with 3 or more prior serious drug or violent felony convictions	15 years	life
Serious violent felony with 2 or more prior serious convictions	Life	Life

**WNCC CRIME STATISTICS:**

<b>WNCC ALLIANCE CAMPUS</b>					
REPORTABLE GEOGRAPHY INCLUDES THE FOLLOWING: ALLIANCE CAMPUS, 1750 SWEETWATER AVENUE, ALLIANCE, NE AND ADJACENT PROPERTIES AND SURROUNDING AREA LEASED PROPERTIES - POWERLINE POLE LAB, 1621 KANSAS STREET, ALLIANCE, NE; ADULT EDUCATION SITES IN ALLIANCE, 1750 SWEETWATER AVENUE, ALLIANCE, NE; EARLY HEAD START BUILDING, 255 CHADRON AVENUE, CHADRON, NE and HOME ACROSS FROM GORDON HIGH SCHOOL LOCATED AT 817 NORTH OAK STREET, GORDON, NE					
CLERY ACT CRIME TYPE	YEAR	ON-CAMPUS	ON-CAMPUS HOUSING	NON-CAMPUS	PUBLIC PROPERTY
<b>Criminal Homicide:</b>					
Murder/Non-negligent Manslaughter	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
Manslaughter by Negligence	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
<b>Sex Offenses</b>					
Rape	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
Fondling	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
Incest	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
Statutory Rape	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
Robbery	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
Aggravated Assault	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
Burglary	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
Motor Vehicle Theft	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
Arson	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
<b>VAWA OFFENSES</b>					

Dating Violence	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
Domestic Violence	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
Stalking	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
<b>ARRESTS AND DISCIPLINARY REFERRAL REPORTING</b>					
ARRESTS: WEAPONS: CARRYING, POSSESSION, ETC.	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSION, ETC.	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	<b>2018</b>	0	N/A	0	0
	2017	0	N/A	0	0
	2016	0	N/A	0	0
<b>UNFOUNDED CRIMES</b>					
None/Not Applicable					

**WNCC SIDNEY CAMPUS**

**MAIN WNCC SIDNEY CAMPUS LOCATED AT 371 COLLEGE DRIVE - SIDNEY, NE & ADJACENT PROPERTIES AND SURROUNDING AREA; LEASED PROPERTIES - AVIATION LAB AT 11145 ROAD 16, SIDNEY, NE; ADULT EDUCATION AT KIMBALL LIBRARY AT 208 SOUTH WALNUT, KIMBALL, NE**

CLERY ACT CRIME TYPE	YEAR	ON-CAMPUS	ON-CAMPUS HOUSING	NON-CAMPUS	PUBLIC PROPERTY
<b>Criminal Homicide:</b>					
Murder/Non-negligent Manslaughter	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Manslaughter by Negligence	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
<b>Sex Offenses</b>					
Rape	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Fondling	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Incest	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Statutory Rape	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Robbery	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Aggravated Assault	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Burglary	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Motor Vehicle Theft	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Arson	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
<b>VAWA OFFENSES</b>					
Dating Violence	<b>2018</b>	0	0	0	0

	2017	0	0	0	0
	2016	0	0	0	0
Domestic Violence	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Stalking	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
<b>ARRESTS AND DISCIPLINARY REFERRAL REPORTING</b>					
ARRESTS: WEAPONS: CARRYING, POSSESSION, ETC.	<b>2018</b>	0	0	0	0
	2017	1	0	0	0
	2016	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSION, ETC.	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
<b>UNFOUNDED CRIMES</b>					
None/Not Applicable					

**WNCC SCOTTSBLUFF CAMPUS**

**REPORTABLE GEOGRAPHY INCLUDES WNCC SCOTTSBLUFF MAIN CAMPUS AT 1601 EAST 27<sup>th</sup> STREET, SCOTTSBLUFF, NE & ADJACENT PROPERTIES AND SURROUNDING AREA AND CAMPUS LEASED PROPERTIES OR CAMPUS ATHLETIC FACILITIES: SWBC BUILDING, 2617 COLLEGE PARK, SCOTTSBLUFF, NE; CLEVELAND FIELD, FIELD OF DREAMS AND VOLUNTEER FIELDS (1615 WEST 20TH STREET, SCOTTSBLUFF, NE); ADULT EDUCATION AT STATE OFFICE BUILDING AT 505A BROADWAY SUITE 300, SCOTTSBLUFF; GUADALUPE CENTER - ESL., 1200 EAST 9TH STREET, SCOTTSBLUFF, NE; HUNTS ACRES COMMUNITY CENTER, 1791 AVENUE X, SCOTTSBLUFF, NE; AND LANDERS MEMORIAL SOCCER COMPLEX, EAST 42ND STREET, SCOTTSBLUFF, NE**

CLERY ACT CRIME TYPE	YEAR	ON-CAMPUS	ON-CAMPUS HOUSING	NON-CAMPUS	PUBLIC PROPERTY
<b>Criminal Homicide:</b>					
Murder/Non-negligent Manslaughter	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Manslaughter by Negligence	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
<b>Sex Offenses</b>					
Rape	<b>2018</b>	0	0	1	0
	2017	0	0	0	0
	2016	0	0	0	0
Fondling	<b>2018</b>	0	1	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Incest	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Statutory Rape	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Robbery	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Aggravated Assault	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Burglary	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Motor Vehicle Theft	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Arson	<b>2018</b>	0	0	0	0
	2017	0	0	0	0

	2016	0	0	0	0
<b>VAWA OFFENSES</b>					
Dating Violence	<b>2018</b>	0	1	0	0
	2017	0	0	0	0
	2016	0	2	0	0
Domestic Violence	<b>2018</b>	0	0	0	0
	2017	1	2	0	0
	2016	0	0	1	0
Stalking	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	1	0	0
<b>ARRESTS AND DISCIPLINARY REFERRAL REPORTING</b>					
ARRESTS: WEAPONS: CARRYING, POSSESSION, ETC.	<b>2018</b>	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSION, ETC.	<b>2018</b>	1	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	<b>2018</b>	0	0	0	0
	2017	0	2	0	0
	2016	0	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	<b>2018</b>	3	0	0	0
	2017	0	0	0	0
	2016	4	21	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	<b>2018</b>	0	1	0	0
	2017	0	0	0	0
	2016	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	<b>2018</b>	0	25	0	0
	2017	0	15	0	0
	2016	0	12	0	0
<b>UNFOUNDED CRIMES</b>					
None/Not Applicable					

**REPORTED HATE CRIMES (FOR ALL CAMPUS/REPORTABLE LOCATIONS)**

**Hate crimes on campus:**

**2018 – No hate crimes were reported.**

**2017 – No hate crimes were reported.**

**2016 – No hate crimes were reported.**

**Hate crimes in on-campus housing:**

**2018 – One (1) intimidation based on Gender.**

**2017 – No hate crimes were reported.**

**2016 – One (1) intimidation based on National Origin.**

**Hate crimes non-campus:**

**2018 – No hate crimes were reported.**

**2017 – No hate crimes were reported.**

**2016 – No hate crimes were reported.**

**Hate crimes on public property:**

**2018 – No hate crimes were reported.**

**2017 – No hate crimes were reported.**

**2016 – No hate crimes were reported.**

## **SEXUAL MISCONDUCT: DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING**

### **POLICY STATEMENT**

Western Nebraska Community College is committed to providing an environment free from discrimination based on sex and provides resources and services to assist students, faculty and staff in addressing issues involving sex discrimination, including sexual misconduct. The College strictly prohibits any form of sexual misconduct, which includes dating violence, domestic violence, sexual assault, and stalking. All reported incidents will be thoroughly investigated and those found responsible dealt with as necessary, whether criminally charged or handled through the College's sexual misconduct procedure. The President is authorized to adopt appropriate procedures to carry out this policy and comply with state and federal law.

### **WNCC Policy – Offense Against Persons in Student Code of Conduct**

Any student who commits one or more of the following acts shall be held responsible for an offense against a person under the Student Code of Conduct:

- **Discrimination/Harassment:** Discriminatory Conduct, including race, color, national origin, sexual orientation, disability, religious, or gender-based harassment or harassment on any other grounds, directed toward another person has the purpose or effect of creating an intimidating, hostile, or demeaning environment and/or that interferes with his or her ability to participate in or to realize the intended benefit of an institutional activity, employment or resource. This also includes intimate partner violence (domestic or dating), bullying and stalking.
- **Hazing:** Defined as an act which endangers that mental or physical health or safety of a student, or which destroys or removes public or private property for the purpose of intimidation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
- **Mental or Bodily Harm to Others:** Conduct that includes but is not limited to: a) intentionally inflicting mental or bodily harm upon any person; b) attempting to inflict mental or bodily harm upon another person; c) taking reckless, but not accidental action from which mental or bodily harm could result to another person; d) causing a person to believe that the offender may cause mental or bodily harm; e) non-academic assault; f) coercing another to engage in an act of membership in a student organization that causes or creates a risk of mental or bodily harm to any person; hazing, defined as an act which endangers that mental or physical health or safety of a student, or which destroys or removes public or private property for the purpose of intimidation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
- **Sexual Harassment:** Defined to include unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or unwelcome conduct of a sexual nature.
- **Threat, Physical Harm or Abuse:** Physical abuse, threats, intimidation, harassment, coercion, and/or conduct which threatens or endangers the health or safety of any person.

Students found responsible for such acts are subject to discipline under the Student Code of Conduct. The range of disciplinary sanctions include, but are not limited to:

**1. Verbal Warning**

A verbal notice that continuation or repetition of prohibited conduct may be cause for disciplinary action.

**2. Warning**

A formal, written notice that the student is violating, or has violated, one or more College rules and regulations and that a continuance of the misconduct may lead to additional disciplinary action.

**3. Loss of Privileges**

Denial of specified privileges for a designated period of time.

**4. Discretionary Sanctions**

As needed to maintain a healthy and safe educational and work environment for students, visitors, faculty and staff and WNCC. Discretionary Sanctions may include: Apology Letter, Restitution, No Contact, Counseling Referral, Community Service, Paper; Behavioral Agreement, Alcohol class, Substance abuse assessment, Random drug testing, Create a program presentation, create Sign/flyer.

**5. Disciplinary Probation**

A written plan addressing a student's violations of the Student Code of Conduct and posted WNCC rules. Probation shall include specified conduct guidelines for a designated period of time.

**6. On campus housing relocation**

Moving a student from one room to another and/or from one campus residence hall to another.

**7. On campus housing suspension**

Separation of the student from on campus housing for a specified period of time, after which the student is eligible to return. Conditions of reentry may be specified.

**8. On campus housing expulsion**

Permanent removal of a student from any and all on-campus housing options. The student so removed may not re-enter the residence halls, under any conditions, even as a visitor.

**9. College Suspension**

Separation of the student from the College for a definite period of time, after which the student may be eligible for return, contingent upon meeting specified conditions for re-admittance.

## **10. College Expulsion**

Permanent separation of the student from Western Nebraska Community College without the possibility of re-admission.

A complete copy of the WNCC Student Code of Conduct, policy and procedures, is available in the Student Handbook.

### **Disclosures to Alleged Victims of Crimes of Violence or Non-Forcible Sex Offenses**

WNCC will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the offense or crime. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for the purposes of this procedure.

### **DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, and STALKING PREVENTION AND AWARENESS PROGRAMS**

The College conducts several educational programs and activities throughout the year to raise awareness for issues of dating violence, domestic violence, sexual assault and stalking.

The following are some specific programs and activities that are available:

- Healthy Relationships/Domestic Programming sponsored by Residence Life for Fall and Spring semesters.
- DOVES Program on Healthy Relationships/Sexual Abuse, which includes presentations on domestic abuse and sexual assault. The DOVES Program believes every person has the right to feel safe, live free from abuse, and expect healthy relationships, and their mission is to ensure their empowerment-based services are available and accessible to all victims of domestic violence, dating violence, sexual abuse, and stalking. The program serves victims of domestic violence, dating violence, sexual assault and stalking throughout Banner, Box Butte, Cheyenne, Dawes, Kimball, Morrill, Scotts Bluff, Sheridan and Sioux Counties.
- Stalking prevention presentation.
- Residence Hall programs on Stalking/Internet Safety which are mandatory for residential students and student athletes and open to the entire college community.
- Web-Based Resources: “Your Role in Sexual Harassment & Violence Prevention: Making a Difference in Preventing Sexual Harassment and Violence at WNCC”.

### **BYSTANDER INTERVENTION & RISK REDUCTION:**

Bystander Intervention is choosing to respond to a potentially harmful situation in a way that could positively influence the outcome. WNCC utilizes an Active Bystander Program to help educate students about risk reduction options designed to decrease perpetration and bystander inaction.

WNCC is committed to preventing gender-based violence, and believes it is important that people are approached as potential witnesses or bystanders to behaviors related to sexual, dating or domestic violence. If you witness these behaviors, there are certain ways you can help to prevent a risky situation from getting out of hand. The goal of bystander intervention is to make our campus community a safer place to live, work and learn and WNCC is committed to promoting the skills all of us can use to make a difference in preventing dangerous situations.

In order to intervene, first someone has to:

### **1. Notice the event**

Bystanders first must notice the incident taking place. It is important to become attuned to what situations may be risky; i.e., if you are at a party, and you see someone stumbling as they are being led into a different room, this is a risky situation.

### **2. Interpret the incident as a problem or emergency**

By "emergency," we mean a situation wherein there is risk of sexual, dating or domestic violence occurring in the near future.

### **3. Assume personal responsibility for intervening**

It has been found that often, people believe that someone else will help in a situation where there are many people around. However, it is important to realize that others may also be thinking the same thing. If you are unsure if you should do something, ask a friend what they think -- it might be the case that they have been thinking the same thing.

### **4. Have the bystander intervention skills to help**

There are a number of different techniques that someone can use to intervene in a risky situation, some of which we have listed below. These bystander goals and intervention techniques are reprinted here with permission of the "Step UP! Program" developed by the University of Arizona C.A.T.S. Life Skills Program in partnership with the NCAA.

Step UP! is a bystander intervention program that educates students to be proactive in helping others when faced with problematic or risky situations that are of concern. The Step UP! training program focuses on real-life situations/scenarios students might encounter. The goal of the program is to generate open, honest and non-judgmental discussions about the material presented.

For more information see <http://www.stepupprogram.org>.

**Bystander Intervention Techniques: Please remember that your safety is of the utmost importance. When a situation that threatens physical harm to yourself or another student, ask someone for help or call 911 immediately.**

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**Carefully assess the entire situation/circumstances before making any decisions or taking any action.**

**Consider both direct and indirect ways to intervene.**

Direct: You take responsibility as the primary helper.

Indirect: You request that someone else take responsibility as the primary helper (e.g., the Police, Emergency Medical Trained or EMT personnel, College administrators, etc.)

**Whatever response you choose, remember the following in an emergency/crisis:**

- Calm the person.
- Gather information.
- Look at options.
- Provide support.
- Know appropriate referrals.
- Do not become enmeshed.
- Look for the best exit strategies (getting out of the situation) for those involved.
- Be clear and direct with all of your requests.
- Make **safe** choices; consider the level of risk in choosing an action for intervening.
- Understand boundaries and limits - don't be a hero. Remember verbal fights can quickly turn into physical fights. **\*\*\*It is often better to WALK AWAY.**
- Intervene **early** – before a problem becomes a crisis or disaster.
- Choose the most **effective** ways of helping for that particular situation. Be sure to not make the situation escalate.
- Publicly state your commitment to helping. “I will do X.”
- Engage other bystanders – You do “Y.”
- Discuss consequences that the person cares about – Encourage VALUE BASED DECISIONS.
- Assess personal exposure/liability when actions you know about are criminal.
- **Call 9-1-1 if it is not safe or prudent for you to help directly.**

**BYSTANDER INTERVENTION RESOURCES:**

- The Doves Program: <http://www.dovesprogram.com> or 308-436-HELP or 866-95-DOVES
- Step Up: <http://www.stepupprogram.org>
- The Green Dot Program: <https://alteristic.org/services/green.dot/green-dot-colleges/>
- Bringing in the Bystander: <http://www.cola.unh.edu/prevention-innovations/bystander>
- One Student: <http://onestudent.org/>
- The Rape, Abuse & Incest National Network (RAINN) – [www.rainn.org](http://www.rainn.org) or 1-800-656-HOPE (4673)
- National Sexual Violence Resource Center – [www.nsvrc.org](http://www.nsvrc.org) or 1-877-739-3895 (toll free)
- California Coalition Against Sexual Assault – <http://calcasa.org>
- Male Survivor – [www.malesurvivor.org](http://www.malesurvivor.org) or 1-800-738-4181

## **SEXUAL ASSAULT: FACTS AND PREVENTION**

Remember, sexual assault is not just a woman's issue. Men and women are both responsible for preventing sexual assault and rape.

Suggestions for working to end sexual violence include:

- Understand what your partner wants. No means No—never assume what your partner wants sexually. Always ask.
- Don't engage in sexual relations with someone who is too drunk to make responsible decisions, has passed out, or is asleep or unconscious. Legally, this is sexual assault.
- Realize that what you say can have an impact. Casual conversation is the best way to influence peers to prevent an incident that could hurt others. Silence can be mistaken by your friends as approval to sexist or violent behaviors.
- Report any incident as soon as possible. If you see someone in trouble at a party, do not be afraid to intervene. It is easy to use your cell phone to notify campus authorities, the police or someone who you know could stop it.

### **Remember:**

- You have the right to set limits. Be aware of gender stereotypes such as "being assertive is not feminine" or "it's macho to score." These attitudes get in the way of honest relationships.
- Communicate your limits clearly and verbally.
- Trust your instincts. If a situation does not feel right, get away from it.
- Listen to what your partner is saying. Do not make assumptions.
- Speak up when others joke or talk about their sexual conquests. Let others know where you stand.
- Remember, drugs and alcohol decrease your ability to take care of yourself and make decisions.

### **Plan ahead:**

- First date or blind date? Check your date out with friends. Go to a public place and go with friends.
- Don't leave a party, concert, or bar with someone you just met or do not know well.
- Be wary of behavior that makes you feel uncomfortable. If it persists, leave.
- Stand up for yourself. If someone is pressuring you, make it clear that you do not like it.

If you are sexually assaulted, contact the local police department, or a campus official.

Whether committed by a stranger or someone you know, sexual assault is a violation of your body and your trust. Remember, it is never your fault. There are people at WNCC who can help.

### **If you are assaulted:**

- Don't shower, wash, douche or change your clothes, even though that may be your immediate reaction. If you choose to press charges, evidence may still exist if you do not wash.
- Seek medical attention. You may have internal injuries, and you should not live with the fear of STDs, AIDS or an unwanted pregnancy.
- Trained medical staff may also assist you in contacting experienced sexual assault response team members who can help you file a police report, collect and preserve evidence, and provide victim assistance and rape crisis advocacy services.

- Get counseling to help you deal with your feelings.

**If someone you know is raped:**

- **Believe**—tell them you believe what they are saying and you are there to support them.
- **Empower**—support your friend, do not tell them what to do. Next steps have to be their decision.
- **Connect**—talk about the WNCC and community resources that can help.

**Reporting an Incident**

All College employees, with the exception of the College’s counseling employees, who are aware of or witness sexual misconduct, including sexual harassment, dating violence, domestic violence, and stalking are required to promptly report to the Title IX Coordinator or a Title IX Deputy Coordinator. Any student who is aware of or who witnesses sexual misconduct, including sexual harassment, dating violence, domestic violence, and stalking is encouraged to promptly report to the Title IX Coordinator or a Title IX Deputy Coordinator. All reports will be treated with the greatest degree of respect and privacy possible while still fulfilling the College’s obligation to investigate and effectively respond to the report. It is the survivor’s choice whether to participate in the investigation; however, the College may proceed with the investigation without the survivor’s participation if there is a potential threat to other members of the community.

Reports should be directed to the College’s Title IX Coordinator (Kathy Ault, Human Resources Executive Director, WNCC, 1601 East 27th Street\*, Scottsbluff, NE, 69363-1815, (308) 635-6005 or [aultk@wncc.edu](mailto:aultk@wncc.edu)) or to any of the following Title IX deputies on each WNCC campus:

Alliance: Jackie Smith, Campus Director, 1750 Sweetwater Avenue, Alliance, NE 69301, (308) 763-2001, [smithj55@wncc.edu](mailto:smithj55@wncc.edu)

Scottsbluff: Nina Grant, Vice President of Student Services, 1601 East 27<sup>th</sup> Street, Scottsbluff, NE 69361, (308) 635-6104, [grantel@wncc.edu](mailto:grantel@wncc.edu);

Ryan C. Burgner, Athletic Director, 1601 East 27<sup>th</sup> Street, Scottsbluff, NE 69361, (308) 635-6368, [burgnerr@wncc.edu](mailto:burgnerr@wncc.edu);

Norman Coley, Dean of Students/TRIO Programs Director, 1601 East 27<sup>th</sup> Street, Scottsbluff, NE 69361, (308) 635-6123, [coleyn@wncc.edu](mailto:coleyn@wncc.edu);

Sidney: Paula Abbott, Campus Director, 317 College Drive, Sidney, NE 69162, (308) 254-7404, [abbottp@wncc.edu](mailto:abbottp@wncc.edu)

The Title IX Coordinator or designate will assist all members of the WNCC community by assessing the incident, advising the survivor on how he or she can seek legal protection, and making the survivor aware of medical, counseling, and other support services. WNCC can assist the survivor in notifying the local police department with jurisdiction over the crime. **In case of an emergency or ongoing threat, a survivor should get to a safe location and call 911.** Calling 911 will put you in touch with local police. Contact information for local law enforcement agencies in WNCC campus communities are as follows:

**ALLIANCE:**

Alliance Police Department, 512 Niobrara, P.O. Box D, Alliance, NE 69301, (308) 762-4955.

**SCOTTSBLUFF:**

Scottsbluff Police Department, 1801 Avenue B, Scottsbluff, NE 69361, (308) 630-6261 during Business Hours M-F 7am-4pm; (308) 632-7176 after Business Hours.

**SIDNEY:**

Sidney Police Department, 1715 Illinois Street, Sidney, NE 69162, (308) 254-5515.

Students who have experienced a sexual assault, domestic violence, dating violence, or stalking may also report an incident to the College's Title IX Coordinator (Kathy Ault, 1601 East 27th Street, Scottsbluff, NE, 69363-1815, (308) 635-6005 or [aultk@wncc.edu](mailto:aultk@wncc.edu)).

Employees who have experienced a sexual assault, domestic violence, dating violence, or stalking may also report an incident to the Office of Human Resources (Kathy Ault, Human Resources Executive Director, WNCC, 1601 East 27th Street, Scottsbluff, NE, 69363-1815, (308) 635-6005 or [aultk@wncc.edu](mailto:aultk@wncc.edu)).

These offices will provide survivors of sexual assault, domestic violence, dating violence, and stalking with information about available support services and resources, and assist any survivor in notifying law enforcement, including the local police, if the survivor elects to do so.

Survivors are not required to report to area law enforcement in order to receive assistance from or pursue any options within Western Nebraska Community College.

Reporting sexual assault, domestic violence, dating violence, and stalking to the police does not commit the survivor to further legal action. However, the earlier an incident is reported, the easier it will be for the police to investigate, if the survivor decides to proceed with criminal charges.

**Written Notification of Right and Options**

Any student or employee, who reports an incident of sexual assault, domestic violence, dating violence, or stalking, whether the incident occurred on or off campus, shall receive a written explanation of their rights and options as provided for under this policy.

These rights and options include the right(s) of a survivor to:

- A. Seek medical treatment (the police will arrange transportation for you to the nearest hospital or otherwise assist you in obtaining medical treatment if you wish);
- B. Seek confidential counseling, mental health and available advocacy services;
- C. Report the incident to law enforcement;
- D. Seek a criminal complaint for threats, assault and battery, or other related offenses;
- E. Go to court, and to file a Petition and Affidavit requesting a Domestic or Harassment Protection Order restraining your attacker from abusing you, and/or an order directing your attacker to leave your household, building, school, college, or workplace;
- F. File a complaint with the College; and
- G. Options, rights and resources if the choice is made to pursue a complaint.

## **Procedures Survivors Should Follow:**

If an incident of sexual assault, domestic assault, dating violence, or stalking occurs, it is important to preserve evidence so that successful criminal prosecution remains an option.

The survivor of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment. If a survivor has removed the clothing, he or she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and brought to the hospital when treatment is sought. If the survivor is still wearing the clothes that he or she was wearing during an assault, he or she should bring a change of clothes with him or her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime.

Evidence of violence, such as bruising or other visible injuries, following an incident of sexual assault, or domestic or dating violence, should be documented by taking a photograph. Evidence of stalking, including any communications such as written notes, email, text messages, voice mail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

## **On Campus and Off Campus Resources**

Western Nebraska Community College, the City of Scottsbluff, the City of Alliance, and the City of Sidney, all offer other important resources to the survivors of sexual assault, domestic assault, dating violence, or stalking, including medical treatment, counseling services, and advocacy that survivors may wish to utilize.

The following WNCC employees and on campus offices can assist members of the WNCC community in considering their options and navigating through any resources or recourse they may elect to pursue.

A survivor need not formally report an incident of sexual assault, domestic violence, dating violence, or stalking to law enforcement or WNCC in order to access the following resources:

### **WNCC Counseling Center**

(308) 635-6090

### **The DOVES Program**

(The DOVES Program provides services for victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking and serves women, men, teens and children):

(308) 436-HELP (4357)

(866) 95-DOVES (866-953-6837) (24-hour Crisis Line)

(877) 215-0167 (español)

2035 10<sup>th</sup> Street

Gering, NE 69341

[www.dovesprogram.com](http://www.dovesprogram.com)

### **Community Action Health Center / Community Action Partnership of Western Nebraska**

(Counseling, Medical and Referral Services):

Main Admin. Phone: (308) 635-3089

Health Center Phone: (308) 632-2540

Toll Free Phone: 1-888-448-9665

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

## **Accommodations**

Regardless of whether a student or employee reports an incident of sexual assault, domestic violence, dating violence, or stalking to law enforcement or pursues any formal action, if they report such an incident to the College, Western Nebraska Community College is committed to providing them as safe a learning or working environment as possible. Upon request, WNCC will make any reasonably available accommodation to a survivor's academic, living, transportation, and working situation. When a reported incident of abuse involves more than one member of the WNCC community, the College's Title IX Coordinator or Dean of Students may also issue an institutional No Contact order, prohibiting the individuals from contacting one another, either on or off campus.

Students may contact the Title IX Coordinator (Kathy Ault, Human Resources Executive Director, WNCC, 1601 East 27th Street, Scottsbluff, NE, 69363-1815, (308) 635-6005 or [aultk@wncc.edu](mailto:aultk@wncc.edu)) or the Vice President of Student Services (Nina Grant, 1601 East 27<sup>th</sup> Street, Scottsbluff, NE, (308) 635-6004 or [grantel@wncc.edu](mailto:grantel@wncc.edu) for assistance, and employees may contact the Office of Human Resources, (Kathy Ault, Human Resources Executive Director, WNCC, 1601 East 27th Street, Scottsbluff, NE, 69363-1815, (308) 635-6005 or [aultk@wncc.edu](mailto:aultk@wncc.edu)) for assistance.

The College's Title IX Officer or designate will advise survivors of a reported incident of sexual assault, domestic violence, dating violence, or stalking about how to seek a restraining order from a criminal court that directs the accused to refrain from abuse and to leave the survivor's household, building, school, college, or workplace.

Western Nebraska Community College is committed to ensuring that orders of protection issued by courts are fully upheld on all College-owned, used, and controlled property as well as properties immediately adjacent to WNCC. Therefore, if any member of the WNCC community obtains an order of protection or restraining order, he or she should promptly inform WNCC and provide the College's Title IX Officer with a copy of that order, so that the College can enforce it. Western Nebraska Community College is also committed to protecting survivors from any further harm, and if WNCC determines that an individual's presence on campus poses a danger to one or more members of the College community, WNCC can issue an institutional No Trespass Order barring that individual from WNCC property.

## **Survivor Confidentiality**

Western Nebraska Community College recognizes the sensitive nature of sexual assault, domestic violence, dating violence, and stalking incidents. We are committed to protecting the privacy of individuals who report incidents of abuse, to the extent that doing so is permitted by law and consistent with the College's need to protect the safety of the community. Different WNCC officials and personnel are able to offer varying levels of privacy protections to survivors.

WNCC requires all College employees, with the exception of licensed mental health counselors who work at the College's Counseling Center to share with the College's Title IX Coordinator information they learn concerning a report of sexual assault, or an incident of domestic or dating violence, or stalking, so that the Title IX Coordinator can investigate the incidents, track trends (including possible

multiple reports involving the same assailant) and determine whether steps are needed to ensure the safety of the community. It is the survivor's choice whether he or she wishes to participate in the investigation; however, the College may proceed with an investigation without the survivor's participation if there is a concern for the safety of other members of the community.

Reports made to the WNCC will be shared with the Title IX Coordinator in all cases, and may also be made public (maintaining the survivor's anonymity) and shared with the accused in cases where criminal prosecution is pursued. Reports received by the College concerning the abuse of a minor or juvenile must be reported to state officials in compliance with state law requiring mandatory reporting of child abuse.

Reports of sexual assault, domestic or dating violence, or stalking, which are shared with WNCC's Title IX Coordinator or other College officials, will be treated with the greatest degree of respect and privacy possible while still fulfilling WNCC's obligation to investigate and effectively respond to the report. Every effort will be made to limit the scope of information shared to keep it to a minimum of detail, and only when absolutely necessary. It is the survivor's choice whether to participate in the investigation; however, the College may proceed with the investigation without the survivor's participation if there is a potential threat to other members of the community.

A survivor's ability to speak in confidence and with confidentiality may be essential to his or her recovery. Western Nebraska Community College thus expects employees to treat information they learn concerning incidents of reported sexual assault, domestic violence, dating violence, and stalking with as much respect and as much privacy as possible. College employees must share such information only with those College officials who must be informed of the information pursuant to College policy. Failure by any WNCC employee to maintain privacy in accordance with College policy will be grounds for discipline.

While federal law requires WNCC to include certain reported incidents of sexual assault, domestic violence, dating violence, and stalking among its annual campus crime statistics, such information will be reported in a manner that does not permit identification of survivors.

## **Procedures for Sexual Misconduct Complaints**

### **Overview:**

Western Nebraska Community College strictly prohibits all acts of sexual misconduct including sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal investigation and prosecution, students, employees, and other affiliates may also face action by WNCC once the College has notice that sexual misconduct has occurred.

When students or employees are accused of having engaged in sexual assault, domestic violence, dating violence, or stalking, the College may, depending on the facts alleged, issue interim safety measures and/or other accommodations prior to the resolution of the complaint. Such interim safety measures might include issuing No Contact orders between the parties, altering an individual's work or class schedule or a student's on-campus housing assignment, placing an employee accused of misconduct on administrative leave, or placing a student accused of misconduct on an interim suspension.

WNCC will investigate reported allegations of sexual misconduct and may take appropriate remedial action even if the person allegedly subject to misconduct or the Complainant does not wish to pursue a formal complaint. Sexual misconduct by or against a student may be investigated by the College whether it is alleged to have been committed on or off campus.

### **Complaints:**

Any person can complain of sexual misconduct against or by a student. Complaints of sexual misconduct may be made using the College's Sexual Misconduct Procedures at the same time criminal investigations or complaints are pursued by law enforcement or the County Attorney's Office. Internal investigations conducted by WNCC and/or College disciplinary proceedings are independent of any criminal investigation or court case. The College may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same allegation, and even if criminal charges have been reduced or dismissed by the County Attorney.

Complaints of sexual misconduct against a student by a student should be made to the College's Title IX Coordinator or Title IX designate. Sexual misconduct complaints by or against employees should be made to the Vice President of Human Resources. WNCC's Title IX Coordinator will oversee all investigations of allegations of sexual misconduct.

### **Notice and Options:**

Upon receipt of a complaint of sexual misconduct, the Title IX Coordinator should proceed under the following guidelines:

Upon receipt of a sexual misconduct complaint or report, WNCC will provide the Complainant a written notice describing the options of pursuing a criminal complaint with law enforcement and/or using the College's investigation and disciplinary processes. The Complainant may go forward with one or both options at the same time, but the College's investigation will proceed unless needed / temporary delays are necessitated by an ongoing criminal investigation.

The Complainant must state in writing if he or she wishes to pursue a complaint. If he or she does not wish to pursue the complaint and/or makes a request that his or her identity remain anonymous, the Title IX Coordinator will make note of that request in the report. Whether or not the Complainant wishes to pursue a formal complaint, the College is still required to investigate reports of sexual misconduct. The Complainant must be informed of the College's obligation to investigate and that requests to maintain anonymity cannot be guaranteed.

In all investigatory and adjudication proceedings conducted by the College concerning charges of sexual misconduct, domestic violence, dating violence, or stalking, including any related meetings or hearings, both the complainant and the respondent will be afforded the same process rights, including equal opportunities to have others present. This includes the right to be accompanied by an advisor of their choice. Both the complainant and respondent will also be afforded an equal opportunity to introduce evidence and identify witnesses.

### **Investigation:**

When a student is accused of any violation of the sexual misconduct policy, including but not limited to charges that he or she engaged in sexual assault, domestic or dating violence, or stalking, the Investigator (Title IX Coordinator or designee/trained deputy) shall conduct an investigation to determine (1) if a violation may have in fact occurred and (2) if so, what an appropriate sanction(s) might be, and (3) if a violation(s) and sanction(s) can be administratively resolved by mutual consent of the parties involved. The investigation will be decided using a preponderance of evidence standard. In other words, the evidence must show that it is more likely than not that the alleged misconduct occurred.

Investigations into allegations of sexual misconduct should be concluded within sixty (60) calendar days of the College's receipt of said report unless mitigating circumstances require the extension of time frames beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, College breaks or vacations that occur during the pendency of an investigation, or other unforeseen circumstances. In these matters, the complainant and the respondent shall be notified, provided an explanation, and given information about the amount of additional time required to conclude the process.

When the Investigator completes an investigation, both the complainant and the respondent shall simultaneously be informed in writing within seven (7) business days of the outcome of the investigation and any sanction(s) imposed. Both the complainant and respondent will be given the same procedures and timeframe to appeal the outcome of the proceeding, both parties will receive the same process rights if an appeal is granted, and the parties will both receive timely notice when the outcome becomes final.

### **Appeal:**

An appeal (unacceptance) of the decision of the Investigator may be made in writing to the Dean of Student Services no more than five (5) working days, excluding weekends or holidays, after the written decision by the Investigator is received. The Dean of Student Services shall then convene a hearing of the College Judicial Board.

### **Composition of College Judicial Board:**

There shall exist one College Judicial Board to hear all appeals of the Sexual Misconduct Policy. Committee membership shall be composed of the following members of the College Community: Dean of Instruction, or designee, Dean of Students, or designee, and Assistant Dean of Students, or designee. The Investigator shall serve as the Chairperson and non-voting member of the Judicial Board.

### **Chairperson of the College Judicial Board:**

It is the duty of the Investigator to preside as Chairperson of all meetings of the Judicial Board. The Chairperson shall answer any questions concerning the interpretation of the Sexual Misconduct Policy, which he/she deems advisable, applicable, and practical during the course of the hearing. The Chairperson shall have the authority to remove any person from the hearing who is disruptive. The Chairperson shall reserve the right to suspend and reconvene a hearing for any compelling reason as deemed appropriate by him/her and the Judicial Board. The Chairperson shall have the right to seek

advice and assistance from College legal counsel and adopt any special procedures, as needed, provided these procedures are consistent with the Sexual Misconduct Policy and provided that these special procedures are fully explained to all persons immediately concerned in the hearing.

### **Notification Process:**

The respondent and the complainant shall be notified in writing of the date of the College Judicial Board hearing. The hearing shall not be less than five (5) nor more than fifteen (15) workdays after an appeal has been filed with the Dean of Students.

### **Pre-Hearing Procedures:**

The parties to an appeal shall provide the following to the Chairperson of the Judicial Board at least two (2) days prior to the hearing:

1. Names, addresses and phone numbers of all witnesses;
2. Names, addresses and phone numbers of the two (2) observers;
3. Name, address, phone number and status of the individual selected to serve as an advisor;
4. Original supporting documentation: pertinent records, exhibits, etc.

The Chairperson shall then make available to the respondent and the complainant the list of witnesses, allowed visitors, selected advisor, and documentation.

### **Judicial Board Hearing Procedures:**

Hearings shall be conducted by the Investigator and the Judicial Board according to the following guidelines:

1. Hearings shall be conducted in private. Those in attendance shall include the Investigator who serves as non-voting Chairperson, the Judicial Board members, the respondent and her/his selected advisor, and the complainant and her/his selected advisor. Both the respondent and complainant also may have up to two (2) observers present during the hearing. The observers shall not have the privilege of participating in the hearing.

2. The Judicial Board may accommodate concerns for personal well-being and/or fears of personal safety of the complainant, respondent and/or other witnesses at the hearing through seating arrangements, participation by video conferencing or other means determined by the Chairperson to be appropriate as long as the ability for cross-examination of witnesses and a fair and impartial hearing is preserved.

3. The respondent and the complainant have the right to be assisted by any advisor, one (1), they choose at their own expense. The advisor may be an attorney. The respondent and the complainant are responsible for speaking on their own behalf. Advisors are not permitted to speak or to participate directly in any hearing before the Judicial Board. An appropriate advisor would be someone with sufficient knowledge of the College judicial

process to be able to effectively assist the respondent and complainant through the hearing.

4. Pertinent records, documentation, exhibits, and written statements from the respondent and the complainant may be accepted as evidence for consideration by the Judicial Board at the determination of the Judicial Officer. These materials must be submitted to the Judicial Officer in their original or hard copy form.

5. The respondent and the complainant shall have the privilege of presenting witnesses whose testimony is directly pertinent to the issues at hand, as determined in advance by the Chairperson. Witnesses may not serve as observers or advisors. The number of witnesses allowed by each person will be negotiated with the parties by the Chairperson. Witnesses will not be present in the hearing room during the hearing until such time as they are called in to testify. Witnesses will wait outside the hearing room and will be called in one by one. After the Judicial Board, the respondent, and the complainant have concluded the questioning of the witness, the witness will be excused from the room.

6. In hearings involving more than one respondent or complainant, the Chairperson, in her/his discretion may permit the hearings to be conducted either jointly or separately.

7. All procedural questions are subject to the final decision of the Chairperson of the Judicial Board (i.e. the Investigator).

### **Hearing Protocol:**

1. The Chairperson will state the date and time, and identify the particular hearing.
2. The Chairperson will ask the Judicial Clerk/Recorder to confirm if all who have received notice of hearing are present.
3. The Chairperson will explain the confidential nature of the meeting and that no materials distributed are to be taken from the room, and that there should be no discussion about the proceeding outside of the hearing.
4. The Chairperson will state the purpose of the hearing and read the allegation to the Judicial Board.
5. The Chairperson will identify the respondent(s).
6. The Chairperson will explain the fundamental rights of the respondent. The following shall be included in the fundamental rights: (a) right to timely notification process; (b) right to have two (2) observers and one (1) advisor present under the terms and conditions set forth above; (c) right to introduce evidence and ask questions of all persons who appear for or against her/him in any proceedings of the Judicial Board, and (d) right to a fair hearing and opportunity to present a response to the allegations.

7. If the complainant or respondent, with notice, does not appear for a scheduled Judicial Board hearing, after having received written notice of said hearing, the information concerning the allegation shall be presented and considered even if said person is not present.
8. The Chairperson shall present the evidence of the case to the Judicial Board and will ask the respondent if she/he admits the charges.
9. The complainant(s) is (are) identified and asked questions by the Chairperson to present the relevant issues regarding her/his side of the case. This is to be done in the presence of the respondent unless safety measures are utilized which still preserve the right to cross-examination and a fair hearing.
10. The Judicial Board and the respondent will be given the opportunity to ask questions of the complainant. Questions will be addressed through the Chairperson.
11. The Chairperson will ask questions of the respondent to present the relevant issues regarding her/his side of the case.
12. The Judicial Board and the complainant will be given the opportunity to ask questions of the respondent. Questions will be addressed through the Chairperson.
13. The Chairperson will call the witnesses one at a time to testify. Witnesses will not be present in the hearing room during the hearing until such time as they are called in to testify. Witnesses will wait outside the hearing room and will be called in one by one. After the Judicial Board, the respondent, and the complainant have concluded the questioning of the witness, the witness will be excused from the room.
14. The Judicial Board, the respondent, and the complainant will be given the opportunity to question the witnesses.
15. The Chairperson shall give the respondent and the complainant the opportunity to make a final statement.
16. The Chairperson will give the deliberation directions to the Judicial Board.
17. The Judicial Board shall then meet in closed session and determine (by majority vote) whether the respondent has violated the Sexual Misconduct Policy. The Judicial Board's determination shall be made on the basis of whether it is more likely than not that the respondent has violated the Sexual Misconduct Policy and whether the sanction imposed was reasonable and appropriate for the violation.
18. All proceedings of the hearing are taped by the Judicial Clerk/Recorder, with the exception of

the Judicial Board's private deliberation.

19. The Judicial Board shall prepare written findings to support the Board's determination. These shall include:
  - a. Concise statements of each factual finding;
  - b. Brief explanations of whether factual findings justify a conclusion that the conduct violated the Sexual Misconduct Policy;
  - c. Recommendations concerning appropriate sanctions;
  - d. A copy of these findings shall be presented to the Dean of Student Services, and mailed to the complainant and the respondent within five (5) working days of the determination.
  
20. The determination of the Judicial Board is final unless newly discovered information regarding the accusation is presented to the Chief Student Affairs Officer. If the Chief Student Affairs Officer determines that the newly discovered information is sufficiently material, relevant and credible that a new hearing would probably result in a different determination, the matter shall be referred back to the Judicial Board for further hearing. The decision of the Chief Student Affairs Officer on issues of newly discovered evidence shall be final.

### **Sanctions:**

The following sanctions may be imposed upon any student found to be in violation of Western Nebraska Community College's Sexual Misconduct Policy:

- 1) **Warning:** A formal, written notice that the student is violating, or has violated, one or more College rules and regulations and that a continuance of the misconduct may lead to additional disciplinary action.
- 2) **Loss of Privileges:** Denial of specified privileges for a designated period of time.
- 3) **Discretionary Sanctions:** As needed to maintain a healthy and safe educational and work environment for students, visitors, faculty and staff and WNCC.
- 4) **Disciplinary Probation:** A written plan addressing a student's violations of the Code of Conduct and posted WNCC rules. Probation shall include specified conduct guidelines for a designated period of time.
- 5) **On campus housing relocation:** Moving a student from one room to another and/or from one campus residence hall to another.
- 6) **On campus housing suspension:** Separation of the student from on campus housing for a specified period of time, after which the student is eligible to return. Conditions of reentry may be specified.
- 7) **On campus housing expulsion:** Permanent removal of a student from any and all on-campus housing options. The student so removed may not re-enter the residence halls, under any conditions, even as a visitor.

- 8) College Suspension: Separation of the student from the College for a definite period of time, after which the student may be eligible for return, contingent upon meeting specified conditions for re-admittance.
- 9) College Expulsion: Permanent separation of the student from Western Nebraska Community College without the possibility of re-admission.

One or more of the sanctions listed above may be imposed by the College for any single violation of the College's Sexual Misconduct Policy.

For additional information about student conduct proceedings please consult the Student Handbook on the Student Life section of the website.

For additional information about employee conduct, please consult the WNCC Faculty and Staff Handbook on the Faculty & Staff section of the website.

### **INTERIM SAFETY / PROTECTIVE / REMEDIAL MEASURES**

No contact directives shall be issued in writing to persons involved in any alleged violations of the College's Sexual Misconduct Policy.

Students who have been subjected to sexual misconduct have access to other available College assistance in modifying or changing academic and living situations after an alleged incident.

Accommodations may include, but are not limited to the following:

- 1) Counseling and mental health services;
- 2) Changes with on-campus housing;
- 3) Assistance for relocation;
- 4) Assistance in ending a College housing contract and/or adjusting a student account balance for refund;
- 5) Rescheduling assignments, papers, quizzes or examinations;
- 6) Options for taking an incomplete in a class;
- 7) Transfer options between class sections;
- 8) Temporary withdrawal from the College;
- 9) Alternative course completion options; and
- 10) Arranging to take a course or courses via distance education / technology methods.

### **RETALIATION**

The College's commitment to eradication of any sort sexual misconduct includes prohibiting actions taken in retaliation for complaining of violations of College policy. Retaliation includes taking any action which may have any adverse impact on the student's academic success or the learning environment of the student if such action is taken because of the student's filing of or participation in the review of a complaint, whether or not such complaint is determined to be valid; or taking any action which may have any adverse impact on the employment status of the work environment of the

employee, if the action is taken because of the employee's filing of or participation in the review of a complaint, whether or not such complaint is determined to be valid. The complainant is assured that retaliation due to filing a complaint under the procedures addressing sexual misconduct is strictly prohibited by law and by college policy, and shall lead to discipline up to and including termination and expulsion. Any person believing that retaliation has taken or is taking place should immediately report the matter as provided herein.

It shall be considered a violation of College policy for any individual to knowingly file a false or malicious complaint of sexual misconduct or retaliation. If the College believes that such a false or malicious complaint has been filed, the matter will be investigated by the College.