



ANNUAL CAMPUS SECURITY & FIRE SAFETY REPORT

Concordia University Nebraska

**Main (Seward) Campus
and
Lincoln (Fallbrook) Campus**

2019

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Annual Campus Security Report

The Federal **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act** requires colleges and universities to publish and distribute an annual security report containing policies and procedures as well as campus crime statistics. The 2019 report follows.

This report will provide you with information on safety and security at the Concordia University Nebraska main (Seward) campus, Lincoln (Fallbrook) campus, and other non-campus facilities. Please note, Concordia University's Lincoln (Fallbrook) campus closed in fall of 2018. Thus, the information provided in this report pertaining to the Lincoln (Fallbrook) campus was accurate at the time that campus closed. Within this report you will find information on the Campus Security Department, policies and procedures for reporting crime, safety and security prevention and protection programs, victim assistance services, fire safety and other material to assist you in maintaining your safety and security. This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) and the Higher Education Opportunity Act (HEOA). Printed copies are available, upon request, in the Campus Security Office, the Office of Human Resources, and the Student Life Office.

Campus Security Department

The Campus Security Department serves the University community by providing security services, enforcing University policies and actively promoting community involvement through progressive community policing strategies. The Department is staffed by security officers, not commissioned police officers.

The Department's jurisdiction is limited to the property owned and controlled by the University related to the main (Seward) campus only. The Campus Security Department dispatch services are available 24-hours a day to receive reports of crimes, suspicious activities, address campus policy violations, and respond to requests for services such as safety escorts and room lock-out assistance. The Campus Security Department is also responsible for parking and traffic enforcement on campus.

The Campus Security Department maintains a professional relationship with local, state, and federal law enforcement agencies. The University does not currently have a MOU with the Seward Police Department but the Campus Security Department works closely with the Seward Police Department. The Seward Police Department maintains operational responsibility for all law enforcement activities on all parts of the campus including the investigation of crimes. The Student Life Office and Campus Security obtain any pertinent information from the local police for the Campus Security Report. The officers of the Campus Security Department and the Seward Police Department communicate regularly on the scene of incidents that occur on campus. The Campus Security Department works closely with the Seward Police Department when incidents arise that require joint investigative efforts, resources, crime related reports, and exchanges of information. Information is exchanged to ensure that the University is aware of all incidents that occur on or off campus, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

General Procedures for Reporting a Crime or Emergency

It is imperative that all crimes, suspicious activity, and other emergencies are reported accurately and in a timely manner to the Campus Security Department or the Seward Police Department. Concordia encourages all faculty, staff, students, and visitors to report all crimes, suspicious activity, and other emergencies to the Campus Security Department or the Seward Police Department in a timely manner. Promptly reporting crimes can reduce crime on campus, will ensure inclusion in the annual crime statistics and will aid in providing timely warning notices to the community, when appropriate. If you are unsure that what you have witnessed or experienced is a crime, and/or for help in determining whether a crime occurred and/or reporting the incident to the Seward Police Department, please contact the Campus Security Office at 402-643-3033. The Campus Security Department officers regularly discuss this option with the victim of a crime and will assist the victim with that process.

While we encourage all community members to promptly report all crimes and other emergencies directly to the Campus Security Department or the Seward Police Department, we recognize that some may prefer to report to other individuals or University offices. Incidents can also be reported to the Vice President for Student Affairs and Athletics or Director of Student Development in the Student Life Office in Janzow Campus Center. When the victim of a crime elects to, or is unable to, make such a report, the University will assist the victim in the reporting process.

When reports are received, the following actions are taken:

- Students, faculty and staff are encouraged to report all crimes to the police and are assisted in doing so, if they choose to do so. Victims are referred to the appropriate offices/agencies on and off campus, including health/medical services and Student Life.
- A summary of reported incidents is sent to the Vice President for Student Affairs and Athletics for review and follow-up with students.
- A summary of reported incidents concerning staff and faculty is sent to the appropriate administrative or academic departments for review and follow-up.
- The University distributes information on campus crime to the University community through the campus media. In the event of a serious crime on or off campus, the appropriate University administrator may immediately distribute a Timely Warning to the Concordia Community.

Reporting to the Campus Security Department

In the event anyone has information regarding crimes or emergencies on campus, you should immediately notify the Campus Security Department or the Seward Police Department. To report an emergency, crime, or suspicious activity you may contact Campus Security at **402-643-3033**. Campus Security Officers are available 24 hours a day to answer and respond to calls. The Campus Security Department is located in the Thom Leadership Education Center, Room 014.

Victims of crimes will be assisted in filing their complaints with the Seward Police Department and Student Life Office. Security will also assist the crime victim in obtaining medical and/or counseling services, if necessary. University counseling services, located in the Janzow Campus Center, will provide counseling for students. For more information about the Counseling Center, please call (402) 643-7398.

Reporting to Seward Police Department

A person reporting a crime to the Campus Security Department has the right to report the crime to the Seward Police Department, who has jurisdiction covering the Concordia University campus, by calling 911 or utilizing the Seward Police Department non-emergency number at 402-643-4578. If it is an emergency that requires an immediate response from police, fire or EMS personnel, a person may dial "911" or "9- 911" from any campus phone. The Seward Police Department is located at 148 S 1st St, Seward, NE 68434.

Lincoln (Fallbrook Campus): The Lincoln (Fallbrook) campus is served by the Lincoln Police Department. The Lincoln Police Department can be reached in an emergency by dialing 911 from the campus or by dialing (402) 441-7204 for non-emergency calls. Crimes occurring at the Lincoln (Fallbrook) campus may be reported to the building manager, the Lincoln Police Department or the Campus Security Department. All suspicious activity should first be reported to the Lincoln Police Department and then the Campus Security Department.

Building Manager - Lincoln (Fallbrook) Campus, 402-327-6520, Sue.Jensen@cune.edu

Confidential Crime Reporting (Voluntary)

If you are a victim of a crime or witness to a crime and do not want to pursue action within the University's student conduct system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Director of the Concordia University Campus Security Department or designee of the Director of the Concordia University Campus Security Department can file a report on the details of an incident without revealing your identity except for incidents involving possible violations of the University's Policy Against Sexual Misconduct. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents, determine where there is a pattern of crime in regard to a particular location, method, or assailant, and alert the campus community to potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the University and when they involve allegations of sexual misconduct (including sexual violence) are made available to the University's Title IX Coordinator.

If you are the victim of a crime or witness to a crime and desire to maintain confidentiality you may do so by talking with the Campus Pastor, and/or University counselors. Others may be required by law to report the crime to the appropriate authorities.

The Campus Pastor and counselors in Concordia's Counseling Office, when acting as such, are not considered to be a Campus Security Authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, they are verbally encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics.

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

Non-Campus Monitoring of Student Organizations

Concordia University does not currently recognize any non-campus locations of student organizations, including student organizations with off-campus housing facilities.

Immediate Notifications and Timely Warnings

Students, faculty, staff, and visitors are encouraged to report all crimes and public safety related incidents to the Security Department in a timely manner to aid in providing accurate Immediate Notifications or Timely Warnings to the University community (including the Lincoln Campus) when appropriate and to ensure inclusion in the annual crime statistics.

Concordia University students and employees are periodically prompted to update their emergency contact information in their Banner account and are automatically enrolled into the emergency notification system to receive alerts. The emergency notification system is tested twice a year, once during the fall semester and once during the spring semester. Messages released during a system test will clearly indicate that a system test is occurring.

Immediate Notifications

In the event of an emergency, Concordia University will initiate and provide, without delay, Immediate Notifications to the appropriate segment(s) of the university community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. The Immediate Notifications are generally written and distributed to the University community by the University's Director of Marketing and Communications at the direction of the University's Director of Campus Security with authorization from the University's Executive Vice President CFO/COO.

The on-duty Department of Campus Security officer is responsible for immediately notifying the Director of Campus Security of any situation that may pose a safety concern, and/or an immediate threat to the University's community. The Director of Campus Security when notified is responsible for notifying the University's Critical Incident Management Team's Incident Commander (currently the Executive Vice President CFO/COO) who is responsible for confirming that a significant emergency or dangerous situation exists (with the assistance of other Critical Incident Management Team Members, local first responders and/or the National Weather Service) and developing the Immediate Notification and notifying the following individuals who may aid in the development of the message content: Sr. VP of Enrollment Management & Marketing, Office of Student Life, and Marketing and Communications. The Critical Incident Management Team's Incident Commander (currently the Executive Vice President CFO/COO) will, when reasonable, collaborate with the Vice President for Student Affairs and Athletics, and Sr. VP of Enrollment Management & Marketing to assist with implementing the Immediate Notification Systems, as shown above.

Notifications and warnings may be distributed via the University's mass notification system which includes e-mails, text messages and voice mails. Notifications and warnings may also be posted on the university's website, Facebook page, Twitter account or other means of social media. Campus Safety Alert posters may also be posted by the Campus Security Department in campus buildings when deemed necessary.

Departments involved in fulfilling the obligations of this policy include the Executive Vice President CFO/COO, Department of Campus Security, and the University's Critical Incident Management Team (CIMT) which includes representatives from various other university departments (Department of Campus Security, Office of Student Life, Student Health Services, Associate General Counsel, Marketing and Communications, Graduate and Professional Studies, Computing Services, Facilities Management, Athletics, University Counseling, Fallbrook Campus (Prior to campus closing), Risk Management, Food Services, Sr. VP of Enrollment Management & Marketing, Human Resources, Provost, Faculty Representation, Accounting & Finance).

Per the requirements of federal law, the responsible parties (Critical Incident Management Team's Incident Commander, Critical Incident Management Team Members, and Marketing and Communications representative) will, without delay, and taking into account the safety of the community, determine the content of the notification, and initiate the notification system. Unless implementing an Immediate Notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. These responsible authorities include, but are not limited to: Critical Incident Management Team's Incident Commander (currently the Executive Vice President CFO/COO), Director of the University's Department of Campus Security, Critical Incident Management Team members, local police agencies, and/or any authorized fire department personnel.

The University will post updates during a critical incident utilizing the same distributions systems.

In the event that the University posts or distributes an Immediate Notification to the Concordia community due to an immediate safety concern and/or threat, the University is not obligated to implement the Timely Warnings procedures. The Immediate

Notification Policy operates independently from the Timely Warning Notice Policy; however, under certain circumstances, the two may be implemented simultaneously.

Timely Warnings

Timely Warnings are distributed to the University community by the University's Vice President for Student Affairs and Athletics and/or the Marketing and Communications Department with authorization from the University's Executive Vice President CFO/COO to notify its community members regarding "Clery" reportable crimes that occur on campus, in certain off-campus property owned or controlled by Concordia University, and on public property within, or immediately accessible from, the campus. Although not required by law and at the discretion of the University, Timely Warnings may also be issued for Clery Act crimes, at the discretion of Vice President of Student Affairs and Athletics in consultation with the Executive Vice President CFO/COO, that occur on off-campus properties that are not owned or controlled by the University but are immediately accessible to the university's community, considered on a case by case basis.

Timely Warnings will be issued to inform the University community of crimes or situations that may represent a serious or continuing threat to the University community. The warnings will be issued in the same manner as Immediate Notifications. Timely Warnings will be delivered primarily through the university's email system. Timely Warnings are usually distributed for the following Uniform Crime Reporting Program (UCR) classifications: major incidents of arson, murder/non-negligent manslaughter and robbery. Incidents of aggravated assaults and sex offenses are considered on a case by case basis, depending on the facts of the case and whether there is a continuing threat to the University community. Timely Warnings may also be issued for other crime classifications as deemed necessary. Timely Warning Notices will not be issued for crimes reported to pastoral or professional counselors (unless those crimes are subsequently disclosed to a Campus Security Authority).

Timely Warnings will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences. The decision to issue a Timely Warning will be made on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Concordia has requested that local law enforcement keep the university informed on an immediate basis of crimes that may require Timely Warnings.

Emergency Response and Evacuation Procedures

If you witness or are involved in an emergency at Concordia University, call for emergency services by dialing 911 or security at 402-643-3033. When 911 or Campus Security is called personnel are dispatched to the scene, and appropriate services are notified.

Emergency Response

The emergency response plan designates Campus Security as the initial contact for reporting all emergency situations and for response to and resolution of all emergencies. Upon receiving the report of an emergency, the Director of Security or designee will make the initial judgment about the level of response required and will communicate with appropriate personnel as outlined in the university safety plan.

A significant resource for emergency information is CUNEAAlert which is Concordia's emergency notification system. During an emergency appropriate for CUNEAAlert, students and employees will be notified via their cune.org email account and their registered mobile phone. Students are given the opportunity to provide other contact information (an alternate e-mail address and/or mobile phone number) by going to the "connectCUNE portal" under the New Student Tab, then Banner Self-Service, and then Personal Information. For more information about CUNEAAlert please visit <http://www.cune.edu/a-to-z/offices/campus-security-and-safety/emergency-notification-system/>.

The CUNEAAlert emergency notification system is tested annually. In the event of an emergency, other types of communication will be used as outlined in the Campus Safety Plan <http://www.cune.edu/safetyplan>.

General Evacuation Procedures

Evacuation is necessary when any building becomes uninhabitable because of an event such as a fire, flooding, gas leak, contamination, pandemic flu, extreme weather conditions or the loss of critical services. The response depends on the extent of the emergency. Concordia community members should familiarize themselves with the evacuation routes posted in the buildings that you live in or use frequently. If an evacuation order is issued for your building, fully cooperate with University personnel/emergency personnel and:

- Take keys, wallets and essential belongings with you
- If possible wear weather-appropriate clothing
- Do NOT use elevators
- Close, but do NOT lock doors
- Provide assistance to those with physical disabilities
- Evacuate in a safe and orderly fashion to the nearest staging area (as determined by university personnel) and await additional instructions.

Appropriate University personnel will decide whether immediate evacuation is necessary. Evacuees will be moved to a staging area where University personnel will conduct a census to establish that the evacuation is complete.

Evacuation of Individuals with Physical Disabilities

University personnel will assist individuals with physical disabilities in an evacuation, making every attempt to lead them to safety.

If you have a disability that could impair your ability to perform any of the above:

- Please inform the Security Department or the ADA Coordinator of your circumstances upon arrival to campus and request a meeting to discuss any special emergency response accommodations needed.

If you are a resident student:

- Please note that a master list of all resident students requiring assistance during a building evacuation is maintained by the Student Life Office. Please contact your Resident Assistant to insure inclusion on that list.

Any student may:

- Call Security (402-643-3033) or 911 and tell them where you are and what assistance is needed.
- Notify their professor that assistance will be needed if an evacuation is deemed necessary.

More on the University safety plan and emergency evacuation procedures can be found at www.cune.edu/safetyplan Chapter 24, section 9.

Lincoln (Fallbrook) Campus: The emergency assembly area for the Lincoln (Fallbrook) campus is located in the main parking lot. Exit the classrooms and proceed directly to the main parking lot.

Testing of Emergency Notification Systems

The University conducts emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. Concordia also conducts numerous drills throughout the year, including building evacuation drills, as well as a monthly test of the CUNEAlert within the Critical Incident Management Team and two annual tests of the CUNEAlert system to the entire university community. Each test is documented and includes a description of the exercise, the date and time of the exercise. Concordia publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

1. The CUNEAlert System shall be tested by CIMT within the CIMT once a month to ensure it is in working order. CIMT will document the test.
2. The CUNEAlert System shall be tested by CIMT twice annually to the entire campus community to ensure it is in working order.
3. An unannounced evacuation drill will be held in each on-campus living area during the first semester each year. The Student Life Office staff will conduct an evacuation of the building and account for all residents as instructed during hall meetings at the beginning of the year. An after-action report documenting at a minimum a description of the exercise, the date, and time will be prepared by the Student Life Office.
4. An evacuation drill of the entire campus will be announced each year in conjunction with announcements regarding the evacuation and other emergency instructions available on the University's website at cune.edu. Buildings and Grounds will activate alarms in each building on campus. Building Managers will conduct an evacuation of each building and account for all residents. CIMT members will evaluate the effectiveness of the drill. An after-action report will be completed documenting (at a minimum) a description of the exercise, the date, time, and whether it was announced or unannounced.
5. In conjunction with at least one test per calendar year, the Student Life Office will provide to all Concordia students an email link to the CUNE emergency response and evacuation procedures.

Access to University Facilities

Concordia University Nebraska main (Seward) campus is located at 800 N. Columbia Ave. Seward, NE 68434. Concordia University facilities including buildings, athletic fields and parking lots are restricted to student, faculty, staff, and approved guest use. All non-affiliated groups, organizations and individuals must receive authorization from the University Events Office (events@cune.edu; 402-643-7210) prior to using University facilities. Portions of the campus may be made available to the general public during designated times (Library, track, walking and bicycle paths) or during special events. To ensure this, Security has established the following guidelines:

Access to Academic and Administrative Buildings

The Campus Security Department officers lock and check exterior doors to administrative and academic buildings every evening or when buildings are not open for general use by students and employees. When buildings are closed to general use, Campus Security officers grant access to authorized personnel only. Access to these facilities is limited to students, faculty and staff as well as guests and visitors conducting official University business.

Lincoln (Fallbrook Campus): The Lincoln (Fallbrook) campus is located at 570 Fallbrook Blvd., Suite 203 Lincoln, NE 68521. Access to these facilities is limited to students, faculty and staff as well as guests and visitors conducting official University business. The Lincoln (Fallbrook) campus is served by the Lincoln Police Department. The Lincoln Police Department can be reached in an emergency by dialing 911 from the campus or by dialing (402) 441-7204 for non-emergency calls. Requests for access to facilities and hazardous conditions or other equipment problems at the Lincoln (Fallbrook) Campus should be reported to Sue Jensen at 402-327-6520 or Sue.Jensen@cune.edu. This information was accurate when the campus closed in 2018.

Access to Residence Halls

Concordia University Nebraska main (Seward) campus provides student housing in traditional-style residence halls, apartments, and suites. Access to the residence halls is limited to students and their guests. Students must carry Concordia University ID at all times and swipe their card in a card reader in order to enter residence halls.

By University policy, access to individual residential rooms is restricted to resident students, their guests and to University personnel. Campus Security officers will only grant room access to locked-out occupants upon verification of occupant's residency. Resident students must comply with University policies regarding guests and privacy hours as outlined in the Student Handbook which is available online at <http://www.cune.edu/student-life/student-handbook/>. Campus Security officers monitor access to residence halls by reviewing video surveillance of the residence halls and regularly patrolling the campus grounds to enforce security measures and University policies. Resident Assistants (RAs) and Residence Hall Coordinators (RCs) monitor the residence halls on a regular basis to enforce security measures and University policies.

Lincoln (Fallbrook Campus): The Lincoln campus does not include student housing.

Maintenance Services

Facilities and landscaping at the Concordia University Nebraska main (Seward) campus, and Lincoln (Fallbrook) campus, are maintained in a manner that minimizes hazardous conditions. The Buildings and Grounds Department provides maintenance, repairs, renovation, grounds keeping and custodial services for the main campus with an emphasis on safety and security. The Campus Security Department officers regularly patrol the main campus and report malfunctioning lights and other unsafe physical conditions to Buildings and Grounds. Other members of the main campus community should promptly report equipment problems to the Campus Security Department or Buildings and Grounds. Buildings and Grounds responds immediately to reports of potential safety and security hazards such as broken windows and locks.

Lincoln (Fallbrook) Campus: Hazardous conditions or other equipment problems at the Lincoln (Fallbrook) campus should be reported to Sue Jensen at 402-327-6520 or Sue.Jensen@cune.edu. This information was accurate when the campus closed in 2018.

Alcohol and Drug Policies

Concordia University Nebraska is committed to promoting the health and safety of its campus community through a program of alcohol education and the implementation of relevant policies. The University enforces all local, state and federal laws regarding the possession, use and sale of alcoholic beverages, including those prohibiting the consumption of alcoholic beverages by persons under the age of 21 on campus and at University sponsored activities. No student, regardless of age, may possess, store or consume alcoholic beverages on campus including the Lincoln (Fallbrook) campus. Alcohol possession, and use is not permitted in the residence halls at any time regardless of the age of the student. Concordia University's alcohol policy is contained on-line at <http://www.cune.edu/student-life/student-handbook/>. The possession, use, or distribution of illegal drugs or alcohol by students and employees is a violation of University policy as well as State and Federal laws.

Concordia students and employees are informed that strictly enforced policies (including federal and state laws) are in place, which prohibit the unlawful possession, use or distribution of any illegal drug or alcohol, on University property (including the Lincoln (Fallbrook) campus) or as part of any University sponsored activity. Members of the Concordia community should know that violation of the laws concerning illegal drugs or alcohol may lead to disciplinary action, which may include employee termination, eviction from the residence halls, loss of scholarships and grants, revocation of other privileges or suspension or expulsion from the University in order to protect the interests of the University and the rights and safety of others. Concordia University's drug policy for students is contained on-line at <http://www.cune.edu/student-life/student-handbook/>. Additionally, students should refer to the Student Code of Conduct for other policies regarding alcohol and drugs that may apply to them. Concordia University's drug policy for employees is contained on-line on the Human Resources Portal at <http://connectcune.cune.edu/cp/home/loginf>. Abuse of alcohol and drugs can have a dramatic impact on professional, academic and family life. Concordia University Nebraska, therefore, encourages members of the community who may be experiencing difficulty with drugs or alcohol to attend programs or to contact one of the following resources available on main campus:

Human Resources Office	Weller 102	800-535-5494, 7222 or 402-643-7222
Student Life Office	Janzow 203	800-535-5494, 7411 or 402-643-7411

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

The following information summarizes selected provisions of Federal, State, and local laws which provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol. The following penalties may be imposed in addition to sanctions handed out by the University:

Federal Penalties and Sanctions for Illegal Possession of Controlled Substances:

1. 21 U.S.C. § 844(a)

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

2. 21 U.S.C. § 853(a) and 881(a)

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

3. 21 U.S.C. § 844(a)

Civil fine of up to \$10,000 for each violation of 21 U.S.C. § 844 involving controlled substances listed in 21 U.S.C. § 841(b)(1)(A).

4. 21 U.S.C. § 862

Denial of Federal benefits, such as financial aid grants, contracts, student loans, and professional and commercial licenses, for individuals convicted of distributing controlled substances (drug trafficking). The denial can last up to 5 years for the first conviction and up to 10 years for the second conviction. Those who

have three or more convictions will be permanently ineligible for all Federal benefits.

5. 18 U.S.C. § 922(g)

Ineligible to receive or possess a firearm or ammunition.

6. Miscellaneous

Authority to revoke certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., is vested with the officials of individual Federal agencies.

The United States Drug Enforcement Administration publishes information that summarizes trafficking penalties under Federal law for various types of drugs; it is available at:

https://www.dea.gov/sites/default/files/drug_of_abuse.pdf#page=30

State Penalties and Sanctions for Illegal Possession of Controlled Substances

The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. In addition, other Nebraska State laws establish penalties for various drug-related offenses as summarized below.

Crimes Involving Minors: Any person 18 years of age or older who distributes, delivers or sells controlled substances to a person under the age of 18 years shall be punished by the next higher penalty classification for a first offense or second offense involving drugs such as heroin, speed, cocaine, LSD, or pentazocine. The law also provides for an enhanced penalty for anyone 18 years of age or older to employ, use, persuade, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, or possess with intent to do the same of a controlled substance or a counterfeit controlled substance. Neb. Rev. Stat. § 28-416(4) and (5) (Supp. 1999).

Property Forfeiture: Property used to manufacture, sell or deliver controlled substances can be seized and forfeited to the state. Property subject to forfeiture may include cash, cars, boats, and airplanes. Neb. Rev. Stat. § 28-431 (Cum. Supp. 1998). **Being Under the Influence of Any Controlled Substance for Unauthorized Purpose:** It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings. Neb. Rev. Stat. § 28-417(1) (g) (Reissue 1995).

Drug Paraphernalia Offenses: It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Reissue 1995). "Drug paraphernalia" is defined to include such things as hypodermic syringes, needles, pipes and bongs and other items used, intended for use or designed for use with controlled substances. Neb. Rev. Stat. § 28-439 (Reissue 1995). It is unlawful to deliver or manufacture drug paraphernalia. Neb. Rev. Stat. § 28-442 (Reissue 1995). It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under the age of 18 who is at least 3 years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 1995).

A violation of Neb. Rev. Stat. § 28-441 is punishable by a fine of not more than \$100 for first offense, not less than \$100 and not more than \$300 for second offense, and not less than \$200 and not more than \$500 on third or subsequent conviction. Neb. Rev. Stat. §§ 28-441 and 29-436 (Reissue 1995). The penalty for violation of Neb. Rev. Stat. § 28-442 is not more than six months imprisonment or \$1,000 fine or both. Neb. Rev. Stat. § 28-442 (Reissue 1995) and § 28-106 (1) (Cum. Supp. 1998). The penalty for violation of Neb. Rev. Stat. § 28-443 is imprisonment for not more than one year, or \$1,000 fine, or both. Neb. Rev. Stat. § 28-443 (Reissue 1995) and § 28-106 (1) (Cum. Supp. 1998).

Imitation Controlled Substances: It is a violation of Nebraska law to knowingly, intentionally manufacture, distribute, deliver or possess with intent to distribute or deliver an imitation controlled substance. "Imitation controlled substance" is a substance which is not a controlled substance but which is represented to be an illicit controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 1995). First offense violations of this law are punishable by a three-month imprisonment, or \$500 fine, or both. A second offense violation of this statute is punishable by not more than six months imprisonment, or \$1,000 fine, or both. Neb. Rev. Stat. § 28-445 (Reissue 1995) and § 28-106 (1) (Cum. Supp. 1998).

Controlled Substance Analogue: For purposes of Nebraska's Uniform Controlled Substance Act, analogue controlled substances (often called "designer drugs") are treated as controlled substances. Such an analogue is defined as (a) substantially similar in chemical structure to the chemical structure of a controlled substance or (b) having a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than

the effect of a controlled substance. Neb. Rev. Stat. § 28-401 (36) (Supp. 1999).

Selected Nebraska Alcohol Offenses

Minor In Possession: It is against the law for a person under the age of 21 years to sell, dispense, consume, or possess alcohol. Neb. Rev. Stat. § 53-180.02 (Reissue 2010). Penalties for violation of this law may include one or more of the following: the impoundment of the offender's license for thirty days or more; the requirement to attend an alcohol education class; the requirement to complete twenty hours or more of community service; or submission to an alcohol assessment by a licensed counselor. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Cum. Supp. 2016); § 28-106(1) (Reissue 2016).

Good Samaritan Provision of Nebraska Underage Drinking Law: Subsection of this 53-180.02 shall apply if the person; Requested emergency medical assistance in response to the possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent after such violation of section 53-180.02 was the first person to make a request for medical assistance under subdivision (b)(i) of this subsection as soon as the emergency situation is apparent after such violation of section 53-180.02; and when emergency medical assistance was requested for the possible alcohol overdose of another person:

- (A) Remained on the scene until the medical assistance arrived; and
- (B) Cooperated with medical assistance and law enforcement personnel.
- (C) A person shall not initiate or maintain an action against a peace officer or the employing state agency or political subdivision based on the officer's compliance with subdivision (b) of this subsection.

Procuring Alcohol: It is a violation of Nebraska law to sell, give away, dispose of, exchange, or deliver, or permit the sale, gift or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Reissue 1998). Violation of this law is punishable by not more than 1 year imprisonment, or \$1,000 fine, or both. Neb. Rev. Stat. § 53-180.05 (1) (Reissue 1998) and § 28-106 (1) (Cum. Supp. 1998).

Consumption on Public Property: It is a violation of Nebraska law for any person to consume alcoholic liquors in the public streets, alleys, parking areas, roads or highways, or inside vehicles while upon the public streets, alleys, parking areas, roads, or highways; or upon property owned by the state or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such properties. Neb. Rev. Stat. § 53-186 (Supp. 1999). A violation of this statute is punishable on the first offense by a fine of up to a maximum of \$100; a second offense within two years is punishable by a fine not less than \$100 and not more than \$300; a third offense within two years is punishable by a fine of not less than \$200 and not more than \$500. Neb. Rev. Stat. § 53-136 (Reissue 1998) and § 29-436 (Reissue 1995).

Driving While Intoxicated: Driving while under the influence of intoxicating liquors or drugs is a violation of Nebraska law. Neb. Rev. Stat. § 60-6,196 (Supp. 1999). Violation of this law is punishable on first offense by not more than 60 days, not less than 7 days imprisonment and not more than \$500 fine but not less than \$400 fine. Neb. Rev. Stat. § 28-106 (1) (Cum. Supp. 1998). In addition, an offender's driver's license is revoked for six months and the offender is ordered not to drive any motor vehicle for any purpose for a like period. Neb. Rev. Stat. § 60-6,196 (2) (a) (Supp. 1999). Suspended sentence of probation includes mandatory requirement that probation or suspension be conditioned on order that offender will not drive any motor vehicle for any purpose for sixty days. Neb. Rev. Stat. § 60-6,196 (2) (a) (Supp. 1999).

Drug/Alcohol Education Programs

Employees and students needing help in dealing with drug or alcohol problems are encouraged to make voluntary use of their campus Employee Assistance Programs and the mental health counselor. The Employee Assistance Programs and mental health can help by offering the following services:

- Objectively assessing the situation and referring employees or students to the proper resources.
- Supplying short-term personal counseling and problem solving.

Students: Student Life serves as a resource to all Concordia University students regarding issues related to drug and alcohol intervention and education. The Student Life Office is involved with alcohol and drug education each time a student is referred through the University's judicial system. Sanctions range from educational online classes on the topic of alcohol and drug use for first-time offenders to suspension or expulsion for repeat offenders or serious violations of the policies. The Counseling Center is available for informal counseling regarding students who may be experiencing problems with alcohol and/or drugs. Students may be referred for a formal assessment and follow-up treatment plan. Students may also utilize the Counseling Center or the Health Center for assistance with alcohol and/or drug issues.

Proactive measures taken by Student Life include supporting annual events such as National Collegiate Alcohol Awareness Week, distributing literature to students and student leaders as it relates to the topic of drug and alcohol use, and collaborating with other departments within the Concordia Community to support on-going educational efforts and non-alcoholic social programs for the entire student body. Information is made available to students regarding the different alcohol content in drinks.

The Student Life Office sponsors non-alcoholic social programs for students who reside on campus, and each Resident Assistant has an opportunity to sponsor educational programs related to the topic of drugs and alcohol. Orientation for new students at the beginning of the school year addresses the issue of alcohol and drug use.

As part of the university's ongoing alcohol and drug education, student health services offers a variety of methods to educate students about the dangers of drugs and alcohol. For example, the Nebraska State Patrol comes to campus on multiple occasions during the academic year with a drunk driving simulator and impaired vision goggles to allow students the opportunity to experience what it is like to drive at various stages of impairment. Bulletin boards created by various students identifying the dangers of binge drinking are displayed in the Janzow Campus Center.

Lunch and Learns

During the course of the academic year, multiple Lunch and Learns are held in the cafeteria from 11:00-1:00pm. The topics of the use of alcohol and opioids is covered. The discussion and presentation focuses on the physical and mental health impacts that these have on your body. Students and employees are invited to grab their lunch and a friend and come and have a table talk discussion about these very important topics.

Student Orientation

All incoming freshman receive information at orientation about campus alcohol and drug policies, enforcement, sanctions, and safety. Participation in orientation is mandatory for incoming students and is designed to help students with their transition to college. At the end of this presentation, the Student Life staff is available to answer questions from the audience.

Athletics

The University's athletic trainers meet individually with the 21 athletic teams on campus along with their coach to address health and wellness issues specifically related to student athletes. Some of the issues covered in the presentation include the TBI/Concussion signs, symptoms, reporting, and protocol, the use of supplements, current prescription and over the counter medications. Students are also directed to the University's website where the University's Drug and Alcohol Policy is located. The Vice President for Student Affairs and Athletics attends NAIA student-athlete mandatory training sessions to discuss the athletic department's Alcohol and Drug policy, NAIA standards regarding alcohol and other drug education, the athletic department's drug education and drug testing program, and the legal, departmental, and university consequences of using drugs and alcohol.

Employees: Alcohol and drug counseling is available to all eligible employees through the Employee Assistance Program. Further information is available by contacting the Human Resources Department at 402-643-7222 or 800-535-5494, ext. 7222.

Daily Crime Log

The Campus Security Department maintains a Daily Crime Log that records, by the date the incident was reported, all crimes and other serious incidents that occur on campus, in a non-campus building or property, and/or on public property. The Daily Crime Log is available for public inspection at the Security Office located in Thom Leadership Education Center (TLEC) Building, Room 014.

Sex Offender Registry

The Campus Sex Crimes Prevention Act of 2000 is a federal law that requires institutions of higher education to advise the University community where information concerning registered sex offenders may be obtained. It also requires sex offenders, already required by state law to register in a state, to provide notice to each institution of higher education in that state, at which the person is employed, carries on a vocation, volunteers services, or is a student. The Nebraska State Patrol maintains the State's Sex Offender Registry which contains information about individuals convicted of certain sex offenses. This information is available on the web at <https://sor.nebraska.gov/>.

Response to Sexual Violence

Concordia University desires to provide a safe and secure learning, living, and working environment for all students and staff. Concordia University does not discriminate on the basis of sex in its educational programs and activities. Concordia prohibits and will not tolerate sexual misconduct of any type, including discrimination based on sex.

Sexual misconduct includes, but is not limited to: sexual harassment, sexual assault (including both non-consensual sexual intercourse and non-consensual sexual contact), sexual exploitation, stalking, dating, and domestic violence as defined below. Concordia will respond promptly and effectively to reports of sexual misconduct including reports of sexual assault, domestic violence, dating violence and stalking and will take appropriate action to prevent, correct and discipline behavior that violates the University's Policy Against Sexual Misconduct. The University's complete Policy Against Sexual Misconduct can be found in the Student Handbook available on-line at www.cune.edu/student-life/student-handbook.

The University's Policy Against Sexual Misconduct applies to conduct that occurs on University premises, at University-sponsored activities, and to off-campus conduct that adversely affects the University Community and/or the pursuit of its objectives, and/or if the conduct negatively affects a victim's school experience. Each student shall be responsible for his/her conduct from the time of matriculation through the actual awarding of a degree, even though misconduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their misconduct is not discovered until after a degree is awarded).

The following terms and definitions are utilized when enforcing the University's Policy Against Sexual Misconduct. Concordia utilizes different definitions and standards than Nebraska law.

Sexual Misconduct Offenses Defined

Sexual Harassment is:

- a. Unwelcome, gender-based verbal, written or physical conduct that is,
- b. Sufficiently severe, persistent or pervasive that it,
- c. Has the effect of unreasonably interfering with, denying or limiting someone's ability to participate in or benefit from the University's educational, social and/or residential programs and/or activities, and is based on real or reasonably perceived power differentials (quid pro quo), the creation of a hostile environment or retaliation.

Non-Consensual Sexual Intercourse is defined as:

- a. Any sexual penetration or intercourse (anal, oral or vaginal),
 - b. However slight,
 - c. With any object,
 - d. By a person upon another person,
 - e. That is without effective consent and/or by force.
- Note: "Sexual penetration" includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

Non-Consensual Sexual Contact is defined as:

- a. Any intentional sexual touching,
 - b. However slight,
 - c. With any object,
 - d. By a person upon another person,
 - e. That is without effective consent and/or by force.
- Note: "Sexual touching" includes any bodily contact with the breasts, groin, genital, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Sexual Exploitation: Sexual Exploitation refers to a situation in which a person takes or attempts to take non-consensual or abusive sexual advantage of another, and that conduct does not fall within the definition of one of the other sexual misconduct offenses. Sexual exploitation can include, but is not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaging in sexual acts without the consent of the person observed.)
- Taking pictures, video or audio recording of another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to

hide in a closet and observe a sexual activity, or disseminating sexual pictures without the photographed person's consent.)

- Prostitution
- Exposing one's genitals in non-consensual circumstances.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD), without informing the other person of the infection.

Stalking: Stalking is harassing or threatening another person to the point where that individual fears for his/her safety, safety of his/her family or suffer substantial emotional distress. Stalking can occur in various forms including, but not limited to, in person and via electronic means (cyberstalking) and is characterized by more than one incident of the behavior described above. These acts may include any of the following:

- Maintaining a visual or physical proximity to the victim, approaching, confronting or following the victim
- Appearing at the victim's workplace or contacting the victim's employer or coworkers
- Appearing at the victim's home or residence hall room
- Entering property occupied by the victim
- Contacting the victim by telephone regardless of whether a conversation ensues or communicating through electronic means, e.g. social networks.
- Photographing, video/audio taping without permission
- Placing an object near or delivering an object to a victim

Domestic Abuse/Violence is violence committed against an adult, or minor, who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the individual has a child.

Dating Violence is defined as violence committed by an individual who is or has been in a relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- Physical Abuse: Any intentional use of physical force with the intent to cause fear or injury (e.g. hitting, shoving, strangling, or using a weapon).
- Verbal or Emotional Abuse: Non-physical behaviors such as threats, insults, constant monitoring, humiliation, or intimidation.
- Sexual Abuse: Any action that impacts a person's ability to control her/his sexual activity including rape and/or coercion.
- Digital Media Abuse: Use of technology and/or social media networking to intimidate, harass or threaten a current or ex-dating partner. This includes checking cell phones, cyber bullying, sexting or threatening.

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging a violation of the university's Policy Against Sexual Misconduct, supporting a complainant or for assisting in providing information relevant to a claim of sexual misconduct is a serious violation of University policy and will be treated as an instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Concordia University Nebraska will take all appropriate actions to protect individuals who fear that they may be subjected to retaliation. Examples of retaliation are:

- Friends of accused badger complainant or witness
- Person is ostracized (e.g. from team, activity, social circle)
- Comments that draw negative attention to person on social media

Consent

Non-consensual physical/sexual behavior is inappropriate, unhealthy and against God's Word. Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he or she is unable to understand what is happening or disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or reasonably should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the

capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.

Consent to some sexual contact, such as kissing or fondling, cannot be presumed to be consent to other sexual activity, such as intercourse. A current or previous dating relationship is not sufficient to constitute consent.

The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. **Silence or the absence of resistance alone is not consent.** A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the acts to continue and, if that happens, the other person must stop immediately.

A minor below the age of consent according to state law. This means sexual contact by an adult person with a person below the age of consent is a crime, as well as a violation of this policy, even if the minor appeared to have wanted to engage in the act. For reports of sexual misconduct involving a minor, Concordia must report such incidents to the police.

Definitions in Applicable Jurisdiction

The definitions below are based on Nebraska State Statutes; they can be viewed as written at: <http://nebraskalegislature.gov/laws/laws.php>.

Consent to Sexual Activity (R.R.S. Neb. §28-318):

The State of Nebraska has not codified the definition of consent but has codified a definition of “Acting Without Consent” in regards to sexual contact (see Neb. Rev. Stat. § 28-318(8)).

1. “Without consent” means:
 - a. The person was compelled to submit due to the use of force or threat of force or coercion; or
 - b. The person expressed a lack of consent through words; or
 - c. The person expressed a lack of consent through conduct; or
 - d. The consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor.
2. The person need only resist, either verbally or physically, so as to make the person's refusal to consent genuine and real and so as to reasonably make known to the actor the person's refusal to consent; and
3. A person need not resist verbally or physically where it would be useless or futile to do so.

In the above text, the word “person” means the individual against whom a wrongful act was allegedly committed, and the word “actor” is the individual alleged to have committed a wrongful act. When the actor knew or should have known that a person was mentally or physically incapable of resisting or understanding the nature of his or her conduct, there is no consent. A person may be incapacitated due to intoxication, mental illness or deficiency or by physical illness or disability to the extent that personal decision-making is impossible. Surprise may also prevent resistance, as where a person is grabbed from behind. There are some persons who the law presumes are incapable of consenting to sexual contact or penetration by an actor by reason of their age. Under Nebraska law an actor nineteen years of age or older may not subject a person under the age of sixteen years of age to sexual penetration, or a person under fifteen years of age to sexual contact.

Sexual Assault (R.R.S. Neb. §28-318 through 320):

Sexual penetration and/or sexual contact without the consent of the victim, regardless of either person's gender, including situations where coercion, force or the threat of force was used; situations where the perpetrator knew or should have known that the victim was mentally or physically incapable of resisting or evaluating the nature of his/her conduct (i.e. mentally challenged, disabled, drunk, etc.); or where the perpetrator is nineteen years of age or older and the victim is at least twelve but younger than sixteen. A victim must simply provide enough verbal or physical resistance to make the perpetrator aware of the lack of consent; victims do not have to show continued resistance when they feel as though further resistance would be futile. The following definitions apply:

1. Force or threat of force: The use of physical force which overcomes the victim's resistance; or the threat of physical force, expressed or implied, against the victim or a third person, where the threat places the victim in fear of their own death or serious personal injury, or that of a third person, and the victim reasonably believes that the perpetrator has the present or future ability to follow through with the threat.
2. Intimate parts: The genital area, groin, inner thighs, buttocks, or breasts.

3. **Serious personal injury:** Great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
4. **Sexual contact:** The intentional touching of the victim's sexual or intimate parts, or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact also means the touching, by the victim, of the perpetrator's sexual or intimate parts or the clothing covering the immediate area of the perpetrator's sexual or intimate parts, when this touching is intentionally caused by the perpetrator. Sexual contact includes only that conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.
5. **Sexual penetration:** Sexual intercourse in its ordinary meaning, cunnilingus, fellatio and anal intercourse. It also includes the intrusion, however slight, of any part of the perpetrator's or victim's body, or any object manipulated by the perpetrator, into the genital or anal openings of the victim's body. Sexual penetration **does not** require emission of semen.

Domestic Violence (R.R.S. Neb. §28-323):

A person intentionally and knowingly causes bodily injury to his/her intimate partner; threatens an intimate partner with imminent bodily injury; or threatens an intimate partner in a menacing manner. Intimate partner, regardless of gender, means a spouse; a former spouse; persons who have a child in common, whether or not they have been married or lived together at any time; and persons who are or were involved in a serious dating relationship. Serious dating relationship means frequent, intimate associations primarily characterized by the expectation of affectionate or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context. It also includes persons protected from another person's acts under NE domestic/family violence laws.

Stalking (R.R.S. Neb. § 28-311.03):

Engaging in a course of willful harassment of another person, regardless of gender, or the family or household member of that person, with the intent to injure, terrify, threaten, or intimidate, or that would cause a reasonable person to fear for his/her safety or the safety of others, and cause a person substantial emotional distress. Actions include, but are not limited to, deliberately following, detaining, contacting, or harassing the person(s), or imposing any restraints on their personal liberty.

1. **Harass:** To engage in a knowing and willful course of conduct directed at a specific person that seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose (R.R.S. Neb. re28-311.02).
2. **Course of conduct:** A pattern of conduct composed of a series of acts over a period of time, however short, indicating a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or physically stalking the person or telephoning, texting, contacting, or otherwise communicating with the person (R.R.S. Neb. re28-311.02)
3. **Family or household member:** Regardless of gender, a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by a blood relationship or marriage, or any person presently (or in the past) involved in a dating relationship with the victim (R.R.S. Neb. re28-311.02)

Procedures for Reporting a Complaint of Sexual Misconduct

Concordia University encourages all members of our community who are victims of sexual misconduct in the form of sexual assault, domestic violence, dating violence or stalking to report the incident to Seward Police by calling 911 or utilizing the Seward Police Department non-emergency number at 402-643-4578 or the Department of Campus Security at 402-643-3033 from any campus phone and to seek available assistance as described on the University's Title IX webpage. The Title IX Coordinator or Vice President for Student Affairs and Athletics can assist in the filing of a complaint with the police. There are a number of avenues that a victim of sexual misconduct can take in regards to reporting sexual misconduct. He/she has a right to choose all, or just some of the actions. He/she may also choose not to make a report or take further action; each option is their decision.

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. University officials will assist any victim with notifying local police if they so desire. The Seward Police Department may also be reached directly by calling 911 or by calling the Seward Police Department non-emergency number at 402-643-4578. A victim may seek any single, any combination of, or all of these options.

Concordia University will investigate any and all reports of alleged violations of the University's Policy Against Sexual

Misconduct. The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking including informing individuals about their right to file criminal charges as well as the availability of medical care, psychological counseling, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus. Additional remedies are available to prevent contact between a complainant and an accused party, such as housing, academic, transportation, immigration and working accommodations, if reasonably available.

Complaints alleging a violation of the University's Policy Against Sexual Misconduct may be filed with Kirby Klappenback: Associate General Counsel and Title IX Coordinator, Weller Building, Suite 106, 402.643.7192, Kirby.klappenback@cune.edu, or any university employee identified as a mandatory reporter (see Mandatory Reporters section below).

To report a violation or complaint, please fill out CUNE's Title IX Discrimination and Harassment Report form which can be found on CUNE's Title IX webpage and submit it either in person, by email to the Title IX Coordinator or by submitting the form electronically. All sexual misconduct complaints made to a mandatory reporter (responsible employee) will be reported to the Title IX Coordinator. Students may also file an anonymous report through KeepSafe@cune.org.

An individual who has experienced an incident of sexual misconduct or relationship violence may report the incident at any time, regardless of how much time has elapsed since the incident occurred.

All complaints will be kept as confidential as possible and information will only be disclosed on a "need-to-know" basis. However, anonymity may limit the University's ability to investigate and respond to the complaint.

Questions about Title IX can be directed to the Title IX Coordinator or to the Office of Civil Rights (OCR) (<http://www2.ed.gov/about/offices/list/ocr/index.html>) of the U.S. Department of Education. The Title IX Coordinator is available to meet with students, faculty, and staff who believe sexual misconduct has occurred.

An individual who has experienced an incident of sexual misconduct or relationship violence may report the incident at any time, regardless of how much time has elapsed since the incident occurred.

After an incident of sexual assault, domestic violence or dating violence the victim should consider seeking medical attention as soon as possible at the Concordia Health Center or one of the following locations:

Memorial Health Care Center
300 North Columbia, Seward, NE
402-643-2971

Bryan East Campus
1600 S. 48th St., Lincoln, NE 68506
402-481-1111

In Nebraska, health care providers are required to immediately report all acts of sexual assault to law enforcement personnel, but evidence may be collected even if you choose not to make a report to law enforcement. For sexual assaults and incidents of dating or domestic violence, it is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours in order to preserve evidence that can be used as proof of the criminal offense and aid in the acquiring of protection orders and/or in prosecution. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address health care concerns. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, so that they can be used as proof of the criminal offense and aid in the acquiring of protection orders and/or in prosecution.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Security or law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. University officials will assist any victim with notifying local police if they so desire.

The University's response to sexual violence was the same for the Lincoln (Fallbrook) Campus with the following exceptions:

Lincoln (Fallbrook) Campus: Students, faculty and staff of the Lincoln (Fallbrook) campus may report incidents of sexual violence to the Campus Security Department or Kirby Klappenback, Associate General Counsel, Title IX Coordinator, Main campus Weller Suite 106, kirby.klappenback@cune.edu or the Lincoln Police Department [\(402\) 441-7204](tel:4024417204). Assistance in obtaining a protective order may be obtained through the Lincoln Police Department. This information was accurate when the campus closed in 2018.

Confidential Resources

Students, faculty, and staff may wish to seek confidential assistance in dealing with sexual assault, domestic violence, dating violence, and stalking. The University has identified specific employees who will maintain confidentiality under the professional license or professional ethics necessary for their employed role at the University. Please see the CUNE Title IX webpage for a complete list of those who may keep the report confidential. The list includes the following individuals:

- CUNE's Campus Counselor
 - Kathleen von Kampen, M.A. PLMHP
 - Office: Janzow Campus Center 204
 - CounselingOffice@cune.edu
 - 402-643-7398

- CUNE's Campus Pastor
 - Rev. Ryan Matthias
 - Office: Janzow Campus Center 208
 - CampusPastor@cune.edu
 - 402-643-7216

Whenever an incident of sexual misconduct is reported to the University by a student or employee, regardless of whether the offense occurred on or off campus, the individual will be provided with a resource guide that provides written notification of existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid, visa and immigration and other available services, both within the University and the community. Victims are encouraged to contact Title IX Coordinator, as he or she will provide assistance and can take appropriate measures, even if the victim does not choose to have the crime reported to law enforcement or take legal action.

In addition, the University will follow the procedures detailed below:

- Depending on when reported (immediate vs. delayed report), University will provide complainant with access to medical care.
- University will assess immediate safety needs of complainant.
- University will advise complainant of the right to have an advisor/advocate present during investigation, etc.
- University will assist complainant with contacting local police if complainant requests AND complainant will be provided with contact information for the local police department.
- University will provide complainant with referrals to on and off campus mental health providers.
- University will provide written information to complainant on how to preserve evidence.
- University will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties or interim suspension/restriction.
- University will provide a "Trespass Order" to accused party if deemed appropriate.
- University will provide written instructions on how to apply for Protective Orders.
- University will provide a copy of the Policy Against Sexual Misconduct to complainant.
- University will inform the complainant regarding timeframes for inquiry, investigation and resolution and provide a statement of the standard of evidence that will be used during any disciplinary action on campus arising from such a report
- University will inform the complainant of the outcome of the investigation, whether or not the accused will be sanctioned and the outcome of any appeal.
- University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation. In the case of

student involvement, sexual assault cases are referred to the Title IX Coordinator and are adjudicated using the preponderance of the evidence standard.

Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights.

Victim's rights include:

- To be treated with respect by University officials.
- To take advantage of campus support resources (such as the Counseling Center, the Health Center and Campus Ministries).
- To experience a safe living, educational, and work environment.
- To have an advisor or advocate during the process.
- To be free from retaliation.
- To have complaints heard in substantial accordance with procedures.
- To full participation in any process whether the injured party is serving as the complainant or the University is serving as complainant.
- To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible.

Concordia University complies with Nebraska law in recognizing protection orders by contacting local law enforcement authorities in the event of a protection order violation. Any person who obtains a protection order from Nebraska or any other issuing jurisdiction, should provide a copy to the Campus Security Department, the Office of the Title IX Coordinator or Human Resources. A complainant may then meet with Campus Security and the Title IX Coordinator to develop a Safety Action Plan, which is a plan for Campus Safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. The University cannot apply for a protection order for a victim. University officials will assist individuals with obtaining a protection order. Information regarding Protection Orders is available through the Seward Police Department or by visiting the State of Nebraska Judicial Branch website at <https://supremecourt.nebraska.gov/self-help/protection-abuse>.

To the extent possible, identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. This includes maintaining confidential any accommodations or protective measures provided to the victim or other necessary parties, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures. The University will inform a victim or other necessary parties prior to sharing personally identifiable information about the victim or other parties that the University believes is necessary to provide an accommodation or protective measure. The University does not publish the name of crime victims or other parties nor house identifiable information regarding victims in the Campus Security Department's Daily Crime Log or online. Victims may request that directory information on file be removed from public sources. Victims or other necessary parties may contact the Vice President for Student Affairs and Athletics or the Human Resource Department for assistance.

Adjudication of Violations

Whether or not criminal charges are filed, Concordia University Nebraska or a person may file a complaint alleging that a student or employee violated the University's Policy Against Sexual Misconduct. Reports of all domestic violence, dating violence, sexual assault and stalking made to the Department of Campus Security or any mandatory reporter will automatically be referred to the Title IX Coordinator for immediate investigation regardless if the complainant chooses to pursue criminal charges. Upon receipt or notice of a complaint, the Title IX Coordinator, an appropriate administrator or designee of the Title IX Coordinator, or an Investigative Team, hereinafter referred to as "Investigator," will promptly investigate the complaint.

The University disciplinary process will include a prompt, fair, and impartial investigation and resolution process. Investigators are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation that protects the safety of the victim and promotes accountability. In all cases, the University will seek to have cases reach resolution within 60 calendar days of notice of allegation, barring exigent circumstances. If exigent circumstances exist, the Title IX Coordinator, Vice President for Student Affairs and Athletics or Human Resource Director will provide notice to the respondent and the complainant of any delays or

extensions. The University may undertake a short delay (10-14 days, to allow for evidence collection) when criminal charges on the basis of the same behaviors that initiated the process are being investigated.

In the case of student involvement, the University's Policy Against Sexual Misconduct provides that:

The University will treat the parties equitably and allow both parties the same opportunity to provide witnesses and relevant evidence.

The complainant and the accused each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing. An advisor may only consult and advise his or her advisee, but will not be allowed to actively participate in such a meeting, by presenting evidence or advocating on the individual's behalf.

A student conduct decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred." In other words, the conduct process asks: "is it more likely than not that the accused student violated the University's Policy Against Sexual Misconduct?" The Investigator will make a report to the Title IX Coordinator, an appropriate administrator or designee of the Title IX Coordinator, with a determination as to whether a violation of the sexual misconduct occurred and if so, a recommendation on an appropriate sanction for any violation.

The Title IX Coordinator, an appropriate administrator, or designee of the Title IX Coordinator will review the report, including the determination and recommendation for a sanction and will notify both parties simultaneously in writing of the outcome of the complaint.

Where the complaint/report involves an employee, the Human Resources Director will be notified.

Employees: For specific information about the grievance process that applies to you as an accused consult the appropriate handbook – such as the Faculty Handbook, or Professional/Technical and Support Staff Employee Handbook.

The complainant and accused will be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final. If the complainant is deceased as a result of such crime or offense, the next of kin will be advised of the outcome of the disciplinary proceedings upon written request.

The complainant and the accused each have the right to appeal the outcome of the hearing by submitting an appeal to the Vice President for Student Affairs and Athletics and will be notified simultaneously in writing of the final outcome after the appeal is resolved.

Concordia balances the rights of alleged perpetrators with complainants' Title IX rights in complaints alleging sexual misconduct.

Any appeal must be submitted to the Vice President for Student Affairs and Athletics in writing within five (5) calendar days of receiving the decision/sanction.

Appeals are limited as follows:

- a. To determine whether the investigation was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving all parties a reasonable opportunity to prepare and to present information to the Investigator. Deviations from designated procedure will not be a basis for sustaining an appeal unless significant prejudice results.
- b. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Conduct Code which the student was found to have committed.
- c. To consider new information, sufficient to alter a decision or other relevant facts because such information and/or facts were not known to the person appealing at the time of the original determination of the complaint.

If an appeal is upheld by the Vice President for Student Affairs and Athletics the matter shall be returned to the original Investigator to re-open the matter and allow reconsideration of the original determination and sanction(s). If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the University's ability to respond to the complaint may be limited.

Interim Actions/Restrictions and Protective Measures

The University may take interim action(s) as necessary to protect the community from a threat to the health or safety of the community as a whole, to any particular member of the community, or in cases where there may be a risk of substantial disruption to the normal operations of the University. In all cases, the subject of the interim action will be given an opportunity to be heard by the Vice President for Student Affairs and Athletics or designee on the necessity of the restriction within 3 days of the issuing of the restrictions.

The Title IX Coordinator, Vice President for Student Affairs and Athletics or Director of Human Resources will determine whether interim actions/restrictions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: an order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's or Human Resources Director's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Concordia University Nebraska. (NOTE: Concordia will not pay for or make any arrangements for housing for any student removed from housing on an interim basis.) Altering any of these restrictions may be predicated on the requirement to engage in a psychological assessment, drug/alcohol testing, interviews, etc. at the discretion of the Title IX Coordinator, Vice President for Student Affairs and Athletics, or designee.

Sanctions

University-wide sanctions may be imposed upon students found responsible for a violation of the University's Policy Against Sexual Misconduct. In all cases, investigations that result in a finding of more likely than not that a violation of the policy occurred will lead to the initiation of disciplinary procedures against the accused individual. University sanctions including expulsion, suspension, probation, restrictions, written warnings, fines, restitution, withholding diploma, revocation of degree or expulsion/suspension from residence halls may be imposed upon those determined to have violated this policy. For students, sexual assault, domestic violence, dating violence, and stalking are violations of the university's Policy Against Sexual Misconduct. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

Sanctioning Guidelines

- Any person found responsible for violating the policy based on Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into consideration any previous Student Conduct Code violations.
- Any person found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion. *
- Any person found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from a warning to expulsion, depending on the severity of the incident, and taking into account any previous Student Conduct Code violations.*

*The conduct administrator reserves the right to broaden or lessen any range of recommended sanction in the case of serious mitigating circumstances or egregiously offensive behavior.

Neither the initial Investigator nor any conduct administrator will deviate from the range of recommended sanctions unless compelling justification exists to do so.

Responsible Employee Policy (Mandatory Reporters)

Faculty, staff, and student employees (including RAs) are considered mandatory reporters (Responsible Employees). A mandatory reporter (responsible employee) must report all allegations of sexual misconduct to the Title IX Coordinator immediately. A victim of sexual assault, dating violence, domestic violence, or stalking may report an incident to any

mandatory reporter, including a Residential Director (RD) or Residential Assistant (RA). Concordia employees who hold a professional license who are not employed by Concordia as a counselor, health service provider, or an ordained LCMS minister, are considered mandatory reporters (responsible employee).

If You Are the Survivor of a Sexual Assault...

Your safety and well-being are of paramount importance. Survivors of sexual assault are encouraged to take the following actions immediately:

1. Go to a safe place.
2. Contact or have a friend contact Security at **402-643-3033**. Security will assist you in reporting the crime to the police and in getting medical and counseling services.
3. Do not touch any evidence or straighten up the area where the assault occurred.
4. Do not shower, bathe, douche, brush your teeth, use mouthwash, comb your hair or change your clothes, as these actions will destroy evidence of the attack.
5. Go to a hospital emergency room. Medical evidence for use in a criminal prosecution of a criminal offense is collected at the hospital. **NOTE:** You are **NOT** obligated to press charges just because you consent to this procedure; however, this evidence is very important should you later decide to prosecute. Security or the police will provide transportation if needed. Bring a full change of clothing because the clothes you were wearing at the time of the attack may be kept as evidence.
6. Do not blame yourself.
7. Contact the Title IX Coordinator, Kirby Klappenback, at (402) 643-7192.

Survivor's Bill of Rights

2. Survivors have the right to be treated with dignity and seriousness by campus personnel.
3. Survivors of crimes against one's person have the right to be reasonably free from intimidation and harm.
4. University personnel shall be encouraged to inform a survivor that they are not responsible for crimes against their person.
5. Survivors shall be made aware of existing counseling and other student services that are available, both on and off campus.
6. Survivors shall be entitled to the same support opportunities the University permits the accused in a campus disciplinary proceeding, which includes the opportunity to have an advisor present during a disciplinary proceeding (see the Concordia University *Student Handbook* for further information).
7. Both the survivor and the accused shall be informed of the outcome of any disciplinary proceeding brought alleging a sex offense. This includes the final determination of the proceeding and any sanction imposed against the accused. The sanctions that may be imposed are detailed in the Concordia University *Student Handbook*.
8. Any survivor who does not wish to remain in his or her present residence hall or class section may be granted a transfer to any available housing or class section, upon request, if reasonably available.

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." Concordia University wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

The 5 steps of Bystander Intervention

1. Notice something is happening

2. Recognize something is wrong
3. Take personal responsibility
4. Know how you can help
5. Use the 3 D's:
 - Direct
 - Delegate
 - Distract

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- 1) Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- 2) Try to avoid isolated areas. It is more difficult to get help if no one is around.
- 3) Walk with purpose. Even if you don't know where you are going, act like you do.
- 4) Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- 5) Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- 6) Make sure your cell phone is with you and charged and that you have cash money.
- 7) Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- 8) Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- 9) When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- 10) Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- 11) Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- 12) Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- 13) If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- 14) If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- 15) Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- 16) If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Prevention and Educational Programs

Concordia University Nebraska offers the following prevention and education programs in an effort to prevent sex offense including sexual assault, domestic violence, dating violence and stalking within the University community. Educational

programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses are conducted throughout the academic year across campus. Education programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identifies sexual assault, domestic violence, dating violence, and stalking as prohibited conduct;
- Defines what conduct constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what conduct and actions constitute consent to sexual activity in the State of Nebraska;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander. Bystander intervention includes recognizing situations of potential harm, understanding University structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options and taking action to intervene;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

For additional information, please contact the Student Life Office 402-643-7411.

The University also has a Title IX webpage as part of the University's main website. The webpage was recently updated and expanded to meet the Campus SaVE requirements while honoring Concordia University's Christian mission. New additions to the webpage include an electronic Title IX Complaint form, detailed description of resources and services, link to the University's Sexual Assault Resource Guide, as well as training and education opportunities.

Main campus educational programs include:

Student Orientation - Title IX Training: All First-Year Students are expected to attend a presentation during new student orientation where the video *Honor One Another* is shown and discussed. This video addresses sexual harassment relating to students with content that also applies to faculty and staff. It touches on the topics of dating violence, stalking, sexual assault and consent. It also addresses how to be an active bystander. All students of the University are required to watch the video.

Student Leadership Training: All Resident Assistants are required to attend a two week long training in the summer to prepare for their role on campus. The training includes but is not limited to the following presentations and programming: Alcohol Awareness, Bystander Invention Training, and Responsible Employee (Mandatory Reporter) Training.

Alcohol Awareness: Training addresses the dangers of excessive alcohol use and how it relates to the risk of sexual assault. Students are provided with practical risk reduction techniques that they can use in social settings.

Title IX Training: Across campus, trainings are led by the Title IX Coordinator. During the trainings the Coordinator defines the university's Policy Against Sexual Misconduct, including but not limited the definitions of sexual harassment, non-consensual sexual intercourse, non-consensual sexual touching, dating violence, domestic violence, stalking, consent, incapacitation and how to support a student who needs to make a report and the procedures that follow a report.

Sexual Assault Survivor Support Training: Representatives from the Hope Crisis Center provide training on how to support a victim of sexual assault, dating violence or domestic violence, and the services that the center offers.

Bystander: Resident Assistants receive training on how to be an active bystander in a variety of social situations including ones involving dating violence and students at risk for sexual assault.

Sexual Assault Awareness Month: The University annually recognizes April as Sexual Assault Awareness Month and provides campus-wide programming focusing on being aware of and preventing sexual assault, dating violence, domestic violence and stalking.

Self-defense: The University has arranged for the Seward County Sheriff to provide self-defense classes to students and faculty on campus for free on multiple dates.

Student Athletes Title IX Training: The Title IX Coordinator makes separate presentations on Title IX to each athletics team. The presentations consist of education on the relationship between alcohol use and sexual assault, and how to be an active bystander.

Healthy Relationships: As part of First Year Experience course, the stages of a healthy romantic relationship are taught including how to identify and seek help when involved in dating violence, domestic violence or stalking. Information on how to support a survivor of sexual assault and intimate partner violence is also provided.

Consent: As part of First Year Experience course, the topic of consent is addressed and the university's definition of consent in regards to sexual activity.

New Hires: All new hires, both faculty and staff, are required to complete an online module that explains that sexual harassment (including sexual assault), dating violence, domestic violence, and stalking are prohibited in the university community. The module also presents the signs and symptoms that are commonly present in such cases.

Sexual Harassment Training: All university employees must attend or view a training from outside legal counsel on sexual harassment explaining how it is prohibited in the university community, different words and actions that may constitute harassment and how to report it. The training also addresses the university's policy in regards to all employees being responsible employees/mandatory reporters on Title IX issues. The presentation emphasizes reporting in all circumstances to allow the university to investigate.

Sexual Assault Resource Guide: Concordia University has developed and distributes copies of the Title IX Resource Guide, which provides a listing of resources available to victims of sexual assault, dating violence, and domestic violence or stalking.

Policy Against Sexual Misconduct and University Employee Handbook: Concordia University has developed and distributed its Policy Against Sexual Misconduct and University Employee Handbooks, which provide a complete listing of all University's policies regarding sexual harassment, sexual assault, domestic & dating violence and stalking.

Drug and Alcohol Awareness: As part of the university's ongoing alcohol and drug education, student health services offers a variety of methods to educate students about the dangers of drugs and alcohol.

- The Nebraska State Patrol comes to campus with their drunk driving simulator and with the use of impaired vision goggles, students are given the opportunity to see what it is like to drive at various stages of impairment. There was also information available to students regarding the different alcohol content in drinks.
- Every month, in the form of our toilet talks, students receive information on various health topics including sexual assault, dating violence, domestic violence, and stalking as well as drugs and alcohol.

Additionally, the university's Title IX Team receives annual Title IX training, including how to identify sexual harassment and violence as well as how to respond under institutional procedures. This training also covers the psychological needs of the victims and survivors of sexual violence so that the team may properly investigate a claim. Also, the Title IX Team is continually selecting and implementing further campus-wide programming on sexual violence, the focuses on the prevention of sexual violence, dating violence, domestic violence and stalking.

Resources for Assistance for Victims of Domestic Violence, Dating Violence, Sexual Assault, & Stalking

Some support services, including healthcare and counseling services, both on and off campus:

- CUNE's Campus Counselor
 - Kathleen von Kampen, M.A. PLMHP
 - Office: Janzow Campus Center 204
 - CounselingOffice@cune.edu
 - 402-643-7398
- CUNE's Campus Pastor
 - Rev. Ryan Matthias
 - Office: Janzow Campus Center 208
 - CampusPastor@cune.edu

- 402-643-7216
- CUNE's Health Center
 - Andreea Baker, RN, Director of Health Services/Campus Nurse
 - Office: Janzow Campus Center 204
 - HeathCenter@cune.edu
 - 402-643-7224
- CUNE's Student Life Office
 - Vice President for Student Affairs and Athletics, Gene Brooks 402-643-7373
 - Director of Student Development, Rebekah Freed 402-643-7405
 - Office: Janzow Campus Center 203
- Hope Crisis Center
 - 24 hr. Crisis Line
 - Confidential, 1-1 Advocacy
 - Temporary Shelter, food, clothing
 - 877-388-HOPE(4673)
- National Sexual Assault Hotline
 - Free, confidential counseling 24 hours a day
 - A national (not a local) service provider, however they can help connect you to local providers
- Medical Treatment
 - Memorial Health Care Center
 - 300 North Columbia, Seward, NE
 - 402-643-2971
- Seward Police
 - Emergency...911
 - Non-Emergency...402-643-4578
 - Victim Assistance...402-641-2455
- Campus Security
 - Non-Emergency...402-643-3033

Notification of Missing Students

The following policy and procedure has been established to assist in locating Concordia students living in Concordia owned on-campus housing who, based on the facts and circumstances known to Concordia are determined to be missing.

Anyone who believes a student is missing should report their concern to Campus Security at 402-643-3033 or the Student Life Office. Every report made to Campus Security or the Student Life Office will result in an investigation when it has been determined that the student has been missing for 24 hours. Any missing student report must be referred immediately to the campus security department. Concordia will notify the appropriate law enforcement agency no later than 24 hours after the time that the student is determined to be missing. If Security or law enforcement personnel have been notified and determine that a student who is the subject of a missing person report has been missing for more than 24 hours and has not been accounted for, Concordia will initiate the emergency contact procedures in accordance with the student's designation or circumstance.

At the beginning of each academic year, students residing on-campus will be asked to provide emergency contact information in the event he/she is reported missing while enrolled at Concordia.

This information will include the following:

- Students have the option of identifying an individual to be contacted by Concordia not later than 24 hours after the time the student has been determined to be missing. Students can register this confidential contact information through the Student Life Office. The designated contact will remain in effect until changed by the student. Only authorized University officials and law enforcement will be given access to the designated person's contact information during the course of any investigation.
- If the student is under 18 years of age, and not an emancipated individual, Concordia is required to notify a custodial parent or guardian not later 24 hours after the time that the student is determined to be missing.
- Concordia will notify the appropriate law enforcement agency no later than 24 hours after the time that the student is determined to be missing.
- If Concordia Security or law enforcement personnel has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to campus, Concordia will initiate the emergency contact procedures in accordance with the student's designation.

Concordia will follow the following notification procedure for a missing student who resides in on-campus housing:

- Once Concordia, through any office or employee, receives a missing student report from any source the following offices will be notified:
 - Security
 - Student Life
- An official missing person report relating to the student shall be referred immediately to Security.
- If Security/Student Life, after investigating the official report, determines the student has been missing for more than 24 hours, Concordia will contact the individual identified by the student, the custodial parent or legal guardian if the student is under 18 and not emancipated, or local law enforcement if these do not apply. This provision does not prevent Concordia from notifying identified emergency contacts and/or law enforcement earlier than 24 hours after a student has been determined to be missing.

Upon notification from any entity that any student may be missing, Concordia may use any of the following resources to assist in locating the student. These resources may be used in any order and combination.

- Student Life Staff may assist in physically locating the student by entering into the student's assigned room and talking with known associates.
- Security/Student Life may search on campus public locations to find the student (library, cafeteria, etc.).
- Security/Student Life may use an ID picture to assist in identifying the missing student.
- Student Life may try to contact known friends, family, or faculty members for last sighting or additional contact information.
- Academic departments may be contacted to seek information on last sighting or other contact information.
- Security may access card access logs to determine last use of the card and track the card for future uses.
- Security may access vehicle registration information for vehicle location and distribution to authorities.
- Computing Services may be asked to look up email logs for last login and use of Concordia email system.
- If there is any indication of foul play, the local police department will immediately be contacted for assistance.

Crime Prevention

Concordia University Nebraska offers programs and information designed to inform students and employees about campus security procedures and practices. A common theme of all awareness and crime prevention programs is to encourage students, employees and visitors to be responsible for their own safety and for the safety of others on campus. Crime Prevention Programs on personal safety and security are sponsored by various campus organizations throughout the year. The programs include general crime prevention and security awareness, such as safety education briefings and materials, discussions and materials about alcohol and drug abuse, domestic violence, dating violence, sexual assault, stalking, self-defense, fire safety, emergency response and evacuation procedures. The Department of Campus Security, along with Residence Life staff, participates in fire prevention and safety briefings with all incoming students and new employees. Below is a sample of programs and services provided by the Department of Campus Security (main campus only unless otherwise noted):

Student Escorts: Anyone uncomfortable walking alone at night or those who may have temporary mobility impairment are encouraged to contact the Campus Security Department at 402-643-3033 from any campus phone for a safety escort. This service is available 24-hours a day.

Campus Safety Resident Assistant (RA) Training: The Student Life Office with assistance from the Campus Security Department provides training to Resident Assistants on current safety and security topics. Such topics include emergency procedures, theft prevention and personal safety. RA training is conducted annually before the beginning of the academic year.

New Employee Orientation: All new part-time and full-time employees attend campus safety training as part of the on-boarding process. Training includes such topics as workplace injury and illness prevention, crime prevention and basic emergency procedures.

Active Shooter: The Critical Incident Management Team conducted training to help faculty and staff prepare and survive an incident involving an active shooter. Active shooter response training is conducted annually.

Campus Patrols: Campus Security Department officers patrol the campus on foot and in patrol vehicles. Officers also patrol academic and residential buildings.

Lost and Found: Lost and Found is located at the Student Success Center in the Janzow Campus Center. You may call (402) 643-7411 to inquire about a lost item. Recovered items may be claimed after proper identification has been produced.

Victim Assistance Program: Students, faculty, and staff are encouraged to report incidents of crime. Security will assist in reporting incidents to the police and if necessary, will also provide assistance dealing with the criminal justice system. Security will also assist in obtaining other necessary services such as medical and counseling services.

Residential Security: All residence halls are staffed by Concordia University Student Life Staff 24 hours per day, seven days per week. RAs and Resident Coordinators are trained at the beginning of each semester and also receive refresher training during the semester.

Self-defense: The University has arranged for the Seward County Sheriff to provide self-defense classes to students and faculty on campus for free on multiple dates.

Emergency Notification: A significant source of emergency information is CUNEAlert which is Concordia's emergency notification system. During an emergency appropriate for CUNEAlert, students will be notified via their cune.org email account and their registered mobile phone. Students, Faculty, and Staff of Concordia University are given the opportunity to provide other contact information (an alternate e-mail address and/or mobile phone number) by going to the "connectCUNE portal" under the New Student Tab, then Banner Self-Service, and then Personal Information. For more information about CUNEAlert please visit <http://www.cune.edu/cunealert>. CUNEAlert includes the following methods of communication:

- Phone, text or email message
- The Concordia web site (www.cune.edu)
- Campus or office phone

Other methods of communication include postings in or around campus buildings and loud speakers.

Safety Awareness

Security:

- Inspects Concordia University properties and promptly makes repairs affecting safety and security.
- Requires Security officers to routinely walk through the campus to review lighting and other environmental concerns.
- Distributes information to the community.
- Patrols the campus in vehicles and on foot, including academic and residential buildings.
- Student Escorts: Anyone uncomfortable walking alone at night or those who may have temporary mobility impairment are encouraged to contact the Campus Security Department at 402-643-3033 from any campus phone for a safety escort. This service is available 24-hours a day.

Tips for Your Safety:

Members of the University community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance:

Report all suspicious activity to the Campus Security Department or the local law enforcement agency.

Program the Department of Campus Safety phone number into your cell phone:

- Campus Security Department (24-hour line): 402-643-3033
- Seward Police Department (emergency line): 911
- Seward Police Department (non-emergency line): 402-643-4578

Residence Hall Safety Tips:

- Never leave a door propped open.
- Always lock your door when you leave your room or go to sleep.
- Keep windows closed and locked when you are not in your residence.
- Identify visitors through the use of the door viewer (peephole) before you let them in.
- Report any unusual telephone calls to Security.
- If you do receive a telephone call from someone you do not know, never give out any pertinent information (room number, telephone number, last name, social security number, etc.) about yourself or someone you know.
- Report suspicious activity to Security.
- Inventory your personal property and insure it appropriately with personal insurance coverage

Vehicle Safety Tips:

- Always lock your vehicle.
- Do not leave valuables in your vehicle.
- Park in well-lit areas.

Personal Safety Tips:

- Travel on streets where there is pedestrian traffic.
- If possible, use the buddy system – don't walk alone – especially at night.
- Be aware and alert to your surroundings. Instead of texting or looking down at the ground, watch for cars and people around you.
- Do not leave valuables unattended.
- Use Campus Security Officers as escorts.
- Carry your keys and Concordia identification card at all times and do not lend them to anyone

Social Situations:

- Before going on a date, know your date's name, address, and friends.
- Meet new friends in public places.
- Do not rely on someone you just met for your ride home.
- If sexual interaction on a date begins to make you uncomfortable, get out of that situation.
- Speak up! Communicate your wishes clearly. Don't let anyone assume you are going to have intimate relations

with him/her.

- Assert yourself. Insist on being treated with respect.
- If you are assaulted, find a safe place and a friend, and call (anytime day or night) Security

Important Telephone Numbers

Emergency – 911

Campus Security – 402-643-3033

Student Life Office – 402-643-7411

University Health Center – 402-643-7224

University Counseling Services – 402-643-7398

Rape & Sexual Assault Hotline – 800-656-(HOPE) 4673

National Domestic Violence Hotline – 800-799-(SAFE) 7233

Preparation of the Annual Campus Security Report & Crime Statistics

The Student Life Office compiles statistics for the annual report based on incidents reported directly to the local police, Campus Security Department, Title IX Coordinator and other university officials with significant responsibility for student and campus activities. The 2019 report covers statistics for 2018, 2017, and 2016.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: the Student Life Office, Title IX Coordinator, the Campus Security Department, the Seward Police Department, the Lincoln Police Department and other local law enforcement agencies having jurisdiction over separate campus and non-campus facilities and non-police officials. The Office of the General Counsel requested information from Concordia departments involved in Clery stays and study abroad programs. Relative to the information received, the Campus Safety Survey Administrator sent statistical request letters for specific dates of stay to the law enforcement agencies in those cities or countries where Concordia students stayed. The locations for student travel whose law enforcement returned a response are included in the statistics below. Not all law enforcement agencies provided crime statistics as requested or provided statistics in a suitable format. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all appropriate law enforcement agencies and non-police officials including campus security authorities. A designated campus security authority includes University officials that have significant responsibility for student and campus activities.

In addition, pastoral and professional mental health counselors as well as medical professionals encourage persons they are counseling to report crimes on a voluntary and confidential basis for inclusion in the annual crime statistics. Students can confidentially report an incident for inclusion in the statistical report to Security or Student Life.

A map, which defines the Concordia University main (Seward) campus, appears in this report.

Clery Geography Property Definitions

On-Campus: Reported On-Campus offenses include all offenses in/on any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Residence Hall Facilities: A specific breakdown of offenses occurring in university-owned residence halls on campus appears under Residential Facilities. Note: Statistics for University housing facilities are recorded and included in both the all on-campus category and the on-campus residential only category.

Non-Campus Building or Property: Reported Non-Campus offenses include all offenses in/on any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property: Reported Public Property offenses include all offenses in/on all public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The Concordia University, Nebraska crime statistics do not include crimes that occur in privately-owned homes or businesses within or adjacent to the campus boundaries.

Separate Campus: Any building or property owned or controlled by an institution that is not reasonably geographically contiguous with the main campus and has an organized program of study with at least one person on site acting in an administrative capacity.

Reporting Locations

Campuses

Concordia University Nebraska Main (Seward) Campus
800 N Columbia Ave,
Seward, NE 68434

Lincoln (Fallbrook) Campus (This information was accurate when the campus closed in 2018.)
570 Fallbrook Blvd., Suite 203
Lincoln, NE 68521

Non-Campus Properties

"Non-Campus" statistics are provided by local police departments and include crimes committed in classroom locations and common areas of facilities rented by Concordia University, including statistics for crimes committed not involving Concordia students or employees but occurring at the location during the reporting period. Off-site classrooms and facilities, athletic team practice facilities, student travel locations, and other locations of student activities are included in this category. This report does not include crime statistics from local police departments that did not provide a statistical breakdown suitable for Clery Act reporting. Locations for student travel whose law enforcement returned a response to the University's request for statistical data are included in the reporting locations listed below under CLERY STAYS AND STUDY ABROAD – NON-CAMPUS. Non-Campus locations do not have a public property reporting requirement and statistics listed here are reported as part of non-campus statistics under the subcategory of non-campus.

Non-Campus Locations

TAC (Teachers Administration Center –east)
3215 Cuming St.,
Omaha, NE 68131

Beveridge Magnet School
1616 South 120th Street,
Omaha, NE 68144

Burke High School
12200 Burke Blvd.,
Omaha, NE 68154

Ralston High School
8969 Park Drive,
Ralston, NE 68127

Plum Creek Park (baseball and softball diamonds)
1933 Karol Kay Blvd,
Seward, NE 68434

CLERY STAYS AND STUDY ABROAD – NON-CAMPUS*

Calendar Year 2016	Calendar Year 2017	Calendar Year 2018
Pacific Beach Hotel 2490 Kalakaua Ave. Honolulu, HI	Quality Suites 13651 Indian Paint Ln. Fort Myers, FL	Arizona Grand Resort and Spa 2625 E Cactus Rd Phoenix, AZ 85032
Viscount Suite Hotel 4855 East Broadway Blvd Tucson, AZ	Comfort Inn Suites - Sabino Canyon 7007 East Tanque Verde Road Tucson, AZ	Comfort Inn 2901 S. Jeffers St North Platte, NE 69101
Comfort Inn Suites – Sabino Canyon 7007 East Tanque Verde Road Tucson, AZ	Radisson Hotel Fort Worth North - Fossil Creek 2540 Meacham Blvd Fort Worth, TX	La Quinta Inn & Suites by Wyndham Mesa Superstition Springs 6530 E Superstition Springs Blvd Mesa, AZ 85206
Howard Johnson's 4811 Cleveland Ave Ft. Myers, FL	Carnegie Hotel 1216 State of Franklin Rd. Johnson City, TN	CEDAR RAPIDS MARRIOTT 1200 Collins Rd N.E. Cedar Rapids, IA 52402
Holiday Inn Express 8789 Plum Dr Urbandale, IA	Courtyard by Marriott 3750 Gulf Shores Parkway Gulf Shores, AL	Greenstay Hotel and Suites 222 N. Ingram Mill Rd Springfield, MO 65802
Courtyard Marriott 370 N. IL Route 83 Elmhurst, IL	Marina Inn 385 E 4th St South Sioux City, NE	Grand Plaza Hotel 245 N Wildwood Dr Branson, MO 65616
3509 N Everbrook Ln Muncie, IN	Capitol Plaza Hotel 1717 S W Topeka Blvd. Topeka, KS	Viscount Suite Hotel 4855 East Broadway Blvd Tucson, AZ 85711
Days Inn 3205 Vine St Hays, KS	Holiday Inn Express 3605 Cimarron Plaza Hastings, NE	Holiday Inn Express 12800 N Lake Shore Dr. Mequon, WI 53223
Hampton Inn 10591 Metcalf Frontage Road Overland Park, KS	Hilton Vancouver Washington 301 W 6th St Vancouver, WA	Four Points Hotel by Sheraton 8900 N. Kildeer Ct. Brown Deer, WI 53209
Quality Inn & Suites 792 Beaumont Park City, KS	Marriott Chicago Schaumburg 1550 McConnor Parkway Schaumburg, IL	Comfort Inn Opelika 811 Fox Run Pkwy Opelika, AL 36801
Super 8 5968 Southwest 10th Ave Topeka, KS	Broker Inn 555 30 St. Boulder, CO	Courtyard by Marriott 3750 Gulf Shores Parkway Gulf Shores, AL 36542
Capitol Plaza 1717 SW Topeka Blvd Topeka, KS	Holiday Inn 200 E Rand Rd. Mt. Prospect, IL	Comfort Inn Suites – Sabino Canyon 7007 East Tanque Verde Road Tucson, AZ 85715
611 S. Erie	Grand Plaza Hotel	Delta Hotels by Marriott

Wichita, KS	245 N Wildwood Dr. Branson, MO	385 E 4th Street South Sioux City,, NE 68776
131 Apache Pl Mankato, MN	Oak Lawn Hilton 9333 Cicero Ave. Oak Lawn, IL	Super 8 Marshall 1355 West College St. Marshall, MO 65340
Days Inn 3102 South Jeffers St. North Platte, NE	Towneplace Suites 4601 SW 15 St Oklahoma City, OK	Super 8 Fort Wayne 5710 Challenger Pkwy Fort Wayne, IN 46818
University of New Mexico (on-campus guest housing) Albuquerque, NM	Holiday Inn Express & Suites San Antonio Medical Ctr North 11010 Interstate Highway 10 West San Antonio, TX	Ramada by Wyndham Des Moines Airport 1810 Army Post Road Des Moines, IA 50315
Comfort Inn 410 Railway Express Street Ardmore, OK	Holiday Inn Express & Suites Newton 1430 East Broadway Court Newton, KS	Residence Inn 2850 South Potomac Ave Arlington, VA 22202
Towneplace Suites 4601 SW 15th Street Oklahoma City, OK	Holiday Inn Express & Suites 4650 Roth Ave. Hays, KS	Holiday Inn Express 4443 W Schroeder Dr Brown Deer, WI 53223
Carnegie Hotel 1216 State of Franklin Rd Johnson City, TN	Holiday Inn Express Hotel & Suites 300 Holiday Frontage Road PO Box 788 North Platte, NE	La Quinta Inn 10701 Lakeline Mall Drive Austin, TX 78717
Fairfield Inn & Suites San Antonio SeaWorld@Westover Hills San Antonio, TX	Holiday Inn Express & Suites 7276 International Drive Orlando, FL	
1030 S 500 E Salt Lake City, UT		
Comfort Inn 410 Railway Express Street Ardmore, OK		

Definitions of Reportable Crimes

Criminal Homicide includes both:

Murder and non-negligent manslaughter: The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: The killing of another person through gross negligence.

Rape: The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females, and any victim, no matter the age, when no consent is given.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent (16 in NE).

Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accomplished by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.)

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Hate Crimes

Hate crime categories include all Clery Act offenses as well as any crime involving bodily injury reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. The categories of bias are: race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, and disability. In addition to the above-noted crimes, if the crime committed is classified as a hate crime, statistics are required for the following four additional crime categories:

1. Larceny/Theft: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
2. Simple Assault: The attack by one person on another without weapon, no obvious severe or aggravated bodily injury.
3. Intimidation: Place a person in reasonable fear of bodily harm through the use of threatening words/other conduct without displaying a weapon or subjecting the victim/victims to actual physical attack.
4. Destruction/Damage/Vandalism of Property: To willfully and maliciously destroy, damage, deface or otherwise injure real or personal property without owner's consent or the person who has control or custody of it.

Other Offenses

- Liquor Law Violations – The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging, operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (**Drunkenness and driving under the influence are not included in this definition.**)
- Drug Law Violations – The violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivative (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- Weapon Law Violations – The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

Sexual Violence and VAWA

The Violence Against Women Reauthorization Act of 2013 (VAWA) requires that institutions report incidents of sexual assault, domestic and dating violence (also known as 'intimate partner violence) and stalking in its annual security report. The following federal law definitions apply to this reporting requirement. In addition, VAWA requires that institutions publish state law jurisdictions of the same crimes.

Domestic Violence: A felony or misdemeanor crime of violence committed:

- (i) By a current or former spouse or intimate partner of the victim;
- (ii) By a person with whom the victim shares a child in common;
- (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (iv) By a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws or the jurisdiction in which the crime of violence occurred.

Dating Violence: Violence committed by a person who is, or has been, in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse;

- (ii) Dating violence does not include acts covered under the definition of domestic violence.

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

- (i) Fear for the person's safety or the safety of others; or
- (ii) Suffer substantial emotional distress.

For the purpose of this definition:

- (i) Course of conduct means two 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.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Crime Statistics

Total numbers for On Campus Clery crimes include those committed in Residence Halls (which are a subset of On Campus per the Clery Act). The information below provides context for the crime statistics reported as part of compliance with the Clery Act. The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law. The Student Life Office submits the annual crime statistics published in this report to the Department of Education (DOE). The statistical information gathered by the Department of Education is available to the public through the DOE website. In addition, a daily crime/fire log is available by visiting the Campus Security Department located in the Thom Leadership Education Center (TLEC) Building, Room 014.

- - - - - SEWARD (Main Campus) - - - - -

Criminal offense	Year	On Campus	On Campus Student Housing	Non-Campus	Public Property
Murder/ Non-Negligent manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Manslaughter by Negligence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Rape	2016	0	0	1	0
	2017	1	1	0	0
	2018	1	1	1	0
Fondling	2016	0	0	0	0
	2017	2	1	0	0
	2018	1	1	0	0
Incest	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Statutory rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Robbery	2016	0	0	0	0

	2017	0	0	0	0
	2018	0	0	0	0
Aggravated assault	2016	0	0	0	0
	2017	0	0	0	0
	2018	1	0	0	0
Burglary	2016	3	3	0	0
	2017	2	2	1	0
	2018	14	14	3	0
Motor vehicle theft	2016	0	0	3	0
	2017	0	0	3	0
	2018	0	0	0	0
Arson	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Hate crimes	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
VAWA Offenses					
Domestic Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Dating Violence	2016	0	0	0	0
	2017	1	0	0	0
	2018	1	0	0	0
Stalking	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrests					
Weapons: carrying, possession, etc	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Drug abuse violations (arrests)	2016	3	1	0	0
	2017	2	2	0	1
	2018	0	0	5	0
Liquor law violations (arrests)	2016	4	4	0	0
	2017	0	0	0	0
	2018	0	0	5	0
Disciplinary Actions					
Weapons: carrying, possession, etc.	2016	0	0	0	0
	2017	1	1	0	0
	2018	0	0	0	0

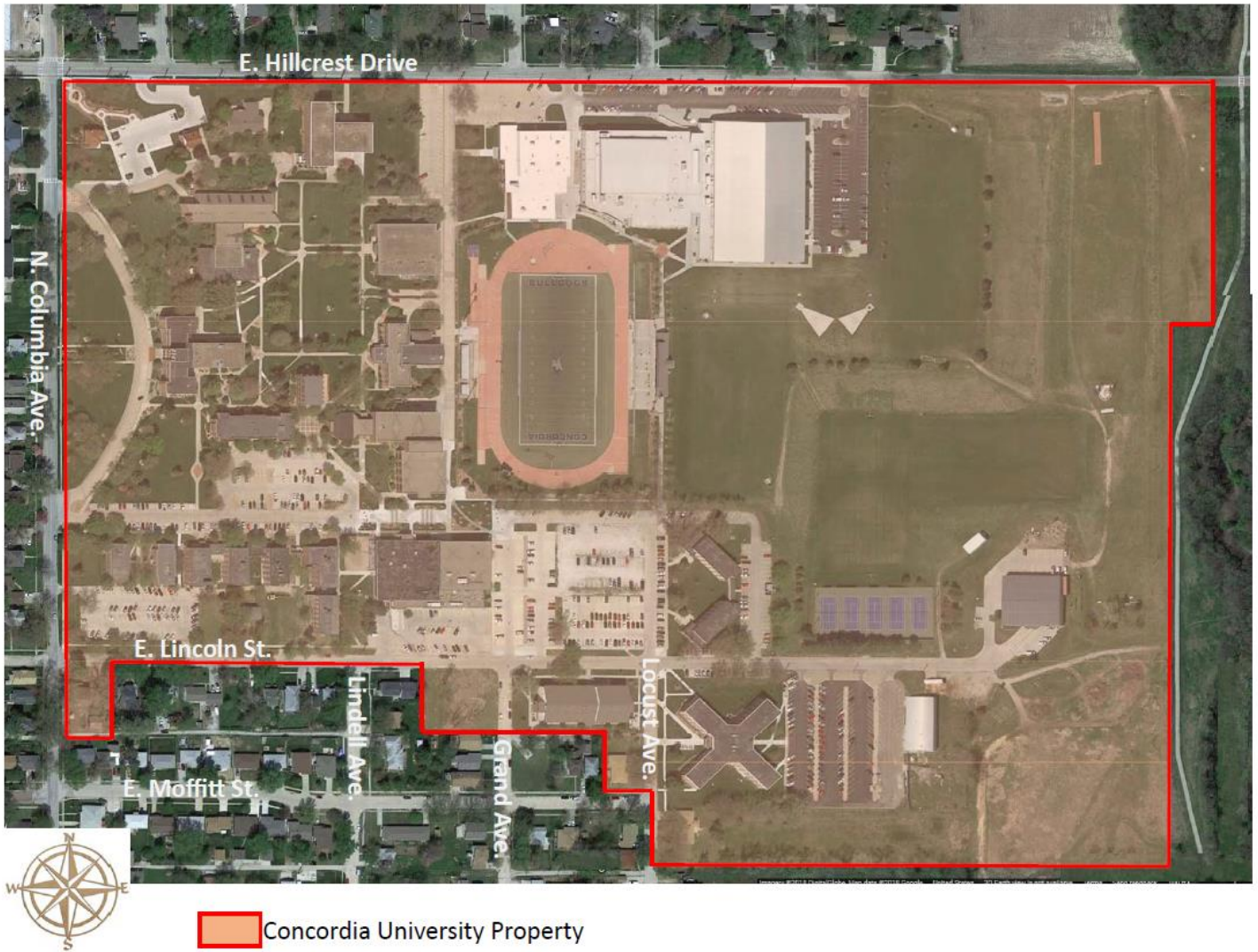
Drug abuse violations	2016	8	2	0	0
	2017	7	7	0	0
	2018	3	3	0	0
Liquor law violations	2016	34	34	0	0
	2017	26	26	0	0
	2018	30	30	0	0
Unfounded Crimes	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

----- LINCOLN (Fallbrook) Campus-----

Criminal offense	Year	On Campus	Non-Campus	Public Property
Murder/ Non-Negligent manslaughter	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Manslaughter by Negligence	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Rape	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Fondling	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Incest	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Statutory rape	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Robbery	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Aggravated assault	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Burglary	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Motor vehicle theft	2016	0	0	0

	2017	0	0	0
	2018	0	0	0
Arson	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Hate crimes	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
VAWA Offenses				
Domestic Violence	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Dating Violence	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Stalking	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Arrests				
Weapons: carrying, possession, etc	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Drug abuse violations (arrests)	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Liquor law violations (arrests)	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Disciplinary Actions				
Weapons: carrying, possession, etc.	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Drug abuse violations	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Liquor law violations	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Unfounded Crimes	2016	0	0	0
	2017	0	0	0
	2018	0	0	0

Seward



Concordia University Nebraska

Higher Education Opportunity Act

2019 Campus Fire Safety Annual Compliance Report

Overview

The Higher Education Opportunity Act (PL 110-315) became law in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining the fire safety practices, standards, and all fire-related on-campus housing statistics. The following public disclosure report details all information required by this law as it relates to Concordia University, Nebraska.

This report contains information regarding the fire safety practices and standards for Concordia University Nebraska, including statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire and the value of the property damage caused by the fire occurring in the residential halls. This report is available for review 24 hours a day on the University's website at www.cune.edu/a-to-z/offices/campus-security-and-safety/university-right-to-know-campus-security-act/. A physical copy may be obtained by making a request to the Campus Security Department at Campus Security Office at 402-643-3033.

Fire Safety

A daily fire log is available for review by visiting the Department of Campus Security office located in the Thom Leadership Education Center (TLEC) Building, Room 014. The fire log includes information about fires that occur in residential facilities, including the nature, date, time and general location. A fire is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

General Statement of University Owned /Controlled Student Housing

Concordia University, Nebraska's 11 Residence Halls are completely covered by State Fire Marshall approved and regularly inspected fire alarm systems, which are monitored 24 hours/day, seven days/week. All 11 of the Residence Halls are covered by automatic fire suppression sprinkler systems.

David Hall 500 Locust Avenue, Seward, NE 68434
 Dorcas Hall 199 College Avenue, Seward, NE 68434
 Esther Hall 210 E. Lincoln Street, Seward, NE 68434
 Jonathan Hall 329 E. Lincoln Street, Seward, NE 68434
 Philip Hall 642 Locust Avenue, Seward, NE 68434
 Ruth A Hall 187 College Avenue, Seward, NE 68434
 Ruth B Hall 173 College Avenue, Seward, NE 68434
 Ruth C Hall 155 College Avenue, Seward, NE 68434
 Schuelke Hall 131 College Avenue, Seward, NE 68434
 Strieter Hall 125 College Avenue, Seward, NE 68434
 Timothy Hall 612 Locust Avenue, Seward, NE 68434

Dormitory	Fire Alarm Monitoring Done on Site by Campus Security	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans and Placards	Number of fire drills each school year
David Hall	X	X	X	X	X	2
Dorcas Hall	X	X	X	X	X	2
Esther Hall	X	X	X	X	X	2
Jonathan Hall	X	X	X	X	X	2
Philip Hall	X	X	X	X	X	2

Ruth A Hall	X	X	X	X	X	2
Ruth B Hall	X	X	X	X	X	2
Ruth C Hall	X	X	X	X	X	2
Schuelke Hall	X	X	X	X	X	2
Strieter Hall	X	X	X	X	X	2
Timothy Hall	X	X	X	X	X	2

All Campus Security Officers, Buildings and Grounds employees and residence hall staff receive comprehensive fire safety training at the beginning of the academic year. In addition a program that covers emergency and evacuation procedures is reviewed regularly with the occupants and staff of each residence hall. Emergency Evacuation maps are posted on each dorm floor to direct residents to exits. Fire drills are conducted each semester in accordance with the National Fire Protection Association's Life Safety Code. Basic fire safety instruction is provided to both new and current employees.

Specific Fire Prevention Policies

It is the policy of Concordia University, Nebraska to provide faculty, staff, students and visitors with the safest possible environment, free from potential fire hazards. The primary goal of the University's Fire Safety Program is to recognize hazardous conditions and take appropriate action before such conditions result in a fire. The goal is accomplished by conducting periodic safety inspections of all university buildings and increasing the fire safety awareness of employees and students by conducting periodic basic fire safety.

In regard to Fire Safety Inspections, fire and life safety features of the buildings will be in compliance with the standards of the National Fire Protection Association (NFPA) and the local Authority Having Jurisdiction (AHJ). The Environmental Health, Safety and Security Office conducts fire safety inspections of all campus buildings.

Basic fire safety instruction will be provided during New Employee Orientation. Additional training is available upon request by a department. Basic fire safety instruction is provided to all Resident Assistants (RA's) and Resident Hall Coordinators (RC's) at the beginning of each academic year.

The Environmental Health and Safety Office will coordinate fire investigations with the Seward Volunteer Fire Department, Seward Police Department and the Nebraska State Fire Marshal's Office.

Prohibited Items and Activities in Residence Halls

To minimize the potential for fires at Concordia University, Nebraska, it is the policy of the University to prohibit open burning and open flames (unless in accordance with university policies and procedure). In accordance with Chapter 8 of the Concordia University Safety Plan the following items and open flames are prohibited on campus:

1. Candles except in approved religious ceremonies
2. Incense
3. Fireworks
4. Oil lamps or other fuel burning lamps.
5. Any open flames or burning, except as part of an approved scientific project, maintenance project or a wood fire in the fire pit at the outdoor chapel, are prohibited on campus. Wood fires in the fire pit at the outdoor chapel must be approved in advance in accordance with the rules established by the Student Life Office.
6. Flammable liquids must be stored in approved safety cabinets. Flammable liquid are not allowed to be stored in residence hall rooms (including paint thinner, solvents, lighter fluid and lamp oil.)
7. Barbeque grills are prohibited with the exception of the permanently mounted grills provided by the university.
8. Smoking is prohibited within all buildings on campus.
9. Portable space heaters are prohibited in dorm rooms.

To minimize the potential for fires at Concordia University, Nebraska, it is the policy of the university to prohibit cooking in any dormitory room except at Jonathan Hall. Kitchens are provided in several dorms that can be used to cook pizzas, bake cookies etc. within the guidelines established by the Student Life Office. Accordingly, cooking devices/equipment is prohibited in dorm rooms. This includes microwave ovens, toaster ovens, griddles, grills, slow cookers, electric skillet, deep fryers and other such small appliances.

To minimize the potential for fires at Concordia University, Nebraska, it is the policy of the University to prohibit the use of combustible decorations. All decorations used in used on campus must be fire-resistant or non-combustible. Decorative lights and extension cords must be UL rated and not used so as to present a fire hazard or trip-hazard. Live trees or greens are prohibited as decoration.

Procedure for Student Housing Evacuation in Case of Fire

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system as they leave. Once safely outside a building, it is appropriate to contact 911 and Campus Security. Students and/or staff are informed where to relocate to by staff if circumstances warrants at the time of the alarm. In the event fire alarms sound, University policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member’s only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

Per federal law, Concordia University is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the **non-emergency** numbers to call to report fires that have already been extinguished in on-campus student of housing. These are fires for which you are unsure whether Concordia University Security may already be aware. If you find evidence of such a fire or hear about such a fire, please contact one of the following:

- Concordia University Security (402) 643-3033
- Student Life Office (402) 643-7411

When calling, please provide as much information as possible about the location, date, time and cause of the fire.

Statistical Report

YEAR	2016	2017	2018
Fire Damages #	0	0	0
Fire Injuries #	0	0	0
Fire Fatalities #	0	0	0
Total Fires	0	0	0