

Annual Campus Security and Fire Report

2021



Safety and security information for Western Nebraska Community College, including crime & fire statistics for the three most recently completed calendar years (2018, 2019 and 2020). This information was submitted to the U.S. Department of Education according to law.

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

Table of Contents

INTRODUCTION	5
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT - FERPA.....	5
DIRECTORY INFORMATION	6
DISCLOSURE	6
REQUESTS.....	7
REPORTING CRIME STATISTICS	8
CLERY GEOGRAPHY	8
CLERY OFFENSES - DEFINITIONS.....	8
CATEGORY ONE: TYPES OF CRIMINAL OFFENSES	9
CATEGORY TWO: HATE CRIMES	9
CATEGORY THREE: VAWA OFFENSES	10
CATEGORY FOUR: ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION.....	11
NEBRASKA STATE LAW DEFINITIONS	11
CAMPUS SECURITY AND RELATIONSHIPS WITH LOCAL AGENCIES	14
REPORTING CRIME	14
ADDITIONAL REPORTING OPTIONS.....	15
MANDATORY REPORTING REQUIREMENTS.....	16
EMERGENCY NOTIFICATION SYSTEM.....	17
CAMPUS TIMELY WARNING NOTICE AND EMERGENCY NOTIFICATION SYSTEM.....	18
EMERGENCY EVACUATION.....	19
SEVERE WEATHER	20
TAKING SHELTER	21
SHELTER-IN-PLACE PROCEDURES.....	25
FIRE SAFETY	26
FIRE SAFETY DEFINITIONS	26
RESIDENCE HALL POLICIES:	29
MISSING STUDENT NOTIFICATION POLICY AND PROCEDURE	30
SECURITY AWARENESS PROGRAMS FOR STUDENTS AND EMPLOYEES.....	32
SEXUAL OFFENDER INFORMATION	33
CAMPUS FACILITIES- SECURITY AND ACCESS-SCOTTSBLUFF CAMPUS	34
CAMPUS FACILITIES – SECURITY AND ACCESS – SIDNEY CAMPUS.....	34
CAMPUS FACILITIES – SECURITY AND ACCESS – ALLIANCE CAMPUS.....	34

WNCC ALCOHOL AND ILLEGAL DRUG POLICIES	34
EMPLOYEE DRUG/ALCOHOL POLICY	36
INFORMATION AND REFERRAL OFFICES	37
LEGAL SANCTIONS.....	42
OFFENSES RELATED TO ALCOHOL.....	44
LOCAL LAWS	46
ALLIANCE, NEBRASKA CODE OF ORDINANCES.....	46
SCOTTSBLUFF, NEBRASKA MUNICIPAL CODE	47
CITY OF SIDNEY, NEBRASKA CODIFIED ORDINANCES	48
2020 Crime Statistics.....	52
2020 Crime Statistics.....	54
2020 Crime Statistics.....	56
2020 Crime Statistics.....	58
2020 Crime Statistics.....	60
SEXUAL HARASSMENT: SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING.....	62
POLICY STATEMENT	62
DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, and STALKING PREVENTION AND AWARENESS PROGRAMS.....	62
BYSTANDER INVERVENTION & RISK REDUCTION:.....	63
BYSTANDER INTERVENTION RESOURCES:.....	64
SEXUAL ASSAULT: FACTS AND PREVENTION.....	65
REPORTING AN INCIDENT	66
SUPPORTIVE MEASURES	69
PROCEDURES FOR SEXUAL HARASSMENT COMPLAINTS.....	70
COMPLAINTS:	70
RETALIATION	72

INTRODUCTION

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

In compliance with relevant provisions of federal law, Western Nebraska Community College is required to make policy and procedural information available to the campus community, as well as to prospective students and employees. Printed copies of individual reports are available upon request at the Student Services Office or by calling (308) 635-6050. The data contained in this report is for the calendar year from January 1st through December 31st of 2020 and is made available annually by October 1st. For current crime statistics please go to the Student Services Office.

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

<http://www2.ed.gov/admins/lead/safety/campus.html>

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT - FERPA

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

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

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

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

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

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

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

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

DIRECTORY INFORMATION

The law provides that "Directory Information" may be released without the consent of the student. WNCC designates the following student information as Directory Information: The student's full name, addresses, telephone numbers, e-mail addresses, photographic images, date and place of birth, major field of study, full or part-time status, class (e.g. graduate, sophomore, freshman), participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, anticipated date of graduation, degrees and awards received, and the most recent previous educational agency or institution attended by the student. If a student does not want the College to disclose any or all of the types of information designated above from the student's educational records without prior written consent, the student must notify the College's Registrar in writing.

DISCLOSURE

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

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

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

REQUESTS

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

REPORTING CRIME STATISTICS

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

The individuals and agencies involved in the collection of data for the Annual Security Report includes the following: Alliance Police Department, Box Butte County Sheriff's Department, Cheyenne County Sheriff's Department, Nebraska State Patrol, Scottsbluff Police Department, local fire departments in Alliance, Scottsbluff and Sidney; in addition to the Institutional Research Director, the Office of Human Resources, the Alliance & Sidney Campus Executive Director, College Counsel and the Office of Student Life.

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

CLERY GEOGRAPHY

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

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

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

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

CLERY OFFENSES - DEFINITIONS

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

CATEGORY ONE: TYPES OF CRIMINAL OFFENSES

1. Criminal Homicide:

- a) **Murder and Non-Negligent Manslaughter.** The willful (non-negligent) killing of one human by another. Included here is any death caused by injuries received in a fight, argument, quarrel, assault, or the commission of a crime.
- b) **Manslaughter by Negligence.** The killing of a person through gross negligence.

2. Sexual Assault (Sex Offenses):

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- a) **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- b) **Fondling** is the touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental incapacity.
- c) **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

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

4. **Aggravated Assault.** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This offense is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

5. **Burglary.** The unlawful entry of a structure to commit a felony or theft.

6. **Motor Vehicle Theft.** The theft or attempted theft of a motor vehicle.

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

CATEGORY TWO: HATE CRIMES

Hate Crimes:

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Any of the crimes listed herein in which the victim was intentionally selected because of the victim's actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability must be reported as hate

crimes. In addition to those offenses, the following offenses are included in Clery Act statistics only if they are Hate Crimes:

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

CATEGORY THREE: VAWA OFFENSES

VAWA Offenses:

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

1. **Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and without consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition –
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.
2. **Domestic Violence** is defined as a felony or misdemeanor crime of violence committed –
 - a. By a current or former spouse or intimate partner of the victim;
 - b. By a person with whom the victim shares a child in common;
 - c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;

- e. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

3. **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
 - a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress.

For the purposes of this definition -

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

CATEGORY FOUR: ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION

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

Under this category of crime statistics, the College must disclose the number of arrests and the number of persons referred for disciplinary action (if an arrest was not made) for the following law violations:

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

NEBRASKA STATE LAW DEFINITIONS

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

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

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

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

“**Without consent**” means:

1. The victim was compelled to submit due to the use of force or threat of force or coercion; or
 - a. The victim expressed a lack of consent through words; or

- b. The victim expressed a lack of consent through conduct; or
 - c. The consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor.
2. The victim need only resist, either verbally or physically, so as to make the person's refusal to consent genuine and real and so as to reasonably make known to the actor the person's refusal to consent; and
 3. A victim need not resist verbally or physically where it would be useless or futile to do so.

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

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

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

Dating violence means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse, to control his or her dating partner. Dating partner means any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term.

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

A person intentionally and knowingly causes bodily injury to his/her intimate partner; threatens an intimate partner with imminent bodily injury; or threatens an intimate partner in a menacing manner. Intimate partner, regardless of gender, means a spouse; a former spouse; persons who have a child in common, whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a causal relationship or an ordinary association between persons in a business or social context.

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

Sexual contact and/or sexual penetration without the consent of the victim, regardless of either person’s gender, including situations where coercion, force or the threat of force was used; situations where the perpetrator knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his/her conduct (i.e., mentally challenged, disabled, intoxicated, etc.); or where the perpetrator is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age. A victim must simply provide enough resistance, either verbally or physically, to make the perpetrator aware of the lack of consent. A victim need not resist verbally or physically where it would be useless or futile to do so.

The following definitions apply:

1. **Actor**: The person accused of sexual assault.
2. **Force or threat of force**: The use of physical force which overcomes the victim's resistance; or the threat of physical force, express or implied, against the victim or a third person that places the victim in fear of death or in fear of serious personal injury to the victim or a third person where the victim reasonably believes that the actor has the present or future ability to execute the threat.
3. **Intimate parts**: The genital area, groin, inner thighs, buttocks, or breasts.
4. **Serious personal injury**: Great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
5. **Sexual contact**: The intentional touching of the victim's sexual or intimate parts, or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact also means the touching, by the victim, of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts, when this touching is intentionally caused by the actor. Sexual contact includes only that conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.
6. **Sexual penetration**: Sexual intercourse in its ordinary meaning, cunnilingus, fellatio, and anal intercourse. It also includes the intrusion, however slight, of any part of the perpetrator or victim's body, or any object manipulated by the actor, into the genital or anal openings of the victim's body. Sexual penetration does not require emission of semen.
7. **Victim**: The person alleging to have been sexually assaulted.

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

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

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

related to the victim by a blood relationship or marriage, or any person presently (or in the past) involved in a dating relationship with the victim.

CAMPUS SECURITY AND RELATIONSHIPS WITH LOCAL AGENCIES

WNCC has entered into an Interlocal Cooperation Agreement for Security Officers on the Scottsbluff campus of Western Nebraska Community College. The Scottsbluff Campus also has a contracted Security force that patrol buildings and residence halls at night but have no powers of arrest. Although WNCC's contracted security personnel do not have arrest powers, they work closely with appropriate jurisdiction law enforcement personnel as necessary.

WNCC does not, however, have a formal written memorandum of understanding for the College's Alliance and Sidney campuses but WNCC enjoys an excellent working relationship with all local law enforcement agencies including the Scottsbluff, Gering, Alliance and Sidney Police Departments, County Sheriff offices throughout the service area and the Nebraska State Patrol.

REPORTING CRIME

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

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

1. Call 911

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

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

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

Alliance: (308) 762-4955

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

Sidney: (308) 254-5515

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

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

WNCC in partnership with the Scottsbluff Police Department has a College Resource Officer on the main campus to provide services to the campus community. The WNCC Resource Officer can be reached on the Scottsbluff campus at 308.635.6111. In the event of an emergency call 911.

Additionally, the Student Services Executive Dean maintains a daily crime log that is available for review.

Campus security authorities are directed to formally report to the Student Services Executive Dean specified criminal incidents that are reported to them or that have occurred at, or in association with, officially sanctioned events and/or activities. A “Campus Security Authority” (CSA) is defined as an “official of the institution who has significant responsibility for student and campus activities.”

Examples of persons who meet the definition of a CSA include (but are not limited to):

- President
- Student Services Executive Dean
- Athletic Director
- Team coach
- Faculty advisors to a student group
- Residence Life Staff
- Title IX Coordinator
- Contracted campus security officers

Professional mental health counselors when functioning in that capacity are not considered campus security authorities; however, all members of the college community including the above listed are encouraged to report crimes or criminal activity.

WNCC encourages accurate and prompt reporting of all crimes to the local police department, campus security or to a Campus Security Authority, when the victim of a crime elects to, or is unable to, make such a report. Formal reports of this nature are documented, investigated, and referred for disposition. However, we recognize that in certain situations, individuals who are victims of crime may not wish to disclose certain details of crimes or their identities. The person with whom you may discuss all of this with confidentially is the licensed counselor at the Counseling Center. If you wish only for support and counseling services, please contact the counselor at 308-635-6050.

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

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

ADDITIONAL REPORTING OPTIONS

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

Anyone who reports an incident of sexual harassment retains the right to notify proper law enforcement, and college officials will assist in notifying local police if the student so chooses. Students may request changes in their academic and/or living situations. Such changes will be granted provided appropriate arrangements are reasonably available. The Title IX Coordinator, or designee, Kathy Ault, 1601 East 27th Street, Scottsbluff, NE 69361, (308) 635-6350 can assist you with these requests.

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

MANDATORY REPORTING REQUIREMENTS

WNCC has designated certain campus community members (Responsible Employees) who are responsible for reporting incidents of sexual misconduct to the Title IX Coordinator for the purpose of conducting an investigation into Prohibited Conduct. Once a Responsible Employee has actual knowledge of sexual misconduct (or allegations of sexual misconduct), the college is deemed to have notice of it, and is obligated to respond. As such, immediate reporting is crucial. Sexual misconduct includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking (also referred to herein as Prohibited Conduct) as defined in the College's Sexual Harassment Grievance and Investigation Procedure.

Not all College Employees are designated as Responsible Employees. Most WNCC faculty and staff members are not Responsible Employees. Only those individuals identified by title in the Responsible Employees section of this procedure are required to take action or report incidents of sexual harassment. The college encourages all other college employees and faculty members to: (1) assist a WNCC community member with reporting to the Title IX Coordinator and/or local law enforcement; and/or (2) assist a community member by directing the individual to resource and reporting options; (3) and/or report concerns to your supervisor or the Title IX Coordinator.

The following individuals are, for purposes of the Sexual Harassment Grievance and Investigation Procedures, responsible employees:

ADVISING/STUDENT SUCCESS

- Student Success Director

EDUCATIONAL SERVICES / WORKFORCE DEVELOPMENT

- Deans
- Lifelong Learning Director
- Workforce Development Director

ADMINISTRATION

- President
- Vice President of Educational Services

- Vice President of Administrative Services
- Vice President of Student Services
- Human Resources Executive Director / Title IX Coordinator
- Alliance & Sidney Centers, Executive Director

ADMINISTRATIVE SERVICES

- Accounting Services Director
- Bookstore Operations Director
- Food Service Director
- Facilities Operations Director

ATHLETICS

- Athletic Director
- Head Coaches

STUDENT SERVICES

- Admissions Director
- Financial Aid Director
- Registrar
- Information Technology Director
- Institutional Research Director

FACULTY

- Division Chairs
- Any faculty member leading, coordinating, or supervising off-campus academic activities or programs such as special field trips, etc.

INSTRUCTIONAL SUPPORT

- Adult Education Director
- CollegeNOW! Director
- Academic Testing & Tutoring Director

STUDENT LIFE

- Student Services Executive Dean
- Assistant Student Services Dean
- Residence Life Director
- Multicultural/International Student Support Director
- Student Services Coordinator
- Student Engagement Director
- Counseling Services Director

EMERGENCY NOTIFICATION SYSTEM

WNCC has implemented a Mass Notification System (RAVE) through which we can communicate urgent messages to students/faculty/staff via text message, automated voice communication, and e-mail. To enable this system, you must inform us of your notification preferences. You may identify a

wireless device such as a cell phone and or a landline on which you wish to receive voice notifications, tells that, and identify it as a landline. Login to your WNCC student portal, click on User Account, under the “Self-Service menu, and then proceed to the User profile.

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

CAMPUS TIMELY WARNING NOTICE AND EMERGENCY NOTIFICATION SYSTEM

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

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

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

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

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

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

1. All members of the WNCC community are required to notify the appropriate police department and campus official of any situation or incident on campus that involves a significant emergency or danger that may pose an immediate or on-going threat to the health and safety of students, faculty, staff, and visitors on campus.

2. The decision to issue a Campus Timely Warning Notice or Emergency Notification is made in coordination and consultation with WNCC's Incident Command Team and College's President or designee who acts as the Incident Commander for all three campuses. The Incident Command Team will confirm the existence of a situation that may warrant a timely warning or emergency notification and determine the extent of the notification as appropriate.
3. In an extreme emergency, the notification process will be implemented at the sole discretion of the College's President or designated team member set forth in team protocol.

How Campus Timely Warning and Emergency Notices are issued:

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

EMERGENCY EVACUATION

Students should learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. WNCC does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of various designated gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, WNCC Emergency Staff, WNCC Staff and/or Residence Life

staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes. Students receive information about evacuation and shelter-in-place procedures during their first-floor meetings and during other educational sessions that they can participate in throughout the year. The Residence Life Staff members are trained in these procedures as well and act as an ongoing resource for students living in residential facilities.

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

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

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

SEVERE WEATHER

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

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

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

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

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

TORNADO RESPONSE PLAN:

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

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

Procedure for Tornado Warning

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

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

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

TAKING SHELTER

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

STAY AWAY FROM WINDOWS AND DOORS WITH GLASS!

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

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

Scottsbluff Campus

Building/Zone	Zone Coordinators	Evacuation Route & gathering area
Conestoga Hall	Residence Life Personnel RA	Southwest Lawn Main level Hallway/restroom Kitchen area/Laundry room
Pioneer Hall Bishop Dining Hall	Residence Life Personnel RA	Williams building Bus stop Lower level, restrooms
Horizon Hall	Residence Life Personnel RA	Williams building Bus stop Laundry room under stairs near Horizon Hall entryway
Williams Building	Ryan Burgner Alex Lutz	Lawn north of building Interior bathrooms Storage Room
Applied Tech Building	Aaron Gayman Corey Batt Russ Pontarolo Dan Joppa	South lawn toward the main building; Bathrooms
Child Care Center	Director Shelly Hoagland	Lawn north of the building; Hallways Interior rooms restrooms

SCOTTSBLUFF MAIN BUILDING

A pod & Online Learning	Jennifer Pedersen Brian Croft	Lawn between main and ATB or front grassy area. Lower-level gym corridor, classrooms, and locker rooms
B pod and interior offices	Amy Winters	Lawn between main and ATB or front grassy area. Lower-level gym corridor, classrooms, and locker rooms
C pod and labs	Lorin King David Nelson	Lawn between main and ATB or front grassy area. Lower-level gym corridor, classrooms, and locker rooms
D pod labs and office areas	Tammie Kleich	Lawn between main and ATB or front grassy area. Lower-level gym corridor, classrooms, and locker rooms
East lower gym level (GED/ABE, IT, Faculty offices/Classroom)	Bambi Sell Amanda Wilson	Grassy area between main and ATB or front grassy area. Stay in your area
East upper gym level (Buddy's Books & Bistro)	Rich Riddick	Lawn between main and ATB or front grassy area. Lower-level gym corridor, classrooms, and locker rooms
East upper gym level (Business Division office, & College Relations)	Scott Winters Tom Robinson	Lawn between main and ATB or front grassy area. Lower-level gym corridor, classrooms, and locker rooms
West upper gym level (Athletics, journalism & art)	Janet Craven Scott Schaub	Lawn between main and ATB or front grassy area. Lower-level gym corridor, classrooms, and locker rooms
Learning Resource Center (Library)	Allison Reisig	Lawn between main and ATB or front grassy area. Lower-level gym corridor, classrooms, and locker rooms
Administrative Services Financial Services Human Resources President's Office	Joshua Vesper Nancy Hall Micah Findley	Lawn between main and ATB or front grassy area. Lower-level gym corridor, classrooms, and locker rooms

Welcome Center Student Success & Advising Educational & Student Services Student Life	Jennifer Araujo Luke Stobel Sheila Johns Jennifer Dicken Irene Garcia	Lawn between main and ATB or front grassy area. Lower-level gym corridor, classrooms, and locker rooms
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HARMS CENTER & ESU 13

Harms Center	Patrick Leach Lori Stromberg Doug Mader	Exit to south parking lot lawn Move to tornado shelter in lower level
Harms Center Lower level	Rebecca Kautz Amber Jacoby	South parking lot lawn Move to tornado shelter area in lower level
ESU 13	Tom Peacock	North parking lot lawn Move to tornado shelter area in lower level

Sidney Campus

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

Alliance Campus

Classrooms and offices	Tammy DuBray Allie Tyree	Exit to lawn Move to tornado shelter in lower level
Powerline Facilities (Pole lab and shop)	Shane Homan Quinton Walker	Exit to west parking lot Move to the bathrooms

SHELTER-IN-PLACE PROCEDURES

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

Basic “Shelter-in-Place” Guidance

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

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

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

How to “Shelter-in-Place”

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

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed to the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
3. An interior room;
4. Above ground level; and
5. Without window or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
6. Shut and lock all windows and close exterior doors.
7. Turn off air conditioners, heaters, and fans.

8. Close vents to ventilation system as you are able. (College staff will turn off the ventilation system as quickly as possible).
9. Make a list of the people with you and ask someone to call Residence Life Staff, faculty, or other staff so they know where you are sheltering. If only students are present, one of the students should call in the list to Residence Life Staff.
10. Turn on radio or TV if available and listen for further instructions.
11. Make yourself comfortable.

FIRE SAFETY

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

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

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

FIRE SAFETY DEFINITIONS

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

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

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

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

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

Fire safety system is any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire. The following charts provide information pertaining to any fires that have occurred at WNCC on-campus housing facilities for the 2018, 2019, and 2020 calendar years, along with information describing the fire safety system in each on-campus student housing facility and the number of fire drills held during the previous calendar year:

Fire Safety Statistics

FIRE SAFETY								
Facility	Year	Total Fires	Date	Time	Cause of Fire	# of Injuries requiring treatment at a medical facility	# of Death	Value of Property Damage
Conestoga Hall 1311 E. 27 th Street, Scottsbluff, NE 69361	2020	1	1/22/20	07:52	Unintentional- Item left unattended	0	0	0
Conestoga Hall 1311 E. 27 th Street, Scottsbluff, NE 69361	2019	0	0	0	0	0	0	0
Conestoga Hall 1311 E. 27 th Street, Scottsbluff, NE 69361	2018	0	0	0	0	0	0	0
Pioneer Tower 1409 E. 27 th Street Scottsbluff, NE 69361	2020	0	0	0	0	0	0	0
Pioneer Tower 1409 E. 27 th Street Scottsbluff, NE 69361	2019	0	0	0	0	0	0	0
Pioneer Tower 1409 E. 27 th Street Scottsbluff, NE 69361	2018	0	0	0	0	0	0	0
Pioneer/Bishop 1409 E. 27 th Street Scottsbluff, NE 69361	2020	0	0	0	0	0	0	0
Pioneer/Bishop 1409 E. 27 th Street Scottsbluff, NE 69361	2019	0	0	0	0	0	0	0

Pioneer/Bishop 1409 E. 27 th Street Scottsbluff, NE 69361	2018	0	0	0	0	0	0	0
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Horizon Hall 1409 E. 27 th Street Scottsbluff, NE 69361	2020	0	0	0	0	0	0	0
Horizon Hall 1409 E. 27 th Street Scottsbluff, NE 69361	2019	0	0	0	0	0	0	0
Horizon Hall 1409 E. 27 th Street Scottsbluff, NE 69361	2018	0	0	0	0	0	0	0

Sidney Unit A 371 Campus Drive Sidney, NE 69162	2020	0	0	0	0	0	0	0
Sidney Unit A 371 Campus Drive Sidney, NE 69162	2019	0	0	0	0	0	0	0
Sidney Unit A 371 Campus Drive Sidney, NE 69162	2018	0	0	0	0	0	0	0

Sidney Unit B 371 Campus Drive Sidney, NE 69162	2020	0	0	0	0	0	0	0
Sidney Unit B 371 Campus Drive Sidney, NE 69162	2019	0	0	0	0	0	0	0
Sidney Unit B 371 Campus Drive Sidney, NE 69162	2018	0	0	0	0	0	0	0

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

RESIDENCE HALL POLICIES:

CANDLES/INCENSE/PLUG-INS

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

ELECTRICAL EQUIPMENT AND APPLIANCES

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

TRAINING, INSPECTIONS AND FUTURE IMPROVEMENTS

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

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

FIRE EVACUATION PROCEDURES FOR RESIDENCE HALL STUDENTS

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

You will evacuate the building in an orderly fashion through the nearest EXIT. If the EXIT is blocked, you will need to move to the next closest EXIT. We ask that you take the time to get familiarized with the EXIT(s) in your area. Once you get outside you will need to move to about 300 feet from the building, be clear of vehicle traffic, and check in with a WNCC employee or other authority.

Students are **not** allowed to get in their vehicle and leave campus until the "ALL CLEAR" is given by the Incident Commander.

When an alarm sounds, follow these guidelines:

1. Close all windows
2. Unplug electrical appliances (if time permits)
3. Grab coat and towel
4. Turn off overhead light and exit (if your doorknob is not hot!)
5. Keep low to avoid smoke inhalation
6. Leave door open
7. Remain 300 feet away from the building until clear signal is given (by college or fire official)



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

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

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

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

FIRE LOG

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

REPORT THAT A FIRE OCCURRED

To report fires that have occurred in any on-campus housing, please contact the Student Services Executive Dean at 308-635-6123 and the following:

Sidney: Sidney Fire Department
115 13th Avenue, Sidney, NE 69162
(308) 254-2880 (via Communication Center for Non-Emergency Situations); or
(308) 254-5515 (Non-Emergency Communications)
Emergency: 911

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

MISSING STUDENT NOTIFICATION POLICY AND PROCEDURE

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

Policy Statement:

When a student residing in a WNCC owned or controlled student-housing facility and is determined to be missing for 24 hours, or less, if circumstances warrant, this policy and the corresponding College procedures will be implemented to assist in locating the student.

Procedure:

When a student is determined to be missing for 24 hours, or less if circumstances warrant, and the student is under 18 years of age and not an emancipated individual, WNCC is required to notify a custodial parent or guardian. Local law enforcement will be notified if a student is determined missing regardless of the prior identification of a contact person.

Emergency Contact Information

- A. Each WNCC student residing in WNCC-owned or controlled student housing will identify to the Residence Life Office an individual to be contacted by WNCC in the event that the student is determined to be missing.
- Students will provide confidential emergency contact information to the Residence Life Office on their housing application. The emergency contact information will be confirmed at check-in into their student housing facility.
 - In addition to registering an emergency contact, every student who lives in a WNCC owned or controlled student housing facility has the option to identify confidentially an individual to be contacted by WNCC in the event the student is determined to be missing for 24 hours, or less, if circumstances warrant. The contact person can be anyone chosen by the student.

Making a Determination as to the Status of the Missing Student

1. A student is determined to be missing when a report comes to the attention of WNCC, and the College determines the report to be credible.
2. The WNCC official receiving the report will collect and document the following information at the time of the report:
 - The name of the person making the report and the relationship of the person to the missing student.
 - The date, time, and location the missing student was last seen.
 - The general routine or habits of the suspected missing student (i.e., visiting friends or relatives who live off-campus, employment off-campus, etc.), including any recent changes in behavior or demeanor.
 - The missing student's most recent cell phone number and email address, if known by the reporter.
3. The Residence Life staff shall begin the search for the missing student by:
 - Initiating an investigation to determine the validity of the report of the missing student and attempting to locate the missing student by utilizing any or all of the following resources:

- checking the student's room;
- talking to the student's roommate/suitemates, Resident Assistants, Student Assistants, and peers to determine if anyone can confirm the missing student's whereabouts and/or confirm the date, time, and location the student was last seen on campus; in addition to having contact with all of the student's instructors for last date of attendance;
- contacting the food service vendor to determine when the last meal was consumed at the cafeteria;
- calling and texting the student's cell phone and calling any other numbers on record; sending the missing student an email or contacting any on or off-campus known contacts of the missing student;
- determining if the student has a vehicle registered on campus and contacting Campus Security to determine the status of the vehicle;
- forwarding the report of the missing student to Campus Security

Notification Procedure

WNCC will implement the following notification procedure for a missing student who resides in a WNCC owned or controlled student housing facility:

1. Within 24 hours of a determination that a student is missing or sooner, if circumstances warrant:
 - a. The Student Services Executive Dean or designee will be contacted by the Director of Residence Life or designee.
 - b. The Emergency Response Team will be activated as needed.
 - c. The Student Services Executive Dean or designee will notify the appropriate law enforcement agency to report the missing student immediately upon receiving the official missing student report.
 - d. The missing student's emergency contact will be notified by the Student Services Executive Dean or designee.
 - e. The missing student's confidential contact, if any, will be notified by the Student Services Executive Dean or designee.
 - f. If the missing student is under the age of 18 years, the missing student's custodial parent or guardian will be notified by the Student Services Executive Dean or designee.
2. Documentation concerning the missing student reported to the appropriate law enforcement agency will be maintained in the Office of Student Life.

SECURITY AWARENESS PROGRAMS FOR STUDENTS AND EMPLOYEES

During new student orientation and in the residence halls students are informed of safety and security measures and ways to maintain personal safety including residence hall security. Periodically

throughout the academic year the Residence Life staff present crime prevention awareness sessions on sexual assault, theft, vandalism, and general sessions on personal safety on campus and in the residence halls. These programs are generally focused on helping students and employees be more aware of their responsibility for their own safety and security and of others.

In addition, WNCC utilizes the following methods and services for security awareness:

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

SEXUAL OFFENDER INFORMATION

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

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

At this web site, you will be given the opportunity to search by last name, first name, city, county, or zip code. This information is to be used to provide public notice and information about a registrant so a community can develop and construct a plan to prepare themselves and their families. Sex offenders have “always” been in our communities. The notification process will remove their ability to act secretly. Sex offender registry information will not be used to retaliate against the registrants, their families, or their employers in any way. Vandalism, verbal, or written threats of harm are illegal and may result in arrest and prosecution.

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

CAMPUS FACILITIES- SECURITY AND ACCESS-SCOTTSBLUFF CAMPUS

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

WNCC has entered into an Interlocal Cooperation Agreement for Security Officer with the City of Scottsbluff, Nebraska for the purposes of assigning security officers to the College's Scottsbluff campus. Additionally, WNCC contracts with an outside company for security guards on the Scottsbluff campus. The guards work Monday – Sunday. Two guards are on duty each night and sit at each front desk in the two residence halls from 11:00 p.m. – 7:00 a.m. – except while making required rounds. They can be called at 308-641-0351 during the times they are on duty.

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

CAMPUS FACILITIES – SECURITY AND ACCESS – SIDNEY CAMPUS

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

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

CAMPUS FACILITIES – SECURITY AND ACCESS – ALLIANCE CAMPUS

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

WNCC ALCOHOL AND ILLEGAL DRUG POLICIES

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

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

Standard of Conduct/Disciplinary Sanctions

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

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

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

Student Code of Conduct

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

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

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

- c. Possession of a device (drug paraphernalia) that has been used to ingest an illegal drug or narcotic.

More information, including the complete text of the code, can be found in the student handbook, and on the Student Services section of WNCB's website at: <https://wncc.edu/student-life/student-services/index>

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

- Warning
- Disciplinary probation
- Suspension – up to and including expulsion or termination of employment
- Referral to an appropriate drug/alcohol treatment program
- Any other action considered necessary by college officials

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

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

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

EMPLOYEE DRUG/ALCOHOL POLICY

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

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

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

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

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

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

Employee Assistance Program (EAP)

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

Prevention Programs and Drug and Alcohol Centers

WNCC has developed health education programs including those that deal specifically with the abuse of drugs and alcohol by student and employees. Example program services include educational programs, dissemination of informational materials, counseling services, referrals and sometimes college disciplinary actions.

Counseling, Treatment and Rehabilitation

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

INFORMATION AND REFERRAL OFFICES

Western Nebraska Community College (WNCC) Counseling Center

WNCC has a licensed counselor on staff who is trained to help students with personal difficulties that interfere with optimal personal and academic functioning. Specifically, WNCC offers individual and group counseling, as well as substance abuse evaluation and education needed to assist students.

All services are free and confidential to WNCC students

308-635-6050 or 308-635-6090 or email counseling@wncc.edu

Alcoholics Anonymous (locate registered groups by town in Nebraska)

<http://www.area41.org> (Meeting Locator)

1-877-AA-OF-NEB (1-877-266-3632)

Western Nebraska Panhandle Hotline: (308) 631-9468

Community Action Partnership of Western Nebraska (CAPWN)

Main Admin. Phone: (308) 635-3089

Health Center Phone: (308) 632-2540

Toll Free Phone: 1-888-448-9665

www.capwn.org

Nebraska Family Helpline

1-888-866-8660

<http://dhhs.ne.gov/Pages/Nebraska-Family-Helpline-About.aspx>

The Nebraska Family Helpline makes it easier for families to obtain assistance by providing a single contact point 24 hours a day, seven days a week. Trained Helpline operators screen calls to assess immediate safety needs, identify the potential level of a behavioral health crisis, make recommendations or referrals to appropriate resources, and help callers connect to emergency resources or providers. The Helpline is supervised by licensed mental health professionals.

Panhandle Partnership

Western Nebraska Resource Guide (Addictions, Basic Needs, Counseling, Emergency Assistance, Mental Health Providers, and other services)

Search services by category in the Panhandle of Nebraska or by County

<https://panhandlepartnership.com/directory/>

Region 1 Behavioral Health Authority

Region I is a political subdivision of the State of Nebraska and has the statutory responsibility under Neb. Rev. Stat. 71-802-71-820 for organizing and supervising comprehensive mental health and substance abuse services in the Region I geographical area which includes the eleven counties of the Panhandle of Nebraska.

4110 Avenue D

Scottsbluff, NE 69361

(308) 635-3173

<https://www.region1bhs.net>

Region 1 network provider directory:

https://www.region1bhs.net/pages/uploaded_files/Network%20Provider%20Directory.pdf

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

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

Outpatient Services

Addiction Counseling and Consultation Services, Inc. (ACCS, INC.)

1917 Avenue A, Scottsbluff NE 69361

(308) 633-1390

www.accsinc.net

Box Butte General Hospital Behavioral Health

Box Butte General Hospital in collaboration with Region 1 Services works to provide Crisis Response Behavioral Healthcare and maintains a list of mental health providers.

2101 Box Butte Avenue

Alliance, NE 69301

(308) 762-6660

Special Services Staff: (308) 761-3368

<http://www.bbgh.org/services/medical-services/behaviorial-health.html>

Cirrus House, Inc.

Day Rehabilitation and Community Support Services

Areas Served: Box Butte, Cheyenne, Kimball, Morrill, and Scotts Bluff Counties

1509 1st Avenue

Scottsbluff, NE 69361

Community Action Health Center / Community Action Partnership of Western Nebraska

(Behavioral Health Services offers the following: Substance Abuse Counseling, Mental Health Counseling, Medication Management, and Intensive Outpatient Services)

Main Admin. Phone: (308) 635-3089

Health Center Phone: (308) 632-2540

Behavioral Health: (308) 633-5766

Toll Free Phone: 1-888-448-9665

24/7 Crisis line: 308-633-5766

www.capwn.org

Evals by Eck

Provides Substance Abuse Evaluations and chemical dependency counseling throughout the Panhandle of Nebraska

3321 Avenue I

PO Box 1603

Scottsbluff, NE 69361

(308) 762-2723 (Scheduling Service – 24-hour line)

EvalsByEck@gmail.com

Healthy Choices Counseling

Contact: Dallas Massey

1821 1st Avenue

P.O. Box 688

Scottsbluff, NE 69363-0688

(308) 632-8236

Karuna Counseling

Services include mental health and substance use therapy.

731 Illinois Street

Sidney, NE 69162

(308) 249-7853

Mental Health Alliance

A group of individual providers working together to offer a range of mental health and substance abuse services.

Contact Information:

308-225-6572

Toll Free: 1-866-228-2636

Locations:

815 Flack Avenue
Alliance, NE 69301

3321 Avenue I
Scottsbluff, NE 69361

731 Illinois Avenue
Sidney, NE 69162

Midwestern Behavioral Health Services / Dr. Gage Stermensky, LLC

Services include alcohol and drug evaluations, screening and assessment, psychological evaluations, and substance abuse services.

1811 Avenue A
Scottsbluff, NE 69361
(308) 641-8409

Options in Psychology, LLC

2622 Avenue C
Scottsbluff, NE 69361
(308) 632-8547

Regional West Medical Center Behavioral Health

Medical Plaza North
Two West 42nd Street, Suite 3200
Scottsbluff, NE 69361
308-635-3711
www.rwhs.org

Inpatient Treatment Facilities / Services

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

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

Northeast Panhandle Substance Abuse Center (NEPSAC)

NEPSAC currently offers residential treatment, Outpatient Counseling/Aftercare, Substance Abuse Evaluations, and referral services.

224 Main Street, Chadron, NE 69337
Business Phone: (308) 282-1101

Veterans' Hospital & Treatment Center

500 N. 5th Street
Hot Springs, SD 57747
605-745-2000

Half-way House and Re-Entry Programs

Human Services Incorporated (Transitional Living Program)

419 West 25th Street Alliance, NE 69301
(308) 762-7177

Any of these resources can also provide information and assessment relating to drug and alcohol abuse. In addition, the local resources can furnish schedules for local and area meetings of Alcoholics Anonymous, Narcotics Anonymous, Alanon, Adult children of Alcoholics, Alateen, and Alatot. Both inpatient and outpatient treatment centers offer help for the entire family of alcoholic or drug user.

The above list of resources is not intended to list every available resource or provider in the College's service area. In addition, Western Nebraska Community College makes no representation or endorsement as to the quality, effectiveness, or appropriateness of any of these services. The listings herein are provided as an informational service only.

Review of College's Alcohol and Drug Education Programs

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

Health Risks

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

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

For women, there is an increase in birth defects associated with use during pregnancy. The counseling office has more in-depth information on the inherent health risks related to substance abuse. The health risks inherent with alcohol and substance abuse are additional detailed by the National Institute on Drug Abuse via information available at: <http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.

LEGAL SANCTIONS

OFFENSES RELATED TO ILLEGAL DRUGS

Selected Nebraska Drug Offenses & Penalties

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

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

Neb. Rev. Stat. § 28-401(31)(a).

Crimes Involving Minors: Any person eighteen years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver, or dispense a controlled substance or a counterfeit controlled substance (i) to a person under the age of eighteen years, (ii) in, on, or within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, a community college, a public or private college, junior college, or university, or a playground, or (iii) within one hundred feet of a public or private youth center, public swimming pool, or video arcade facility shall be punished by the next higher penalty classification. The Act also provides for an enhanced penalty for any person eighteen years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of eighteen years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. Neb. Rev. Stat. § 28-416(4)(a) and 5(a). The Act also provides that if the person convicted of violating this section is eighteen years of age or younger, the court may as part of the conviction impound their motor vehicle licenses or permits and require such person to attend a drug education class. Neb. Rev. Stat. § 28-416(19).

Conditions of Probation: Any person convicted under the Uniform Controlled Substances Act and placed on probation shall, as a condition of probation, attend and complete appropriate treatment and counseling on drug abuse. Neb. Rev. Stat. § 28-416(14).

Being Under the Influence of Any Controlled Substance for Unauthorized Purpose: It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a practitioner. In a prosecution under this subdivision, it shall not be necessary for the state to prove that the accused was under the influence of any specific controlled substance, but it shall be sufficient for a conviction under this subdivision for the state to prove that the accused was under the influence of some controlled substance by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any controlled substance. Neb. Rev. Stat. § 28-417(1) (g).

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 money, materials, productions and equipment and any aircraft, vehicles or vessels used or intended for use in transporting any controlled substance in violations of Nebraska law. Neb. Rev. Stat. § 28-431.

Drug Paraphernalia Offenses: It is a violation of Nebraska law for any person to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1). “Drug paraphernalia” shall mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of specified Nebraska statutes or the Uniform Controlled Substances Act. Neb. Rev. Stat. § 28-439. It shall be unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances in which one reasonably should know, that it will be used to manufacture, inject, ingest, or inhale or otherwise be used to introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-442. It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under eighteen years of age who is at least three years his or her junior. Neb. Rev. Stat. § 28-443. It is a violation of Nebraska law for any person to advertise or promote the sale of objects designed or intended for use as drug paraphernalia. Neb. Rev. Stat. § 28-444.

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. 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. The penalty for violation of Neb. Rev. Stat. § 28-443 is a Class I misdemeanor; imprisonment for not more than one year, or \$1,000 fine, or both. Neb. Rev. Stat. § 28-443. The penalty for any person who violates Neb. Rev. Stat. § 28-444 is a Class III misdemeanor.

Imitation Controlled Substances: It is a violation of Nebraska law to knowingly and intentionally manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance. "Imitation controlled substance" is a substance which is not a controlled substance, but which is represented to be an illicit controlled substance. Neb. Rev. Stat. § 28-445. 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.

Tax penalties and consequences of conviction:

Anyone who possesses or sells controlled substances or imitation controlled substances must pay the appropriate taxes to the Nebraska Department of Revenue and have the stamps attached to the controlled substances. Marijuana and controlled substances are taxed at the following rates:

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

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

OFFENSES RELATED TO ALCOHOL

Selected Nebraska Alcohol Offenses

Procuring Alcohol: It is a violation of Nebraska law to sell, furnish, give away, exchange, or deliver, or permit the sale, gift or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180. 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) and § 28-106 (1). Any person who knowingly and intentionally violates this provision and the acts resulted in serious bodily injury or death to any person shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days imprisonment as part of any sentence. Neb. Rev. Stat. § 53-180.05 (2) and § 28-105.

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

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

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

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

- 1) It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:
 - a) While under the influence of alcoholic liquor or of any drug;
 - b) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood; or
 - c) When such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.
- 2) Any person who operates or is in the actual physical control of any motor vehicle while in a condition described in subsection (1) of this section shall be guilty of a crime and upon conviction punished as provided in sections 60-6,197.02 to 60-6,197.08.

A violation of this statute is punishable as follows:

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

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

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

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

Neb. Rev. Stat. § 60-6,197.03.

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

Second Conviction: Penalties for a second conviction include a \$500 fine and a maximum of a 6-month imprisonment, with no less than a mandatory 30-day imprisonment. As part of the judgment of conviction, the offender's operator's license is revoked for 18-months. If an offender is placed on probation or the sentence is suspended, a mandatory condition is that the offender must not drive any

motor vehicle for any purpose for a period of 18-months. In addition, the probation order shall include as one of its conditions the payment of a \$500 fine and confinement in the city or county jail for 10-days or the imposition of not less than 240-hours of community service.

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

Third Conviction: Penalties for a third conviction include a \$1,000 fine and a maximum of a 1-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15-years. If an offender is placed on probation, or the sentence is suspended, a mandatory condition is that the offender's operator's license shall be revoked for a period of at least 2-years but not more than 15-years. In addition, the probation order shall include the payment of a \$1,000 fine and as one of its conditions confinement in the city or county jail for 30-days.

Neb. Rev. Stat. § 28-106(1) and Neb. Rev. Stat. § 60-6,197.03(4).

Fourth and subsequent convictions: A fourth and subsequent convictions will result in up to a 3-year imprisonment and 18-months post-release supervision (with a minimum of 9-month post-release supervision if imprisonment is imposed) or a \$10,000 fine, or both, and are a Class IIIA felony conviction. Offenders in this class of enhanced convictions will have their licenses revoked for a period of 15-years and the offender must spend at least 180-days imprisoned in a city or county jail or an adult correctional facility. Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15-years. The probation order shall also include as one of its conditions a \$2,000 fine and confinement in the city or county jail for 90-days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 90-days after release.

Neb. Rev. Stat. § 60-6,197.03(7) and Neb. Rev. Stat. § 28-105(1).

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

Neb. Rev. Stat. § 60-6,197.03 and Neb. Rev. Stat. § 28-105.

LOCAL LAWS

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

ALLIANCE, NEBRASKA CODE OF ORDINANCES

Sec. 4-5. Minors on premises prohibited.

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

Sec. 4-6. Sale to minors prohibited.

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

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

- a. Except as provided in R.R.S. 1943, § 53-168.06, no minor may sell or dispense or have in his possession or physical control any alcoholic liquor in any tavern or in any other place including public streets, alleys, roads, highways, upon property owned by the state or any subdivision thereof, or inside any vehicle while in or on any other place including but not limited to the public streets, alleys, roads, highways, or upon property owned by the state or any subdivision thereof, except that a minor may possess or have physical control of alcoholic liquor in his permanent place of residence.
- b. The term minor shall mean any person, male or female, under 21 years of age; regardless of marital status.

Sec. 4-8. Consumption on premises.

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

SCOTTSBLUFF, NEBRASKA MUNICIPAL CODE

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

It shall be unlawful for any person:

1. to consume or have in his or her possession any open container of alcoholic liquor in the public streets, alleys, roads, highway or parking areas, or any other property owned by or under the control of the State or any governmental subdivision, except as provided in this Article; or
2. to consume or have in his or her possession any open container of alcoholic liquor in any place of public resort or any place open to the general public (including parking areas or lots) except as permitted by a license issued for the premises pursuant to the Nebraska Liquor Control Act,
3. to consume or have in his or her possession any open container of alcoholic liquor inside a motor vehicle unless the alcoholic liquor is located so that no occupant of the motor vehicle shall have access to it while the vehicle is in motion, or
4. to consume any alcoholic liquor other than beer upon a premise licensed for the sale of beer at retail only.
5. A container of alcoholic liquor shall be considered an “open container” if the seal of the

original package is broken. (Ord. 3641, 2000)

CITY OF SIDNEY, NEBRASKA CODIFIED ORDINANCES

434.01 Driving Under Influence of Alcohol or Drugs

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

612.08 Sale to Minors; Incompetents.

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

612.09 Misrepresentation of Age.

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

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

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

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

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

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

1. 21 U.S.C. § 844(a)

First Conviction: Up to 1-year imprisonment and 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 aircraft, vehicles, or vessels, or any other

conveyance used, or intended for use, to transport or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances.

3. 21 U.S.C. § 844(a)
Civil fine of up to \$10,000 for each violation of 21 U.S.C. § 844 involving controlled substances listed in 21 U.S.C. § 841(b)(1)(A).

4. 21 U.S.C. § 862 (a) and (b)
Drug Traffickers: Any individual who is convicted of any Federal or State offense consisting of the distribution of controlled substance shall, at the discretion of the court, be ineligible for any and all federal benefits (e.g., student loans, grants, contracts, professional or commercial license). The denial can last up to 5 years for the first conviction and up to 10 years for the second conviction. Those who have three or more convictions will be permanently ineligible for all Federal benefits.

Drug Possessors: Any individual who is convicted of any Federal or State offense involving the possession of a controlled substance shall, at the discretion of the court, be ineligible for any and can last up to one year and the individual shall be required to successfully complete an approved drug treatment program which includes periodic testing to ensure the individual remains drug free.

5. 18 U.S.C. § 922(g)(9) Ineligible to receive or possess any firearm or ammunition.

Table 1 below describes the federal criminal penalties for various drug and drug related offenses. *

Table 2 below describes the federal trafficking penalties for marijuana. *

*Source: Drugs of Abuse, A DEA Resource Guide, 2020 Edition, from the U.S. Department of Justice, Drug Enforcement Administration available on-line at the following:

https://www.dea.gov/sites/default/files/202004/Drugs%20of%20Abuse%202020Web%20Version-508%20compliant-4-24-20_0.pdf

TABLE 1: FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	<p>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment.</p> <p>Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	5 kgs or more mixture	<p>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p>First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	<p>First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>		
All other Schedule IV drugs	Any amount	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>		
Flunitrazepam (Schedule IV)	Other than 1 gram or more			
All Schedule V drugs	Any amount	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

TABLE 2: FEDERAL TRAFFICKING PENALTIES MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants; 1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

2020 Crime Statistics

Location

WNCC Alliance Campus & Adjacent Properties and Surrounding Area Leased Properties – Powerline Lab.

Crime Type	Reporting Year	On-Campus	On-Campus Housing	Non-Campus	Public Property
Murder/Non-negligent Manslaughter	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Manslaughter by Negligence	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Rape	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Fondling	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Incest	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Statutory Rape	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Robbery	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Aggravated Assault	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Burglary	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Motor Vehicle Theft	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Arson	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Dating Violence	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Domestic Violence	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Stalking	2020	0	N/A	0	0
	2019	0	N/A	0	0

	2018	0	N/A	0	0
Arrests:	2020	0	N/A	0	0
Weapons	2019	0	N/A	0	0
Carrying, Possession, ETC,	2018	0	N/A	0	0
Disciplinary Referrals:	2020	0	N/A	0	0
Weapons	2019	0	N/A	0	0
Carrying, Possession, ETC,	2018	0	N/A	0	0
Arrests:	2020	0	N/A	0	0
Drug	2019	0	N/A	0	0
Abuse Violations	2018	0	N/A	0	0
Disciplinary Referrals	2020	0	N/A	0	0
Drug	2019	0	N/A	0	0
Abuse Violations	2018	0	N/A	0	0
Arrests:	2020	0	N/A	0	0
Liquor Law	2019	0	N/A	0	0
Violations	2018	0	N/A	0	0
Disciplinary Referrals:	2020	0	N/A	0	0
Liquor Law	2019	0	N/A	0	0
Violations	2018	0	N/A	0	0
Unfounded Crimes	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

2020 Crime Statistics

Location

WNCC Sidney Campus 371 College Drive, Sidney, NE & Adjacent Properties and Surrounding Leased Properties-
Aviation Lab - Airport 11145 Road 16, Sidney, NE,

Crime Type	Reporting Year	On-Campus	On-Campus Housing	Non-Campus	Public Property
Murder/Non-negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0

	2018	0	0	0	0
Arrests:	2020	0	0	0	0
Weapons	2019	0	0	0	0
Carrying, Possession, ETC,	2018	0	0	0	0
Disciplinary Referrals:	2020	0	0	0	0
Weapons	2019	0	0	0	0
Carrying, Possession, ETC,	2018	0	0	0	0
Arrests:	2020	0	0	0	0
Drug	2019	0	1	0	0
Abuse Violations	2018	0	0	0	0
Disciplinary Referrals	2020	0	0	0	0
Drug	2019	0	0	0	0
Abuse Violations	2018	3	0	0	0
Arrests:	2020	0	0	0	0
Liquor Law	2019	0	0	0	0
Violations	2018	0	0	0	0
Disciplinary Referrals:	2020	0	2	0	0
Liquor Law	2019	0	0	0	0
Violations	2018	0	0	0	0
Unfounded Crimes	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

2020 Crime Statistics

Location

WNCC Scottsbluff Campus: WNCC Scottsbluff Campus Athletic Facilities or Leased Properties – Cleveland Field of Dreams and Volunteer Fields (1615 West 20th Street, Scottsbluff, NE), Guadalupe Center – ESL., 1200 East 9th Street, Scottsbluff, NE, Hunts Acres Community Center, 1791 Avenue X, Scottsbluff, NE, Landers Memorial Soccer Complex, East 42nd Street, Scottsbluff, NE

Crime Type	Reporting Year	On-Campus	On-Campus Housing	Non-Campus	Public Property
Murder/Non-negligent Manslaughter	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Manslaughter by Negligence	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Rape	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Fondling	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Incest	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Statutory Rape	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Robbery	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Aggravated Assault	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Burglary	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Motor Vehicle Theft	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Arson	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Dating Violence	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Domestic Violence	2020	0	N/A	0	0
	2019	0	N/A	0	0

	2018	0	N/A	0	0
Stalking	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Arrests: Weapons Carrying, Possession, ETC,	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Disciplinary Referrals: Weapons Carrying, Possession, ETC,	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Arrests: Drug Abuse Violations	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Disciplinary Referrals Drug Abuse Violations	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Arrests: Liquor Law Violations	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Unfounded Crimes	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

2020 Crime Statistics

Location

WNCC Scottsbluff Main Campus & Adjacent Properties 1601 East 27th Street, Scottsbluff, NE, Harms Advance Technology Center, 2620 College Park, Scottsbluff, NE, Conestoga Hall, 1311 East 27th Street, Scottsbluff, NE, Pioneer Hall, 1409 East 27th Street, Scottsbluff, NE, WNCC-SWBC Building, 2617 College Park, Scottsbluff, NE, 17th Avenue Larkspur Drive, Scottsbluff, NE

Crime Type	Reporting Year	On-Campus	On-Campus Housing	Non-Campus	Public Property
Murder/Non-negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	1	1	0
	2019	0	0	1	0
	2018	0	0	1	0
Fondling	2020	0	0	0	0
	2019	0	1	1	0
	2018	0	1	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	1	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	1	0	0
	2018	0	1	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0

	2018	0	0	0	0
Stalking	2020	1	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arrests: Weapons Carrying, Possession, ETC,	2020	0	1	0	0
	2019	0	1	0	0
	2018	0	0	0	0
Disciplinary Referrals: Weapons Carrying, Possession, ETC,	2020	0	0	0	0
	2019	0	0	0	0
	2018	1	0	0	0
Arrests: Drug Abuse Violations	2020	1	2	0	0
	2019	1	0	0	0
	2018	0	0	0	0
Disciplinary Referrals Drug Abuse Violations	2020	1	0	0	0
	2019	5	9	0	0
	2018	0	0	0	0
Arrests: Liquor Law Violations	2020	1	0	0	0
	2019	0	1	0	0
	2018	0	1	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	6	1	0
	2019	3	6	0	0
	2018	0	25	0	0
Unfounded Crimes	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

2020 Crime Statistics

Location

WNCC TRIO Veterans Upward Bound Program in Western South Dakota at the following sites: South Dakota School of Mines and Technology, 501 East St. Joseph Street, Rapid City, South Dakota, 57701; Black Hills State University 1200 University Street, Spearfish, SD 57799-9502; National American University (Rapid City, SD), 5301 Mt. Rushmore RD, Rapid City, SD 57701; University Center, Rapid City, 4300 Cheyenne Blvd, Rapid City, SD, 57709; Oglala Lakota College 127 Knollwood Drive, Rapid City, SD

Crime Type	Reporting Year	On-Campus	On-Campus Housing	Non-Campus	Public Property
Murder/Non-negligent Manslaughter	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Manslaughter by Negligence	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Rape	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Fondling	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Incest	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Statutory Rape	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Robbery	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Aggravated Assault	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Burglary	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Motor Vehicle Theft	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Arson	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Dating Violence	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0

Domestic Violence	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Stalking	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Arrests: Weapons Carrying, Possession, ETC,	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Disciplinary Referrals: Weapons Carrying, Possession, ETC,	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Arrests: Drug Abuse Violations	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Disciplinary Referrals Drug Abuse Violations	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Arrests: Liquor Law Violations	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	N/A	0	0
	2019	0	N/A	0	0
	2018	0	N/A	0	0
Unfounded Crimes	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

REPORTED HATE CRIMES: Per 34 CFR 668.46(1)(iii)(B), the College must disclose hate crime statistics for all Clery-reportable offenses and the crimes of larceny-theft, simple assault, intimidation, and vandalism/destruction of property that are determined to be hate crimes.

Hate crimes on campus:

2020 – No hate crimes were reported.

2019 – No hate crimes were reported.

2018 – No hate crimes were reported.

Hate crimes in on-campus housing:

2020 – No hate crimes were reported.

2019 – No hate crimes were reported.

2018 – One (1) intimidation based on Gender.

Hate crimes non-campus:

2020 – No hate crimes were reported.

2019 – No hate crimes were reported.

2018 – No hate crimes were reported.

Hate crimes on public property:

2020 - No hate crimes were reported.

2019 – No hate crimes were reported.

2018 – No hate crimes were reported.

SEXUAL HARASSMENT: SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

POLICY STATEMENT

Western Nebraska Community College (WNCC) is committed to providing an environment free from discrimination on the basis of sex and provides resources and services to assist students, faculty, and staff in addressing issues involving sex discrimination. The College strictly prohibits any form of sexual harassment, which includes sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation.

Scope

This policy applies to all members of the WNCC community: employees, regardless of their classification or status, and students. WNCC has jurisdiction over a Respondent whenever prohibited conduct occurs in the College's education program or activity against a person in the United States and the College exercises substantial control over both the Respondent and the context in which the prohibited conduct occurs.

Policy

Sexual harassment, sexual assault, dating violence, domestic violence and stalking are against the law and are prohibited conduct under WNCC policy. All reported incidents will be thoroughly investigated and those found responsible dealt with as necessary, whether criminally charged or be handled through the College's sexual harassment procedure. Consistent with state and federal laws, this policy prohibits retaliation against a person for reporting discrimination and sexual harassment; or participating in the investigation or adjudication of such a complaint. Persons violating this policy will face strict discipline up to and including suspension, expulsion, termination, or be subject to legal proceedings.

Any person believing that he or she has been subject to prohibited sexual harassment, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation should file a complaint utilizing the College's Sexual Harassment Grievance and Investigation Procedure.

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

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

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

- Healthy Relationships/Domestic Programming sponsored by Residence Life for Fall and Spring semesters.
- DOVES Program on Healthy Relationships/Sexual Abuse, which includes presentations on domestic abuse and sexual assault. The DOVES Program believes every person has the right to feel safe, live free from abuse, and expect healthy relationships, and their mission is to ensure their empowerment-based services are available and accessible to all victims of domestic violence, dating violence, sexual abuse, and stalking. The program serves victims of domestic violence, dating

violence, sexual assault and stalking throughout Banner, Box Butte, Cheyenne, Dawes, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux Counties.

- Stalking prevention presentation.
- Residence Hall programs on Stalking/Internet Safety which are mandatory for residential students and student athletes and open to the entire college community.
- Web-Based Resources: “Your Role in Sexual Harassment & Violence Prevention: Making a Difference in Preventing Sexual Harassment and Violence at WNCC”.

BYSTANDER INTERVENTION & RISK REDUCTION:

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

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

In order to intervene, first someone has to:

1. Notice the event

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

2. Interpret the incident as a problem or emergency

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

3. Assume personal responsibility for intervening

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

4. Have the bystander intervention skills to help

There are a number of different techniques that someone can use to intervene in a risky situation, some of which we have listed below. These bystander goals and intervention techniques are

reprinted here with permission of the “Step UP! Program” developed by the University of Arizona C.A.T.S. Life Skills Program in partnership with the NCAA.

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

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

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

Consider both direct and indirect ways to intervene.

Direct: You take responsibility as the primary helper.

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

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

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

BYSTANDER INTERVENTION RESOURCES:

- The Doves Program: <http://www.dovesprogram.com> or 308-436-HELP or 866-95-DOVES

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

SEXUAL ASSAULT: FACTS AND PREVENTION

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

Suggestions for working to end sexual violence include:

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

Remember:

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

Plan ahead:

- First date or blind date? Check your date out with friends. Go to a public place and go with friends.
- Don’t leave a party, concert, or bar with someone you just met or do not know well.

- Be wary of behavior that makes you feel uncomfortable. If it persists, leave. Stand up for yourself.
- If someone is pressuring you, make it clear that you do not like it.

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

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

If you are assaulted:

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

If someone you know is raped:

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

REPORTING AN INCIDENT

In accordance with Title IX regulations, WNCC has a designated Title IX coordinator. This person is responsible for tracking and monitoring incidents of sexual harassment, which includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking to ensure WNCC responds effectively to each complaint, and where necessary, for conducting investigations of particular situations. Questions regarding Title IX, as well as concerns and complaints of non-compliance, may be directed to:

Kathy Ault,
 Executive Director, Human Resources
 Western Nebraska Community College
 1601 East 27th Street
 Scottsbluff, NE, 69361
 (308) 635-6350
aultk@wncc.edu

Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.

Report online, using the Incident Reporting Form posted at https://cm.maxient.com/reportingform.php?WesternNebraskaCC&layout_id=10

Anonymous reports are accepted but can give rise to a need to investigate. The College tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal Complaint, and as the College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the Recipient to discuss and/or provide supportive measures.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the Recipient investigate the allegation(s).

A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the Recipient) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the Recipient investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

In addition, Institutional Officers listed below are designated as Title IX Deputy Coordinators and may be contacted for assistance at the following:

- Title IX Deputy Coordinator, Ryan Burgner, Athletic Director, WNCC 1601 East 27th Street, Scottsbluff, NE, 69361 308.635.6798 or burgnerr@wncc.edu
- Title IX Deputy Coordinator, Norman Coley, Jr., Student Services Executive Dean, WNCC 1601 East 27th Street, Scottsbluff, NE, 69361, 308.635.6123 or coleyn@wncc.edu
- Title IX Deputy Coordinator, Paula Abbott, Alliance & Sidney Campus, Executive Director, WNCC 371 College Drive, Sidney, Nebraska 69162 308.254.7404 or abbottp@wncc.edu
- Title IX Deputy Coordinator, Lisa Gion, HR Generalist, WNCC 1601 East 27th Street, Scottsbluff, Nebraska 69361 308.635.6105 or gionl0@wncc.edu

The Title IX Coordinator or designate will assist all members of the WNCC community by assessing the incident, advising the complainant on how he or she can seek legal protection, and making the

complainant aware of medical, counseling, and other support services. WNCC can assist the complainant in notifying the local police department with jurisdiction over the crime. **In case of an emergency or ongoing threat, get to a safe location and call 911.** Calling 911 will put you in touch with local police. Contact information for local law enforcement agencies in WNCC campus communities are as follows:

ALLIANCE:

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

SCOTTSBLUFF:

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

SIDNEY:

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

Preservation of Evidence

If an incident of sexual assault, domestic assault, dating violence, or stalking occurs, it is important to preserve evidence so that successful criminal prosecution remains an option and/or to help in obtaining a protection order.

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

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

On Campus and Off Campus Resources

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

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

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

WNCC Counseling Center
(308) 635-6090

The DOVES Program

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

(308) 436-HELP (4357)

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

(877) 215-0167 (español)

2035 10th Street

Gering, NE 69341

www.dovesprogram.com

Community Action Health Center / Community Action Partnership of Western Nebraska

(Counseling, Medical and Referral Services):

Main Admin. Phone: (308) 635-3089

Health Center Phone: (308) 632-2540

Toll Free Phone: 1-888-448-9665

www.capwn.org

SUPPORTIVE MEASURES

Regardless of whether a student or employee reports an incident of sexual harassment, sexual assault, domestic violence, dating violence, or stalking to law enforcement or pursues any formal action, if they report such an incident to the College, Western Nebraska Community College is committed to providing them as safe a learning or working environment as possible. The College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged Prohibited Conduct.

Supportive measures are those services, accommodations, and other assistance the College puts in place after receiving notice of Prohibited Conduct, but before any final outcomes (investigatory, disciplinary, or remedial) have been determined. They include individualized services reasonably available to the College, and without fee or charge to the complainant or respondent that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The College will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic/occupational impact on the parties as possible and the College will implement the measures in a way that does not unreasonably burden the other party.

The full range of supportive measures are set out in the College's Sexual Harassment Grievance and Investigation Procedures set out in Appendix "A".

Students and employees may contact the Title IX Coordinator (Kathy Ault, Human Resources Executive Director, WNCC, 1601 East 27th Street, Scottsbluff, NE, 6931, (308) 635-6350 or aultk@wncc.edu) for assistance with supportive measures.

PROCEDURES FOR SEXUAL HARASSMENT COMPLAINTS

Overview:

Western Nebraska Community College strictly prohibits all acts of sexual harassment. Sexual harassment is an umbrella category including the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal investigation and prosecution, students, employees, and other affiliates may also face action by WNCC once the College has notice that sexual harassment has occurred.

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

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

COMPLAINTS:

In terms of resolving complaints directed at sexual harassment (including sexual harassment, sexual assault, domestic violence, dating violence and stalking) the federal government issued new Title IX regulations that became effective August 14, 2020. In compliance with the new regulations, the College issued a new complaint resolution procedure for Title IX cases captioned Sexual Harassment Grievance and Investigation Procedure that became effective on the same date as the new regulations. A complete copy of the procedure can be found in Appendix "A".

For cases occurring before August 14, 2020, the College utilized the following complaint resolution procedure: Sexual Misconduct Complaint Procedures. A complete copy of this procedure can be found in Appendix "B".

Sanctions:

Process A set out in the College's Sexual Harassment Grievance and Investigation Procedure is a method of formal resolution designated by the College to address sexual harassment, sexual assault, dating and domestic violence and stalking and which complies with the requirements of Title IX regulations.

At the same time, it is within the College's discretion to determine which policies apply and whether action will be taken under multiple policies. Some allegations of prohibited conduct under College policy may result in separate investigations and potential separate and additional sanctions under multiple College policies. For example, WNCC students are subject to the College's Student Code of Conduct

Policy and Procedure and, depending on the nature of the alleged prohibited conduct at issue, the College may proceed with procedures under policy the Sexual Harassment Policy and the Student Code of Conduct separately or concurrently.

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

A. Student Sanctions

The following are the usual sanctions that may be imposed upon students singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Required Counseling:** A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- **On campus housing relocation / suspension / expulsion:** Moving a student from one room to another and/or from one campus residence hall to another, separation of the student from campus housing for a designated period of time, or permanent removal of a student from any and all campus housing options.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the College.
- **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason and/or to attend College-sponsored events.
- **Withholding Diploma:** The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including College registration) for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

B. Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*

- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Assignment to new supervisor*
- *Restriction of stipends and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

RETALIATION

The College's commitment to eradication of any sort sexual harassment includes prohibiting actions taken in retaliation for complaining of violations of College policy.

Retaliation includes taking any action which may have any adverse impact on the student's academic success or the learning environment of the student if such action is taken because of the student's filing of or participation in the review of a complaint, whether or not such complaint is determined to be valid; or taking any action which may have any adverse impact on the employment status of the work environment of the employee, if the action is taken because of the employee's filing of or participation in the review of a complaint, whether or not such complaint is determined to be valid.

The complainant is assured that retaliation due to filing a complaint under the procedures addressing sexual harassment is strictly prohibited by law and by college policy, and shall lead to discipline up to and including termination and expulsion. Any person believing that retaliation has taken or is taking place should immediately report the matter as provided herein.

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

APPENDIX A

SEXUAL HARASSMENT GRIEVANCE AND INVESTIGATION PROCEDURES

(Effective August 14, 2020)

APPENDIX B

SEXUAL MISCONDUCT COMPLAINT PROCEDURES

(For Complaints occurring before August 14, 2020)