IA Code 261.9

E

5. Responsibility of the Advisory Committee

The Committee shall be charged with the responsibility of deliberately and thoughtfully reviewing all nominations and applications for the position of President of the University of Nebraska and forwarding to the Board of Regents not less than four (4) and no more than eight (8) candidates for consideration by the Board.

Reference: BRUN, Minutes, 54, p. 223 (September 8, 1989).
BRUN, Minutes, 55, p. 128 (June 23, 1990).
BRUN, Minutes, 55, p. 187 (September 7, 1990).
BRUN, Minutes, 56, p. 149 (September 6, 1991).

RP-2.1.5 Standards of Conduct for Employees and Students Regarding Alcohol and Drugs

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

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

2. unauthorized use, possession, manufacture, distribution or sale of a controlled substance as defined by the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., or Nebraska Drug Control Laws, Neb. Rev. Stat. §§ 28-401 et seq., on University premises, or while engaged on University business, or at University activities, or in University-supplied vehicles either during or after working hours;

3. unauthorized use, manufacture, distribution, possession, or sale of alcohol on University premises or while on university business, or at University activities, or in University-supplied vehicles either during or after working hours;

4. storing in a locker, desk, vehicle, or other place on University-owned or occupied premises, any unauthorized controlled substances, drug paraphernalia, or alcohol;

5. use of alcohol off University premises that adversely affects an employee's or student's work or academic performance or an employee's or student's safety or the safety of others;

6. possession, use, manufacture, distribution, or sale of illegal drugs off University premises that adversely affects the employee's work performance or the student's academic performance or an employee's or student's safety or the safety of others;

7. violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution or sale of alcohol, controlled substances, or drug paraphernalia;

8. in the case of employees—failure to notify an employee's supervisor of an employee's arrest or conviction under any criminal drug statue as a result of a violation of law which occurs at the University of Nebraska workplace.

Reference: BRUN, Minutes, 55, p. 205 (October 12, 1990).
BRUN, Minutes, 56, p. 149 (September 6, 1991).

UNIVERSITY OF NEBRASKA–LINCOLN
University PolicePolice

IA Code 261.9

F

Reporting a Sexual Assault

Any University of Nebraska student or employee who has been sexually assaulted or physically harmed is strongly encouraged to contact the police department from the location where the assault occurred or a safe location.

Victims are also encouraged to contact the local victim service office and/or counseling and health care services. Voices of Hope (http://voicesofhopelincoln.org/) at 475-7273 or the University Health Center (http://health.unl.edu/) at 402-472-5000.

Victims are also encouraged to contact University officials for appropriate action. As a guide University Housing (http://housing.unl.edu/) residents should contact any Housing/Residential Life staff.

When informed of an incident of assault, the University community should

- Encourage the victim to report the incident to police, and to contact the area victim survivor service office.
- If you are a Unviersity employee with supervisory or advising responsibilities, contact the Office of Equity, Access and Diversity Programs (http://www.unl.edu/equity/) for guidance on the next step.

University Offices Receiving a Report

Victim support services will:

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

Counseling and health care services will:

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

Police departments will:

- The University of Nebraska Police Department will contact the University Victim Assistance Program.
- Investigate and refer for prosecution when warranted.

Housing/Residential Life Offices will:

- Contact, or encourage contact with, the local victim service office, and assist in obtaining medical care if needed.
- Encourage the victim to report the incident to the police, and assist in making the report if requested by the victim. Housing/Residential Life may be obligated to report to the police the fact that an assault was reported, but the name of the victim will only be provided with the victim's consent, except in extenuating circumstances.
- If the person accused is a student, the incident will be reported to the campus office responsible for administering the Student Conduct Code.
- Report for appropriate investigation by University Police.

Office of Equity, Access and Diversity Programs will:

- Contact victim service office and assist in obtaining medical care if needed.
- Encourage the victim to report the incident to the police, and assist in making the report if requested by the victim. EADP may be obligated to report to the police the fact that an assault was reported, but the name of the victim will only be provided with the victim's consent, except in extenuating circumstances.
- Allow the victim and the person accused to have a non-participating support person present for interviews.
- If the person accused is a student, the incident will be reported to the campus office responsible for administering the Student Conduct Code.
- If the person accused is an employee, investigate, and make recommendations for action, as appropriate (in many cases the police may conduct the investigation).

Student Affairs will:

- Respond to the allegations and discipline if needed, consistent with the Student Conduct Code and the Procedures for Disciplinary Proceedings. Student Judicial Affairs office will conduct investigations when needed.
- Assist the victim in contacting victim service office if desired.
- Encourage the victim to report the incident to the police, and will assist in making the report if requested by the victim. Student Affairs may be obligated to report to the police the fact that an assault was reported, but the name of the victim will only be provided with the victim's consent, except in extenuating circumstances.
- Permit the victim and the person to have a support person or advisor present at any interview or hearing, in a manner consistent with the governing student conduct procedures.

UNIVERSITY OF NEBRASKA–LINCOLN
University PolicePolice

Reporting Child Abuse/Sexual Assault

Child Abuse and Neglect Including Sexual Assult

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

This means: 1) that if you suspect child abuse or neglect, you must report it, 2) you should give as much information about the circumstances as possible, 3) you are immune from liability from any civil or criminal liability if reported in good faith, and 4) if you know of abuse but are not reporting it, you are breaking the law.

Nebraska Statutes

Nebraska Statute 28-711: (1) When any physician, medical institution, nurse, school employee, social worker, or any other person has reasonable cause to believe that a child has been subjected to abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in abuse or neglect, he or she shall report such incident or cause a report to be made to the proper local law enforcement agency, the local Department of Health and Human Services or by calling the statewide hotline number at 1-800-652-1999.

Nebraska Statute 28-716: Persons participating in an investigation or making a report of child abuse or neglect shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements.

Nebraska Statute 28-717: Any person who willfully fails to make any report required by the law shall be guilty of a Class III misdemeanor.

Local Law Enforcement Agencies

UNL Police Department
300 North 17th Street
Lincoln, NE 68588-0634
402-472-2222

Lincoln Police Department
575 South 10th Street
Lincoln, NE 68508
402-441-6000

Lancaster County Sheriff's Office
575 South 10th Street
Lincoln, NE 68508
402-441-6500

Nebraska State Patrol
1600 Hwy 2
Lincoln, NE 68502
402-471-4545

Sexual Misconduct Policy

The university is committed to providing an institutional environment where all persons may pursue their studies, careers, duties and activities in an atmosphere free of threat of unwelcome and unwanted sexual actions. UNK will not tolerate any form of sexual misconduct.

Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when;

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing.
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working/academic environment.

Complaints regarding sexual harassment of a student by a student can be made to the UNK Student Affairs Officer, Memorial Student Affairs Building, #180, 308-865-8528 or Associate Dean: Conrad Hall, 308-865-8519; or Assistant Director Residence Life: Conrad Hall, 308-865-8519 or the Title IX Coordinator, Director Human Resources: Founders Hall #1200, 308-865-8388.

Complaints regarding sexual harassment of a student by a faculty or staff can be made to the UNK Human Resources Office or Title IX Coordinator: Founders Hall #1200, 308-865-8388.

Sexual Assault

Sexual activities should be explicitly agreed upon by all parties involved in the act. Verbal communication of non-consent, nonverbal acts of resistance or mental impairment, to include impairment due to alcohol and drug use, of the victim will constitute lack of consent. Sexual assault includes sexual penetration or sexual contact by intentional touching another's intimate parts or the clothing covering these parts.

If you are a victim of a sexual offense:

- Get to a safe place.
- Seek medical and counseling assistance. Students can contact: Student Health Care at (308) 865-8218, Counseling Care at (308) 865-8248 or contact your local physician. Employees can contact Best Care EAP at (800) 666-8606 or contact your local physician.
- Report the incident to the university police at (308) 627-4811or local police at (308) 237-2104 or 911 in a timely manner.
    - Time is a critical factor for evidence collection and preservation. An individual who has been sexually assaulted should not shower, bathe, or douche. If possible do not urinate. Do not eat, drink liquids, take any medications, smoke or brush teeth if oral contact took place.
    - Keep the clothes worn during the offense. If clothes are changed place clothes in a paper bag. DO NOT clean any clothing garment.
    - Do not destroy any physical evidence. If the crime occurred in the victim's home, the victim should not clean or straighten until the police have had an opportunity to collect evidence.

Following an incident, victims are encouraged to make a report to campus or local police. If an individual needs assistance in notifying authorities University officials will assist them in doing so. Filing a police report does not obligate prosecution but does provide the opportunity for the collection of evidence, investigation into the allegations and makes legal action possible. The earlier an incident is reported the easier it is to collect valuable evidence.

Victims have the option of keeping their report of sexual assault in complete confidence, protecting their right to anonymity, when making a report through the University Counseling and Health Care or Best Care EAP for employees. When reporting to anyone other than the University Counseling and Health Care or Best Care EAP individuals are obligated to forward the information on to the University Title IX Office for investigation and to UNK Police and Parking Services for investigation/statistical collection.

University code of conduct action, Title IX action, employee disciplinary action, criminal prosecution and civil suits are all options available to victims of sexual assault. To begin the university conduct process, the campus authority or victim should contact the Title IX Coordinator: Founders Hall #1200, 308-865-8388. the Dean-Student Affairs, Memorial Student Affairs Building, #180, 308-865-8528 University Student Conduct Officer, Nebraskan Student Union #142A, #865-1619 or the Human Resources office Founders Hall #1200, 308-865-8388. Once the university has been notified they are obligated to investigate the incident and complete their processes.

During campus conduct proceedings, (not involving sexual harassment or sexual assault) both the victim

and accused may be present. Both may have a counselor, attorney and/or an advisor present to provide support and advice. Both the victim and accused will be informed of the results of the proceeding in the same manner and in the same time period. Victims of other types of crimes of violence or a non-forcible sex offence will be notified on the results of any disciplinary proceeding upon written request. If the alleged victim is deceased as a result of such crime or offense the next of kin shall be treated as the alleged victim.

The following sanctions may be imposed upon an individual who is found to be in violation of this policy; warning, probation, loss of privileges, restitution, discretionary sanctions, residence hall relocation, suspension or expulsion, University suspension or expulsion, demotions or termination.

Students who have been sexually harassed or complainants have access to other available University assistance in changing academic and living situations after an alleged incident, if so requested by the student or complainant and if such changes are reasonably available, Accommodations to minimize burden on the student or complainant may include:

- Changes of an on-campus student housing to a different on-campus location;
- Assistance from University in completing the relocation
- Arranging to end a University housing contract and/or adjusting a student account balance for refund;
- Rescheduling an exam, paper, or assignment;
- Taking an incomplete in a class;
- Transferring between class sections;
- Temporary withdrawal;
- Alternative course completion options;
- Arranging to complete a course or lectures via distance education methods with the assistance of technology.

If individuals need assistance in contacting resources University officials will assist. Other services are available to assist victims through their situation. Some of these organizations are the SAFE Center, Victim Witness, UNK Counseling & Health Care, UNK Women's Center and Family Advocacy Network (FAN) and Best Care EAP for employees.

The Safe Center provides a place for individuals to escape domestic violence situations. They provide support groups and assist victims throughout the court process. SAFE Center can be reached at (308) 237-2599 or at 3710 Central Avenue Suite 10.

Victim Witness is given your information once legal proceedings have begun. They will contact you and explain all the steps of the legal process and support you along the way. Victim Witness can be reached at (308) 233-5263.

The Family Advocacy Network (FAN) provides a safe environment for the survivor while meeting their medical, psychological and safety needs. FAN brings together all necessary parties needed to meet these needs for the survivors. They have trained staff to assist in all aspects of the assault and are equipped with trained medical personnel and equipment.
Phone: (308) 865-7492
Website: www.familyadvocacynetwork.com

The University Sexual Assault Response Team (SART) is a community coordinated response to sexual assaults which include a sexual assault nurse examiner (SANE), a sexual assault investigator and trained health care providers. The SART team can be activated by the majority of the listed agencies.

The Women's Center is staffed by a licensed mental health practitioner, two personal counseling graduate assistants, and a work study. All are trained to respond to victims of sexual assault using strict confidential guidelines.
Phone: (308) 865-8279
(308) 865-8248 (Available 24 hours a day)
Hours: Vary Monday through Friday—please call! Know that we welcome you.
Location: Memorial Student Affairs Building, South Hallway, Room 158
Website: http://unk.edu/officers/womenscenter.aspx?id=17280

Counseling Care provides personal counseling intended to empower UNK students with making choices and decisions from within each student's own unique circumstances. The American Counseling Association Code of Ethics and Standards of Practice serves as its standard in provision of services. Strict confidentiality is a core principle. All of Counseling Cares's counselors are master's-prepared and are nationally certified and state licensed.
Phone: (308) 865-8248 (Available 24 hours a day)
Hours: Monday – Friday from 8:00 a.m. to 5:00 p.m.
Location: Memorial Student Affairs Building, South Hallway, Room 144
Website: http://www.unk.edu/offices/counseling/

Health Care staff is comprised of fully licensed, qualified nurse practitioners and registered nurses who provide primary health care services for UNK students. All are trained to respond to victims of sexual assault using strict confidential guidelines.
Phone: (308) 865-8218
Hours: The Health Care clinic is open from 8:00 a.m. to 5:00 p.m. Monday through Friday (Wednesdays 9:00 a.m. to 5:00 p.m.). Walk-in clinic hours are from 8:15 a.m. until 4:00 p.m., and until 6:00 p.m. Thursdays.
Location: Memorial Student Affairs Building, Northwest Door, Room 184
Website: http://www.unk.edu/offices/studenthealth/

Best Care EAP offers free, confidential counseling for benefit eligible employees and their families
Phone: (800) 666-8606

Prevention, intervention and education programs specifically addressing rape, acquaintance rape and other sexual offenses are offered by Police and Parking Services, Counseling and Health Care, Women's Center, Peer Health Education and Residence Life. Some of these programs include RAD (Rape Aggression Defense), and RAPE (Rape Awareness Prevention and Education). Human Resources also provides information to all new employees, has a library of training resources available to departments and offers training on sexual harassment and Title IX issues.

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905 West 25th Street, Kearney, NE 68849 | UNK Contact Information | UNK Site Map | Login |
UNK is an ADA & Affirmative Action/Equal Opportunity institution | Contact the webmaster@unk.edu
Report a Page Problem | Employment Opportunities | Download Adobe Acrobat Reader

The University of Nebraska at Omaha has a sexual harassment policy.
If you think someone has crossed a line, there are resources that can help you with your concerns.

What is Sexual Harassment?

Sexual Harassment is conduct that:

- Is sexual in nature;
- Is unwelcome; and
- Denies or limits a student's ability to participate in or benefit from a school's education program

Sexual harassment can take different forms depending on the harasser and the nature of the harassment. School employees, other students, and non-employee third parties such as a visiting speaker can carry out the conduct. Anyone can be sexually harassed: both males and females can be victims and the harasser and the victim can be of the same sex. **Sexual Assault is a category of sexual harassment. Sexual Assault is a crime that should be reported to the Omaha Police Department immediately.**

Who can report suspected sexual harassment?

Anyone who sees sexual harassment occur should report it; the individual need not be the victim of the harassment. All University of Nebraska at Omaha employees and students are responsible for helping to assure that the University avoids discrimination prohibited under its policy statement. If you believe that you are being sexually harassed or if you feel that you have witnessed an incident of sexual harassment you may submit a complaint on the EEO web site or contact the EEO Office at 402-554-3490.

If I file a complaint what happens?

The University of Nebraska at Omaha's policy is to investigate all such complaints thoroughly and promptly. Complaints of discrimination, harassment and retaliation are investigated and, when warranted, appropriate corrective action is taken and offenders are disciplined in accordance with University policy and applicable law. If an investigation confirms that prohibited discrimination has occurred, the University of Nebraska at Omaha will take corrective action, including such discipline up to and including termination of employment or academic suspension as is appropriate.

Can I be punished for making a complaint or a report of suspected sexual harassment?

What if the harasser threatens to retaliate against the victim if he or she reports the incident?

Both Title IX and Title VII forbid retaliation against anyone who makes a good faith report.

What if the victim requests confidentiality or asks that the complaint not be pursued?

The University of Nebraska at Omaha is committed to respond to all complaints in a manner consistent with a request for confidentiality. However we are also responsible for providing a safe and nondiscriminatory environment for everyone. Although every effort is made to handle harassment complaints in a confidential manner, it may be necessary to provide information to other relevant persons to effectively investigate the complaint. In addition, the alleged harasser has a right to know the details of the complaint in order to adequately respond.

What preventative steps could I take at UNO to educate others and myself on this topic?

Know you rights. Sexual harassment is illegal. The University of Nebraska at Omaha has a specific policy prohibiting sexual harassment. Familiarize yourself with this policy.

If you are a victim, speak up. If you can, tell the person to stop. State clearly and firmly that you want a particular behavior to cease. This is not a time to be polite or vague. If you feel that you cannot speak up or would like help addressing your concerns, seek the help of a responsible and trusted university resource.

Get Information:

Student Code of Conduct - http://www.unomaha.edu/aandsaffairs/documents/scc.pdf

University of Omaha at Nebraska Sexual Harassment Policy
UNO Code of Professional Ethics
Dispute Resolution and Complaint Procedures

Office-Service and Managerial Employee Handbook.
http://www.unomaha.edu/humanresources/Documents/emphandbook.pdf

Find support:

OPTIONS AND RESOURCES

PRIMARY RESOURCES

	Seeking Info & Support	Obtaining Counseling	Seeking Informal Remedies*	Bringing a Formal Complaint*	Confidentiality Level*
University of Nebraska at Omaha Office of Diversity and Equal Employment 402-554-3490	●		●	●	Mostly Confidential
Title IX Coordinator **Charlotte Russell** 402-554-2321	●		●	●	Mostly Confidential
University of Nebraska at Omaha **Ombudsperson's Office** http://www.unomaha.edu/ombuds.php	●		● (provides advice and assistance)	● (provides advice and assistance)	Mostly Confidential

OTHER SUPPORTING RESOURCES

	Seeking Info & Support	Obtaining Counseling	Seeking Informal Remedies*	Bringing a Formal Complaint*	Confidentiality Level*
The Counseling Center at the University of Nebraska at Omaha 402-554-2409	●	●	●		Strictly Confidential
Voices Against Violence http://vav.unomaha.edu	●		●		Strictly Confidential
The Women's Resource Center 402-554-2409	●		●	●	Strictly Confidential

***SEEKING INFORMAL REMEDIES**

Examples of informal remedies include:

- shielding a student from ongoing contact with an individual;
- taking that individual out of a class or issuing an administrative no-contact order;
- assigning an individual to a different lab or other clinical setting;
- asking an administrative authority to speak to the individual to express serious concern about a behavior;
- reminding the individual of policies and definitions relating to sexual misconduct;
- offering counseling targeted to addressing sexual aggression; and
- reorganizing housing assignments so that students can feel safer.

Informal remedies do not preclude formal discipline.

***BRINGING A FORMAL COMPLAINT**

Bringing a formal complaint will lead to an investigation (in most cases), and can result in punitive outcomes. Filing a complaint is often the best way to seek protection from future harm. The person bringing the complaint retains considerable control, although not total, as the process unfolds.

***CONFIDENTIALITY LEVEL**

STRICTLY CONFIDENTIAL

These conversations are all confidential and can be anonymous. Except in rare, extreme circumstances, nothing will be shared without your explicit permission.

MOSTLY CONFIDENTIAL

These conversations are kept as confidential as possible, but information about incidents of sexual misconduct must be shared with relevant administrators and a Title IX coordinator so that the University can take action if necessary for reasons of safety. In planning any response, the wishes of the person are given full consideration.

Take advantage of the training resources provided by the University. Human Resources/EEO offers several resources to educate the community about sexual harassment:

BLR Online Sexual Harassment Training

http://www.unomaha.edu/humanresources/Documents/UNOOnlineTrainingCoursesBLR%209-23-2011.pdf

UNITED EDUCATORS ONLINE TRAING

Please contact the EEO Office for access.

POLICIES AND PROCEDURES

ACADEMIC AND PROFESSIONAL PERFORMANCE

STANDARDS OF STUDENT ACADEMIC PERFORMANCE

Students enrolled in degree programs at the University of Nebraska Medical Center are expected to make satisfactory academic progress toward the completion of their degree requirements. The colleges/programs of the Medical Center set their own academic standards governing satisfactory academic progress including probation, suspension or dismissal for failure to attain such standards. These standards are to be in accordance with the standards set by the accrediting agencies for each college/program.

Failure to make adequate academic progress may have financial aid implications.

PROHIBITION OF SEXUAL HARASSMENTAND SEXUAL VIOLENCE

Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 *et seq.*, is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. All universities receiving any Federal funds must comply with Title IX. Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. At UNMC Title IX provides protections to students, post docs, residents, fellows, and others participating in academic programs. To report an incidence of sexual harassment or sexual violence, contact Carmen Sirizzotti, MBA, Director Human Relations, 402-559-2710, **csirizzotti@unmc.edu**, Title IX Coordinator. Students may also address complaints to Cheryl Bagley Thompson, Ph.D., RN, Assistant Vice Chancellor Academic Affairs/Student Affairs, 402-559 2792, **cbthompson@unmc.edu**.

Legal Definition of Sexual Harassment

According to the federal Equal Employment Opportunity Commission guidelines, sexual harassment is: "unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature," when:

1. Submission to such conduct is made either explicitly or implicitly, a term or condition of employment or educational status;
2. Submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting an individual;
3. Such conduct has the purpose or effect of unreasonably interfering with one's work or academic performance or creating an intimidating, hostile, or offensive environment.

No Retaliation

There shall be no retaliation against any person, who in good faith, reports an incident of sexual harassment or participates in the UNMC grievance process, including those called as witnesses in another party's grievance. Those who engage in such retaliatory behaviors shall receive the appropriate discipline.

UNMC RESPONSE TO ALLEGATIONS OF STUDENT SEXUAL HARASSMENT PROCEDURES

The following procedures will be used in the event of an allegation of sexual harassment related to a student, post doc, resident, fellow, or other person participating in academic programs at UNMC.

I. Introduction

a. Beginning with the University of Nebraska charter in 1869, Nebraska law has provided that no person shall be deprived of the privileges of this institution because of sex. Discrimination on the basis of sex is also prohibited by Federal law.

b. Sexual harassment is misconduct in violation of University policy, including UNMC Policy 1099, and state and federal law that the University will take action to eliminate, prevent, and redress once the University knows it has occurred.

c. The University will investigate reported allegations of sexual harassment and may take appropriate action even if the alleged victim or Complainant does not wish to pursue formal charges. Any response by the University may be hindered by the alleged victim's or Complainant's desire for anonymity and/or inaction.

d. Sexual harassment of a student may be investigated by the University whether it is alleged to have been committed on or off campus.

e. Any person can complain of sexual harassment of a student. Complaints of sexual harassment may be made using the University's internal processes at the same time that criminal complaints or charges are pursued with the appropriate law enforcement or external agencies. University internal investigation and disciplinary charges are independent of any criminal or external investigation.

f. The University may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if the criminal prosecution is pending, has been dismissed, or the charges have been reduced.

g. Complaints regarding sexual harassment of a student by a student can be made to the UNMC Student Affairs Officer or UNMC Title IX Coordinator (Human Resources/Employee Relations Director.[1]

h. Complaints regarding sexual harassment of a student by faculty or staff can be made, Title IX Coordinator (Human Resources Director of Employee Relations) or the UNMC Student Affairs Officer.[2]

i. University policy prohibits retaliation against any person making a complaint of sexual harassment or against any person cooperating in the investigation, including but not limited to witnesses. The prohibition of actual or threatened retaliation applies to third parties as well as students.

j. In addition to formal University proceedings, victims of sexual harassment may seek counseling and health services if needed.

II. Definitions

a. "Administrative Resolution" is at least one meeting between the Conduct Officer and a Respondent and the Complainant to determine whether a student has violated the Code and to impose sanction(s), if warranted.

b. The term "advisor" means any person, including legal counsel, who assists the Respondent, Complainant or Conduct Officer during a Conduct proceeding.

c. The term "Appeals Board" means persons authorized by the UNMC Student Affairs Officer to determine on appeal whether a student has violated the Code and/or to recommend the imposition of one or more sanctions.

d. The term "Code" means the campus Student Code of Conduct.

e. The term "Complainant" means any person who comes forward to the UNMC Student Affairs Officer or UNMC Title IX Coordinator to complain of sexual harassment by a student, member of the University community or a third party.

f. The term "Conduct Board" means persons authorized by the UNMC Student Affairs Officer to determine whether a student has violated the Code and to recommend accommodations and impose sanction(s), if warranted. The Conduct Board must include one or more student members when sanctions of suspension or expulsion are involved.[3]

g. The term "Conduct Officer" means a University official authorized by the UNMC Student Affairs Officer to recommend accommodations and impose sanctions upon students found to have violated the Code.

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[1] Office of Employee Relations (402 559 5489)
[2] Office of Student Affairs (402 559 4437)
[3] Section 5.4(e) of the Bylaws of the Board of Regents requires "a hearing before a regularly constituted board in all cases involving expulsion or suspension."

h. The term "in violation" means that it is more likely than not[4] that a student committed one or more violations of the Code.

i. The term "may" is used in the permissive sense.

j. The term "member of the University community" includes any person who is a student, staff, faculty member, University official, or any other person employed by, or acting on behalf of UNMC. A person's status in a particular situation shall be determined by the Conduct Officer.

k. The term "not in violation" means that it is more likely than not that a student did not commit one or more violations of the Code.

l. "Respondent" is any student who is charged with having violated one or more provisions of the code.

m. "Retaliation" includes intimidation, threats, harassment, and other adverse action threatened or taken against the Complainant or a third party in an attempt to prevent or otherwise obstruct the reporting of sexual harassment.

n. "Sexual harassment" is unwelcome conduct or behavior of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence, sex without consent or by force, threat of force, or intimidation (i.e. stalking). Sexual harassment includes but is not limited to:

    i. Non-consensual touching and/or fondling
    ii. Forcing an unwilling person to touch another's intimate parts
    iii. Sodomy, sexual penetration, or intercourse without consent
    iv. Sodomy, sexual penetration, or intercourse when a person is mentally or physically incapable of resisting or giving consent (e.g., due to the use of alcohol, drugs, or inability to appraise the nature of his or her conduct)
    v. Sodomy, sexual penetration, or intercourse committed under conditions of force, threat, or fear
    vi. Other unwanted sexual advances, whether physical, verbal, or communicative (e.g., harassment using computer technology, or recording, photographing, or transmitting images of a private sexual activity), not otherwise specified.

o. The term "shall" is used in the imperative sense.

p. The term "student" includes all persons taking courses at the University, whether full-time or part-time, pursuing undergraduate, graduate, or professional studies, whether or not they reside in university rental property. Persons who withdraw after having allegedly committed sexual harassment, or who are not officially enrolled for a particular term, but who have an expected continued academic relationship with the University, may be considered "students."

q. The "UNMC Student Affairs Officer" is the person authorized by the University and the UNMC Chancellor to be responsible for the administration of the Code, and in certain circumstances includes his or her designee.

r. The "UNMC Title IX Coordinator" is the individual designated by the campus to respond to allegations of sexual harassment by students, and in some circumstances can include his or her designee.

s. The term "University" means University of Nebraska including the University of Nebraska Medical Center.

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

u. The term "University official" includes any person employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules.

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[4] By making a finding of whether it is more likely than not that a violation did or did not occur, a "preponderance of the evidence" standard is being used.

v. The term "University premises" includes all land, buildings, facilities, University approved housing and other property in the possession of, or owned, used, or controlled by the University, including adjacent streets and sidewalks.

III. Intake Records and Reports of Investigations

a. Written records regarding reports or complaints of sexual harassment shall be kept by the UNMC office that receives a report or formal complaint of sexual harassment.

b. Written records will contain, at a minimum, the following information:

   i. The name[5] and sex of the alleged victim of sexual harassment and, if different, the name and sex of the Complainant;
   ii. A statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
   iii. The date that the formal complaint or other report was made to the University;
   iv. The date the Respondent was interviewed;
   v. The names and sex of all persons alleged to have committed the alleged sexual harassment;
   vi. The names and sex of all known witnesses to the alleged incident(s);
   vii. The dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained;
   viii. Any written statements of the Complainant (or victim, if different from the Complainant) regarding the alleged incident(s);
   ix. The date on which the University deferred either its investigation or disciplinary process because the Complainant filed a criminal or external administrative complaint and, as applicable, the date on which the University resumed its investigation or its disciplinary process;
   x. The outcome of the University investigation and, if any, the approved accommodations and/or disciplinary sanctions;
   xi. The response of University personnel including any interim and permanent steps taken with respect to the Complainant and the Respondent; and
   xii. A narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.
   xiii. Copies of all reports will be sent to the office of the Title IX Coordinator.

c. Upon receipt of a sexual harassment complaint or report, the University will provide the Complainant a written notice describing the options of pursuing a criminal complaint with a law enforcement agency, filing an administrative charge with an external agency, and/or using the University's investigation and disciplinary processes. The Complainant may go forward with one or more options at the same time, but the University's investigation may need to be delayed temporarily by, or scheduled around, an ongoing criminal or external administrative investigation.

   i. The Complainant must determine, in writing, if he or she wishes to pursue a complaint with an Administrative resolution or a Conduct Board hearing. If he or she does not wish to pursue the complaint and/or requests that his or her identity remain anonymous, the UNMC Student Affairs Officer will make note of that wish in the report. Regardless of the Complainant's choice, the University is still required to investigate the complaint. The UNMC Student Affairs Officer will inform the Complainant if the University cannot ensure anonymity.
   ii. If the Complainant wishes to pursue an Administrative resolution, the UNMC Student Affairs Officer will forward the complaint to a Conduct Officer to determine the desire of both parties to continue with the Administrative resolution process as described in Section VII, determine the Respondent's plea, conduct an independent investigation of the complaint, and impose accommodations and/or sanctions as necessary.
   iii. If the Complainant wishes to pursue a Conduct Board hearing, the UNMC Student Affairs Officer will forward the complaint to a Conduct Officer to initiate the formal complaint proceedings described in Section VIII.

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[5] The record should note whether the alleged victim of sexual harassment or the Complainant wishes to remain anonymous.

d. Any member of the University community may submit allegations against any student for violation(s) regarding sexual harassment. Allegations shall be prepared in writing and directed to the UNMC Student Affairs Officer for his/her consideration of filing charges. The UNMC Student Affairs Officer shall then direct the allegation(s) to a Conduct Officer for investigation. Any allegation should be submitted as soon as possible after the alleged misconduct takes place, preferably within, but not limited to, seven (7) University business days after the misconduct occurred.

e. The Conduct Officer shall conduct an investigation to determine if the allegation(s) have merit, determine if the allegations warrant a Conduct proceeding, and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Conduct Officer and the Complainant. Such disposition shall be final and there shall be no subsequent proceedings. The Conduct Officer shall have sixty (60) calendar days to conclude an investigation[6] of the allegations, and may be permitted a longer period under extraordinary circumstances, but must inform both parties in writing of the extension of the timeline.

IV. Interim Actions

a. "No contact" directives or other accommodations are to be issued in writing to persons involved in any alleged sexual assault promptly after the University receives notice of a complaint. Respondents and the Complainant will both be expected to abide by the terms of no contact directives and may go through disciplinary proceedings should they violate the directives.

b. Students who have been sexually harassed or Complainants have access to other available University assistance in changing academic and living situations after an alleged incident, if so requested by the student or Complainant and if such changes are reasonably available. Accommodations to minimize burden on the student or Complainant may include:

   i. Change of an on-campus student's housing to a different location;
   ii. Assistance from the University in completing the relocation;
   iii. Arranging to end a University housing contract and/or adjusting a student account balance for refund;
   iv. Rescheduling an exam, paper, or assignment;
   v. Taking an incomplete in a class;
   vi. Transferring between class sections;
   vii. Temporary withdrawal;
   viii. Alternative course completion options.
   ix. Arranging to complete a course or lectures via distance education methods with the assistance of technology.

c. Any student charged with sexual harassment has the right to maintain status as a student and attend classes while the case is pending final resolution within the University Conduct process, unless it is determined by the UNMC Student Affairs Officer or his/her designee that the student's continued participation as a student, whether inside or outside of the classroom, would seriously disrupt normal operation of the University or constitute an immediate harm, threat of harm, hostile environment and/or danger to the health, safety, or welfare of the Respondent, the Complainant, any alleged victim, or any member of the University community.

d. Pending completion of an investigation or University Conduct Proceedings, the UNMC Student Affairs Officer may at any time temporarily suspend a student when the UNMC Student Affairs Officer finds and believes from information coming to his or her attention that the presence of the Respondent on the University premises would seriously disrupt normal operation of the University or constitute an immediate harm, threat of harm, hostile environment and/or danger to the health, safety, or welfare of the Respondent, the Complainant, any alleged victim, or any member of the University community. The UNMC Student Affairs Officer should work with the appropriate Dean in making the decision to discontinue the Respondent's continued participation as a student prior to the completion of the formal proceedings.

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[6] *See DCL* page 12. A maximum timeframe of 60 days for the initial investigation is allowed. This time frame is different and independent from University business days, and is not affected by closing of administrative offices, class schedules, or national holidays.

e. During the suspension described in this article, the Respondent may be denied access to any University premises, including classes, residence hall access, sporting events, and/or all other University programs, activities or privileges for which the student might otherwise be eligible, as the Student Affairs Officer may determine to be appropriate.

f. If a student placed on interim suspension is ultimately found "not in violation" of the Code, such student shall be allowed, at the reasonable discretion of the appropriate faculty, to make up academic work missed while on suspension.

V. General Procedural Provisions

a. The Conduct Officer, Conduct Board, and Appeals Board, in addition to allegations of sexual harassment, can hear any allegations of any other violations of the Student Code of Conduct committed by the Respondent that is directly related to the alleged sexual harassment. If the Conduct Officer, Conduct Board, or Appeals Board determines the Respondent violated other provisions of the Student Code of Conduct, they may impose proper sanctions.

b. Any student involved in a Conduct proceeding has the right to confidentiality as mandated by the Family Educational Rights and Privacy Act of 1974 (FERPA) and implementing regulations.

c. No process implemented by this Procedure shall be open to the public, including Administrative Resolutions, Conduct Board Hearings, and Appeals.

d. In such cases when a student fails to appear before the Conduct Officer, Conduct Board, or Appeals Board, a plea of "not in violation" shall be entered on the Respondent's behalf and the hearing may proceed as scheduled.

e. In all cases, whether the Respondent is present or not, the evidence in support of the allegations shall be presented and considered.

f. The Conduct Officer's, the Conduct Board's, or the Appeals Board's determination of the merits of each case shall be made on a preponderance of the evidence standard, meaning it is more likely than not that the Respondent violated the Code.

g. The burden of proof shall rest upon the Conduct Officer or Complainant bringing the charge. A Respondent is presumed not to be in violation of the Code until proven otherwise.

VI. Rights of the Complainant and the Respondent

a. Both a Respondent and the Complainant have the right to see all charges in written form.

b. Both the Respondent and the Complainant have a right to confidentiality during these proceedings to the extent possible. However, the duty of confidentiality does not preclude the University from conducting a meaningful investigation or reporting such incidents as required. The duty of confidentiality shall also extend to all persons involved in processing the complaint and the investigation. The Complainant has a right to anonymity only to the extent that the Complainant does not wish to file an official complaint with the University or does not wish the University to take any action against the Respondent in regard to the complaint.

c. All charges shall be presented to the Respondent and the Complainant in written form by a University official or the Conduct Officer within seven (7) University business days after the investigation is complete.

d. Both the Respondent and the Complainant have a right to prepare a written statement in advance of a hearing. Both parties will have the right to view each other's statement.

e. The Complainant and the Respondent have the right to be assisted by any advisor they choose, including legal counsel, at their own expense.

   i. The role of the advisor is limited in that they may only confer privately with the party they are representing and cannot directly address any other member for the Conduct proceeding. The only appropriate role for the advisor is to provide advice to the party who has requested his/her presence in a manner which does not disturb Conduct

proceedings. If an advisor fails to act in accordance with these guidelines, he/she may be barred from the Conduct proceedings.

f. A Respondent and the Complainant have the right to hear all evidence, present evidence, testify, and to hear and question witnesses.

   i. Students will not be allowed to ask each other questions directly, but the questions shall be addressed to the Chair of the Conduct Board, who will determine if the question is appropriate, and then ask the witness.

g. A Respondent and the Complainant have the right to inspect all documents used as evidence and a list of all witnesses for the hearing in advance of the hearing.

h. The Respondent may not be found to have violated the Code solely because the student failed to appear for a Conduct hearing or before a Conduct Officer.

i. A Respondent and the Complainant have the right to be notified of the decision rendered.

j. A Respondent and the Complainant have the right to request an appeal.

VII. Administrative Resolution Procedures

a. Both the Complainant and the Respondent may elect to dispose of the claim administratively. Both must agree to administrative resolution or the issue will be forwarded to a Conduct Board. This meeting will be scheduled not less than three (3), nor more than fourteen (14) University business days after the Conduct Officer's investigation is complete. The Respondent may elect to acknowledge his or her actions and take responsibility, or the Respondent may deny responsibility but the Conduct Officer determines by an independent investigation that it was more likely than not the Respondent violated the Code, including whether or not sexual harassment occurred. In either situation, the Conduct Officer could propose a resolution and an appropriate sanction. If both the Complainant and the Respondent agree to the proposed sanction, the complaint is resolved without a formal hearing and without any further rights of appeal to either party. Mediation shall not be used to resolve sexual assault complaints.

b. If either the Complainant or the Respondent objects to the finding of liability or the proposed sanction, he or she may appeal the decision to the Conduct Board to determine liability and/or the proper sanction within seven (7) University business days of delivery of the decision to the Respondent or the Complainant.

c. If the Conduct Officer determines it is more likely than not the Respondent did not violate the code, including that sexual harassment did not occur, the Conduct Officer may decide to dismiss the complaint and not pursue a sanction. If both the Complainant and the Respondent agree to the dismissal, the complaint is resolved without any further rights of appeal to either party. If the Complainant objects, he or she may appeal that decision administratively to the Student Affairs Officer within seven (7) University business days, who will either affirm the Conduct Officer's determination, or refer the complaint to the Conduct Board. The Student Affairs Officer's decision will be final.

VIII. Student Conduct Board Hearings

a. Both a Respondent and the Complainant shall have the right to attend a pre-hearing meeting to discuss the issues and facts that will be presented at the hearing, to exchange information about witnesses likely to be called, answer procedural questions, and settle those matters which may be agreeably concluded. The meeting will **not** be used to settle the issue of whether or not the violation was committed or to challenge any recommended sanctions. This meeting shall be held at least two (2) days prior to the scheduled Conduct Board hearing. Failure for either party to attend the meeting will not affect the parties' rights at the Conduct Board hearing.

   i. Students will be instructed about the use of past sexual behavior of the Complainant[7] or past sexual assault by the Respondent[8] as evidence at the hearing. In most situations, evidence of the past sexual history of either the Respondent or the Complainant will not be admitted at the hearing except in very limited situations.

[7] *See* Neb. Rev. Stat. § 27-412 (2010 Cum. Supp.) (relevance of alleged victim's past sexual behavior or alleged sexual predisposition).
[8] *See* Neb. Rev. Stat. § 27-415 (2010 Cum. Supp.) (evidence of crimes in sexual assault cases; civil case).

b. A time shall be set for a hearing, not less than three (3), nor more than fourteen (14) University business days after the Respondent and the Complainant have been notified that the complaint was appealed or referred to the Conduct Board. Maximum time limits for scheduling of hearings may be extended at the discretion of the Conduct Officer.

c. Conduct Board hearings shall be carried out according to the following guidelines:

   i. In cases where either University Suspension or University Expulsion are considered, the case shall be referred to a Conduct Board for an original hearing.
   ii. The Conduct Board shall be composed of four members of the University community, two students (one male, one female) and two faculty (one male, one female).
   iii. Any real or perceived conflict of interest or bias between a member of the Conduct Board and the Respondent or the Complainant must be brought to the Conduct Officer's attention no less than two (2) University business days in advance of the hearing.
   iv. The Respondent(s) and the Conduct Officer and/or the Complainant are responsible for presenting their respective cases to the Conduct Board.
   v. The Respondent(s), the Complainant, and the Conduct Officer shall have the right to hear all evidence, present evidence, testify, and to hear and question witnesses.
   vi. The Respondent, the Complainant, and the Conduct Officer shall have an opportunity in advance to inspect documents and a list of witnesses for the hearing no less than 2 University business days in advance of the hearing.
   vii. Pertinent records, facts, reports, and statements may be accepted as evidence for consideration by a Conduct Board.
   viii. All procedural and evidentiary questions are subject to the final decision of the Chair of the Conduct Board.
   ix. After the hearing, the Conduct Board shall determine by simple majority vote whether or not the student is found to be "in violation" because sexual harassment occurred or of other violations of the Code. The decision shall be based solely upon evidence introduced and received at the hearing.
   x. The Conduct Officer shall select the Chair; all members possess voting privileges.
   xi. In hearings involving more than one Respondent, the Chairperson of the Conduct Board, in his or her discretion, may permit the hearings concerning each student to be conducted separately.

d. There shall be a single verbatim record, such as a sound recording, of all hearings before a Conduct Board. The record shall be the property of the University.

e. In each case in which a Conduct Board determines that a Respondent has violated the Code, the sanction(s) shall be determined and imposed by the Conduct Board.

f. Within fifteen (15) University business days following the hearing and or receipt of additional information requested by the Conduct Board, the Conduct Board shall inform the Respondent, the Complainant, and the Conduct Officer, in writing, of its findings and of the sanction(s) imposed, if any.

g. The Conduct Officer and the Conduct Board may seek advice from the University's Office of the General Counsel throughout the hearing process on questions of law and procedure. However, the Conduct Board is responsible for making its own factual conclusions.

IX. Conduct Sanctions Against Individual Student:

a. The following sanction(s) may be imposed upon any individual student found to be "in violation" of the Code.

   i. Warning: A formal, written notice that the student is violating, or has violated, one or more University Conduct Rules and Regulations and that a continuance of the misconduct may lead to additional disciplinary action. Also, that the incident has been documented and shall remain in the student's Conduct file for the remainder of their University career.
   ii. Probation: A formal, written reprimand for a student's violation(s) of specified University Conduct Rules and Regulations. This probation, including strict campus conduct guidelines, is for a designated period of time and may remain in effect for the remainder of a student's University career. It includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any University Conduct Rules and Regulations during the probationary period.

iii. Loss of Privileges: Denial of specified privileges for a designated period of time.
iv. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary, and/or material replacement.
v. Discretionary Sanctions: In accordance with the goal of education and assisting students with conduct problems, this may include work assignments, educational requirements, service to the University or local community, parental notification, or other related discretionary assignments (such assignments must have the prior approval of the Conduct Officer). Any costs associated with the assignment are the responsibility of the student.
vi. UNMC Rental Property: Moving a student from one unit to another if feasible.
vii. University Rental Property Expulsion: Permanent removal of the student from any and all university rental property.
viii. University Suspension: Separation of the student from the University for a definite period of time, after which the student may be eligible for return, contingent upon meeting specified conditions for re-admittance. The student must satisfactorily demonstrate to the Student Affairs Officer that all conditions for re-admittance have been met before the student will be allowed to matriculate.
ix. University Expulsion: Permanent separation of the student from the University, without the possibility of re-admission.

b. More than one of the sanctions listed above may be imposed for any single violation.

c. If a student fails to abide by one or more of the sanctions imposed, a hold may be placed on his/her registration account until satisfactory progress is made towards completion.

d. Other than University expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential disciplinary record.

i. After graduation, and upon application to the Conduct Officer, the student's confidential disciplinary record may be expunged of disciplinary actions other than university rental property expulsion, University suspension, or University expulsion.
ii. Cases involving the imposition of sanctions other than residence hall expulsion, University suspension, or University expulsion, shall be expunged from the student's confidential record seven (7) years after graduation, final disposition of the case, or as otherwise authorized or required by law.

X. Appeals

a. A decision and/or sanction(s) reached by the Conduct Board may be appealed by the Respondent or the Complainant within seven (7) University business days of delivery of the decision to the Respondent or Complainant.

b. Appeals shall be in writing and shall be delivered to the Student Affairs Officer.

c. Upon the filing of an appeal, whether from an Officer Hearing or Conduct Board, the Student Affairs Officer shall appoint an Appeals Board to consider the appeal.

d. Upon receipt of an appeal, a time shall be set for a hearing, normally not less than three (3), nor more than fourteen (14), University business days after the appeal notice has been received, unless waived by mutual consent of the Respondent, the Complainant, and the Conduct Officer. Maximum time limits for scheduling of hearings may be extended at the discretion of the Appeals Board.

e. Appeals may be filed for one or more of the following purposes:

i. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Code was violated, and giving the Respondent a reasonable opportunity to prepare and to present a rebuttal of those allegations.
ii. To consider new evidence, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing or could not have been discovered by the person.

f. An appeal that does not clearly raise in writing one or more of the issues listed above shall be dismissed without further consideration.

g. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the record of the initial hearing and supporting documents.

h. Appeals Board hearings shall be carried out according to the following guidelines:

   i. The Appeals Board shall be composed of four members of the University community two students (one male and one female) and two faculty (one male and one female).
   ii. The Conduct Officer shall select the chair; all members possess voting privileges.
   iii. Hearings shall not be open to the public.
   iv. Members of the Appeals Board shall not have been members of the original Conduct Board who heard the facts and incidents of the case at hand.
   v. In hearing an appeal, the Appeals Board's scope shall be limited to only those issues directly raised in the written appeal.
   vi. The Appeals Board may ask the Respondent or Complainant making the appeal and the Conduct Officer to make an oral presentation. The board may then ask questions of all parties.

i. The Appeals Board shall complete its review of the appeal normally within fourteen (14) University business days after its hearing, and shall promptly issue its written decision to the Respondent, the Complainant and the Conduct Officer.

2011-12 UNMC Student Disciplinary Procedures Sexual Harassment

APPEALS OF ACADEMIC EVALUATIONS

NOTE TO GRADUATE STUDENTS ONLY:
The guidelines for appeals of academic evaluations shown below DO NOT pertain to graduate students enrolled at the Medical Center. The appropriate procedures are contained in a document entitled General Procedures for Academic and Grade Appeals of Graduate Students at the University of Nebraska Medical Center as amended and approved by the UNMC Graduate Council 5/20/82). Graduate students may obtain a copy of this document through the Office of Graduate Studies, Academic and Research Services Building, Room 2029.

STAGE I: INFORMAL APPEAL
1. Immediately after receiving a grade which you believe is unfair, you should discuss the matter directly with the faculty member involved.
2. If a satisfactory agreement cannot be made, you may appeal either orally or in writing to the chairperson of the department/program in which the course is offered. If the matter cannot be resolved through informal discussion, you may initiate a formal appeal.

STAGE II: FORMAL APPEAL
1. Each college/school has its own faculty-student appeals committee whose only function is to investigate and/or hear appeals involving grades and other academic evaluations. You may submit your formal appeal in writing to the chairperson of the faculty-student appeals committee of the college/school which granted admission to the course/program. The committee chairperson must receive your written appeal no later than two weeks after the challenged grade was posted or received unless you notify within that time that you need to extend the appeal period.
2. The written appeal submitted to the committee chairperson should provide an account of the facts pertinent to the awarding of the grade/evaluation and the reasons why you believe the grade/evaluation is unfair. This statement should be as specific as possible and should include a request to appear personally before the committee if you wish to do so.
3. After receiving your written appeal, the chairperson will forward copies to all members of the committee and to any faculty member involved. The committee will decide how to best handle your appeal. It may, but is not required to, grant your request for a hearing; or it may decide a closed investigation is adequate.
4. The chairperson will request the instructor of the course to submit the materials he/she used in determining the challenged grade. The committee may also request you to supply additional clarification in writing or by interview.

IA Code 261.9

G

Executive Memorandum No. 23

Students Called into Military Service

1. General

   This Policy shall be implemented in order that the University of Nebraska might provide equitable, consistent treatment to its students who are called into military service and to facilitate their ability to continue their education once that military service is completed.

2. Eligibility

   Students who are regularly enrolled in any class or program offered by the University of Nebraska are eligible for the benefits described in this Policy, if they: (a) belong to a military unit that is called into active duty, or (b) are drafted and not eligible for deferment; such that the date upon which they are required to report to active duty prohibits them, as a practical matter, from completing the term in which they are enrolled.

3. Course and Grade Options

   An eligible student may elect to cancel registration in all classes in which he or she is enrolled at the time the call for duty is received. In such case, the student shall receive a full refund for all tuition and student fees paid on behalf of that student. In the alternative, the student may request his or her instructors to award a grade or an incomplete for all classes. If an incomplete is given, then the instructor shall file in the student's educational records and provide to the student specific instructions regarding the study and activities required to complete the course. If a grade and credit are awarded, then the instructor shall award a grade reflective of the student's performance, taking into consideration the quantity and nature of the curriculum through the time of the student's departure. Finally, the student shall have the option of withdrawing from selected courses, receiving a pro-rated refund of tuition and fees for those courses, while also opting to receive a grade or incomplete in other courses in which the student is enrolled.

4. Students Receiving Financial Aid

   Notwithstanding any provision to the contrary in this Policy, administration of financial aid with respect to any eligible student shall be consistent with federal and state law. Students otherwise eligible for these benefits and receiving financial aid should immediately contact the financial aid office on their respective campuses, where each case must be addressed individually based upon the particular rules applicable to the relevant student. The campus financial aid offices shall address these matters in such a way so as to minimize the financial hardships to the student, while complying with the applicable law and regulations.

5. Publication

   This Policy shall appear in all student catalogs and be placed on the websites of Central Administration and each Campus.

6. System Application

   This Policy applies to all administrative units of the University of Nebraska. Each campus may provide supplemental policy guidance, consistent with this Policy, designed to implement the provisions herein, including guidance relating to fees associated with meals and housing, textbooks, parking, lab and course fees, as well as other ancillary fees.

Reference: October 17, 2001

IA Code 261.9

H

UNIVERSITY OF Nebraska

OFFICE OF THE VICE PRESIDENT AND GENERAL COUNSEL

TO: Dr. Julia Torquati
Associate Professor and Chair, UNL IRB

Sara Conrad
Director of Research Compliance, UNL

FROM: Turan Odabasi
Associate General Counsel

DATE: April 10, 2013

RE: Nebraska Statutory Provisions Concerning Mandatory Reporting of Child Abuse and Related Statute of Limitations

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This memorandum details Nebraska statutory provisions regarding the following topics:

1) The definition of "child abuse" under Nebraska law;

2) Individuals identified as "mandatory reporters" under Nebraska law;

3) Any legal privileges applicable to reporting child abuse;

4) Penalties for failure to report child abuse;

5) Nebraska's statute of limitations applicable to any failure to report child abuse; and

6) Reporting past instances of child abuse after the statute of limitations has lapsed.

1) Definition of "child abuse" under Nebraska law

The term "child abuse" is defined in Neb. Rev. Stat. § 28-707 (1) as follows:

28-707 Child abuse; privileges not available; penalties.

(1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:

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(a) Placed in a situation that endangers his or her life or physical or mental health;

(b) Cruelly confined or cruelly punished;

(c) Deprived of necessary food, clothing, shelter, or care;

(d) Placed in a situation to be sexually exploited by allowing, encouraging, or forcing such minor child to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions; or

(e) Placed in a situation to be sexually abused as defined in section 28-319, 28-319.01, or 28-320.01.

2) Individuals identified as "mandatory reporters" under Nebraska law

In general, mandatory reporters are identified as professionals who, in the ordinary course of their work and because they have regular contact with children, (or other vulnerable populations as the case may be) are required by law to report their observations or suspicions concerning possible child abuse. Nebraska law, however, is quite broad in its definition of the individuals who have a duty to report such abuse, which is found in Neb. Rev. Stat. § 28-711:

28-711 Child subjected to abuse or neglect; report; contents; toll-free number.

(1) When any physician, medical institution, nurse, school employee, social worker, or other person has reasonable cause to believe that a child has been subjected to child abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect, he or she shall report such incident or cause a report of child abuse or neglect to be made to the proper law enforcement agency or to the department on the toll-free number established by subsection (2) of this section. Such report may be made orally by telephone with the caller giving his or her name and address, shall be followed by a written report, and to the extent available shall contain the address and age of the abused or neglected child, the address of the person or persons having custody of the abused or neglected child, the nature and extent of the child abuse or neglect or the conditions and circumstances which would reasonably result in such child abuse or neglect, any evidence of previous child abuse or neglect including the nature and extent, and any other information which in the opinion of the person may be helpful in establishing the cause of such child abuse or neglect and the identity of the perpetrator or perpetrators. Law enforcement agencies receiving any reports of child abuse or neglect under this subsection shall notify the department pursuant to section 28-718 on the next working day by telephone or mail.

(2) The department shall establish a statewide toll-free number to be used by any person any hour of the day or night, any day of the week, to make reports of child abuse or neglect. Reports of child abuse or neglect not previously made to or by a law enforcement agency shall be made immediately to such agency by the department.

Although this statute specifically identifies "any physician, medical institution, nurse, school employee, (or) social worker" as having a duty to report child abuse, it also states that any "other person" that has reasonable cause to believe that child abuse has occurred has a duty to report such abuse. This places an affirmative duty on <u>any</u> individual, not merely the professionals generally acknowledged as mandatory reporters. To underscore this point, the Nebraska Department of Health and Human Service's web page on child abuse states the following:

> *State law requires **any person** who suspects that a child has been physically or sexually abused or neglected to report it promptly to the Nebraska Department of Health and Human Services. (Emphasis added)*
>
> *Source: http://www.hhs.state.ne.us/cha/chaindex.htm*

Therefore, <u>any</u> University employee who, through the course of their activities at the University, has reasonable cause to believe that a minor has been subjected to child abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect is required by law to report this information to the Nebraska Department of Health and Human Services at their Abuse/Neglect Hotline, 1-800-652-1999.

3) Legal privileges applicable to reporting child abuse

Nebraska law specifically excludes any legal privilege with regard to the reporting of child abuse. This exclusion is found in Neb. Rev. Stat. § 28-707 (2):

> ***28-707 Child abuse; privileges not available; penalties.***
>
> ...
>
> *(2) The statutory privilege between patient and physician, between client and professional counselor, and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation of this section.*

4) Penalties for failure to report child abuse

Pursuant to Neb. Rev. Stat. § 28-717, failure to report child abuse is a class III misdemeanor, carrying a maximum sentence of three months imprisonment or a fine of five hundred dollars, or both. This criminal penalty would specifically apply to researchers in their individual capacity.

> ***28-717 Violation; penalty.***
>
> *Any person who willfully fails to make any report of child abuse or neglect required by section 28-711 shall be guilty of a Class III misdemeanor.*

5) Statute of limitations applicable to any failure to report child abuse

Nebraska law provides a general limitation against prosecution for child abuse requiring that any prosecution for child abuse be brought within seven years of the victim's 16th birthday. This is found in Neb. Rev. Stat. § 29-110 (3):

> ***29-110 Prosecutions; complaint, indictment, or information; filing; time limitations; exceptions.***
>
> ...
>
> *(3) Except as otherwise provided by law, no person shall be prosecuted for kidnapping under section 28-313, false imprisonment under section 28-314 or 28-315, child abuse under section 28-707, pandering under section 28-802, debauching a minor under section 28-805, or an offense under section 28-813, 28-813.01, or 28-1463.03 when the victim is under sixteen years of age at the time of the offense (a) unless the indictment for such offense is found by a grand jury within seven years next after the offense has been committed or within seven years next after the victim's sixteenth birthday, whichever is later, or (b) unless a complaint for such offense is filed before the magistrate within seven years next after the offense has been committed or within seven years next after the victim's sixteenth birthday, whichever is later, and a warrant for the arrest of the defendant has been issued.*

6) Reporting past instances of child abuse

Nebraska statutes do not specifically address the question of a legal duty to report past instances of child abuse that are disclosed after the statute of limitations established in Neb. Rev. Stat. §29-110 has lapsed. I discussed this issue with representatives of the Lancaster County Attorney's Office and the Nebraska Department of Health and Human Services. Both offices indicated that instances of child abuse that are disclosed after the statute of limitations has lapsed should still be reported per the requirements of Neb. Rev. Stat. § 28-711. Researchers should be made aware that circumstances may arise during the conduct of research in which instances of past child abuse are disclosed such that the researcher would be required to report the matter to the authorities. If any issues arise regarding the question of a legal duty to report past instances of child abuse that are reported after the statute of limitations has lapsed, please contact the Office of General Counsel at 402-472-1201 for further guidance.

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