

2021 PERU STATE COLLEGE ANNUAL SECURITY/ FIRE SAFETY REPORT

Disclosure of Crime Statistics

Peru State College Campus Security prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our website at www.peru.edu/security. You will also be able to connect to our site via the Peru State home page at www.peru.edu. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and the Student Life Office. Each entity provides updated information on their educational efforts and programs to comply with the Act. **This report discloses crime incidents for the time period of January 1, 2018 through December 31, 2020 per Clery Act requirements.**

Campus crime, arrest and referral statistics include those reported to the Peru State Campus Security, designated campus officials (included but not limited to administrators, directors, deans, department heads, human resources staff, judicial affairs, advisors to student organizations, and athletic coaches) and local law enforcement agencies. Counseling Center staff informs their clients of the procedures to report crime to Campus Security on a voluntary or confidential basis, should they feel it is in the best interest of the client.

Each year an e-mail notification is made to all enrolled students, faculty, and staff with an attachment of this report. Copies of the report may also be obtained through Campus Security located in Campus Services building, room 228 or by calling (402) 872-2411. All prospective employees may obtain a copy from Human Resources in the Administration building, room 312 or by calling (402) 872-2230.

2020 Crime Statistics

The following data reflects crime statistics for the past three calendar years January 1 – December 31 of each year 2018, 2019, and 2020.

Arrest for Law Violations

Law Violation	On Campus			Residence Halls			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Law Violations	2	3	3	2	3	3	0	0	0
Liquor Law Violations	2	0	0	0	0	0	0	2	0

Disciplinary Actions for Law Violations

	On Campus			Residence Halls			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Law Violation									
Illegal Weapons Possession	0	1	0	0	0	0	0	0	0
Drug Law Violations	15	20	13	15	20	12	0	0	0
Liquor Law Violations	13	13	12	13	13	12	0	0	0

Violence Against Women Act (VAWA) Offenses

Crime	On Campus			Residence Halls			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Domestic Violence	1	0	0	1	0	0	0	0	0
Dating Violence	6	1	2	4	1	2	0	0	0
Stalking	3	0	2	0	0	2	0	2	0

Criminal Offenses

Law Violation	On Campus			Residence Halls			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	2	2	0	2	2	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	3	3	1	1	3	1	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	0	0	0

Arson	0	0	0	0	0	0	0	0	0
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Hate Crimes

	On Campus			Residence Halls			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Law Violation									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

To report a crime

Contact Campus Security at (402) 872-2411 (non-emergencies) or dial 911 (emergencies only) followed by Campus Security 402-872-2411. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings, or around Residence Halls should be reported to Campus Security. In addition, you may report a crime to the following areas:

- President
- Vice Presidents
- Dean of Student Life
- Academic Deans
- Residence Life Staff to include:
 - Director of Residence Life
 - Assistant Directors of Residence Life
 - Resident Assistants
 - Residence Hall Mentors
 - Director of Campus Activities
- Coaches and Assistant Coaches
- Faculty and Staff advisors to Campus Clubs and Organizations
- Human Resources

Prompt Reporting: Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to Campus Security in a timely manner. To report a crime or emergency, contact Campus Security at (402) 872-2411 or, if dialing from a College phone, extension 2411. Emergencies should also be reported by dialing 911 to contact Nemaha County Emergency Dispatcher (911 operator). Nemaha County Emergency Dispatcher can dispatch for Peru Fire and Rescue for fire and medical emergencies or Nemaha County Sheriff's Office for criminal and other life threatening emergencies.

Campus Security is staffed 24 hours a day to respond to emergencies and crime reports. In response to a call, Campus Security will take the required action by dispatching an officer and if needed contact community emergency services. The officer will complete an incident report.

All Peru State incident reports are forwarded to the Dean of Student Life for review and potential judicial action. Campus Security or other Campus Official will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Dean of Student Life.

If assistance is required from Nemaha County Sheriff's Department, Peru Fire and Rescue, or the State Fire Marshall Campus Security will contact the appropriate agency.

If a sexual assault should occur, staff on the scene will provide the victim with access to Peru State's Title IX coordinator. The Title IX coordinator will provide resources available.

Crimes should be reported to Campus Security to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Confidential Reporting: If you are the victim of a crime and do not want to pursue action within the College judicial system or the criminal justice system, you may still want to consider making a confidential report. With your permission, Campus Security can file a report on the

details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the College.

Campus Security & Law Enforcement

Campus Security Officer's Authority: Peru State College Campus Security has the authority to ask persons for identification and to determine whether individuals have lawful business at Peru State College, to enforce campus policies and investigate policy violations that occur at Peru State College, to enter and search campus facilities including on campus residence rooms or apartments if there is a belief that a law or campus policy is being violated, and to issue parking violations.

Security officers do not possess arrest power. Criminal incidents are referred to local law enforcement that have jurisdiction on this campus. Campus Security maintains a highly professional working relationship with the Nemaha County Sheriff Department and Nebraska State Patrol. All crime victims and witnesses are strongly encouraged to immediately report the crime to Campus Security and the appropriate law enforcement agency. Prompt reporting will assure timely follow-up, timely warning notices to campus and timely disclosure of crime statistics.

Law Enforcement Relationships: Peru State Campus Security maintains a close working relationship with the Nemaha County Sheriff Office (NCSO) and Nebraska State Patrol (NSP). Campus Security occasionally works with other law enforcement agencies in the State of Nebraska including the FBI and Nebraska State Fire Marshall. Meetings are held between these agencies on both a formal and informal basis. Campus Security communicates regularly with NCSO on the scene of incidents that occur in and around the campus area and work closely with the investigative staff when incidents arise that require joint investigative efforts, resources, crime related reports, and exchanges of information, as deemed necessary. There is not a written memorandum of understanding between Peru State College and NCSO.

Issuing Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Security Office in consultation with Campus Administration, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the College e-mail system to students, faculty, and staff and notices may be posted around campus in prominent locations.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Security Office may also post a

notice on the College website at <http://www.peru.edu/security> providing the campus community with more immediate notification. In such instances, a copy of the notice is posted in each residence hall and in the Student Center. The website is immediately accessible via computer by all faculty, staff, and students. Anyone with information warranting a timely warning should report the circumstances to Campus Security by phone (402-872-2411) or in person at the Security Office located in the Campus Services building (south of the Administration building), top floor, east end room 228.

Security and Access to Facilities

All College buildings (excluding residential facilities) will be open to students, parents, employees, contractors, guest, invitees, and the public in general during open times as posted at Peru.edu/security/hours. During all other times access to College facilities is by key, if used, or by admittance via Campus Security Campus Services Staff, or the Residence Life Staff. In the case of periods of extended closing the College will admit only those with approval to all facilities. Emergencies may necessitate changes or alterations to any posted schedules.

Residence halls are secure 24 hours a day and access is granted to only residents assigned to the residence hall. Over extended breaks, all doors of all halls will be locked, and access will be restricted to only those approved to remain in the hall during such breaks by Residence Life and to approved staff.

Room Entry, Privacy and Security: The right to privacy is of paramount importance. However, the entry into, and/or search of the living quarters of a student may be conducted for the purposes under the procedures listed below:

The College reserves the right to inspect residence hall rooms under certain circumstances. The room may be entered without permission in case of emergency, officially announced inspections, for the upkeep of physical facilities, or if there is reason to believe that a law or College regulation is being violated. In all other circumstances, entry will be made only with the permission of the student. As a condition of living in the College Residence Halls/campus housing, students understand and agree that all property and possessions contained in campus housing are subject to College searches and inspections for "health and safety" considerations as well as "institutional-purpose searches," which include monitoring and enforcement of drug, alcohol and weapons policies. Students consent to such searches and inspections and agree to unlock any safe, lock box, locked cabinet etc. for purposes of allowing College personnel to conduct such searches. Failure to unlock and provide access into a safe, lock box, locked cabinet etc. will be grounds for the container to be confiscated and removed from the College premises.

Security Considerations in maintenance of campus grounds and buildings:

Proper lighting and building security are major factors in reducing crime on campus. Campus Facilities maintains the College buildings and grounds with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made as quickly as possible. Individuals should report potential safety and security hazards, such as broken locks and windows. All members of the campus community are encouraged to report safety hazards to Campus Security (402-872-2411).

Security personnel closely monitor any security-related maintenance problems after hours and report their findings to the appropriate Peru State College official. If necessary, they will stand by until the problem is corrected.

Campus Security surveys campus lighting and monitors those areas having defective fixtures and reports the deficiencies to Campus Facilities for corrective action.

Crime Prevention and Risk Reduction

In the College setting, as in society at large, the safety and security of persons and property are everyone's responsibility. At Peru State College security services are provided through the College's security personnel and are in place 24 hours a day, 7 days a week while classes are in session. Although security services are a key element regarding campus safety, all faculty, staff members and students need to lend their help and assistance if we are to effectively manage safety at Peru State College.

The College has implemented many programs and services to assist in making the campus as safe as possible. Members of the campus community can further reduce risk by considering at all times their own personal safety and taking the necessary precautions. Because Peru State College is concerned for the safety of the campus community, the following safety tips have been developed:

- Be mindful of your surroundings
- Report any suspicious activity
- Look out for one another
- Keep your room and valuables locked securely
- Lock your vehicle
- Always have your keys in your hand ready to unlock the car door or door to your residence
- Never get into your vehicle without first determining that no one is hiding in it
- If you feel concerned about your safety when walking to your car or from a building, you may call Campus Security for an escort
- Stay in the company of others and don't isolate yourself particularly when walking to and from buildings

Peru State College Security Department is available 24 hours a day. At any time, you feel unsafe walking by yourself call Campus Security at 402-872-2411 to request an escort to your vehicle, resident hall, or class.

Awareness & Prevention Programs

Peru State College has many programs and campaigns throughout the school year to promote Sexual Assault Awareness, Drug and Alcohol Awareness, Crime Prevention, and personal safety.

New Student Programs: All new freshman students are asked to take the following two online programs prior to the completion of Welcome Week:

Consent and Respect: an online education program designed to enhance awareness of sexual violence, intimate partner violence and stalking and their impact on college students, the importance of consent and respect in sexual situations, prevention and risk

reduction strategies, as well as critical information on what to do if you or someone you know has any of these experiences.

Alcohol-wise: an online course designed to engage college students in critical thinking about alcohol use, reduce risks associated with underage and high-risk drinking and contribute to positive social norms.

Bystander Training: All freshmen during welcome week participate in bystander training. This interactive training session will give each student the knowledge, skills, and support to be part of a community that cares. Student will learn how to make a difference by responding, respecting, and speaking out for yourself, your new family and community.

Bystander Tips:

- Don't assume it isn't a problem
- It is your business to intervene and assist in maintaining a safe environment
- Don't assume someone else will do something; each person plays a role in intervening in a situation
- If you are bothered, likely others are too
- Assess the situation so you can safely intervene
- Assess your personal safety if intervening, contact police if necessary
- Recognize symptoms of someone suffering so you can identify the need to intervene

Courses of action:

- Step in and separate both people, noting the concerns you have
- Redirect people's focus to something else
- Evaluate the situation and people involved to determine your best course of action
- Recruit help from others and make a plan to intervene
- Divert the attention of one person from the other

Resources:

- Peru State College Counselors
- Title IX Coordinator
- Security Officers
- Resident Life Staff

Employee Programs:

All employees are required to complete the online training program from Everfi which provides training in Title IX and sexual assault awareness on an annual basis and new employees complete the training at the beginning of employment.

All mandatory reports as identified by Title IX completed training on reporting and identifying sexual assaults on campus. This training was conducted by the campus Title IX coordinators.

The Human Resources Office provides all New Employees during employee orientation information on EAP (employee assistance program) and Nebraska College System board policies 5006: Drug-Free Workplace; Standards of Conduct, 5009: Guidelines for Reasonable Cause Drug and Alcohol Testing, and 5007 Anti-Harassment/Discrimination.

All employees completed the drug free workplace online training provided by Employee Assistance Program (EAP)

EAP provides programs on campus during the year on a variety of topics to promote employee awareness.

Security Awareness Programs:

During new student orientation, welcome weekend, and residence hall presentations the first week of classes in August and January students are informed of services offered by Campus Security. Presentations outline ways to maintain personal safety and residence hall security. Students are told about crime on-campus and in surrounding neighborhoods. Similar information is presented to new employees through the Human Resources office.

Crime Prevention Programs:

Crime prevention programs on personal safety and theft prevention are sponsored by various campus organizations and offices throughout the year. Residence Life offers regular programming within the residence halls focused on tips and strategies for students to protect themselves from sexual violence, theft, and other crimes.

Mental Health Programs:

QPR Gatekeeper Suicide Prevention Training: The mission of QPR is to save lives and reduce suicidal behaviors by providing innovative, practical and proven suicide prevention training. QPR will train people to recognize the warning signs of a suicide crisis and how to question, persuade and refer someone to help. We believe that quality education empowers all people, regardless of their background, to make a positive difference in the life of someone they know.

MHFA: The trainings were held periodically throughout the year open to all staff, faculty, students, and community members who might want to attend. Training course for all campus and community individuals on how to manage a mental health crisis, reduce stigma of mental illness, and learn how to support and refer someone who might be experiencing mental health symptoms.

Conflict Management training: RAs in the Fall 2020 semester- healthy approaches to conflict, steps to resolve conflict (personal awareness-managing stress, develop effective communication skills, ask clarifying questions, develop possible solutions with other person if possible, seek and offer input and select option that best satisfies all or work to find a compromise

Suicide Prevention Week: Every athletic team shared an image and content to raise awareness during Suicide Prevention Month Collaborated with athletics for a Glow Cones event to raise awareness about mental health issues Suicide prevention signs were placed on campus and within surrounding communities

Licensed Student Councilors: Throughout the academic school year the two Licensed Student Councilors meet with student groups, classes, and at events to provide information on Mental Health, Suicide Prevention, and services offered.

Drugs/alcohol:

Brief Alcohol Screening Intervention for College Students (BASICS): Is offered to any student on an individual need. BASICS provides counseling services with the use of motivational interviewing techniques to create and encourage change for our students who have a variety of alcohol or drug related issues. The Substance Abuse and Mental Health Services Administration (SAMHSA) has recognized BASICS as an evidence-based model program. The program can assist students who are in stages of change of pre-contemplation move to make healthy changes in their life.

Alcohol-wise: an online course designed to engage college students in critical thinking about alcohol use, reduce risks associated with underage and high-risk drinking and contribute to positive social norms.

Sexual Assault:

Title IX training: Fall 2020 all sporting teams, coaches, mandatory reporters (including RAs), and COLL 101 classes received training from Peru State College Title IX Coordinator in conjunction with the Nebraska State College System on Title IX policies, procedures, and reporting of a sexual assault on campus.

Domestic Violence Awareness Panel: October 2020 a panel consisting of the Campus Title IX Coordinators, Security Supervisor, and Project Response provided information on Domestic Violence to students. Audience attendees could ask the panelist questions concerning Domestic Violence and helpful resources were provided. The session was live in the Student Center and also presented via ZOOM to allow for social distancing.

Residence Hall Bulletin Boards:

August 2020: Delzell Hall First Floor - If you see red flag for abuse say something

August 2020: Delzell Hall Second Floor – Pieces for a healthy relationship

August 2020: Delzell Hall Third Floor – Consent

Residence Hall Social Gatherings:

August 2020: Morgan Hall – Pizza and Perpetrators

September 2020: Morgan Hall/Delzell Hall – Suicide Prevention Hearts

October 2020: All Halls – Candy, Condoms, and CARE

Health Center Information: Tecumseh Family Planning is on campus the 4th Thursday of every month from 1:00-7:00pm in the AWAC. Students may call 402-335-2988 to schedule appointments. Available services include annual exams, birth control, emergency contraceptives, STD testing, and reproductive education and counseling. Many services are free or based on income.

Alcoholic Beverage & Illegal Substance Policies

Alcoholic Beverages on College Property: The possession, sale, or furnishing of alcohol on the Peru State campus is governed by the NSCS Board Policy 8035 and Nebraska state law. Laws regarding the possession, sale, consumption, or furnishing of alcohol is controlled by the State of Nebraska. However, the enforcement of alcohol laws on-campus is the primary responsibility of Campus Security and the Residence Life staff. Only under certain circumstances, with explicit presidential approval, is the consumption of alcohol permitted.

It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the Peru State alcohol policy for anyone to consume or possess alcohol in any public or private area of campus without the approval of the President. Organizations or groups violating alcohol/substance policies or laws may be subject to College judicial action, criminal prosecution, and or fine.

Illegal Drug Possession: The Peru State College campus has been designated “Drug Free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by Campus Security and Residence Life staff. Violators are subject to College judicial action, criminal prosecution, and/or fine.

Substance Abuse Education & Prevention: The College has developed programs to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The programs provide services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals, and College judicial actions. The Student Life Office in conjunction with Counseling Services provides an overall coordination of prevention programming.

Alcohol and Drug Education: Counseling Services, Residence Life, and Employee Assistance Program

- **Counseling Services:** Licensed Student Counselors, Health Center physicians, Employee Assistance Program
- **Referral Services:** Licensed Student Counselors, Health Center staff, Student Life Staff, CARE Team, outside community agencies, and Employee Assistance Program.
- **College Judicial Action:** Dean of Student Life (chief judicial officer), Residence Life Staff, Administrative Hearing Board

Emergency Response & Evacuation Procedures

Emergency response procedures can be found online at <https://www.peru.edu/emergency>. Here you will find quick guides to a variety of emergency situations that may occur on the Peru State campus and how to respond to such emergencies. Emergency response procedures are separated into three categories: natural disaster, person threat, and physical plant. Below are some important details regarding emergency response at Peru State College and evacuation and shelter-in-place procedures.

Campus Emergency Management Team: This is a supportive team which can help the college assist, plan and intervene in a crisis affecting staff and students. The Campus Emergency Management Team listed in hierarchy order and their campus phone extensions are:

- President (402-872-2239)
- Vice President for Enrollment Management and Student Affairs (402-872-2224)
- Vice President for Academic Affairs (402-872-2222)
- Vice President for Administration and Finance (402-872-2224)
- Dean of Student Life (402-872-2246)
- Security Supervisor (402-872-2411)
- Director of Facility Services (402-872-2257)
- Director of Human Resources (402-872-2230)

- Director of Marketing and Communications (402-872-2429)

Emergency Numbers:

In the event of an emergency, call: 911 followed by Campus Security (402-872-2411).

Police-Fire-Paramedics.....	911
Campus Security.....	(402) 872-2411
Power Outages (Facility Services).....	(402) 872-2257
Hazardous Materials Incident.....	(800) 424-8802
Poison Control Center.....	(800) 222-1222

When to Call 911:**

- When life or property is in immediate danger
- When you see smoke or fire
- When you see a crime being committed
- When rescue or emergency medical assistance is needed

**** Campus Security (402-872-2411) should also be notified after 911 is called**

911 Script: This is (caller name) calling from (location, i.e. building, floor, landmark if outdoors). There has been an incident which requires emergency service. The phone number here is _____. The situation is (briefly explain the situation, i.e. fire, injured person, etc., in detail). **DO NOT HANG UP UNTIL 911 DISPATCHER DIRECTS YOU TO DO SO.**

Communication with Campus Community: For each emergency situation, differing modes of communication may be utilized depending upon the severity of the situation and needs of the campus. The Campus Emergency Management Team will determine which methods of communication will be utilized and the messaging to be communicated.

- The College maintains an emergency alert system called BOBCAT ALERT provided by Omnilert Emergency Notification Systems. This alert system has the ability to send out a mass communication to individuals across campus in the event of an emergency via email, text message, or voice message. Students, faculty and staff opt-in to this service via an online account available online at <http://www.peru.edu/emergency>.
- A two-way radio system is operational on campus for daily use and emergency alerts. In the event of an emergency, an alert may be sent through this system with instructions for the particular emergency. The following areas have access to the two-way radio system: President, VP for Administration and Finance, VP for Enrollment Management and Student Affairs, Campus Security, Facility Services, and Residence Life.
- The College website may also be utilized in the event of an emergency on campus in an effort to keep the campus community and public informed of the situation. Look for a message at the top of the Peru State College homepage at www.peru.edu if this method is utilized for communication.
- The campus email system may be utilized in the event of a campus-wide evacuation or other emergency situation to maintain communication with the campus community. In the event individuals are evacuated from campus, please check your email regularly for updates on the emergency situation and information on returning to campus.

Training Information: Supervisors will review emergency procedures yearly with all staff. New employees will be trained in emergency procedures by their supervisor at the start of their

employment. Security sends E-Mail notices to all employees and students during each semester with emergency procedure information.

Peru State College conducts emergency response exercises and drills. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. At least one drill will be conducted in each building annually to evaluate and educate individuals on building evacuation procedures. All campus Residence Halls will have an unannounced fire drill evacuation in the Fall and Spring Semesters.

Emergency Posters: Emergency posters are posted in each classroom and office area outlining emergency protocols.

Emergency Evacuation Routes: Emergency evacuation and storm shelter location maps are located in the hallways of each campus building.

Emergency Alert System: Employees and students are strongly encouraged to register with the College's Emergency Alert System, in order to receive messages for school closures and emergency situations.

To register, go to www.peru.edu/emergency. Select the "Sign Up Now" button. Complete the required information and accept the terms of use. Once your information is added, select "Create an Account." Select your alert method(s) and save the information. You should remember your log-in credentials to update your information regularly. If your contact information changes - log in to your account and update your contact information.

A test message and E-Mail will be sent at the beginning of the fall and spring semesters. The E-Mail will inform you that a Bobcat Alert test alert was sent and instructions to sign up or renew your information if you did not receive the test alert.

Evacuation Procedures: Although it is highly unlikely, some emergency situations may require that certain campus sites be evacuated and that students and staff be relocated. If it is determined that the building will be unsafe for some time:

- Campus Security will notify the President's Office (2239).
- Director of Marketing and Communications will keep the media informed of evacuation.
- Relocation plans for students and staff will be communicated to the campus.

Evacuation protocols are as follows:

- Evacuation routes for every building can be found in each building. Be aware of evacuation route(s) in the building(s) you frequent.
- If notified to evacuate a facility by College authorities, do so immediately. Ensure students in your vicinity are also complying with evacuation directives.
- Follow recommended evacuation routes as shortcuts may be blocked.
- Elevators may be used to evacuate individuals physically unable to utilize stairways. An elevator key must be utilized to operate elevators in these circumstances.
- If evacuation is required for a potential chemical leak, do not use any electronic devices, light switches, telephones, etc.
- During evacuation, do not take time to collect personal items.
- Call 911 and Campus Security (2411) after evacuation.
- Do not reenter the building until authorized to do so by Campus Security.

- Special Note: If power is out, the AWAC, Campus Services, and Administration Buildings all operate with an emergency power generator and can be utilized as a temporary shelter during evacuation when power is out.

Individuals with mobility/impairments or physical disabilities:

- Prior planning and practice of evacuation routes is important, particularly for individuals with mobility impairments or physical disabilities.
- The elevators may be used to transport individuals with mobility impairments or physical disabilities and their escorts. Visually impaired and hearing impaired individuals may be escorted to the evacuation site but may require assistance in moving in crowded staircases and in finding the evacuation site.
- In the event of a power failure, individuals who are unable to evacuate and their escorts should call Campus Security (2411) with their location.

Shelter in Place Procedures: The term, Shelter-in-Place, means to seek immediate shelter and remain there during an emergency rather than evacuate the area. Certain events may necessitate the initiation of the college’s Shelter-in-Place protocol. The decision to Shelter-in-Place will be made by Peru State College Security in consultation with members of the College Emergency Management Team, if practicable.

Once the decision has been made, Peru State College Security or designee will instruct the campus community to Shelter-in-Place.

Examples of instances when Shelter-in-Place protocol may be used are:

Hazardous Materials Recommendations: In the event of a critical incident where hazardous (including chemical, biological or radiological) materials may have been released into the atmosphere either accidentally or intentionally, a decision to Shelter-in-Place may be the preferred method of safety waiting out the release. The following recommendations should be considered:

- Move to rooms with no windows that can open or are open.
- Rooms that have little or no ventilation are preferred.
- Close any open windows and doors if you cannot move.
- Remain in this location until told that it is safe by Peru State College Security.

Active Threat/Violent Person Procedures: In the event of the presence of a person or persons deemed to be a threat to the campus community, a decision to activate the campus Active Threat procedures would be made by Peru State Security in consultation with the College Emergency Management Team, if available. When the procedure is activated an Emergency Alert will be sent utilizing the BOBCAT ALERT SYSTEM. The alert will indicate the area of the Active Threat and three choice actions Run, Hide, or Fight.

The three choice to protect yourself and others during an Active Threat are:

RUN and escape, if possible.

- Getting away from the threat is the top priority.
- Leave your belongings behind and get away.
- Help others escape, if possible, but evacuate regardless of whether others agree to follow.
- Warn and prevent individuals from entering an area where the active threat may be.

- Call 911 when you are safe, and describe the suspect including behavior and if any weapons were seen.

HIDE, if escape is not possible.

- Get out of the view of the aggressor and stay very quiet.
- Silence all electronic devices and make sure they won't vibrate.
- Lock and block doors, close blinds, and turn off lights.
- Don't hide in groups- spread out along walls or hide separately to make it more difficult for the shooter.
- Try to communicate with police silently. Use text message or social media to tag your location, or put a sign in a window.
- Stay in place until law enforcement gives you the all clear.
- Your hiding place should be out of the aggressors' view and provide protection if shots are fired in your direction.

FIGHT as an absolute last resort and can only be used if your life or the life of someone else is in an immediate threat of death.

- Commit to your actions and act as aggressively as possible against the aggressor.
- Recruit others to ambush the aggressor with makeshift weapons like chairs, fire extinguishers, scissors, books, etc.
- Be prepared to cause severe or lethal injury to the aggressor.
- Throw items and improvise weapons to distract and disarm the aggressor.

Please visit Ready.gov at <https://www.ready.gov/active-shooter> for more information on what you can do to protect yourself during an active threat.

If you are not in the area of the active threat but are on campus you may be asked to shelter in place. This is the preferred method of keeping people out of harm's way, controlling pedestrian traffic on campus, and controlling access to buildings.

Upon receiving notification to Shelter-in-Place:

- Stay in your rooms/offices/classrooms.
- Notify those around you and encourage others to remain in your room/office rather than to try to leave the building.
- Lock the doors. If applicable, cover the door window and pull down the blinds. Turn off the lights and stay calm.
- Stay away from the windows.
- Turn your cellular phone to silent mode.
- Monitor your cell phone, e-mail or visit the college website for updates on the situation. The College will also employ the Emergency Alert System to provide important updates on the situation as appropriate.
- Report any suspicious activity, sounds, or smells to Peru State College Security 402-872-2411.
- Remain out of sight and place furniture between you and the doors/windows.
- Only come out when you recognize the authority directing you to evacuate your shelter or when instructed via the BOBCAT Alert System, , 2-way radios or the College website.

Severe Weather Procedures: A severe weather event such as a tornado or wind event during normal operating hours of the College may necessitate you to Shelter until the threat of bad

weather has passed. Relocating from your normal work area to a space that has no windows or to a lower floor may increase your chances of survival. It is recommended that you:

- Move to the designated building storm shelter as they usually provide the best protection.
- Move to the basement of the building.
- Move to an interior room with no windows, or a hallway on the lowest floor possible.
- Move to an interior stairwell if all rooms have windows.
- Stay in center of room away from doors and windows.
- Stay in place until the danger has passed.

Missing Student Notification Policy

This policy, in compliance with the Higher Education Opportunity Act of 2008, provides students with a procedure and information for reporting a missing person. The policy applies specifically to students who reside in College-owned housing facilities.

Confidential Contact Person: Resident students 18 years of age or older and emancipated minors have the option, upon moving into the residence hall, to identify a specific contact person who will be notified within 24 hours if that student has been reported missing. The identity of that contact person will remain confidential with the exception of staff designated to respond to missing person reports. For resident students under the age of 18 and not emancipated, the College is required to notify a custodial parent or guardian within 24 hours of the time that student is reported missing.

This policy establishes a framework for cooperation among members of the Peru State College (PSC) community aimed at locating and assisting students who are reported missing.

A student shall be deemed missing when he or she is absent from PSC for more than 24 hours without any known reason.

All reports of missing students shall be directed to the Vice President for Enrollment Management and Student Affairs, the Dean of Student Life, the Assistant Director of Residence Life and/or Campus Security who shall investigate each report. The Vice President for Enrollment Management and Student Affairs will make a determination whether the student is missing in accordance with this policy.

Students will be given the opportunity during each semester registration process to designate an individual or individuals to be contacted by PSC no more than 24 hours after the time that the student is determined to be missing. Unless otherwise specified by the student to Student Records, the College will consider the parent/guardian or other primary emergency contact provided to the College by the student to be the person to be contacted in the event the student is determined to be missing. The student should notify the Emergency Contact that he or she has been designated as an Emergency Contact. A designation will remain in effect until changed or revoked by the student.

Residential Students will provide Emergency Contact Information as part of their Housing Application. The Emergency Contact information can be changed at any time by contacting the Residence Life Office located in the Student Center. This information is confidential but may be

released to PSC Campus Security and the Nemaha County Sheriff's Department and/or the State Patrol and their staff as necessary to carry out the purposes of this policy.

If a missing student is under the age of 18 and not emancipated, the Vice President for Enrollment Management and Student Affairs is required to notify the custodial parent(s) or guardian(s) of the missing student no later than 24 hours after the determination by the Vice President for Enrollment Management and Student Affairs and Campus Security that the student is missing.

No later than 24 hours after a student is reported missing, the Vice President for Enrollment Management and Student Affairs, or his designee, will be responsible for contacting the appropriate Emergency Contacts as established above.

The Vice President for Enrollment Management and Student Affairs will also notify the Nemaha County Sheriff's Department no later than 24 hours after it determines that the student is missing.

The Vice President for Enrollment Management and Student Affairs, or designee, shall have the responsibility to make provisions of this policy and the procedures set forth below available to students.

The Vice President for Enrollment Management and Student Affairs, or designee, will be responsible for filing all related missing person reports with other agencies as may be required and conduct an investigation.

The Vice President for Enrollment Management and Student Affairs, or designee, will organize support personnel when a student is determined missing and make appropriate contacts within and external to the College.

Nebraska Sex Offender Registry

Information on Sex Offenders living in the State of Nebraska can be located at <https://sor.nebraska.gov>

“Nebraska State Statute 29-4002 declares that sex offenders present a high risk to commit repeat offenses and that efforts of law enforcement agencies to protect their 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.

The information is to be used to provide public notice and information about a registrant so a community can develop constructive plans to prepare themselves and their family. Sex Offenders have "always" been in our communities. The notification process will remove their ability to act secretly.

Sex offender registry information shall not be used to retaliate against the registrants, their families, or their employers in any way. Vandalism, verbal or written threats of harm are illegal and will result in arrest and prosecution.”

SEXUAL VIOLENCE/SEX HARASSMENT REPORTING

See Board of Trustees Policy 3020 Grievance Policy & Procedures for Sexual Harassment and Sex Discrimination for the current policy at www.nscs.edu.

BOARD POLICY - Revised 6/17/2021

This policy addresses sex discrimination that occurs in the form of sexual harassment. The Board of Trustees of the Nebraska State Colleges prohibits discrimination on the basis of sex and is committed to providing an environment in which all students who participate in College programs and activities can work together in an atmosphere free from sexual harassment and sex discrimination.

Colleges and universities receiving federal funding, including the Nebraska State College System, are required by Title IX of the Education Amendments of 1972 and 34 CFR Part 106 to not discriminate on the basis of sex in their educational programs or activities, including admission and employment. Inquiries about Title IX or 34 CFR Part 106 can be made to the Colleges' respective Title IX Coordinators or to the Assistant Secretary of the Department of Education.¹

This policy constitutes the Nebraska State College System's Grievance Policy and Procedures for addressing sexual harassment, including how a student, or others reporting on behalf of a student, may report or file a formal complaint of sexual harassment and how the Colleges will respond. The Colleges will take appropriate action to prevent, correct, and discipline behavior that is found to violate this policy or principles of equal opportunity and access.

A student alleged to have committed sexual harassment may be disciplined under the Code of Student Conduct and/or prosecuted under Nebraska criminal statutes. Additional Board Policies, Employee Handbooks and Collective Bargaining Agreements apply to employees alleged to have committed sexual harassment.

Reports of sexual harassment are taken with the utmost seriousness. The Colleges are responsible for responding to reports or complaints of sexual harassment and attending to the needs of impacted students. Complainants and Respondents are both referred to appropriate resources and services to assist them and are treated equitably in receiving individualized Supportive Measures from the Colleges. Respondents are presumed to be not responsible for the alleged conduct, and the College's investigation or response will be impartial and fair to all parties.

I. Scope

A. To Whom Does this Policy Apply?

1. This policy applies to all students located within the United States, including traditional students, online or distance education students, and students participating in dual enrollment programs. This policy applies to students located within the United States regardless of whether the other party involved is a fellow student, an employee, or a third party.

B. Where Does this Policy Apply?

1. This policy applies to the Colleges' education programs and activities, which include:
 - a. The physical campuses of the Nebraska State Colleges;
 - b. Areas owned or controlled by the Colleges;

- c. Locations, events, or circumstances over which the Colleges exercise substantial control over both the respondent and the context in which the sexual harassment occurs;
- d. Any building owned or controlled by a student organization that is officially recognized by the College.

C. When Does this Policy Apply?

- 1. This policy applies when the College has notice, in the form of actual knowledge, of a report or allegation of Sexual Harassment that has been reported to the Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College as defined in section III of this policy. If the College has actual knowledge of sexual harassment in an education program or activity against a person in the United States, it must respond promptly

II. Prohibited Conduct

- A. The definition of Sexual Harassment consists of six (6) types of conduct that the College prohibits, which are explained in this section.
- B. **Sexual Harassment:** Sexual Harassment is conduct on the basis of sex, including gender identity and sexual orientation, that satisfies one or more of the following:

- 1. Quid Pro Quo Harassment

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

- 2. Severe, Pervasive, and Objectively Offensive Unwelcome Conduct

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity. Unwelcome and objective offense are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced

- 3. Sexual Assault:

An offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.² Sexual assault includes:

- a. Forcible Sex Offense: Any sexual act directed against another person, without the consent of the Complainant including instances where the Complainant is incapable of giving consent. This includes:
 - i. Forcible Rape: 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 Complainant.
 - ii. Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - iii. Sexual Assault with an Object: To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the Complainant is

incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

iv. Forcible Fondling—The touching of the private body parts of another person (including, but not limited to, the buttocks, groin, and breasts) for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

b. Non-Forcible Sex Offense: Non-Forcible Sex Offense: Non-forcible sexual intercourse. This includes the following:

- i. Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Nebraska state law.
- ii. Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent of 16.³

4. Dating Violence:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant.

- a. The existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship;
 - iii. The frequency of interaction between the persons involved in the relationship.
- b. For the 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.

5. Domestic Violence

A felony or misdemeanor crime of violence committed:

- a. By a current or former spouse or intimate partner of the Complainant;
- b. By a person with whom the Complainant shares a child in common;
- c. By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- d. By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Nebraska;
- e. By any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Nebraska.

6. Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. Fear for the person’s safety or the safety of others; or
- b. Suffer substantial emotional distress.

For the purposes of this definition:

- c. Course of conduct means two (2) or more acts, including, but not limited to, acts in which the stalker directly, 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.

- d. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

C. Retaliation

Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under Title IX or 34 CFR Part 106, or because the individual made a complaint or report, testified, assisted, participated, or refused to participate in an investigation, proceeding, or Hearing under this policy.

III. **Additional Definitions**

A. Advisor:

1. An individual selected by either the Complainant or Respondent to guide them through the grievance process and accompany them to all meetings, including the Hearing. An Advisor may, for example, assist a party in reviewing the Investigative Report, or provide feedback to a party in preparation for the Hearing.
2. At the Hearing, the party's Advisor asks the other party and any Witness all relevant questions or follow up questions, including those challenging credibility, on behalf of their advisee. In all other instances throughout the grievance process, the party will speak for themselves.
3. If an Advisor is an attorney, they may not participate any more than a non-attorney Advisor would be permitted to participate.
4. If a party does not have an Advisor at the Hearing, the Vice President or Dean responsible for Student Affairs as designated by the President shall appoint an Advisor for the party without any fee or charge to the party.

B. Complainant:

1. An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment

C. Confidential Employee:

1. College employee who does not have a duty to report incidents of Sexual Harassment to the Title IX Coordinator.
2. Medical or mental health professionals employed by the Colleges (Licensed Student Counselors, Nurses and Athletic Trainers) are Confidential Employees and respect and protect confidential communications from students, faculty, and staff to the extent they are legally able and/or required to do so.
3. Confidential Employees may have to breach confidentiality when they perceive an immediate and serious threat to any person or property

D. Consent:

1. Definition:

- a. Consent is positive cooperation in an act or expression of intent to engage in an act. Consent is indicated through words or conduct. Consent cannot be inferred from silence or passivity alone.
- b. An individual who consents to a sexual act must give that consent voluntarily, and with knowledge and understanding of the nature of the act and their participation in it.
- c. Consent to one type of sexual activity does not necessarily constitute consent for another type of sexual activity.
- d. Consent can be withdrawn by any party at any time through words or conduct.

2. Capacity to Consent:
 - a. A person cannot give consent when they are:
 - i. Incapacitated by drugs or alcohol;
 - ii. Unconscious, passed out, asleep, coming in and out of consciousness;
 - iii. Have a disorder, illness, or disability that impairs their understanding of the act and their ability to make decisions.
 - iv. They are under the threat of violence, injury, or other forms of coercion or intimidation.
 - v. They are forced, coerced, intimidated, or deceived into providing consent.
 - b. If the Complainant was incapacitated, the question of whether the Respondent knew, or should have known, that the Complainant was incapacitated will be considered.
3. Lack of Consent:
 - a. A person may express a lack of consent through words or conduct. A person need only resist, either verbally or physically, so as to make the person's refusal to consent genuine and real and so as to reasonably make known to the other party that person's refusal to consent.
 - b. A person need not resist verbally or physically where it would be useless or futile to do so. The presence or absence of consent is based on the totality of circumstances, including the context in which an alleged incident occurred.

E. Education Program or Activity:

1. The Colleges' education programs or activities include locations, events, or circumstances over which the College exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurred, including any building owned or controlled by a student organization that is officially recognized by the College.

F. Employee:

1. An individual who is paid by the College to perform specific job duties, including faculty and staff, whether they are employed part-time or full-time. This definition excludes student-employees and third party contractors unless otherwise noted.

G. Formal Complaint:

1. A complaint filed and signed by a Complainant or the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting the College investigate the allegation of Sexual Harassment per this policy.
2. At the time of filing the Formal Complaint the Complainant must be participating in or attempting to participate in the Colleges education program or activity.
3. In the event that the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator does not become a party to the Formal Complaint.

H. Hearing Chairperson:

1. The individual who conducts the Hearing and makes decisions regarding the relevance of questions and evidence and their inclusion in the Hearing. The Hearing Chairperson is responsible for providing the determination in writing to the parties.

I. Hearing Panel:

1. A panel of at least three (3) individuals, who are not students, including the Hearing Chairperson who consider the evidence presented regarding a Formal Complaint and make a determination regarding responsibility pursuant to this policy and, if applicable, any disciplinary action or sanctions to be imposed. The determination will be made using the preponderance of the evidence standard.

J. Mandatory Reporter:

1. Any College employee who is required to report incidents of sexual misconduct of which they become aware to the Title IX Coordinator. The following College employees are Mandatory Reporters:
 - a. President
 - b. Vice Presidents
 - c. Academic Deans
 - d. College Title IX Coordinator and Designees
 - e. Dean of Students
 - f. Housing/Residence Life Staff to include:
 - i. Directors
 - ii. Managers
 - iii. Assistant Directors
 - iv. Senior Residence Hall Advisors
 - v. Residence Hall Advisors
 - g. Coaches and Assistant Coaches
 - h. Campus Security Officers

K. Pre-Hearing Conference:

1. This is an opportunity for the Complainant and Respondent to meet separately with the Hearing Chairperson to review Hearing procedures, submit the questions they intend to ask at the Hearing, and confirm the list of Witnesses, if any, they wish to call at the Hearing. The parties may also discuss options for an Informal Resolution as an alternative to proceeding with a Hearing.

L. Preponderance of the Evidence Standard:

1. A preponderance of the evidence is the greater weight of the evidence indicating it is more likely than not that the alleged conduct occurred. It is the standard the College's decision-maker (Hearing Panel) will use to determine whether or not a Respondent is responsible for Sexual Harassment.

M. Reporting Party:

1. An individual who reports to the Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College on another person's behalf.

N. Respondent:

1. An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

O. Student:

1. An individual who is currently enrolled or registered in an Education Program or Activity or who has completed the immediately preceding term and is eligible for re-enrollment.

P. Supportive Measures:

1. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge to the Complainant and Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.
2. The College may utilize Supportive Measures as supplemental tools in disciplinary action, sanctions or in Informal Resolutions.

3. Parties are treated equitably when offered Supportive Measures. Supportive Measures are kept confidential to the extent possible without impairing the College's ability to provide them.
4. Supportive Measures are designed to restore or preserve equal access to the College's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or to deter Sexual Harassment.
5. Supportive Measures may include but not be limited to: a referral to counseling services, reasonable academic accommodations, changes to on-campus housing or employment situations, use of Campus Security's escort services, bi-lateral No Contact Orders, and other similar measures.
6. Requests for Supportive Measures must be made directly to the Title IX Coordinator, who will facilitate implementation.

Q. Title IX Coordinator:

1. The employee responsible for responding to reports of Sexual Harassment at the College. The Title IX Coordinator conducts investigations of allegations of Sexual Harassment against a Respondent in a Formal Complaint made by a Complainant.
2. As part of the investigation, the Title IX Coordinator will interview the Complainant, the Respondent, and any Witnesses or others with pertinent information and gather other evidence including but not limited to, submitted written statements, text messages, social media posts, pictures, videos, security camera footage, and other relevant material.
3. The Title IX Coordinator reviews and assesses the credibility of the available evidence, synthesizes areas of dispute and agreement, and creates an Investigative Report summarizing this information and provides it to the Hearing Panel.

R. Witness:

1. An individual who witnessed the alleged incident or has relevant information about the allegations.

IV. Dismissal of Formal Complaints

A. Mandatory Dismissal

1. The College is required⁴ to dismiss a Formal Complaint made per this policy in the following circumstances:
 - a. The alleged conduct would not constitute Sexual Harassment as defined in this policy, even if proved;
 - b. The alleged conduct did not occur in the College's Education Program or Activity; or,
 - c. The alleged conduct did not occur against a person in the United States.
2. The parties will receive written notice explaining the reasons for dismissal. Allegations that are dismissed for these reasons may be addressed by the Student Code of Conduct set forth in Board Policy 3100. The parties may appeal the dismissal, per the appeal requirements in Section VII.C.12.

B. Permissive Dismissal

1. The College may choose to dismiss a Formal Complaint made per this policy in the following circumstances:
 - a. The Complainant withdraws a Formal Complaint in writing.
 - b. The Respondent is no longer enrolled or employed by the College.
 - c. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination.
2. The parties will receive written notice explaining the reasons for dismissal. The parties may appeal the dismissal, per the appeal requirements in Section VII.C.12.

V. Reporting Sexual Harassment

A. Reporting to the College

1. Any person may report sex discrimination, including Sexual Harassment, to the College. A person who alleges to be the victim of Sexual Harassment is the Complainant. A person who submits a report on behalf of another person is the Reporting Party. Reports can be made by mail, telephone, email, in person, or by any other means that results in the Title IX Coordinator receiving the person's written or verbal report.
2. The names and contact information for the Colleges' Title IX Coordinators are below.

Eulanda Cade
Administration, 312
PO Box 10 Peru, NE, 68421
E-mail: ecade@peru.edu
Phone: (402) 872-2230
<https://www.peru.edu/titleix>
3. The College appreciates the privacy concerns inherent in allegations of Sexual Harassment.
 - a. To protect students' privacy rights, the names of students or other identifying information, especially that which is contained in written documents and notes, will only be disclosed to third parties if;
 - i. Prior written permission is given by the student concerned;
 - ii. The disclosure is necessary to conduct an investigation or implement a Supportive Measure;
 - iii. The disclosure is necessary to pursue disciplinary action;
 - iv. The disclosure is otherwise required by law.
 - b. Complainants will be informed that the College has a legal duty to include information about reports of criminal sexual misconduct in annual security report statistics which do not identify the parties involved.⁵
4. The law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional.
 - a. Medical or mental health professionals employed by the College (Licensed Student Counselors, Nurses and Athletic Trainers) are Confidential Employees.
 - b. Confidential Employees are not required to report incidents of Sexual Harassment or Sex Discrimination of which they become aware to the

Title IX Coordinator and may respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. Confidential Employees may have to breach a confidence, however, when they perceive an immediate and serious threat to any person or property.

- c. All College employees (including Confidential Employees) are required by state law to report allegations or reasonable suspicion of child abuse or neglect, including sexual assault or abuse of a minor, to either law enforcement or the Department of Health and Human Services.⁶ The Child Abuse and Neglect Hotline is (800) 652-1999. In Nebraska, the age of majority is nineteen (19).

B. Reporting Conduct to Law Enforcement

1. Reporting conduct to the College and reporting conduct to law enforcement are two (2) separate processes. A Complainant can choose to report the conduct only to the College, or only to law enforcement, or to both the College and law enforcement.

C. Judicial Orders

1. Parties may pursue judicial remedies such as orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts.
2. Parties are responsible for notifying the College of such an order and should provide a copy of it to the Title IX Coordinator/Designee as soon as reasonably possible. The party may discuss options with the Title IX Coordinator/Designee regarding enforcing the order when the parties participate in a College Educational Program or Activity.

D. Medical Care and Law Enforcement

1. A Complainant may obtain medical care to collect and preserve physical evidence of the alleged offense.
2. Health care providers are required to report to law enforcement when an injury appears to have been received in connection with, or as a result of, the commission of an actual or attempted sexual assault.⁷
3. A Complainant eighteen (18) years and older who has not experienced serious bodily injury may choose from the following options regarding reporting to law enforcement and evidence collection: (1) Full report with evidence collection; (2) Partial report with evidence collection; and (3) Anonymous report with evidence collection. Additional information about these options is available in the Nebraska Medical Sexual Assault Protocol. It is important that a Complainant make an informed decision regarding important physical evidence that may be preserved.
4. Regardless of whether or not the law enforcement authorities choose to prosecute a reported offense, the College can pursue disciplinary action against a student or employee alleged to have committed Sexual Harassment. If a report is made to law enforcement and the agency pursues an investigation, the College will cooperate with the law enforcement agency.
- 5.

VI. Emergency Removal of Complainants and Respondents

A. The College may remove a Complainant or Respondent from the College's Education Program or Activity on an emergency basis when appropriate.

1. In such an instance the College must do the following:
 - a. Conduct an individualized safety and risk analysis prior to removal;
 - b. Determine whether an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment exists, and whether the risk justifies removing a Complainant or Respondent;
 - c. If removal is deemed appropriate, the College must provide the party with notice of removal and an opportunity to challenge the decision immediately following removal.
2. Decisions to remove a Complainant or Respondent on an emergency basis will be made by the Vice President for Student Affairs. The Vice President for Student Affairs will consider the result of the College's safety and risk assessment process when determining whether removal is appropriate:

VII. VII. Grievance Process

A. Overview

1. The Complainant has two (2) options to resolve their Formal Complaint of Sexual Harassment: (1) the College investigates the alleged conduct and a determination regarding responsibility is made after a Hearing; or (2) both the Complainant and Respondent agree to an Informal Resolution that the College deems appropriate, any time prior to a determination regarding responsibility. Informal Resolutions require the voluntary and written consent of both the Complainant and Respondent, and may not involve a full investigation. The Complainant may choose which process to initiate.
2. The Colleges' grievance process for resolving allegations of Sexual Harassment is fair and impartial. All relevant evidence will be objectively evaluated, including inculpatory and exculpatory evidence. Credibility determinations are not based on a person's status as a Complainant, Respondent, or Witness. Respondents are presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. All parties and Witnesses are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.
3. The burden of proof and gathering evidence rests on the College, not the parties. Parties will have opportunities to provide their account of the alleged incident, respond to the other party's account, and inspect and review evidence that is directly related to the allegations.
4. Each party may have an Advisor of their choice, who may be, but is not required to be, an attorney. Advisors may accompany the party to any meeting or proceeding. If a party does not have an Advisor at the Hearing, the Vice President for Student Affairs or their designee shall appoint an Advisor for the party without any fee or charge to the party.

5. The College strives to complete the Grievance Process within sixty (60) business days. Throughout the process the College will provide the parties with regular status updates and information regarding next steps.
- B. Request to Temporarily Delay the Grievance Process
1. A party may submit a written request to the Title IX Coordinator to temporarily delay the grievance process or provide a limited extension of time for good cause. Good cause may include, but is not limited to:
 - a. The absence of a party, the party's Advisor, or a Witness;
 - b. Concurrent law enforcement activity;
 - c. The need for language assistance or disability accommodation.
 2. If the request is granted, the Title IX Coordinator will notify the parties in writing of the delay or extension and the reasons for it. The College may also elect to delay the grievance process for good cause.
- C. Process Steps
1. Report Received:

The Title IX Coordinator receives an initial report alleging Sexual Harassment. This report may be from the person who alleges to be the victim of Sexual Harassment (Complainant) or it may have been submitted on their behalf by a third party (Reporting Party).
 2. Outreach to Complainant:

The Title IX Coordinator will promptly contact the Complainant for the following purposes:

 - a. To discuss the report, the availability of Supportive Measures, and the Complainant's wishes regarding Supportive Measures;
 - b. To listen to the Complainant's account and ask questions to gain a better understanding of the nature of the alleged incident;
 - c. To explain this policy and the definition of Sexual Harassment
 3. Determination Regarding Policy Application:

The Title IX Coordinator will determine whether the alleged conduct is redressible by this policy, which applies exclusively to Sexual Harassment, or whether the alleged conduct may be redressible under another College policy, such as the Student Code of Conduct.

 - a. Alleged conduct that would constitute Sexual Harassment if proved can be addressed by this policy. Continue to Step 4.
 - b. Alleged conduct that does not constitute Sexual Harassment if proved may be redressible under another College policy. In this case, the Title IX Coordinator will refer the Complainant to the appropriate College official.
 - c. If the alleged conduct is redressible by this policy, the Title IX Coordinator will facilitate appropriate Supportive Measures for the parties. If the alleged conduct is redressible under another College policy, the Title IX Coordinator will delegate the responsibility of facilitating Supportive Measures to the Dean of Students or other appropriate College official.
 4. Formal Complaint Submitted:

Complainant will sign a Formal Complaint alleging Sexual Harassment against a Respondent and requesting that the College investigate the allegation.
 5. Parties Receive Notice of Allegations:

The Complainant and Respondent will be notified in writing of the allegations and that the College will conduct an investigation. The Respondent's notice will include sufficient details known at the time and allow sufficient time for Respondent to prepare a response before any initial interview.

6. Title IX Coordinator or Designee Conducts Investigation:

The investigation will involve the following:

- a. Gathering evidence;
 - i. If a party wishes for their medical records, prior educational records, or other records that are external to the College to be considered in the grievance process they must provide written consent for those records to be released to the College and make arrangements for the records to be sent to the College
- b. Interviewing the Complainant, Respondent, and any Witnesses;
- c. Review and assessment of all related written statements, reports, and other relevant material;
- d. Synthesizing areas of dispute and agreement between the parties;
- e. Preparation of an Investigative Report that organizes, assesses, and fairly summarizes the relevant evidence and synthesizes areas of dispute and agreement between the parties.
- f. Review of applicable College policies;
- g. If a party has not selected an Advisor to be present at the Hearing the College will appoint an Advisor. The Advisor will ask all cross-examination questions at the hearing on the party's behalf.

7. Inspection and Review of Evidence and Parties' Response:

Prior to the completion of the Investigative Report, the parties and their Advisors, will receive an electronic copy of all the evidence obtained from the investigation that is directly related to the allegations.

- a. **Parties will have ten (10) calendar days to submit a written response**, which will be considered prior to the completion of the Investigative Report. This is an opportunity for each party to correct or clarify the evidence or provide additional information before the Investigative Report is completed.
- b. Any written response from the parties will be included in the Investigative Report.
- c. A party's failure to respond will be taken as their confirmation that the evidence they received is accurate for the purposes of the following procedural steps.

8. Investigative Report Prepared and Provided to the Parties:

The Title IX Coordinator/Designee will prepare an Investigative Report that organizes and fairly summarizes the relevant evidence and highlights key issues.

- a. The Title IX Coordinator/Designee will also prepare a file containing any additional evidence that is directly related to the allegations, but upon which the College does not intend to rely in making a determination regarding responsibility. Both the Investigative Report and this file (if applicable) will be provided to the parties and their Advisors when they receive the Investigative Report.
- b. The parties and their Advisors will receive an electronic copy of the Investigative Report and any additional evidence for their review and written response at least ten (10) calendar days prior to the Hearing. This is an

opportunity for each party to identify any inaccuracies in the Investigative Report or any additional evidence before the Hearing. A party's failure to respond will be taken as their confirmation that the Investigative Report and any additional evidence is accurate. Once the Investigative Report is finalized the Title IX Coordinator/Designee will provide it and any additional evidence to the Hearing Panel

- c. Parties and/or Hearing Panel members who wish to call a Witness during the Hearing must submit in writing the Witness's name(s) and contact information to the Hearing Chairperson before the date of the Pre-Hearing Conference. The Hearing Chairperson is responsible for summoning the Witnesses in writing.

9. Pre-Hearing Conference:

Each party and their Advisor will attend a Pre-Hearing Conference with the Hearing Chairperson. The purpose of this Pre-Hearing Conference is to prepare the parties for the Hearing and ensure that they understand the procedures.

- a. The Pre-Hearing Conference must occur after the parties have had ten (10) calendar days to review the Investigative Report and any additional evidence and respond. The Title IX Coordinator or Designee will be present, but the Hearing Chairperson will direct the conference.
- b. At the Pre-Hearing Conference, the parties and their Advisors:
 - i. Will be notified of the Hearing date, time, and location.
 - ii. Will have the opportunity to inspect and review the Investigative Report and all the evidence directly related to the allegation, including evidence upon which the College does not intend to rely in making a determination of responsibility and exculpatory and inculpatory evidence.
 - iii. Will confirm the list of Witnesses the party and/or the Hearing Panel wishes to call at the Hearing.
 - iv. Will submit in writing any evidence they intend to use or questions they intend to ask (through their Advisor) of the other party and any Witnesses at the Hearing.
- c. During the Pre-Hearing Conference, the Hearing Chairperson will review the submitted questions and evidence and make a determination regarding their relevancy.
- d. If a question or evidence is not relevant, the Hearing Chairperson will explain and document their decision to exclude it from the Hearing in the Pre-Hearing Conference Summary. The parties may provide reasons why they believe the question or evidence is relevant or not relevant and their rationale will be taken into consideration by the Hearing Chairperson.
- e. Questions and evidence about the Complainant's or Respondent's sexual predisposition or prior sexual behavior are not relevant. There are three (3) exceptions:
 - i. Such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant;
 - ii. If the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent;

- iii. If the questions and evidence concern specific incidents of the Respondent's prior sexual behavior with respect to the Complainant and are offered to prove consent.
- f. Exclusion of such questions or evidence will be explained and documented in the Pre-Hearing Conference Summary.
- g. Questions or evidence that constitute or seek disclosure of information protected by a legally recognized privilege are not permitted at the Hearing, unless the person holding the privilege waives it. This may include information protected by doctor-patient or attorney-client privilege. The exclusion of such questions or evidence will be explained and documented in the PreHearing Conference Summary.
- h. The parties and their Advisors will be informed that they may still resolve the matter informally at this point in the grievance process. See Section VII. D. for information about Informal Resolutions. If the parties wish to continue to a Hearing, the Hearing Chairperson will review Hearing procedures with each party.
- i. The Hearing Chairperson will write a Pre-Hearing Conference Summary that includes documentation of relevancy based exclusions of questions or evidence and the list of approved questions or evidence. The Hearing Chairperson will provide it to the parties in writing before the Hearing and it will become part of the record provided to the Hearing Panel.

10. Hearing:

- a. The College will conduct a live Hearing to determine whether the Respondent is responsible for the alleged conduct, and if so, what disciplinary measures or sanctions will be imposed. The Hearing Panel is the decision maker and will use the preponderance of the evidence standard, which means the greater weight of the evidence.
- b. The Hearing Panel will consist of a minimum of three (3) individuals, who each have a vote. Students will not serve on the Hearing Panel. The Hearing Chairperson will direct the hearing and the determination will be made by the majority vote. At its discretion, the College may employ a third party to conduct the hearing.
- c. The Title IX Coordinator or Designee (who conducted the investigation) will be present at the Hearing to answer questions or clarify information, but will have no other role in the grievance process.
- d. The Hearing Panel will be permitted to call witnesses. Each party's Advisor will be permitted to present evidence and ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility.
- e. Before a party or Witness responds to a question or evidence presented, the Hearing Chairperson must first determine whether it is relevant and explain any decision to exclude a question or evidence presented as not relevant, **unless** the question or evidence presented was approved as relevant during the Pre-Hearing Conference.
- f. If a party or Witness does not submit to cross-examination at the Hearing, the Hearing Panel must not rely on any statement that party or Witness made (during the investigation and/or the Hearing) in reaching a determination regarding responsibility. However, the hearing panel cannot draw an inference

about the determination regarding responsibility based solely on a party's or Witness's absence from the Hearing or refusal to answer cross-examination or other questions.

- g. Either party may request to be located in separate rooms during the Hearing, with technology enabling the Hearing Panel and parties to simultaneously see and hear the party or Witness answering questions.
- h. The College shall create an audio or audio-visual recording of any Hearing and make it available to the parties for inspection and review. After the Hearing is complete the Hearing Panel will convene in private within forty-eight (48) hours of the end of the hearing to vote.

11. Parties Receive Written Determination Regarding Responsibility:

- a. The Hearing Chairperson will simultaneously provide the parties a written determination regarding responsibility and any applicable disciplinary action within ten (10) calendar days of the Hearing's conclusion.
- b. If an appeal is filed, the determination will become final on the date that the College provides the parties with the written determination of the result of the appeal. If no appeal is filed, the determination will become final on the date that an appeal would no longer be timely.

12. Appeal:

- a. The Complainant and/or the Respondent may appeal to the President a determination regarding responsibility or the College's dismissal of a Formal Complaint.
- b. Appeals must be submitted to the President in writing within five (5) calendar days of the determination regarding responsibility or within five (5) calendar days of the dismissal of the Formal Complaint.
- c. The Title IX Coordinator/Designee will provide the President the record of the investigation and Hearing.
- d. When an appeal is filed the Title IX Coordinator/Designee will notify the other party in writing. Both parties will have five (5) calendar days to submit to the President a written statement in support of, or challenging, the outcome.
- e. The permissible bases for appeal are:
 - i. Procedural irregularity that affected the outcome of the matter;
 - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
 - iii. The Title IX Coordinator, Designee, Hearing Chairperson or Hearing Panel member had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.
- f. The parties will simultaneously receive a written decision describing the result of the appeal and the rationale for the result.
- g. If an appeal is filed, the determination will become final on the date that the College provides the parties with the written determination of the result of the appeal. Any sanctions imposed by the initial determination of responsibility will go into effect after the five (5) day window for appeals closes, and if an appeal occurs, after it is complete. However, existing Supportive Measures may remain in place.

D. Informal Resolution

- A. At any time prior to reaching a determination regarding responsibility the College may facilitate an Informal Resolution process that does not involve a full investigation and Hearing. A Formal Complaint is a prerequisite of an Informal Resolution, and both parties must provide voluntary, written consent to participate in the Informal Resolution process.
 1. The College will provide the parties with written notice disclosing the allegations, the requirements of the Informal Resolution process, and any consequences resulting from participating in the Informal Resolution process, including records that will be maintained or shared.
 2. The Title IX Coordinator/Designee can present a framework of potential remedies to guide the parties in negotiation, but the parties themselves must come to an agreement. The Title IX Coordinator/Designee will facilitate this process, and will use their discretion to ensure that the Informal Resolution is appropriate for the College. The parties may not bind the College to a resolution that the College does not deem appropriate.
 3. Informal Resolution may be accomplished through mediation and other forms of facilitation, such as the parties communicating through the Title IX Coordinator/Designee to minimize contact with each other, or the parties communicating directly with each other and the Title IX Coordinator/Designee.
 4. The Informal Resolution process cannot be used to resolve allegations that an employee (including a student-employee) sexually harassed a student if the alleged harassment occurred in the context of their employment.

VIII. Retaliation

A. Retaliation is Prohibited

1. The College will not tolerate or engage in intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under Title IX or 34 CFR Part 106, or because the individual made a complaint or report, testified, assisted, participated, or refused to participate in an investigation, proceeding, or Hearing under this policy.
2. The exercise of First Amendment rights does not constitute retaliation.
3. Complaints alleging retaliation may be filed and resolved per this policy.

IX. Disciplinary Sanctions & Remedies

A. Range of Options

1. Subsequent to a determination of responsibility, the College may take disciplinary action, impose sanctions and apply remedies, which may include, but are not limited to: warnings, disciplinary probation, loss of privileges, restitution, remedial work assignments, remedial education requirements, service requirements, remedial behavioral requirements, College housing relocation or suspension, removal from College housing, suspension, and expulsion.
2. Remedies, including disciplinary action and informal resolutions, are designed to restore or preserve the Complainant's equal access to the Colleges' education programs and activities.

¹ The Office for Civil Rights can be contacted by the following methods: Email – OCR@ed.gov; Telephone – 800421-3481; FAX – 202-453-6012; TDD – 800-877-8339; Website – <https://ocrcas.ed.gov/contact-ocr> The OCR National Headquarters is located at U.S. Department of Education, Office of Civil Rights, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue, SW, Washington, DC 20202-1100

² The 2020 Department of Education’s Regulations of Title IX state the following in footnote 791 on page 547: The Clery Act, 20 U.S.C. 1092(f)(6)(A)(v) defines “sexual assault” to mean an “offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.” The FBI UCR, in turn, consists of two crime reporting systems: The Summary Reporting System (SRS) and the National Incident-Based Reporting System (NIBRS). U.S. Dep’t. of Justice, Criminal Justice Information Services, SRS to NIBRS: The Path to Better UCR Data (Mar. 28, 2017). The current Clery Act regulations, 34 CFR 668.46(a), direct recipients to look to the SRS for a definition of rape and to NIBRS for a definition of fondling, statutory rape, and incest as the offenses falling under “sexual assault.” The FBI has announced it will retire the SRS and transition to using only the NIBRS in January 2021. Federal Bureau of Investigation, Criminal Justice Information Services, Uniform Crime Reporting (UCR) Program, National Incident-Based Reporting System (NIBRS), <https://www.fbi.gov/services/cjis/ucr/nibrs>. NIBRS’ forcible and nonforcible sex offenses consist of: rape, sodomy, and sexual assault with an object (as well as fondling, statutory rape, and incest, as noted above). Thus, reference to the Clery Act will continue to cover the same range of sex offenses under the FBI UCR regardless of whether or when the FBI phases out the SRS.

³Nebraska Revised Statute 28-319.01

⁴ Per 34 CFR § 106.45(3)(i)

⁵ Per the Clery Act, 20 U.S.C. § 1092(f)

⁶ Nebraska Revised Statute 28-711.

⁷ Nebraska Medical Sexual Assault Protocol, Nebraska Attorney General’s Office, July 2019. Available at <https://ago.nebraska.gov/sites/ago.nebraska.gov/files/doc/Nebraska%20Medical%20Sexual%20Assault%20Protocol%20FINAL.pdf>

Student conduct & discipline

See Board of Trustees Policy 3100 for the most current version of this policy at www.nscs.edu.

Board policy 6/17/2021

BOARD POLICY

The Board and the Colleges are committed to creating and maintaining a productive educational community that fosters the personal, ethical and intellectual development of its students. Adherence to standards of conduct is essential to the educational process and to the safety and well-being of the College community.

The Board grants authority to the Presidents to designate appropriate officers, establish representative college committees, render initial decisions and provide appeal procedures in regard to allegations of academic dishonesty; grade appeals; failure to pay a financial obligation; or academic performance, achievement, probation and suspension. All disciplinary sanctions imposed for misconduct identified in this policy are to be governed by terms of this policy and the due process requirements set forth in Board Policy #3200. Acceptance of this policy by the student is implied as a condition of his or her enrollment.

PROCEDURE

Students are responsible to obey the laws of the state and nation, the regulations and policies of the Board and of the Colleges; and to refrain from any conduct injurious to themselves, to others, or to the reputation or interests of the College.

A student shall not ignore a summons from the President or other officer of administration of the College, or from a member of the faculty.

Student misconduct as identified under this policy or a violation of College regulations or policy, whether occurring on or off College property, may result in disciplinary action being taken against the student.

Students may be ordered to leave the College under a temporary suspension pending disciplinary action due process per Board Policy 3200 in the event the student's continued presence is believed to threaten the safety or health of another person or for other reasons at the discretion of the Vice President or Dean responsible for Student Affairs as designated by the President. Such order shall be given in writing by the Vice President or Dean responsible for Student Affairs as designated by the President.

Students suspended or expelled from one of the State Colleges may be admitted to another Nebraska State College only under the same conditions that they would be readmitted to the College from which they were suspended.

Misconduct

The following acts shall be considered to constitute misconduct for which an offending student or student organization may be subject to disciplinary sanctions.

1. Participation in a demonstration on College property which materially and substantially disrupts or obstructs the normal operations, activities or functions of the College, including unauthorized occupation of College premises;
2. Failure to evacuate College facilities or willfully ignoring any emergency or alarm signal or request to evacuate by appropriate emergency personnel
3. Falsification or willful suppression of any information for or on an application for admission, or falsification or misuse of College identification and other documents;
4. Misuse of computers or computing resources, including, but not limited to, violating the following federal regulations: The Copyright Act of 1976 and the Fair Use Guidelines, the Digital Millennium Copyright Act of 1998, and the Technology, Education and Copyright Harmonization Act of 2002;
5. Unlawful or unauthorized possession, use, distribution, dispensing, delivery, sale or consumption, manufacture, or being in the presence of any alcoholic beverage, including empty bottles/cans or any alcohol container on any part of College property including outdoor areas and parking lots;
6. Alcohol consumption that endangers the health, safety, or property of oneself or another, or requires medical treatment or College staff intervention;
7. Unlawful or unauthorized possession, use, distribution, delivery, dispensing, manufacture or sale, or being in the presence of any drug; being in possession of paraphernalia for drug use, except as expressly permitted by law, or being unlawfully under the influence of any drug unless directed by a licensed physician;
8. Inflicting unwanted physical contact on another person; conduct that intimidates, harasses, or threatens the safety, health, property, or life of others or oneself; participating or contributing to an incident of abuse or assault; causing, provoking or engaging in any fight, brawl or riotous behavior; or inflicting willful and repeated harm through the use of computers, cell phones, and other electronic devices;
9. Any act occurring on College property or on the premises of a student housing unit which intentionally disturbs the peace and quiet of any person or group of persons;
10. Sex harassment as Board Policy #3020 defines those terms; ¹
11. Conduct which is unreasonably dangerous to the health or safety of other persons or oneself;
12. Theft or attempted theft of any property or receipt of stolen property;
13. Damaging or attempting to damage property of the College or of another individual;
14. Using or possessing bombs, explosives, incendiary devices, or fireworks;
15. Setting or attempting to set any fire on the campus or on the premises of any student housing unit, except in fireplaces or other facilities designated for fires;
16. Failing to report a fire or any other extremely dangerous condition when known or recognized on College property or on the premises of any student housing unit;

17. Possessing or selling firearms, ammunition, weapons, explosives, or dangerous chemicals on College property or on the premises of any student housing unit;
18. Obstructing or failing to comply with the directions of a law enforcement officer, firefighter, or College official in the performance of his or her duty on College property, on the premises of any student housing unit or at any activity or event sponsored by the College or an organization;
19. Hazing any person. Consent of the victim of the hazing will not constitute a defense to an allegation of misconduct for hazing. Hazing shall mean any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any organization;
20. Committing any unlawful act of indecent exposure or public indecency;
21. Participating in any gambling activity in violation of the laws of the State of Nebraska or of the United States;
22. Unauthorized use of any College property, facilities, equipment or materials;
23. Possessing, producing, manufacturing, or having manufactured without proper authorization, any key or unlocking device for use on any College facility or lock;
24. Serious traffic violations on the campus, including, but not limited to, operating any vehicle while intoxicated, speeding, reckless endangerment, or reckless driving;
25. Violation of any student housing unit policy, rule or regulation;
26. Failure to redeem or make arrangements to redeem, within one week after receipt of written notice, an insufficient funds or no account check submitted to the College for cash or for payment of College goods or services;
27. Abuse of College investigations or disciplinary proceedings which includes, but is not limited to, failure to obey a request to appear before a disciplinary officer or committee, falsification of testimony, disruption or interference with the orderly conduct of any hearing, attempting to discourage any person from using College disciplinary procedures or participating in such procedures, attempting to influence the impartiality of a member of a disciplinary committee prior to any proceeding, filing a malicious, false or frivolous complaint, verbal or physical harassment or intimidation of a member of a disciplinary committee prior to, during, or after a proceeding, failure to comply with any sanction imposed, influencing or attempting to influence another person to commit an abuse of disciplinary proceedings, and a violation of the privacy rights of any student or College employee in regard to a disciplinary proceeding;
28. Any act by a student which occurs on the campus, while studying abroad, on the premises of any student housing unit or at any activity or event sponsored by the College or an organization which is in violation of any ordinance of the municipality in which the College resides, shall constitute misconduct;
29. Falsely setting off or otherwise tampering with any emergency safety equipment, fire alarm, or other device established for the safety of individuals and/or college facilities;
30. Harassing or discriminating against any student, faculty or staff member, as defined in Board Policy 3021, on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, religion or age; and

31. Any other activity or conduct prohibited by the College in published policies.

Unreasonably Dangerous or Threatening Conduct Toward Self

Student behaviors and actions that are unreasonably dangerous to self or which threaten the student's own safety or health may constitute misconduct under this Policy and may be addressed by the College administration through the disciplinary process. When practicable and appropriate, efforts will be made to advise students regarding voluntary withdrawal options in lieu of initiating disciplinary due process as set forth in Board Policy #3200.

At the discretion of the Vice President or Dean responsible for Student Affairs as designated by the President, a student may be allowed to voluntarily withdraw when continued enrollment no longer appears to be in the best interests of the student and/or College in conjunction with mutually agreed upon conditions that will be required for the student to reapply for admission.

Temporary Suspension

Students may be ordered to leave the College under a temporary suspension pending disciplinary action due process per Board Policy 3200 in the event the student's continued presence is believed to threaten the safety or health of another person or for other reasons at the discretion of the Vice President or Dean responsible for Student Affairs as designated by the President.

Other Interim Measures

Pending disciplinary action under Board Policy 3200, students may be subject to the interim measures, including but not limited to no contact orders, temporary restrictions from specific areas of the campus, changes in class schedules and/or delivery; changes in residence hall assignments and/or changes in campus employment.

Legal Reference:

- RRS 85-312 State colleges; morals of the pupils; faculty; religious test forbidden
- RRS 85-601 Interference with operation; faculty, administrative staff, student; dismissal or expulsion
- RRS 85-301 State college; official names; Board of Education; appointment; no compensation; travel expenses
- RRS 53-186 Consumption of liquor on public property, public roads, streets, alleys; prohibition; exceptions

DUE PROCESS

See Board of Trustees Policy 3200 for the most current version of this policy at www.nscs.edu.

BOARD POLICY Revised 6/17/2021

BOARD POLICY

It is the policy of the Board to grant procedural due process to students accused of misconduct under the terms of Board Policy 3100. Regarding allegations of academic dishonesty; grade appeals; failure to pay a financial obligation; or, academic performance, achievement, probation and suspension each College will devise its own adjudication procedures. However, for allegations of misconduct identified in Board Policy 3100 that may result in disciplinary sanctions, the due process procedures outlined below shall be followed.

Nothing herein shall prohibit the College from resolving conduct issues informally if warranted by the individual circumstances including, but not limited to the responsiveness of the student, the severity of the offense, a student's prior misconduct, and the health and safety of the student and other members of the campus community. Informal resolution of conduct issues in which two (2) or more students are involved in a physical altercation with one another will not be permitted unless all students involved agree to informal resolution.

DISCIPLINARY SANCTIONS

Disciplinary sanctions may include warnings, demands for restitution or reimbursement, fines, a period of probation, remedial behavioral requirements, remedial educational requirements, suspension, or expulsion.

REQUESTS TO DELAY DUE PROCESS PROCEDURES

In the event that a concurrent civil or criminal action for the same behavior which forms the basis of misconduct allegations under the provisions of this policy is in progress, the accused student may request in writing to the Vice President responsible for Student Affairs, or equivalent administrator, that the College delay the continuance of the due process procedures. By requesting to delay until the external civil or criminal proceeding has concluded, the student agrees that he or she shall not attend any College classes or College-sponsored events or activities or shall not enter or use College property, including but not limited to living in residence halls, without specific written authorization from the Vice President responsible for Student Affairs. The Vice President responsible for Student Affairs, or equivalent administrator, may place reasonable limits on the length of the delay permitted.

WITHDRAWAL

At the discretion of the Vice President responsible for Student Affairs, a student may be allowed to voluntarily withdraw when continued enrollment no longer appears to be in the best interests of the student and/or College in conjunction with mutually agreed upon conditions that will be required for the student to reapply for admission. The Vice President responsible for Student Affairs will work with the Vice President for Academic Affairs to determine what, if any,

academic penalties would apply. Any unresolved conduct issues will remain pending and must be resolved as a condition of readmission. Additional conditions may include, but not be limited to, the length of time a student must wait to reapply and/or the length of time a student has to reapply for admission.

PROCEDURE

1. The student shall be notified in writing by an appropriate College official that he/she is accused of misconduct. The student shall be made aware of grounds which would justify such action by way of the student handbook or other published College regulation.
2. The student shall be notified that he/she may elect one of three courses of action. The student shall be advised of a date (deadline) by which such an election must be communicated to the appropriate College official.
 - a. The student may admit the alleged violation and request, in writing, that the appropriate College official take whatever action seems appropriate.
 - b. The student may admit the alleged violation in writing and request a hearing before the appropriate hearing panel designated by the College. The hearing panel will determine the appropriate sanctions.
 - c. The student may deny the alleged violation, in which case, the appropriate College official shall refer him/her to the appropriate hearing panel designated by the College. The hearing panel will determine responsibility and the appropriate sanctions.

NOTE: If the student fails to respond to the appropriate College official in a timely manner according to the date (deadline) and/or fails to elect one (1) of the three (3) courses of action, the appropriate College official may address the alleged misconduct without providing further due process.

3. Under option 2a noted above, the College may address the alleged misconduct without providing further due process. The student's decision can be binding, if freely and knowingly made, even though suspension, expulsion or the imposition of a stigmatizing sanction might result. Students should be advised in writing of all risks associated with any waiver of due process rights and provided a reasonable amount of time to consider their decision and to confer with a family member or advisor.
4. If the student selects either option 2b or 2c as noted above, a hearing shall be conducted in accordance with the following procedure within ten (10) class days, unless the student requests an extension in writing, which shall not be unreasonably denied. Requests for an extension should be directed to the Vice President responsible for Student Affairs or their designee. Students studying abroad shall be under the direction of the accompanying College official until his/her return to campus, at which time, if needed, the due process procedures will commence.
 - a. Prior to the hearing, the student shall be entitled to the following:
 - Written notification of the time and place of the hearing with reasonable time allowed for grievant to prepare a presentation and defense.

- A written statement of the allegations (incident or behavior) with sufficient particularity so that the student may prepare his/her defense.
 - The grounds which would justify disciplinary action cited in the student handbook or Board Policy and the possible sanctions that may be imposed.
 - Written notification of the names of the witnesses who are directly responsible for having reported the allegations, or, if there are no such witnesses, written notification of how the allegations came to the hearing panel's attention, and
 - A copy of all documentary evidence to go before the hearing panel.
- b. The student shall be entitled to appear in person before the hearing panel, and may call witnesses on his/her behalf. If the student does not appear before the hearing panel, the hearing shall be held in his/her absence.
 - c. The student shall be entitled to be accompanied by a person of his or her own choosing from the College community to assist in the proceedings or by counsel at the student's expense. An attorney or advisor, if present at the request of the student, may be present to counsel the student, but may not directly participate in the hearing by making oral presentations or arguments, examine or crossexamine a witness, or object to testimony of a witness or to introduction of other evidence.
 - d. The student shall be entitled to ask questions of the hearing panel or any witnesses.
 - e. The student shall be entitled to an expeditious hearing of the case.
 - f. Hearings are closed to the public.
 - g. An audio recording of the hearing will be made and kept by the College consistent with document retention schedules.
 - h. The student shall be entitled to an explanation in writing of the reasons for any decisions rendered against him/her and the discipline imposed, and shall be given access to the hearing panel's decision for his/her personal records.
5. The hearing panel designated by the College shall be composed of College administrators, faculty, staff, and/or students. Such selection shall be at the approval of the President or designated Vice President. Individuals serving on this panel need not be disqualified because they have superficial knowledge of the background of the case, or because they may know the participants. The basic test shall be whether or not the panelist can judge the case fairly, without bias or prejudice, and solely on the evidence presented.
 6. The hearing panel shall be the decision-making body acting independent of the President.
 7. Technical rules of evidence or procedure need not be employed in hearing proceedings. A student's misconduct shall be determined by a preponderance of the evidence (i.e., it is more likely than not that misconduct occurred). Hearing decisions need not be unanimous. A simple majority vote shall be sufficient. Hearsay evidence is not required to be excluded, but a finding of misconduct on hearsay evidence alone is not appropriate in hearings, including a serious disciplinary case such as suspension or expulsion.

8. Members of the hearing panel shall have the opportunity to examine the case file beforehand, and to question the accused and witnesses at the hearing.
9. The student shall be notified of his/her right to appeal the decisions of the hearing panel to the Vice President responsible for Student Affairs. Appeals must be in writing and are due to the Vice President within five (5) class days after the student received the hearing panels' decision. If the Vice President was a member of the hearing panel, this step of the appeal process is not applicable and the student may appeal directly to the President. Appeals to the Vice President must be based on one (1) of the following grounds:
 - a. Procedural due process was violated;
 - b. The sanction was excessive;
 - c. The evidence did not support the decision; or,
 - d. Substantive new information is available that was not available at the hearing.
10. The student shall be notified of his/her right to appeal the decisions of the designated administrator to the President, who has final authority. Should the student appeal, any action assessed by the hearing panel shall be suspended until acted upon by the President. Appeals to the President are due within five (5) class days after the student receives the designated administrator's decision. Appeals to the President must be based on one (1) of the following grounds:
 - a. Procedural due process was violated;
 - b. The sanction was excessive;
 - c. The evidence did not support the decision; or,
 - d. Substantive new information is available that was not available at the hearing.
10. Appeals of the President's decision may be submitted to the Chancellor but shall be limited to allegations that fair procedural process has not been provided in accordance with Board Policy 3200. Appeals to the Chancellor must be in writing and are due within five (5) class days after the student receives the President's decision. Should the student appeal, any action assessed by the hearing panel shall be suspended until acted upon by the Chancellor.

Legal reference: RRS 85-312 State colleges; morals of the pupils; faculty; religious test forbidden
 RRS 85-602 Faculty, administrative staff, students; dismissal or expulsion; procedure
 RRS 85-603 Faculty, administrative staff, student; dismissal or expulsion; order; contents; service

Fire Safety Systems in On-Campus Housing

Peru State College has a total of four (4) on-campus student housing facilities. The following table outlines the fire safety systems that are in place in each of these facilities.

Facility	Fire Alarm Monitoring On-Site	Full Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plans and Placards	# Of Fire Drills Each Year
Centennial Complex	X	X	X	X	X	2
Morgan Hall	X	X	X	X	X	2
Delzell Hall	X	X	X	X	X	2
Oak Hill Apartments			X	X	X	0

Electrical Appliances: Only UL (Underwriters Laboratories) electrical appliances are allowed to be used in student rooms. Appliances for cooking used in residential rooms should not have exposed heating elements. Cooking areas and equipment is provided by the College in each hall for students to prepare food.

Fire Hazards: Candles, halogen lamps, incense, coffeemakers, hot pots and hot plates, space heaters, as well as any other items with open flames or open heating elements are not allowed in the Residence Halls.

The above items are not allowed because they are fire hazards and pose a threat to the safety of others living in the Residence Hall.

Smoking is strictly forbidden in any Campus Building including resident halls.

False Reporting: Causing a false fire alarm by pulling an alarm box, through a telephone call, or tampering with alarm equipment, in addition to being a state and local law violation, is interpreted as a disregard for the safety and rights of others. Violations of this nature may be subject to disciplinary action, up to and including suspension from Peru State College, in addition to civil action.

Smoke Detectors: Current fire regulations require the installation of room smoke detectors. This is an important life safety device for the benefit of the occupant. Any occupants who willfully tamper with, remove, damage, destroy, or disable a smoke detector or its contents, will be charged current replacement costs and may be subject to disciplinary action.

Fire Procedure: In the case of a fire alarm, leave the hall immediately remain at least 200 feet away from the building. Do not return to the building until directed by a Hall Staff, Campus Security or the Police/Fire Departments.

Fire procedures and evacuation plans are posted in every living area and community. Each resident and guest should be familiar with the fire instructions which pertain to their hall. Residents, guests, and all individuals are expected to comply with the directives of College staff during evacuation and must leave the building immediately when the alarm has been sounded.

Fire Drills and Fire Safety Education: Fire drills and fire safety education is performed at the beginning of each semester. Students are required to participate in the drills as part of the ongoing life safety education provided by the College.

Fire alarms will be tested each semester. Never assume that a test is taking place even if there are signs to indicate such. Treat all alarms as though there is a true emergency.

Reporting: Call 911 for urgent emergencies such as fire, crimes in progress, or ambulance assistance. Do not lose important time in reporting such occurrences when individuals' lives could be in danger.

Notify others in the area of the fire and pull a fire alarm to alert anyone who is in the building.

A fire that has occurred and been extinguished must be reported to the following:

- Resident Life Staff
 - Dean of Students, Director of Resident Life, Assistant Director of Resident Life, , Resident Assistant
- Security Department
 - Security Supervisor or any Security Officer
- Campus Services Department
 - Director of Campus Services or Assistant Director of Campus Services

PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY

Peru State College continually evaluates the fire protection system in residential facilities. Upgrades to the system occur through replacements or building renovations.

Morgan Hall had a complete fire alarm system upgrade which was completed July 2019.

Fires Reported in Residence Halls

The following data reflects fires reported in residence halls for the past three calendar years January 1 – December 31 of each year 2018, 2019, and 2020

Residence Hall	Year	Total Number of Fires	Cause of Each Fire	Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Property Damage Value
Morgan Hall	2018	0				
	2019	1	Fire in Heating Unit of Hall Director Apt.	0	0	0
	2020	0				
Delzell Hall	2018	0				
	2019	2	Over cooked food in microwave	0	0	0
			Over cooked food in microwave	0	0	0
2020	0					
Centennial Complex	2018	0				
	2019	1	Over cooked food in microwave	0	0	0
	2020	0				
Oak Hill	2018	0				
	2019	0				
	2020	0				
Faculty/Staff Housing	2018	0				
	2019	0				
	2020	0				