

2023 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 period of January 1, 2020, through December 31, 2022, 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 inform 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.

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Crime Statistics

The following data reflects crime statistics for the past three calendar years January 1 – December 31 of each year 2020, 2021, and 2022. On-Campus crimes include crimes committed in the Residence Halls as well as other areas on campus. Residence Hall Crimes include all crimes committed only in campus Residence Halls

Arrest for Law Violations

Law Violation	On Campus			Residence Halls			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Law Violations	3	4	2	3	4	2	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0

Disciplinary Actions for Law Violations

Law Violation	On Campus			Residence Halls			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Law Violations	13	17	18	12	15	18	0	0	0
Liquor Law Violations	12	13	16	12	13	14	0	0	0

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Violence Against Women Act (VAWA) Offenses

Crime	On Campus			Residence Halls			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	2	0	1	2	0	1	0	0	0
Stalking	2	2	3	2	2	2	0	0	0

Criminal Offenses

	On Campus			Residence Halls			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
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	1	0	0	1	0	0	0	0
Fondling	0	3	0	0	3	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	1	0	0	0	0	0	0	0
Burglary	1	5	6	1	5	6	0	0	0
Motor Vehicle Theft	1	0	0	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		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
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

No Hate Crimes have been reported for the three statistical years of 2020, 2021, 2022.

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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
- Associate Vice President of Student Affairs
- 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
- Title IX Coordinator

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 Associate Vice President of Student Affairs 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 Associate Vice President of Student Affairs.

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If assistance is required from Nemaha County Sheriff's Department, Peru Fire and Rescue, the State Fire Marshall, or other Emergency/Law Enforcement Agencies the Campus Security Department will contact and coordinate with 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 about 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 State or Federal law or a campus policy is being violated. To enforce driving and parking regulations and issue parking citations.

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 ensure timely follow-up, timely warning notices to campus and timely disclosure of crime statistics.

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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

If 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 will be posted around campus in prominent locations.

Depending on the 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> providing the campus community with more immediate information. 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, students, and guests. 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 on the Peru State College website. During all other times access to college facilities is by key, if used, or by admittance via Campus Security, Facility 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 are granted to only residents assigned to the residence hall and Employees with a need for Residence Hall access. Over extended breaks, all

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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 or contractors.

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 to 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 maintain 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

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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 always considering 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 incoming students completed two short online prevention programs: "Year One College Behavior Profile (Y1CBP)" and "Consent & Respect." These are key parts of our campus-wide alcohol and other drug and violence prevention programming, and integral to our campus compliance with the federal Safe and Drug Free Schools Act and Title IX.

- Y1CBP helps students learn about alcohol and marijuana's effect on the mind and the body, correct misperceptions about student alcohol and marijuana use, increase awareness of protective factors, and identify strategies for intervening when a peer has had too much to drink.

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- Consent & Respect (by 3rd Millennium Classrooms) helps students learn about consent, intimate partner violence, sexual assault, stalking, warning signs of abusive behavior, and safe and positive options to empower bystanders.

Title IX: The Title IX coordinator met with each College 101 class and Athletic Team to provide in person Title IX training.

Bystander Training: “Step-Up” Bystander Training was presented to all freshmen during Welcome Week. This interactive training session gives each student the knowledge, skills, and support to be part of a community that cares. Students learn how to make a difference by responding, respecting, and speaking out.

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

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- Resident Life Staff

Employee Programs:

All employees are required to complete the online training program “Report = Support” from Catharsis 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 ATIXA e-training/online.

The Title IX Coordinator and Representatives from the System Office conducted two discussion sessions with full time faculty to discuss their roles and campus resources.

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*.

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.

Campus Security met with each Department and many College 101 classes to provide information on campus emergency procedures.

Emergency Procedure posters have been placed in all classrooms and residence hall lounges. These posters have QR code links to the Peru State College Emergency Procedure website and signup page for Bobcat Alerts powered by Omnilert.

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.

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Mental Health Programs:

MHFA: The training courses 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.

Glow Walk: The Annual glow walk is held in October each year, to recognize Mental Health Awareness.

Licensed Student Councilors: Throughout the academic school year the 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 the 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:

April is national sexual assault awareness month (SAAM), observed annually at Peru State College. The following events took place during April 2022:

- Students, faculty, and staff tied an estimated 1,000 yards of teal ties around the campus trees and light poles to bring awareness to SAAM.
- 25 SAAM yard signs were placed throughout campus to ensure the campus understood why the teal ribbons were installed.
- “What were you wearing? Survivor art installation in the Performing Arts Center “

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- “Cats4Consent March and Cover the Cruiser” Remarks presented by
 - Dr. Evans, President
 - Tim Robertson, Security
 - Janell Moore, Counseling
 - Alyse Foster, Student Senate
 - Andrew Black Elk, RA and Student Senate
 - Jennifer Elting, Project Response
- “Sex Signals” improv Comedy, and audience interaction that addressed rape myths and issues surrounding dating, consent, sex, sexual violence, and bystander intervention on college campuses.
- “The Hook Up” Live performances addressing dating and dating violence.

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

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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

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Emergency Response & Evacuation Procedures

Emergency response procedures can be found online at <http://www.peru.edu/emergency> or by scanning the QR code on the Emergency Procedure Posters posted in each classroom and common spaces. 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 Enrolment Management (402-872-2224)
- Vice President for Academic Affairs (402-872-2222)
- Vice President for Administration and Finance (402-872-2224)
- Associate Vice President for Student Affairs (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**

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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, 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 can send out 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> or by scanning the QR code on the Emergency Posters posted in each classroom. New students and Staff are given information on signing up for emergency alerts during student orientation and/or new staff orientation.
- 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 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 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 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 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.

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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. 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. These posters have a quick QR code to the Emergency Procedure web page and the application page to opt into Bobcat Alerts.

Emergency Evacuation Routes: Emergency evacuation and storm shelter location maps are 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, Bobcat Alert, powered by Omnilert in order to receive messages about 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.

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- 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.

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- 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 choices 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 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.

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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 the center of room away from doors and windows.
- Stay in place until the danger has passed.

Missing Student Notification Policy

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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 except for 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 Associate Vice President for Student Affairs, Director of Residence Life and/or Campus Security who shall investigate each report. The Associate Vice President for 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 Associate Vice President for Student Affairs is required to notify the custodial parent(s) or guardian(s) of the missing student

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no later than 24 hours after the determination by the Associate Vice President for Student Affairs and Campus Security that the student is missing.

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

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

The Associate Vice President for Student Affairs, or designee, will be responsible for filing all related missing person reports with other agencies as may be required and investigate.

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

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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.”

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SEXUAL VIOLENCE/SEX HARASSMENT REPORTING

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

POLICY

NAME: Sexual Harassment & Sex Discrimination

POLICY

NUMBER: 3020

A. PURPOSE

The Colleges prohibit discrimination on the basis of sex and are committed to providing an environment free from sexual harassment and sex discrimination. The Colleges take reports of sexual harassment seriously and are committed to providing an impartial and fair process to all parties.

Colleges and universities receiving federal funding, including the Nebraska State Colleges, 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 Colleges' 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 to prevent, correct, and discipline behavior found to violate this policy or principles of equal opportunity and access and to provide individualized supportive measures to all impacted students.

B. DEFINITIONS

- 1. Advisor:** An individual selected by the Complainant and/or Respondent to guide them through the grievance process and accompany them to all meetings, including the hearing.
- 2. Complainant:** An individual who is alleged to be the victim of sexual harassment.
- 3. Confidential Employee:** A College employee who does not have an affirmative duty to report incidents of Sexual Harassment to the Title IX Coordinator, including but not limited to medical or mental health professionals, licensed student counselors, nurses and athletic trainers.

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- 4. Education Program or Activity:** The College's education programs or activities include locations, events, or circumstances in 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 official recognized by the College.
- 5. Employee:** An individual paid by the College to perform specific duties, including faculty and staff, whether employed part-time or full-time. This definition excludes student-employees and third-party contractors unless otherwise noted.
- 6. Forcible Sex Offense:** Any sexual act directed against another person without the consent of that person including instances in which the person is incapable of giving consent.
- 7. Formal Complaint:** A statement filed and signed by a Complainant or the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting the College investigate the allegation(s) of Sexual Harassment.
- 8. Incapacitation:** Incapacitation refers to a state in which a person is mentally or physically incapable of resisting or appraising the nature of their conduct.¹
- 9. Preponderance of the Evidence Standard:** A preponderance of the evidence is the greater weight of the evidence indicating it is more likely than not the alleged conduct occurred. This is the standard of review used by the decision-maker to determine whether a respondent has violated this policy.
- 10. Respondent:** An individual who is alleged to have engaged in conduct constituting sexual harassment.
- 11. Student:** An individual currently enrolled or registered in the College's education program or activity or who has completed the immediately preceding term and is eligible for re-enrollment.
- 12. Supportive Measures:** 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 report of sexual harassment or Formal Complaint.
- 13. Title IX Coordinator:** The College employee or contractor responsible for responding to reports of Sexual Harassment and conducting investigations of Formal Complaints. For purposes of this policy, references to Title IX Coordinator also refers to a designee assigned to assume all or some of the responsibilities of the Title IX Coordinator.

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14. Witness: An individual who has relevant information regarding allegations of Sexual Harassment.

POLICY

Scope

- 1.1. 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, regardless of whether the other party involved is a fellow student, an employee, or a third party. Policy 5011 applies to employees alleged to have committed sexual harassment.
- 1.2. This policy applies to students and conduct occurring within the Colleges' education programs and activities, which include: The physical campus of the College.
 - Areas owned or controlled by the College.
 - Locations, events, or circumstances in which the College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs; and
 - Any building owned or controlled by a student organization is officially recognized by the College.

Prohibited Conduct

Sexual Harassment is prohibited and includes the following types of conduct set forth below.

- 2.1. Quid Pro Quo Harassment occurs when an employee of the College conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.
- 2.2. Severe, Pervasive, and Objectively Offensive and Unwelcome conduct occurs when an individual's unwelcome conduct is 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. Unwelcomeness 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(s) occurred and any similar previous patterns that may be evidenced.

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- 2.3. Sexual Assault is an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation ² which includes:
- 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 that person.
 - 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 person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - 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 person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, including, but not limited to, the buttocks, groin, and breasts, forcibly and/or against that person's will, or not forcibly or against the person's will in instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
-
- Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Nebraska State law.³
-
- Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent of 16.⁴

³ Neb. Rev. Stat. § 28-702

⁴ Neb. Rev. Stat. § 28-319.01

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2.4. Dating Violence

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

- The existence of such a relationship shall be determined based on consideration of the length and type of relationship and the frequency of interaction between the individuals involved in the relationship.
- 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 Domestic Violence.

2.5. Domestic Violence

A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of a person.
- A person with whom the person shares a child in common.
- A person who is cohabitating with, or has cohabitated with, another person as a spouse or intimate partner.
- A person similarly situated to a spouse of the other person under the domestic or family violence laws of Nebraska.
- Any other person against an adult or youth the Complainant who is protected from the person's acts under the domestic or family violence laws of Nebraska.

2.6. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

- 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.

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

2.7. Sexual Exploitation

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Engaging in conduct where one party takes non-consensual or abusive sexual advantage of another person for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Prostituting another person.
- Non-consensual visual or audio recording of sexual activity.
- Non-consensual display or distribution of photos, images, or information of an individual's sexual activity or private body parts.
- Non-consensual voyeurism.
- Coercing someone against their will to engage in sexual activity, or
- Knowingly transmitting a sexually transmitted disease (STD) without disclosing STD status.

2.8. 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.

Consent

3.1. Consent is positive cooperation in an act or an expression of the intent to engage in an act. The presence or absence of consent must be based on the totality of the circumstances, including the context in which the conduct occurred.

- Consent to a sexual act must be given by an individual voluntarily, and with knowledge and understanding of the nature of the act and their participation in it.
- A person may express their consent or lack of consent verbally, physically, or through conduct in a manner understood by a reasonable person under the circumstances.
- Consent can be withdrawn by any party at any time through words or conduct.
- Consent cannot be inferred from silence or passivity alone.

A person need not resist verbally or physically when it would be futile to do so as understood by a reasonable person under the circumstances.

- Consent to one type of sexual activity does not necessarily constitute consent to another type of sexual activity.

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- 3.2. A person lacks the capacity to consent when they:
- Are incapacitated by drugs or alcohol.
 - Are unconscious, passed out, asleep, coming in and out of consciousness.
 - Have a mental or physical disorder, illness, or disability that renders them incapacitated; or
 - Are forced, coerced, intimidated, or deceived into providing consent.

Reporting Sexual Harassment

- 4.1. Any person may report sex discrimination, including Sexual Harassment, to the College by contacting the Title IX Coordinator. Such contact may be made verbally either in person or by telephone or in writing by delivering a written document in person, by mail, or by email.
- 4.2. For purposes of this policy, the following employees are required to report incidents of sexual harassment to the Title IX Coordinator.
- President
 - Vice Presidents
 - Academic Deans
 - Title IX Coordinator and designees
 - Deans of Students and Associate Vice Presidents for Student Affairs
 - Housing/Residence Life Staff including:
 - Directors
 - Managers
 - Assistant Directors
 - All Residence Hall Advisors
 - Athletic Directors and Associate Athletic Directors
 - All Coaches
 - Campus Security Officers
- 4.3. Medical or mental health professionals employed by the College, including licensed student counselors, nurses, and athletic trainers are Confidential Employees and respect and protect confidential communications from

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students, faculty, and staff to the extent they are legally able and/or required to do so.

- 4.4. A confidential employee may report sexual misconduct to the Title IX Coordinator without identifying the person(s) affected by the sexual misconduct or providing other confidential information and may offer to the affected person(s) information, resources, and reporting options.
- 4.5. 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 person eighteen (18) years of age or younger, to either law enforcement or the Department of Health and Human Services. The Child Abuse and Neglect Hotline is (800) 6521999.
- 4.6. Law Enforcement and Judicial Involvement
 - A Complainant can choose to report the conduct only to the College, only to law enforcement, or to both the College and law enforcement.
 - If a report to law enforcement is made, the College will cooperate with any law enforcement investigation.
 - Regardless of whether law enforcement chooses to prosecute a reported offense, the College may pursue disciplinary action against a student or employee alleged to have committed Sexual Harassment.
 - A Complainant may obtain medical care for the purpose of collecting and preserving physical evidence of an alleged offense.
 - 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.⁵
 - Additional information about the options for reporting to law enforcement and evidence collection is available in the [Nebraska Medical Sexual Assault Protocol](#).
 - Parties may also pursue judicial remedies such as orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts.
 - Parties are responsible for notifying the College of any orders issued by criminal, civil, or tribal courts and should provide a copy of such order to the Title IX Coordinator as soon as reasonably possible.

⁵ *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>

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- The Title IX Coordinator may discuss with the party options regarding enforcing the order within a College Educational Program or Activity.
- 4.7. Student Privacy and Disclosure of Information
- The College appreciates the privacy concerns inherent in allegations of Sexual Harassment and will take reasonable steps to avoid disclosure of the names of students or other identifying information to third parties.
Disclosure may be made consistent with Board Policy 3650 or if:
 - Prior written permission is given by the student.
 - The disclosure is necessary to conduct an investigation.
 - The disclosure is necessary to implement a Supportive Measure.
 - The disclosure is necessary to pursue disciplinary action; or
 - The disclosure is otherwise required by law.
 - The College is required by the Clery Act, 20 U.S.C. § 1092(f) to include information about reports of criminal sexual misconduct in annual security report statistics. These reports do not identify the individuals involved.
 - Student Athletes are subject to disclosure requirements set forth in Board Policy 3740.

Role of the Title IX Coordinator

- 5.1. Each College is required to designate one or more employees as Title IX Coordinator. The names and contact information for each College's Title IX Coordinator are:
- Peru State College
Eulanda Cade
Email: eucade@peru.com
Phone: (402) 209-3797
Address: Administration 312
P.O. Box 10, Peru, NE 68421
<https://www.peru.edu/titleix/>
- 5.2. The Title IX Coordinator is responsible for responding to reports of Sexual Harassment at the College by ensuring:
- The coordination of supportive measures.
 - The facilitation of informal resolutions of Formal Complaints, when appropriate.

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- The investigation of Formal Complaints of Sexual Harassment; and
 - The creation of an investigative report which summarizes and assesses the credibility of the available evidence and synthesizes the areas of dispute and agreement.
- 5.3. The Title IX Coordinator may utilize the services of designers, other employees, and/or contracted services to satisfy the requirements of this policy.

Response to Reports of Sexual Harassment

- 6.1. Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will promptly meet with the Complainant for the following purposes:
- To discuss the report, review the availability of Supportive Measures, and determine the Complainant's wishes regarding Supportive Measures.
 - To listen to the Complainant's account and ask questions to gain a better understanding of the nature of the alleged incident.
 - To explain the policy, the definition of Sexual Harassment, and the Grievance Process; and
 - To discern the Complainant's wishes for next steps with respect to the Grievance Process.
- 6.2. The Title IX Coordinator must determine whether the alleged conduct can be addressed under this policy or whether the alleged conduct may be more appropriately addressed pursuant to a different Board or College policy or process.
- If the determination cannot be made based upon the information available, the Title IX Coordinator may seek additional information for purposes of making the determination: however, the Title IX Coordinator cannot conduct an investigation unless a Formal Complaint has been submitted.
 - If the alleged conduct is determined not to fall within this policy, the Title IX Coordinator will refer the Complainant and the report to the appropriate College official. The responsibility for facilitating any Supportive Measures will depend upon the circumstances.
- 6.3. Supportive Measures
- Supportive Measures must be reasonable and are offered to restore and preserve equal access to the College's education programs and activities without unreasonably burdening the other party, to protect the safety of all parties or the educational environment, and/or to deter Sexual Harassment.
 - All parties are treated equitably when offered Supportive Measures.

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- The College may also utilize Supportive Measures as supplemental tools in disciplinary action, sanctions, or Informal Resolutions.
 - Requests for Supportive Measures must be made directly to the Title IX Coordinator, who will facilitate implementation.
 - Supportive Measure may include, but are not limited to the following:
 - Referral to counseling services;
 - Reasonable academic accommodations;
 - Changes to on-campus housing;
 - Changes to employment situations;
 - Use of Campus Security escort services;
 - Bi-lateral no contact orders; and
 - Other similar measures.
- 6.4. Emergency Removal of Respondents
- The College may remove a Respondent from the College’s education program or activity on an emergency basis if, after conducting an individualized safety and risk assessment, it determines that the Respondent presents an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment.
 - Decisions to remove a Respondent on an emergency basis will be made by the Vice President, Associate Vice President, or Dean responsible for Student Affairs as designated by the President based upon the outcome of the individualized safety and risk assessment.
 - If removal is deemed appropriate, the party can challenge the decision by submitting a written appeal per Section 7.10 of this policy.

Grievance Process

- 7.1. Formal Complaint
- In order to commence the Grievance Process, the Complainant must submit a signed Formal Complaint alleging Sexual Harassment against a Respondent(s) and requesting the College investigate the allegations.
 - At the time of filing the Formal Complaint, the Complainant must be participating in or attempting to participate in the College’s education program or activity.
 - The Title IX Coordinator may sign a Formal Complaint on behalf of the Complainant. However, the Title IX Coordinator does not become a party to the Formal Complaint.

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7.2. Notice of Allegations

- Upon receipt of a Formal Complaint, the Title IX Coordinator will provide the Complainant and Respondent a Notice of Allegations and Investigation.
- The Respondent's notice must include sufficient detail known at the time for the Respondent to respond. The Title IX Coordinator will provide the Respondent with sufficient time to review the Notice of Allegations prior to Respondent's initial investigatory interview.

7.3. Advisor:

- Parties are entitled to select an Advisor of their choice at any time throughout the Grievance Process. Parties must have an Advisor during the hearing on a Formal Complaint, as the Advisor is responsible for asking the other party and all witnesses any relevant questions on behalf of their advisee. In all other instances throughout the grievance process (including interviews, meetings, and correspondence), the party will speak for themselves.
 - The College will maintain a list of employees who may be available to act as an Advisor.
 - If a party has selected an Advisor, the party should notify the Title IX Coordinator of the individual's name and contact information. The party will be asked to sign a FERPA waiver to allow information to be shared. A party's Advisor may accompany them to any meetings and assist in guiding the party through the Grievance Process.
 - The Title IX Coordinator provides information and updates for the parties involved. It is each party's responsibility to share information and updates with their Advisor as needed throughout the Grievance Process. However, circumstances may arise in which communications from the Title IX coordinator may need to include the Advisor.
 - If an Advisor is an attorney, their participation is subject to the same limitations as any non-attorney Advisor.
- If at the time the Pre-Hearing Meeting is scheduled, a party does not yet have an Advisor, the College will appoint one for them without any fee or charge to the party.

7.4. Grievance Process Overview

- The Grievance Process is a fair and impartial process during which all parties will have an opportunity to provide their account of the alleged incident, respond to the other party's account, and review evidence directly related to the allegations. All relevant inculpatory and exculpatory evidence will be objectively evaluated.

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- Individuals cannot be required to participate in the Grievance Process.
- A Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process.
- The burden of proof and the responsibility for gathering evidence rests on the College, not the parties.
- Credibility determinations are not based on a person's status as a Complainant, Respondent, or Witness.
- Parties are prohibited from knowingly making false statements or submitting false information during the Grievance Process.
- The Complainant has two (2) options to resolve a Formal Complaint of Sexual Harassment:
 - The College investigates the allegations and completes an investigatory report, and after a hearing, a determination regarding responsibility is made; or
 - At any point during the process prior to a determination regarding responsibility, the Complainant and Respondent both agree to Informal Resolution.
- The College strives to complete the Grievance Process within sixty (60) business days from the date the Respondent receives Notice of the Allegations and Investigation unless good cause exists to extend this timeline under Section 7.12.

7.5. Investigation

- The Title IX Coordinator assigned to the matter may conduct the investigation or assign the investigation to a Designee, another College employee sufficiently trained to conduct the investigation, or a third-party investigator, all of whom are referred to as the "Investigator" for purposes of this policy.
- The Investigator will endeavor to complete the investigation in a timely manner.
- The Investigator is responsible for gathering evidence through
 - Interviews of the Complainant, Respondent, and any Witness(es);
 - Collecting physical, written, video, recorded, text messages, and similar information, regardless of the format, that may provide relevant information regarding the allegations set forth in the Formal Complaint.

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- 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 provided to the College.
 - Once the evidence has been gathered, the Investigator will provide both parties with electronic copies of the evidence obtained from the investigation that is directly related to the allegations, including both inculpatory and exculpatory evidence. If the Investigator is a person other than the Title IX Coordinator, the Investigator will also provide the evidence to the Title IX Coordinator.
 - The parties will have ten (10) calendar days to submit a written response to the Investigator for purposes of correcting or clarifying the evidence or providing additional relevant information.
 - Any written responses received from the parties will be included in the Investigative Report.
 - A party's failure to respond will be taken as their confirmation that the evidence provided is accurate and complete for purposes of the Grievance Process.
 - The Investigator will then prepare the Investigative Report that organizes and fairly summarizes the relevant evidence and synthesizes areas of dispute and agreement between the parties.
 - The Investigator will provide the Investigative Report and any additional evidence not previously provided to the parties to the parties electronically at least ten (10) calendar days prior to the Hearing. If the Investigator is a person other than the Title IX Coordinator, the Investigator must also provide the Investigative Report and evidence to the Title IX Coordinator. The parties shall have ten (10) calendar days to provide a written response to the Investigative Report to the Investigator.
- 7.6. Pre-Hearing
- After the completion of the Investigation Report, the Title IX Coordinator shall designate a hearing chairperson. The College has the discretion, but is not required, to designate two (2) additional hearing panelists to conduct the hearing with the hearing chairperson.
 - Once a designation is made, the Title IX Coordinator will:

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- Provide written notice to the parties of the designated hearing chairperson and additional panelists when applicable.
- Provide the Investigative Report and evidence electronically to the hearing chairperson.
- Schedule a tentative hearing date, time, and location for the hearing.
- If a party has a concern regarding bias or conflict of interest with respect to the hearing chairperson or a panelist, the party must inform the Title IX Coordinator in writing of the basis for the concern.
 - The Title IX Coordinator will provide notice of the concern raised to the other party.
 - The Title IX Coordinator is responsible for determining whether a bias or conflict of interest exists.
 - The Title IX Coordinator will inform both parties in writing of their decision regarding whether the hearing chairperson or panelist will be retained or removed and if applicable the individual appointed to replace them.
- The Title IX Coordinator will assist the hearing chairperson in scheduling a pre-hearing meeting with the parties and Advisors for purposes of determining a date, time, and location of the hearing, identifying witnesses, reviewing the conduct of the hearing, and the relevancy of evidence.
 - The pre-hearing meeting may take place remotely via electronic means or in-person.
 - The hearing chairperson, in consultation with the Title IX Coordinator, may choose to conduct separate pre-hearing meetings with the parties if warranted by the circumstances or requested by one or both of the parties.
 - If the parties wish to call specific witnesses, beyond those the hearing chairperson intends to call, the parties must provide the hearing chairperson with the names and contact information of the witnesses.
- The hearing chairperson, with the assistance of the Title IX Coordinator, is responsible for providing notices and summoning witnesses for the hearing.
- If the College has elected to use a hearing panel, the hearing chairperson, with the assistance of the Title IX Coordinator, will provide the Investigatory Report, evidence, witness lists, and hearing information to the hearing panelists.
- The hearing panelists may also request the attendance of witnesses at the hearing.

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7.7. Hearing

- The College will conduct a live hearing as soon as practicable after the pre-hearing meeting.
 - The College shall create an audio, audio-visual recording, or transcript of any Hearing and make it available to the parties for inspection and review.
 - The hearing chairperson is responsible for directing the conduct of the hearing.
 - The Title IX Coordinator shall provide logistical assistance with respect to the hearing and be present at the hearing to provide clarification regarding policy and process.
 - The Investigator must be present at the hearing to answer questions or clarify information with the Investigatory Report.
- Each party's Advisor will be permitted to present relevant evidence and ask relevant questions of the other party and witnesses.
 - The hearing chairperson and any hearing panelists are also entitled to ask questions of witnesses during the hearing.
 - The hearing chairperson and any hearing panelists are also entitled to ask questions of witnesses during the hearing.
 - After each question asked by an Advisor or hearing panelist, the hearing chair must determine whether the question is relevant and instruct the individual whether they may answer. If a question or evidence is excluded based upon relevance, the hearing chairperson must provide a reason in the written Determination of Responsibility.
- With respect to determining relevance, questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:
 - Offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant.
 - Concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent; or
- All parties, advisors, witnesses, and other participants are expected to conduct themselves in a respectful and civil manner. The hearing officer can require the removal of any person who fails to do so; however, the hearing officer must take steps to ensure that the removal of the individual does not negatively affect the fairness of the process.

7.8. Deliberations and Determination of Responsibility

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- In determining whether Sexual Harassment occurred and whether a Respondent is responsible for the Sexual Harassment, the decisionmaker(s) shall use the preponderance of the evidence standard.
- If a hearing panel is being utilized, the hearing panel will convene within forty-eight (48) hours of the end of the hearing to reach a decision as to responsibility.
- If a hearing panel is being utilized, the decision will be based upon majority vote, with the hearing chairperson and each hearing panelist having a vote.
- The hearing chairperson is responsible for providing a written determination regarding responsibility including any sanctions or disciplinary action within ten (10) calendar days of the conclusion of the hearing.

7.9. Sanctions and Remedies

- 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.
- Remedies including disciplinary action and informal resolutions are designed to restore or preserve the Complainant's equal access to the College's education programs and activities.

7.10. Appeal

- The Complainant and/or the Respondent may appeal decisions to the President, including a determination regarding responsibility; a decision regarding dismissal of a Formal Complaint; and/or a decision to remove a student on an emergency basis. Appeals must be submitted to the President and Title IX Coordinator in writing within five (5) calendar days of the hearing chairperson sending their decision.
- The Title IX Coordinator will provide written notice to both parties of the appeal and provide them both five (5) calendar days to submit to the President and Title IX Coordinator a written statement in support of or challenging the decision being appealed.
- The Title IX Coordinator will provide the President the record of the investigation and hearing.
- A Party may challenge a decision to remove them on an emergency basis under Section 6.4 of this policy that the Vice President, Associate Vice

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President or Dean responsible for Student Affairs as designated by the President erred in determining that they represented an immediate threat to the physical health or safety of any student or other individual.

- The permissible bases for appeal of a determination of responsibility or dismissal of a Formal Complaint are:
 - Procedural irregularity that affected the outcome.
 - New evidence that was not reasonably available at the time the determination was made that could have affected the outcome; or
 - The Title IX Coordinator, designee, hearing chairperson, or hearing panelist had a conflict of interest or bias for or against a party or Complainants or Respondents generally that affected the outcome.
- The President, or when appropriate his designee, will send or cause to be sent a written decision regarding the appeal and the rationale for the decision as soon as practicable.
- If an appeal is filed, the determination of responsibility does not become final unless and until it is upheld by the President. If no appeal is filed, the determination of responsibility becomes final after the period for appeal has passed.

7.11. Informal Resolution

- At any time after a Formal Complaint is filed but prior to reaching a determination regarding responsibility, the parties may request to engage in an Informal Resolution process established by the College.
- Both parties must provide voluntary, written consent to participate in Informal Resolution.
- Informal Resolution cannot be used to resolve allegations that an employee sexually harassed a student, including allegations involving a student-employee if the alleged conduct occurred in the context of their employment.
- The Title IX Coordinator assigned to the matter may facilitate the Informal Resolution process or assign a Designee, another College employee or a third-party, all of whom are referred to as the Facilitator for purposes of this section.
- The Facilitator will provide the parties with written notice disclosing the allegations, the requirements of the Informal Resolution process, and the consequences resulting from participation in the process.
- The Facilitator can present a framework of potential remedies to guide the parties in negotiation, facilitate the process, and assist in reducing any agreement to writing, but the parties themselves must come to an agreement.

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- The parties may not bind the College to a resolution that the College does not deem appropriate. The Title IX Coordinator, in consultation with appropriate College officials, is responsible for reviewing and determining whether any agreement reached through the Informal Resolution process is appropriate.

7.12. Temporary Delays and Extensions of Time

- The College may temporarily delay the grievance process or provide limited extensions of time for good cause.
- Either party may request a temporary delay of the grievance process or an extension of time for good cause by submitting a written request to the Title IX Coordinator.
- For purposes of this section, good cause may include, but not be limited to:
 - The absence or unavailability of a party, an Advisor, a Witness, or other person necessary to the grievance process.
 - Concurrent law enforcement activity; or
 - The need for language assistance or disability accommodation.
- The Title IX Coordinator will notify the parties in writing of any delay in the process or extensions of time and the reasons for any such delay or extension.

7.13. Dismissal of a Formal Complaint

- **Mandatory Dismissal:** The College is required to dismiss a Formal Complaint if:
 - The alleged conduct, if proven, would not constitute Sexual Harassment as defined in this policy.
 - The alleged conduct did not occur in the College's education program or activity; or
 - The alleged conduct did not occur against a person in the United States.
- **Permissive Dismissal:** The College may dismiss a Formal Complaint if:
 - The Complainant withdraws a Formal Complaint in writing; o
The Respondent is no longer enrolled in or employed by the
College; or o Specific circumstances prevent the College from
gathering evidence sufficient to reach a determination.
- The parties will receive written notice of any dismissal including the basis for the dismissal.
- Parties may appeal the dismissal of a Formal Complaint pursuant to Section 7.10 of this policy.

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- Allegations dismissed under a mandatory dismissal may be addressed pursuant to Board Policy 3100 under the Student Code of Conduct.

SOURCE:

Legal Reference:	Neb. Rev. Stat. 28-319	Sexual assault; first degree; penalty.
	Neb. Rev. Stat. 28-319.01	Sexual assault of a child; first degree; penalty.
	Neb. Rev. Stat. 28-702	Incestuous marriages; declared void.
	Neb. Rev. Stat. 28-711	Child subjected to abuse or neglect; report; contents; toll-free number.
	Clery Act 20 U.S.C. 1092(f)	
	34 CFR 106.45(3)(i)	

Policy Adopted: June 2012 (Effective July 2012)

Policy Revised: July 2013, December 2013, April 2014 (Effective July 2014), November 2014, January 2015, March 2015 (Effective July 2015), August 2015, March 2016, October 2016, June 2017, July 2017, June 2018, July 2020, August 2020, February 2021, June 2021, October 2021, February 2022, September 2022

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Student conduct & discipline

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

POLICY

NAME: Student Conduct

POLICY

NUMBER: 3100

A. PURPOSE

To establish standards of student conduct is essential to creating and maintaining a productive and safe educational community that fosters the personal, ethical, and intellectual development of our students.

B. DEFINITIONS

1. Student: All persons enrolled at the State Colleges.

C. POLICY

1. General

- 1.1. As members of an academic community, students are expected to conduct themselves with integrity and in a responsible manner to support a safe and productive educational environment for themselves and others.
- 1.2. 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.
- 1.3. Acceptance of this policy by the student is implied as a condition of their enrollment.

2. Scope

- 2.1. This policy applies to student conduct occurring on college property or property leased by the College, student government or an RSO;

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- 2.2. This policy applies to student conduct occurring off college property under the following circumstances:
- The conduct occurs at or during events and/or travel authorized, funded, or sponsored by the Colleges, student government, or an RSO;
 - The conduct poses a serious risk to the health or safety to students or employees on college property;
 - The conduct caused or was intended to cause physical injury to another student or employee of the College; or
 - The conduct could or was intended to cause harm on college property.
- 2.3. Issues related to academic integrity should be reported to the Vice President for Academic Affairs.

3. Student Responsibilities

- 3.1. Acceptance of this policy by the student is implied as a condition of their enrollment.
- 3.2. Students are responsible for obeying state and federal laws; Board policies; College policies, rules and regulations; and to refrain from any misconduct set forth herein or conduct injurious to themselves, to others, or to the reputation or interest of the College.

4. Potential Disciplinary Sanctions and Interim Measures

- 4.1. Students engaging in misconduct as set forth herein or in violation of section 2.2, whether occurring on or off College property, may result in disciplinary action taken against the student pursuant to Policy 3200.
- 4.2. Students may be ordered to leave the College under a temporary suspension pending disciplinary action due process per 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 senior student affairs officer. Such order shall be given in writing by the senior student affairs officer.
- 4.3. Pending disciplinary action under Board Policy 3200, students may be subject to 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.

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- 4.4. 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 senior student affairs officer.
- 4.5. Students suspended or expelled from one of the Colleges may be admitted to another College only under the same conditions that they would be readmitted to the College from which they were suspended.

5. Standards of Responsible Conduct

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

- 5.1. 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;
- 5.2. Failure to evacuate College facilities or willfully ignoring any emergency or alarm signal or request to evacuate by appropriate emergency personnel;
- 5.3. Falsification or willful suppression of any information for or on an application for admission, or falsification or misuse of College identification or other documents;
- 5.4. 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;
- 5.5. 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 other alcohol container on any part of College property including outdoor areas and parking lots;
- 5.6. Alcohol consumption that endangers the health, safety, or property of oneself or another, or requires medical treatment or College staff intervention;
- 5.7. Unlawful or unauthorized possession, use, distribution, delivery, dispensing, manufacture or sale, or being in the presence of any drug;

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- 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;
- 5.8. 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;
 - 5.9. 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;
 - 5.10. Sex harassment as Board Policy 3020 defines those terms;
 - 5.11. Conduct which is unreasonably dangerous to the health or safety of other person or oneself;
 - 5.12. Theft or attempted theft of any property or receipt of stolen property;
 - 5.13. Damaging or attempting to damage property of the College or of another individual;
 - 5.14. Using or possessing bombs, explosives, incendiary devices, or fireworks;
 - 5.15. 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;
 - 5.16. 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;
 - 5.17. Possessing or selling firearms ammunition, weapons, explosives, or dangerous chemicals on College property or on the premises of any student housing unit;
 - 5.18. Obstructing or failing to comply with the directions of a law enforcement officer, firefighter, or College official in the performance of their duty on College property, on the premises of any student housing unit or at any activity or event sponsored by the College or an organizations;
 - 5.19. 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

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initiation into, admission into, affiliation with, or continued membership with any organization;

- 5.20. Committing any unlawful act of indecent exposure or public indecency;
- 5.21. Participating in any gambling activity in violation of the laws of the State of Nebraska or of the United States;
- 5.22. Unauthorized use of any College property, facilities, equipment, or materials;
- 5.23. Possessing, producing, manufacturing, or having manufactured without proper authorization, any key or unlocking device for use on any College facility or lock;
- 5.24. Serious traffic violations on the campus, including, but not limited to, operating any vehicle while intoxicated, speeding, reckless endangerment, or reckless driving;
- 5.25. Violation of any student housing unit policy, rule or regulation;
- 5.26. 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;
- 5.27. 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

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- a violation of the privacy rights of any student or College employee in regard to a disciplinary proceeding.

5.28. 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, will constitute misconduct;

5.29. 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;

5.30. 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

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

6. Unreasonably Dangerous or Threatening Conduct Toward Self

- 6.1. 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 3020.
- 6.2. At the discretion of the senior student affairs officer, 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.

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

Policy Adopted: January 1977

Policy Revised: April, 1981, June 1993, March 1994, August 1997, March 2008, March 2011, January 2012, April 2014, June 2016, June 2018, September 2019, April 2020, June 2021, April 2022; June 2023

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DUE PROCESS

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

POLICY
NAME: Due Process
POLICY
NUMBER: 3200

A. PURPOSE

To establish and provide procedural due process to students accused of misconduct pursuant to Policy 3100.

B. DEFINITIONS

1. Preponderance of the Evidence: The standard of evidence to be used to determine responsibility for misconduct meaning it is more likely than not that the misconduct occurred.

C. POLICY

1. Informal Resolution

The College may resolve 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.

2. 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.

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3. Withdrawal

At the discretion of the senior student affairs officer, 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 senior student affairs officer 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.

4. Notice

- 4.1. The student shall be notified in writing by an appropriate College official that they are accused of misconduct. The student shall be made aware of ground which would justify such action by way of the student handbook or other published College regulation.
- 4.2. The student shall be notified that they may elect one of three (3) 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.
 - Option 1: The student may admit the alleged violation and request, in writing, that the appropriate College official take whatever action seems appropriate.
 - Option 2: 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.
 - Option 3: The student may deny the alleged violation, in which case, the appropriate College official shall refer them to the appropriate hearing panel designated by the College. The hearing panel will determine responsibility and the appropriate sanctions.
- 4.3. 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.
- 4.4. 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.

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- 4.5. 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.

5. Option 1 Procedure

If the student chooses to admit the alleged violation and that the College take appropriate action, the College may address the alleged misconduct without providing further due process.

6. Option 2 or 3 Procedure

- 6.1. If the student selects either to admit the alleged violation and have a hearing panel determine appropriate sanctions or deny the alleged violation and have a hearing panel determine responsibility and the appropriate sanctions, a hearing shall be conducted in accordance with this section 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 senior student affairs officer.
 - Students studying abroad shall be under the direction of the accompanying College official until the student's return to campus, at which time, if needed, the due process procedures will commence.
- 6.2. 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 to prepare a presentation and defense;
 - A written statement of the allegations (incident or behavior) with sufficient particularity so that the student may prepare their 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.
- 6.3. Members of the hearing panel shall have the opportunity to examine the case file beforehand.

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- 6.4. The student shall be entitled to appear in person before the hearing panel, and may call witnesses on their behalf. If the student does not appear before the hearing panel, the hearing shall be held in their absence.
- 6.5. The student shall be entitled to be accompanied by a person of their 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 cross examine a witness, or object to testimony of a witness or to the introduction of other evidence.
- 6.6. Members of the hearing panel shall have the opportunity to question the accused and witnesses at the hearing.
- 6.7. The student shall be entitled to ask questions of the hearing panel or any witness.
- 6.8. The student shall be entitled to an expeditious hearing of the case.
- 6.9. Hearings are closed to the public.
- 6.10. An audio recording of the hearing will be made and kept by the College consistent with document retention schedules.
- 6.11. The student shall be entitled to an explanation in writing of the reasons for any decisions rendered against them and the discipline imposed, and shall be given access to the hearing panel's decision for their personal records.
- 6.12. Technical rules of evidence or procedure need not be employed in the hearing proceedings. 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.
- 6.13. A student's misconduct shall be determined by a preponderance of the evidence standard.
- 6.14. Hearing decisions need not be unanimous. A simple majority vote shall be sufficient.
- 6.15. The student shall be notified of their right to appeal the decision of the hearing panel to the senior student affairs officer.
- 6.16. Appeals must be in writing and are due to the senior student affairs officer within five (5) class days after the student received the hearing panel's decision. If the senior student affairs officer was a member of the hearing panel, the student may submit the appeal directly to the President.

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- 6.17. Appeals must be based on one (1) of the following grounds:
- Procedural due process was violated.
 - The sanction was excessive.
 - The evidence did not support the decision; or
 - Substantive new information is available that was not available at the hearing.
- 6.18. Should the student appeal, any action assessed by the hearing panel shall be suspended until acted upon by the President.
- 6.19. Appeals of the President's decision may be submitted to the Chancellor but shall be limited to allegations that fair procedural due process has not been provided in accordance with this policy.
- 6.20. Appeals to the Chancellor must be in writing and are due within five (5) days after the student receives the President's decision.
- 6.21. Should the student appeal, any action assessed by the hearing panel shall be suspended until acted upon by the Chancellor.

7. Hearing Panel

- 7.1. The hearing panel shall be the decision-making body acting independently of the President.
- 7.2. 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 or Dean. Individuals serving on the panel need not be disqualified because they have superficial knowledge of the background of the case, or because they may not be 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.

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SOURCE:

Legal Reference: Neb. Rev. Stat.	85-602	Faculty, administrative staff, student; dismissal or expulsion; procedure.	
	Neb. Rev. Stat.	85-603	Faculty, administrative staff, student; dismissal or expulsion; order; contents; service.

Policy Adopted: January 1977

Policy Revised: June 1993, March 1994, April 2003, June 2006, March 2008, March 2011, April 2012, June 2018, September 2019, July 2020, June 2021, April 2022, June 2023

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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.

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Fire Procedure: In the case of a fire alarm, leave the hall immediately and remain at least 200 feet away from the building. Do not return to the building until directed by Residence Life 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 waste important time in reporting such occurrences when individuals' lives could be in danger.

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

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

- Resident Life Staff
 - Associate Vice-President of Student Affairs and Director of Resident Life
- 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.

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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 2020, 2021, 2022.

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	2020	0				
	2021	0				
	2022	0				
Delzell Hall	2020	0				
	2021	0				
	2022	0				
Centennial Complex	2020	0				
	2021	0				
	2022	0				
Oak Hill	2020	0				
	2021	0				
	2022	0				
Faculty/Staff Housing	2020	0				
	2021	0				
	2022	0				