

# Annual Campus Security and Fire Report

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2024



**Western Nebraska**  
Community College

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## PURPOSE AND PREPARATION OF THIS REPORT

As an institution of higher learning, Western Nebraska Community College is committed to an integrated philosophy of awareness, education, prevention, and service as it seeks to enhance safety and security at all of its educational locations. The College and its representatives look for internal and external partnerships to promote and maintain a safe, secure environment conducive for all learning, living, and working at WNCC.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) and the Campus Fire Safety Right-to-Know Act of both require the College, among other things, to:

- Publish an annual security report (ASR) by October 1 of each year, documenting three calendar years of specified campus crime statistics, including security policies and procedures and information on the basic rights guaranteed to victims of sexual assault, domestic violence, dating violence, and stalking.
- Disclose and provide to the U.S. Department of Education specified crime statistics.
- Provide timely warnings of crimes that represent a threat to the campus community.
- Devise an emergency response, notification, and testing policy. The College is required to inform the campus community about significant emergency or dangerous situations involving an immediate threat to the health or safety of student and employees occurring on campus.
- Publish an annual fire safety report. As the College maintains on-campus student housing facilities, the College publishes an annual fire safety report containing fire statistics, describing on-campus housing facilities fire safety systems, and setting forth policies and procedures related to fire safety, education, and training.
- Disclose policies and procedures to handle reports involving missing students.
- Distribute the reports to all students and employees and inform prospective students and employees about the reports.

The reports also contain descriptions of campus policies and programs relative to campus security, reporting of crimes, institutional disciplinary actions, alcoholic beverages and other drugs, and the various educational programs, resources, and services related to campus health and safety.

Printed copies of individual reports are available upon request at the Student Life Office or by calling (308) 635-6050. The data contained in this report is for the calendar years 2021, 2022, and 2023. For current crime statistics please visit <https://www.wncc.edu/about-wncc/campus-safety/>.

### Collection and Reporting of Crime and Fire Safety Statistics

The College coordinates the collection and reporting of crime statistics as specified by federal law.

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 locations of crimes committed within their jurisdiction. WNCC's Office of Occupational Health and Safety 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. Department 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 Dean of Students, campus agencies required to collect crime statistics report all crimes to the Dean of Students and/or the Occupational Health and Safety Director.

The individuals and agencies involved in the collection of data for the Annual Security Report include the following: Alliance Police Department; Box Butte County Sheriff's Department; Cheyenne County Sheriff's Department; Scotts Bluff County Sheriff's Department; Scottsbluff Police Department; Sidney Police Department; Nebraska State Patrol; local fire departments in Alliance, Scottsbluff, and Sidney; and WNCC's offices of Institutional Research, Human Resources, Occupational Health and Safety Director and Dean of Students; Alliance and Sidney Campus Executive Director, and College legal counsel.

The information is compiled into an annual report. Each year, enrolled students are notified via electronic mail, *Student Handbook*, and WNCC's web site Consumer Information page 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 Life Office. All prospective employees are notified of the report and may also obtain a copy of this report from the Human Resources Office. All prospective students are notified of the report and may also obtain a copy of this report from the Student Life Office.

Copies of this report will be provided to others as specified by law and upon request.

## Family Educational Rights and Privacy Act (FERPA)

The Clery Act and the Campus Fire Safety Act are intended to provide students, their families, and members of the WNCC community 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: [www2.ed.gov/admins/lead/safety/campus.html](http://www2.ed.gov/admins/lead/safety/campus.html)

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 arrange 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 to 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, consultant or contractor outside of the college who performs an institutional service or 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 their 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:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

## Directory Information

FERPA 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. freshman, sophomore), 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. This written notice specifying the information which the student requests not to be released must be received by the Registrar within ten (10) days of registration. This written notice must be repeated by the student each semester to remain effective.

## 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, and subject to the limitations in § 99.31(a)(6)(iii). (§ 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 them. (§ 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 the policies and procedures related to FERPA may be directed to the Office of the Registrar at 308-635-6010.

## PUBLIC SAFETY OVERVIEW

### Campus Security and Relationships with Local Agencies

WNCC has entered into an Interlocal Cooperation Agreement with the Scottsbluff Police Department for a security officer on the Scottsbluff campus. This security officer is a certified law enforcement officer for the State of Nebraska and has arrest powers. The Scottsbluff campus also has a contracted security force that patrols buildings and residence halls at night but who 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 enjoys an excellent working relationship with all local law enforcement agencies including the Scottsbluff, Alliance, and Sidney Police Departments; County Sheriff offices throughout the service area; and the Nebraska State Patrol.

### Campus Facilities: Security and Access

#### Scottsbluff

Normal operating hours for WNCC's Scottsbluff campus are 8 a.m. – 5 p.m., Monday through Thursday, and 8 a.m. – 4 p.m. on Friday. From mid-May to mid-August, the hours of operation are 8 a.m. – 4 p.m. daily. The facility is accessible in the evening and on weekends as needed to accommodate various events (e.g., athletics and theatre) and student activities. Depending on the building and its requirements, physical security mechanisms include locks and keys, keypad and card entry systems, electronic alarms on doors, and closed-circuit security camera systems.

As mentioned previously, WNCC has entered into an Interlocal Cooperation Agreement for a school resource officer with the City of Scottsbluff who maintains an office on campus and patrols the grounds during the academic year. WNCC also 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 located at the front desk in the two residence halls from 11 p.m. – 7 a.m., except while making required rounds of the halls and other campus facilities. 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. All visitors must be escorted by a residential student and must sign in at the front desk.

### Alliance

Normal building hours on the Alliance campus are 8 a.m. – 9 p.m. on Monday; 8 a.m. – 8 p.m., Tuesday through Thursday, and 8 a.m. – 4 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, alarms, and close-circuit security camera systems

### Sidney

Normal building hours on the Sidney campus are 7:30 a.m. – 9 p.m. Monday through Thursday; 7:30 a.m. – 4 p.m. on Friday; and some Saturdays as required from 8 a.m. – 5 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 and closed-circuit security camera systems.

**All visitors must be escorted by a residential student.**

## 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, WNCB 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 on <https://www.wncc.edu/about-wncc/campus-safety/> ;
- Distribution of information to campus publications such as staff newsletters and other sources, and other printed materials, 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 educational programs and events, 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.

## Student Training

Specific samples of student training include “Bystander Intervention and Risk Reduction” and “Sexual Assault: Facts and Prevention.” Materials from the trainings are below.

### 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 people witness these behaviors, there are certain ways to help prevent a risky situation from getting out of hand. The goal of bystander intervention is to make the campus community a safer place to live, work and learn and WNCC is committed to promoting the skills 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 one is at a party and sees 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," the College means 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 one is unsure if they should do something, they should 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.

### Bystander Intervention Techniques

- **Personal safety is of the utmost importance.** When a situation that threatens physical harm, ask someone for help or call 911 immediately.
- **Assess the entire situation/circumstances** before making any decisions or taking any action.
- Consider both **direct and indirect ways** to intervene.

Direct: Take responsibility as the primary helper.

Indirect: 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 is chosen, **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 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 a 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 are criminal.
  - **Call 911 if it is not safe or prudent to help directly.**

### Employee Training

The table below provides a listing of mandatory training programs in 2023 for all faculty and staff. New Staff Orientation is mandatory for all new employees.

Event	Date	Training/ Presenter	Information	Audience
General Assembly	10/10/2023	Justine Froelker	Keynote: The Courageous Leader	WNCC Staff/Faculty
General Assembly/Breakout Session	10/10/2023	Fall Dessert	Easy Fall dessert from prep to sample	WNCC Staff/Faculty
General Assembly/Breakout Session	10/10/2023	Pound Unplugged	Stretching, Rhythmic Breathing, Mindfulness and Meditation	WNCC Staff/Faculty
General Assembly/Breakout Session	10/10/2023	Strength Without Weights	Learn how to target the entire body through basic movements, combining strength training and cardio.	WNCC Staff/Faculty

General Assembly/Breakout Session	10/10/2023	Love Your Guts	Learn about the relationship between function foods and a healthy gut.	WNCC Staff/Faculty
Annual Compliance Training/BizLibrary	Annual Training	Walking the Walk: Preventing Sexual and Other Forms of Harassment in the Workplace	Combatting gender harassment and racism, ensuring equity and inclusion, and the importance of a respectful workplace are at the forefront of the national conversation, and this program's engaging scenarios emphasize the need to actually put these concepts into practice to ensure a productive, respectful, safe workplace culture. Walking the Walk not only covers basic definitions of sexual and other forms of harassment, it also explains that much of what is defined as harassment is inadvertent and avoidable. It describes the benefits of bias awareness, bystander intervention, and practicing civility as practical methods we can use to walk the walk, as well as talk the talk, in order to ensure a happy, legally compliant workplace free from any form of abusive conduct.	WNCC Staff/Faculty
Annual Compliance Training/BizLibrary	Annual Training	Understanding and Preventing Age Discrimination	Workplace discrimination is a serious problem. Understanding the facts about age discrimination will help you make a difference in stopping unfair employment practices. In this lesson you will learn about the Age Discrimination in Employment Act (ADEA) and learn how you can become a part of the solution to helping everyone find and retain gainful employment opportunities.	WNCC Staff/Faculty

Annual Compliance Traing/BizLibrary	Annual Training	Standard Response Protocol	Review Poster and understand meanings of each action	WNCC Staff/Faculty
Annual Compliance Traing/BizLibrary	Annual Training	Promoting Positivity at Work	Intended to help you negate negativity from your daily life at work. From this lesson, viewers will learn all about how detrimental negative energy can be on things like mental health, productivity, and team culture. To help combat this toxic negativity, employees will learn about what they can do to take control of their thoughts and actions and become more positive in all they do. (Keywords: happiness, positive, negative, complaining, toxic coworkers)	WNCC Staff/Faculty
Annual Compliance Traing/BizLibrary	Annual Training	Accommodating Disabilities: ADA Myth Busters	help employers maintain a welcoming workplace where individuals living with disabilities can thrive. During this lesson, viewers will bust various ADA myths, including “Employers must hire unqualified individuals with disabilities,” “Employers must give people with disabilities special privileges,” and “The ADA is frequently misused by people with vague complaint	WNCC Staff/Faculty
Annual Compliance Traing/BizLibrary	Annual Training	Substance Abuse Toolkit: Workplace Substance Abuse	Workplace substance abuse is defined before the viewer learns about the many costs of substance abuse on an organization. The lesson also describes the signs and symptoms of substance abuse along with what the learner can do if they encounter substance abuse in their workplace. Ultimately, the viewer will have a better understanding of the impact of substance abuse on the workplace.	WNCC Staff/Faculty

Annual Compliance Traing/BizLibrary	Annual Training	Substance Abuse Toolkit: Alcohol	Everything you need to know about substance abuse and the workplace. In this lesson, the viewer will learn about alcohol as an abused substance, the signs of alcohol abuse, and the adverse effects of alcohol abuse on workers and the workplace.	WNCC Staff/Faculty
Annual Compliance Traing/BizLibrary	Annual Training	Setting SMART Goals for Success	Discusses each of the five criteria of SMART goals: specific, measurable, attainable, relevant, and time-bounded. In this one-off lesson, viewers will learn how to ensure their goals are truly SMART and even examine why SMART goals have a greater probability of being met. With this information, learners will have a better chance of making their goals a reality.	WNCC Staff
New Employee Orientation	Monthly	Jenny Keener	Welcome/Introductions/G eneral Information and Procedures: Parking, Keys, Credit cards, IT help, Portal, Outlook, Cougar Notes, Renovation	New Employee
New Employee Orientation	Monthly		WNCC Mission and Vision	New Employee
New Employee Orientation	Monthly	Brian Elkins, Registrar	FERPA Training	New Employee
New Employee Orientation	Monthly	Mark Davis/Loren Moench, Cybersecurity	Cyber Security/KnowB4/IT	New Employee
New Employee Orientation	Monthly	Nancy Hall, Safety	Safety Programs - All Hazards Guidelines, General Safety, Fire/Electrical Safety, MSDS/Haz Comm, Accident/Incident Reporting, Disaster Plan/Evacuation Plan, Driver Protocol Policy and Video, RAVE Emergency notification	New Employee

New Employee Orientation	Monthly	Kathy Ault, HR	HR Policies - Discrimination, Harassment and Retaliation, Drug Free Workplace, Board Policy Affidavit, Title IX policy, procedures, mandatory reporting, Wellness program introduction, compliance training	New Employee
New Employee Orientation	Monthly	Jenny Keener	Payroll, I-9 and miscellaneous paperwork	New Employee
New Employee Orientation	Monthly	Jenny Keener	Benefits	New Employee
New Employee Orientation	Monthly	Jenny Keener	Computer Training - Portal, BizLibrary, WebTimeEntry for employees and supervisors	New Employee

## 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.

### Standard of Conduct Regarding Alcohol and Illegal Drugs

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 number [500.3900.14](#) 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. College policy also prohibits the consumption, possession, or sale of controlled substances and/or the presence of persons under the influence of controlled substances on College-owned, leased or controlled property and on the premises of College sponsored or supervised off-campus functions. policy ([Board Policy 500.4000.79 Use of Controlled Substances](#)).

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.

### Students

All students bear a responsibility to understand the policies governing their behavior as set out in the Student 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 of conduct.

### Student Code of Conduct

As an educational institution of higher education, WNCC seeks to provide the best learning environment for its students. 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.

### College Responses to Violations of Standards and Expectations

Violations of the College's Student Code of Conduct may result in sanctions up to and including suspension or expulsion from the College. Violations of the Student Code may also result in referral for prosecution by the property authorities under local, state, and/or federal law. More information, including the complete text of the Code of Conduct, can be found in the *Student Handbook* available at <https://wncc.edu/student-life/student-life-pdfs/student-handbook-2023-2024-updated.pdf>

Students living in on-campus student housing are also held to the standards set forth in the *Residence Hall Manual* which is available at <https://wncc.edu/student-life/residence-life/residence-life-manual-2023-24-updated-01-02-2024.pdf>

As set forth in both the Student Code of Conduct and the *Residence Hall Manual*, specified conduct violations may result in sanctions up to and including suspension or expulsion from student housing.

### Employees

Through Board Policy **BP-710 (Drug-Free Workplace)**, 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.

As a provision of the policy, the College has established drug-free awareness training which informs all employees about:

- The dangers of drug abuse in the workplace;
- The College's policy of maintaining a drug-free workplace;
- Drug counseling, rehabilitation, and employee assistance programs; and

- 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 **Board Policy 500.3900.14 (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. A similar policy (**Board Policy 500.4000.79**) prohibits the consumption, possession, or sale of controlled substances or the presence of persons under the influence of controlled substances on College-owned or controlled property.

## Drug-Free Schools and Communities Act

In compliance with the Drug-Free Schools and Communities Act and related regulations governing college campuses, WNCC 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 [www.wncc.edu/about-wncc/consumer-information/](http://www.wncc.edu/about-wncc/consumer-information/) under "Safety, Drug & Alcohol Prevention"**. The biennial review also details the educational programs that were offered at WNCC during the review period.

## Resources

### 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 **connectionseap.com** for additional information.

### Educational and Prevention Programming

WNCC makes available educational and prevention programming that deals specifically with the abuse of drugs and alcohol by student and employees. This includes workplace training, dissemination of informational materials, counseling services, referrals, and, in some cases, College disciplinary actions.

### Community Resources

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

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.

### 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.

Phone: 308-635-6050  
308-635-6090

Email: [counseling@wncc.edu](mailto:counseling@wncc.edu)  
[stephens@wncc.edu](mailto:stephens@wncc.edu)

#### **Alcoholics Anonymous (locate registered groups by town in Nebraska)**

Phone: Western Nebraska Panhandle Hotline: (308) 631-9468  
1-877-AA-OF-NEB (1-877-266-3632)

Web: [www.area41.org](http://www.area41.org) (meeting locator)

#### **Community Action Partnership of Western Nebraska (CAPWN)**

Phone: Main Admin. Phone: (308) 635-3089  
Health Clinic Phone: (308) 632-2540  
Behavioral Health: (308)-633-5766  
Toll Free Phone: 1-888-448-9665

Web: [www.capwn.org](http://www.capwn.org)

#### **Nebraska Family Helpline**

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.

Phone: 1-888-866-8660

Web: [dhhs.ne.gov/Pages/Nebraska-Family-Helpine-About.aspx](http://dhhs.ne.gov/Pages/Nebraska-Family-Helpine-About.aspx)

#### **Panhandle Partnership**

Western Nebraska Resource Guide (addictions, basic needs, counseling, emergency assistance, mental health providers, and other services)

Web: [panhandlepartnership.com/directory/](http://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.

Address: 4110 Avenue D  
Scottsbluff, NE 69361  
Phone: (308) 635-3173  
Web: [www.region1bhs.net](http://www.region1bhs.net)

### **Wyo-Braska Area Service Committee of Narcotics Anonymous**

Web: [www.wyo-braskana.org/meetings](http://www.wyo-braskana.org/meetings) (meeting locator)

### Outpatient Services

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

Address: 1917 Avenue A  
Scottsbluff NE 69361  
Phone: (308) 633-1390  
Web: [www.accsinc.net](http://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.

Address: 2101 Box Butte Avenue  
Alliance, NE 69301  
Phone: (308) 762-6660  
Special Services Staff: (308) 761-3368  
Web: [www.bbgh.org/services/medical-services/behaviorial-health.html](http://www.bbgh.org/services/medical-services/behaviorial-health.html)

#### **Cirrus House, Inc.**

Day rehabilitation and community support services serving Box Butte, Cheyenne, Kimball, Morrill, and Scotts Bluff counties.

Address: 1509 1st Avenue  
Scottsbluff, NE 69361  
Phone: (308) 635-1488

#### **Community Action Health Center/Community Action Partnership of Western Nebraska (CAPWN)**

Behavioral Health Services offers the following: substance abuse counseling, mental health counseling, medication management, and intensive outpatient services.

Phone: Main Admin: (308) 635-3089  
Health Clinic: (308) 632-2540  
Behavioral Health: (308) 633-5766

Toll Free Phone: 1-888-448-9665 24/7

Crisis line: 308-633-5766

Web: [www.capwn.org](http://www.capwn.org)

### **Healthy Choices Counseling**

Contact: Dallas Massey  
Address: 1821 1st Avenue  
P.O. Box 688  
Scottsbluff, NE 69363-0688  
Phone: (308) 632-8236

### **Karuna Counseling**

Services include mental health and substance use therapy.

Address: 731 Illinois Street  
Sidney, NE 69162  
Phone: (308) 249-7853

### **Mental Health Alliance**

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

Locations: 815 Flack Avenue  
Alliance, NE 69301  
1503 19<sup>th</sup> Avenue  
Scottsbluff, NE 69361  
731 Illinois Avenue  
Sidney, NE 69162  
Phone: (308) 225-6572  
Toll Free: 1-866-228-2636

### **Midwestern Behavioral Health Services / Dr. Gage Stermensky, LLC**

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

Address: 1807 Avenue A  
Scottsbluff, NE 69361  
Phone: (308) 641-8409

**Options in Psychology, LLC**

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

**Regional West Medical Center Behavioral Health**

Address: Medical Plaza North  
Two West 42nd Street, Suite 3200  
Scottsbluff, NE 69361  
Phone: (308) 635-3711  
Web: [www.rwhs.org](http://www.rwhs.org)

Inpatient Treatment Facilities / Services

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

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

**Veterans' Hospital & Treatment Center**

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

Halfway House and Re-Entry Programs

**Human Services Incorporated (transitional living program)**

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

## Legal Sanctions

### Nebraska Drug & Alcohol Offenses & Penalties

#### Offenses Related to Illegal Drugs

The regulation of most drugs, also called controlled substances, as well as legal penalties associated with violations of those regulations, are set out in the Uniform Controlled Substances Act (Neb. Rev. Stat. § 28-401 *et seq.*). The level of offense is described generally in that Act, with exact penalties described in Neb. Rev. Stat. § 28-105. In addition, there are other Nebraska State laws which establish penalties for various drug related offenses which are summarized below.

#### **Controlled Substance Analogue [Neb. Rev. Stat. § 28-401(31)(a)]**

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 substantially 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.

#### **Crimes Involving Minors [Neb. Rev. Stat. § 28-416(4)(a)]**

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, or to aid and abet in the same. Neb. Rev. Stat. § 28-416(4)(a) and 5(a)(b). 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, require community service, and require such person to attend a drug education class.

#### **Conditions of Probation [Neb. Rev. Stat. §§ 28-416(14), (15)]**

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. Any person sentenced to the Department of Correctional Services for a violation of the Uniform Controlled Substances Act shall attend appropriate treatment and counseling on drug abuse at the Correctional Center.

#### **Being Under the Influence of Any Controlled Substance for Unauthorized Purpose [Neb. Rev. Stat. § 28-417(1) (g)]**

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.

### **Property Forfeiture [Neb. Rev. Stat. §§ 28-416(18), 28-431]**

Money, securities, negotiable instruments, firearms, conveyances, electronic devices, equipment, components, peripherals, software, hardware or accessories can be forfeit upon conviction for violation of the Uniform Controlled Substances Act. 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.

### **Inhaling or Drinking Intoxicating Substances [Neb. Rev. Stat. § 28-419]**

It is a violation of Nebraska law for any person to breath, inhale or drink certain substances laid out in 28-419 for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, inebriation, excitement, or irrational behavior, or in any manner changing, distorting, or disturbing the auditory, visual, mental or nervous process.

### **Drug Paraphernalia Offenses [Neb. Rev. Stat. § 28-441]**

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 their 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 [Neb. Rev. Stat. § 28-445]**

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.

### **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.

### **Immunity and Exceptions**

Nebraska law provides immunity from some drug related violations in certain circumstances. Pursuant to Neb. Rev. Stat. § 28-472, a person shall not be in violation of Neb. Rev. Stat. § 28-441 or subsection (3) of Neb. Rev. Stat. § 28-416 if:

- (a) Such person made a good faith request for emergency medical assistance in response to a drug overdose of himself, herself, or another;
- (b) Such person made a request for medical assistance as soon as the drug overdose was apparent;
- (c) The evidence for the violation of section 28-441 or subsection (3) of section 28-416 was obtained as a result of the drug overdose and the request for medical assistance; and
- (d) When emergency medical assistance was requested for the drug overdose of another person:
  - (i) Such requesting person remained on the scene until medical assistance or law enforcement personnel arrived; and
  - (ii) Such requesting person cooperated with medical assistance and law enforcement personnel.

The exception from criminal liability referenced above applies to any person who makes a request for emergency medical assistance and complies with the requirements of the applicable statutory section.

A person shall not be in violation of section 28-441 or subsection (3) of section 28-416 if such person was experiencing a drug overdose and the evidence for such violation was obtained as a result of the drug overdose and a request for medical assistance by another person made in compliance with subsection (1) of Neb. Rev. Stat. § 28-472.

## **Offenses Related to Alcohol**

### **Procuring Alcohol [Neb. Rev. Stat. § 53-180.05 (2) and § 28-105]**

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 one year imprisonment, a \$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.

### **Minor in Possession [Neb. Rev. Stat. § 53-180.02 and § 28-106 (1)]**

No minor may sell, dispense, consume, or have in his or her possession or physical control any alcoholic liquor, except at their permanent residence. Neb. Rev. Stat. § 53-180.02. Any person older than 18 years of age, but under 21 years of age may be punished by up to three-month imprisonment, a \$500 fine, or both. If they are 18 years of age or younger, the court may also impound their driver's license, require community service, and require an alcohol education class.

### **Consumption on Public Property [Neb. Rev. Stat. § 53-186 & § 29-436]**

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.

A violation of this statute is punishable as follows: (1) For the first offense be fined not more than \$100; (2) upon a second conviction for the same infraction within a two-year period be fined not less than \$100 and not more than \$300; and (3) upon a third or subsequent conviction for the same infraction within a two-year period be fined not less than \$200 and not more than \$500.

### **Driving Under Influence [Neb. Rev. Stat. § 60-6,196]**

Driving while under the influence of intoxicating liquors or drugs is a violation of Nebraska law.

- 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 and as provided in sections 28-105, 28-106 and 60-6,197.03:**

<b>Offense</b>	<b>Level &amp; Jail Time</b>	<b>Fines</b>	<b>License Revocation</b>
First offense with a BAC under .15%	Class W Misd. 7 to 60 days	\$500	6 months
First offense with a BAC of .15% or higher	Class W Misd. 7 to 60 days	\$500	1 year
1 prior offense with a BAC under .15%	Class W Misd. 30 days to 6 months	\$500	18 months
1 prior offense with a BAC of .15% or higher	Class I Misd. 90 days to 1 year	\$1,000	18 months to 15 years
2 prior offenses with a BAC under .15%	Class W Misd. 90 days to 1 year	\$1,000	15 years
2 prior offenses with a BAC of .15% or higher	Class IIIA Felony 180 days to 3 years If given jail sentence, 9-18 months of post-release supervision will be ordered	Up to \$10,000	15 years
3 prior offenses with a BAC under .15%	Class IIIA Felony 180 days to 3 years If given jail sentence, 9-18 months of post-release supervision will be ordered	And/or up to \$10,000	15 years
3 prior offenses with a BAC of .15% or higher	Class IIA Felony 1 to 20 years		15 years
4 prior offenses with a BAC under .15%	Class IIA Felony 2 to 20 years		15 years
4 prior offenses with a BAC of .15% or higher	Class II Felony 2 to 50 years		15 years

- **A person convicted of a specified DUI offense may also be required to have an ignition interlock device and submit to drug treatment mandated by the court.**
- **There are also separate and/or increased penalties for refusing a chemical test as set forth in Neb. Rev. Stat. §60-6, 197.**

### Local Alcohol Offenses & Penalties

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 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 license, 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.

### **Sec. 22-131 Inhaling; drinking; internal use; prohibited.**

It shall be unlawful for any person to breathe, inhale, drink or in any manner use internally any compound, liquid, or chemical containing certain substances listed in this section for the purpose of inducing a condition of intoxication, inebriation, stupefaction, depression, giddiness, exhilaration, paralysis or irrational behavior or in any manner changing, distorting, or disturbing the auditory, visual or mental or nervous processes or in any way dulling the brain or nervous system. (Ord. No. 2942, § 3, 6-7-2002) This is a class 1 violation carrying possible penalties of up to seven days imprisonment, up to a \$1000.00 fine, or both.

### **Sec. 22-135 Controlled substance; equipment; possession.**

It shall be unlawful for any person to possess an opium pipe or any device, contrivance, instrument, or paraphernalia designed for use or principally used for smoking a controlled substance. It shall also be unlawful for any person to possess a hypodermic needle or syringe, or any other device, contrivance, instrument or paraphernalia designed for use or used for injecting a controlled substance, except for certain individuals and uses described in

this section. (Ord. No. 2941, § 3, 6-7-2022). This is also a Class I violation carrying possible penalties of up to seven days imprisonment, up to a \$1000.00 fine, or both.

## **Scottsbluff 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; or
- 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.

A container of alcoholic liquor shall be considered an “open container” if the seal of the original package is broken. (Ord. 3641, 2000). This is a Class II violation carrying possible penalties of up to a \$250.00 fine.

### **13-7-1 Controlled substance; equipment; possession.**

It shall be unlawful for any person to possess an opium pipe or any device, contrivance, instrument or paraphernalia designed for use or principally used for smoking a controlled substance. It shall also be unlawful for any person to possess a hypodermic needle or syringe, or any other device, contrivance, instrument or paraphernalia designed for use or used in injecting a controlled substance, except for certain individuals and uses described in this section. (Ord. 2531, 1979; Ord. 1116). This is a class I violation carrying possible penalties of up to seven days imprisonment, up to a \$500.00 fine, or both.

### **13-7-10 Chemicals; inhaling; drinking; internal use; prohibited.**

It shall be unlawful for any person to breathe, inhale, drink or in any manner use internally certain chemicals listed in this section or any compound, substance or liquid containing the same chemicals, for the purpose of inducing a condition of intoxication, inebriation, stupefaction, depression, giddiness, exhilaration, paralysis or irrational behavior or in any manner changing, distorting, or disturbing the auditory, visual or mental or nervous processes or in any way dulling the brain or nervous system (Ord. 1715, 1968; Ord. 1116). This is a class I violation carrying possible penalties of up to seven days imprisonment, up to a \$500.00 fine, or both.

## **Sidney 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). Penalties for violation of this ordinance are the same as for violation of state statute relating to driving under the influence of drugs or alcohol.

#### **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.) This is punishable by up to a \$100.00 fine.

#### **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.). This is punishable by up to a \$100.00 fine.

#### **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.) This is punishable by up to a \$100.00 fine.

### **Federal Penalties and Sanctions for Illegal Possession of Controlled Substances**

The Controlled Substances Act (CSA) is the statute establishing federal U.S. drug policy under which the manufacture, importation, possession, use and distribution of certain substances is regulated. The CSA places all substances which were in some manner regulated under existing federal law into one of five schedules.

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

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

#### **Penalties and Sanctions**

##### **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.

### **21 U.S.C. § 853(a) and 881(a)**

Any person convicted of any offense punishable by more than 1 year imprisonment forfeits any property constituting or derived from proceeds as a result of the violation and any property used or intended to be used in any way to commit or facilitate commission of the violation. They also forfeit any substances, materials, equipment, property, conveyances like aircrafts and vehicles, moneys, proceeds, real property and firearms that were used, intended to be used, or that facilitated commission of the violation.

### **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 in a personal user amount listed in 21 U.S.C. § 841(b)(1)(A).

### **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 federal benefits for 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. They can all be required to complete community service. Upon conviction of a second offense they shall be ineligible for all federal benefits for up to five years and may again require drug treatment program and community service.

### **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, and Table 2 below describes the federal trafficking penalties for marijuana. Both tables are from *Drugs of Abuse, A DEA Resource Guide, 2022 Edition*, from the U.S. Department of Justice, Drug Enforcement Administration. The publication is available on-line at [https://www.dea.gov/sites/default/files/2022-12/2022\\_DOA\\_eBook\\_File\\_Final.pdf](https://www.dea.gov/sites/default/files/2022-12/2022_DOA_eBook_File_Final.pdf)



**TABLE 1: FEDERAL TRAFFICKING PENALTIES**

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	<b>First Offense:</b> 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.	5 kgs or more mixture	<b>First Offense:</b> 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 mil- lion if an individual, \$50 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture	<b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment.  Fine of not more than \$8 million if an individual, \$50 million if not an individual.	400 grams or more mixture	<b>Second Offense:</b> 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.
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture	<b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.	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	<b>First Offense:</b> 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.		
Flunitrazepam (Schedule IV)	1 gram	<b>Second Offense:</b> 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.		
Other Schedule III drugs	Any amount	<b>First Offense:</b> 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- al.		
All other Schedule IV drugs	Any amount	<b>Second Offense:</b> 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.		
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
All Schedule V drugs	Any amount	<b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
		<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.		
		<b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		



**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.

# ADDITIONAL INSTITUTIONAL POLICIES AND INFORMATION

## Missing Student Notification Policy and Procedure

In accordance with the Higher Education Opportunity Act of 2008 (34 CFR 668.46(h)), WNCC has implemented a Missing Person Notification Policy and Procedure to respond to reports of a missing student, [Board Policy BP-531](#).

### Policy Statement

Pursuant to Board Policy BP-531: Missing Student Notification, when a student residing in a WNCC-owned or controlled student housing facility is determined to be missing for 24 hours, or less, and if circumstances warrant, this policy and the corresponding administrative procedure will be implemented to assist in locating the student.

### Procedure

Pursuant to Board Policy BP-531: Missing Student Notification, 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

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. Such confidential contact information will be accessible only to authorized campus officials and may not be disclosed, except to law enforcement in furtherance of missing persons investigations.

In addition to registering an emergency contact, every student who lives in a WNCC owned or controlled student housing facility has the option to confidentially identify 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

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.

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.

### **Search for a Student**

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 all of the student's instructors for last date of attendance
- contacting the Food Service 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 Environmental Health & Safety Coordinator during regular business hours to determine the status of the vehicle and contracted security during the evening hours; and
- forwarding the report of the missing student to the Environmental Health & Safety Coordinator.

### **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 Dean of Students or designee will be contacted by the Residence Life Specialist or designee.
  - b) The Emergency Response Team will be activated as needed.
  - c) The Dean of Students 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 Dean of Students or designee.
  - e) The missing student's confidential contact, if any, will be notified by the Dean of Students 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 Dean of Students or designee.
- g) Documentation concerning the missing student reported to the appropriate law enforcement agency will be maintained in the Student Life Office.

## Weapons Policy

The illegal possession, use, or sale of firearms, ammunition, major or minor explosives, or any lethal weapon is forbidden and subject to College discipline as well as criminal sanctions. The College prohibits permit holders who are authorized to carry a concealed handgun from carrying a concealed handgun into or upon the property of Western Community College Area, which operates WNCC.

## 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:

**[statepatrol.nebraska.gov/services/sex-offender-registry](http://statepatrol.nebraska.gov/services/sex-offender-registry)**

On this web site, a search can be conducted 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 present in communities; the notification process is designed to 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 **[www.nsopw.gov/](http://www.nsopw.gov/)**.

## TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS

The safety of the College community is a priority for WNCC. In the event of a substantiated serious safety concern, either on College-owned or operated property or in the near vicinity of one of the College’s three locations, concerted effort is made to advise members of the campus community of the potential threat. 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.

## Defining a “Timely Warning” or “Emergency Notification”

### Timely Warning

WNCC will issue timely warnings for a specific College location or College-wide depending on the circumstances. Whenever a serious criminal incident is reported to campus security or a local law enforcement agency that is considered to represent a serious and ongoing threat to students and employees, a timely warning will be sent to the entire affected community. The Clery Act defines specific crimes that require the issuance of a timely warning. These acts are defined in the Campus Security (Clery) Act Reporting and Statistics section of this report. Any such Timely-Warning will withhold as confidential the name and identifying information of any victims.

### Emergency Notification

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 facility. Other examples of significant emergencies or dangerous situations include but are not limited to:

- 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
- nearby chemical or hazardous waste spill

### Decision to Issue a Timely Warning or Emergency Notification

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 timely warning or emergency notification to the College community is made in coordination and consultation with WNCC’s Emergency Response Team and the College President or designee who acts as the Incident Commander for all three campuses. The Emergency Response 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 President or designated team member as set forth in team protocol.

## Issuing Timely Warnings and Emergency Notices

- 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.

The following chart identifies the differences between emergency notifications and timely warnings:

	<b>Emergency Notifications</b>	<b>Timely Warnings</b>
<b>Scope</b>	Significant emergency or dangerous situation	Clery crimes, reported to CSAs
<b>Triggered by?</b>	Event that is currently occurring on or imminently threatening campus	Crimes that occurred and represent an ongoing threat
<b>Where event occurs?</b>	Only on campus	Anywhere on Clery Geography
<b>How soon to issue?</b>	Immediately upon confirmation of situation	As soon as information is available

## Emergency Notification System

WNCC has implemented a mass notification system through which the College can communicate urgent messages to students, faculty, and staff via text message, automated voice communication, and email. To enable use of the RAVE system, students and employees must inform the College of their notification preference. They may identify a wireless device such as a cell phone and/or a landline on which they wish to receive voice notifications.

In addition, WNCC has the technology to notify students and employees on the Scottsbluff campus via a public address system and electronic bulletin boards.

When the College initiates a timely warning or emergency notification, the message is prominently displayed on WNCC’s web site.

## Emergency Evacuation/Shelter-in-Place

WNCC students and employees 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. The College utilizes “zone coordinators” who are trained in emergency evacuation procedures and provide leadership for students and staff in their assigned areas during drills and real-time events.

## Evacuation Zones

### Scottsbluff Campus

Building/Zone	Evacuation Route & Internal Gathering Areas
Conestoga Hall	<p style="text-align: center;"><b>Southwest lawn</b></p> <p>Main level hallway/restroom kitchen area/laundry room</p>
Pioneer Hall Bishop Dining Hall	<p style="text-align: center;"><b>Williams Building bus stop</b></p> <p>Lower level/restrooms</p>
Horizon Hall	<p style="text-align: center;"><b>Williams Building bus stop</b></p> <p>Pioneer Hall Activities Center</p>
Williams Building	<p style="text-align: center;"><b>Lawn north of building</b></p> <p>Interior bathrooms/storage room</p>
Applied Tech Building (ATB)	<p style="text-align: center;"><b>South lawn toward the Main Building</b></p> <p>Bathrooms</p>
Child Care Center	<p style="text-align: center;"><b>Lawn north of the building</b></p> <p>Hallways/interior rooms restrooms</p>
<b>Main Building</b>	
A pod and interior offices	<p style="text-align: center;"><b>Lawn between main and ATB or front grassy area</b></p> <p>Lower-level gym corridor/classrooms/locker rooms</p>
B pod and interior offices	<p style="text-align: center;"><b>Lawn between main and ATB or front grassy area</b></p> <p>Lower-level gym corridor/classrooms/locker rooms</p>
C pod and labs	<p style="text-align: center;"><b>Lawn between main and ATB or front grassy area</b></p> <p>Lower-level gym corridor/classrooms/locker rooms</p>
D pod classrooms and office areas Testing Center	<p style="text-align: center;"><b>Lawn between main and ATB or front grassy area</b></p> <p>Lower-level gym corridor/classrooms/locker rooms</p>
East lower gym level (GED/ABE, IT, faculty offices, classroom)	<p style="text-align: center;"><b>Lawn between main and ATB or front grassy area</b></p> <p>Shelter-in-place</p>
East upper-gym level (Business Division office and classrooms)	<p style="text-align: center;"><b>Lawn between main and ATB or front grassy area</b></p> <p>Lower-level gym corridor/classrooms/locker rooms</p>
West upper-gym level (TRIO & art)	<p style="text-align: center;"><b>Lawn between main and ATB or front grassy area</b></p> <p>Lower-level gym corridor/classrooms/locker rooms</p>

Learning Resource Center (Library) Buddy's Books & Bistro Math Center, Writing Center	Lawn between main and ATB or front grassy area Lower-level gym corridor/classrooms/locker rooms
Administrative Services Financial Services Human Resources President's Office	Lawn between main and ATB or front grassy area Lower-level gym corridor/classrooms/locker rooms
Welcome Center Student Success & Advising Educational & Student Services Student Life	Lawn between main and ATB or front grassy area Lower-level gym corridor/classrooms/locker rooms
<b>Harms Center &amp; ESU 13</b>	
Harms Center Upper level	Exit to south parking lot lawn Move to tornado shelter area in lower level
Harms Center Lower level	South parking lot lawn Move to tornado shelter area in lower level
ESU 13	North parking lot lawn Move to tornado shelter area in lower level

### Sidney Campus

Building/Zone	Evacuation Route & Internal Gathering Areas
Classrooms and office	Exit to west lawn of campus Move to tornado shelter in main office hallway
I & E Center	Exit to west lawn of campus Move to tornado shelter in main office hallway
LPN/RN Nursing (offices and classrooms)	Exit to west lawn of campus Move to tornado shelter in main office hallway
Aviation (main facility and hanger)	Exit building to designated area Move to tornado shelter area in bathrooms
Housing Units A and B	Exit to west lawn of campus Move to tornado shelter in the nursing hallway *unless tornado or hail prevents this, then shelter-in-place



## Alliance Campus

Building/Zone	Evacuation Route & Internal Gathering Areas
Classrooms and offices	<p style="color: red;">Exit to lawn</p> <p style="color: blue;">Move to tornado shelter in lower level</p>
Powerline Facilities (Pole lab and shop)	<p style="color: red;">Exit to west parking lot</p> <p style="color: blue;">Move to the bathrooms</p>

Residence Life staff are trained in emergency evaluation and shelter-in-place procedures and act as an ongoing resource for students living in residential facilities. Students living in the residence halls in Scottsbluff and Sidney receive information about evacuation and shelter-in-place procedures during their first-floor meetings and other educational sessions throughout the year.

WNCC does not inform students and employees 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 either situation, WNCC staff or Residence Life staff on the scene will communicate information to students and employees regarding the developing situation or any evacuation status changes.

WNCC conducts announced and unannounced drills and exercises each year and conducts follow-up 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 document each test, the date and time of the test, a description of the exercise and whether it was announced or unannounced.

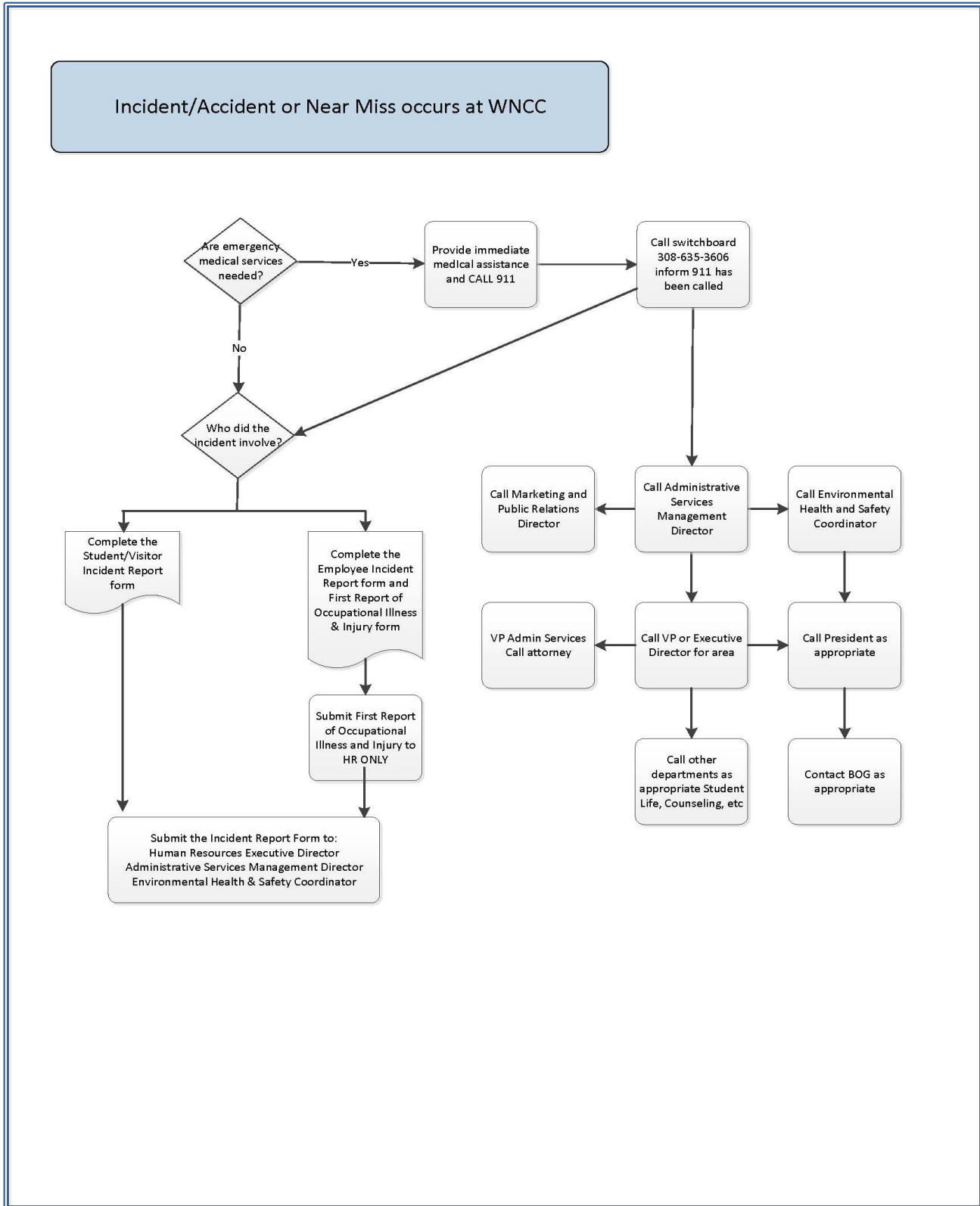
If an incident occurs outside (e.g., severe weather-related event) or if the outside air becomes dangerous due to toxic or irritating substances, and it is determined that it is safer for students and employees to stay indoors, a shelter-in-place order would be executed.

### Public Reporting

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, reporters should dial “0” to alert the College main switchboard of the situation.

## Internal Incident Decision Sheet

The following decision tree is utilized by the internal WNCC community when an incident or accident occurs. After an incident, a report is filed via the Maxient reporting link(s) available.



## INCIDENT REPORTING

Members of the WNCC community are strongly encouraged to report all criminal incidents, suspicious activities, and emergency situations immediately to their local police department and the Dean of Students.

In addition, WNCC, in partnership with the Scottsbluff Police Department, as a College Resource Officer on the Scottsbluff campus who is available to provide resources to the campus community. The officer can be reached at 308-635-6111. After business hours, contracted security personnel routinely patrol the campus area in vehicles and on foot. Security can be reached after business hours at 308-641-0351.

The Dean of Students or Occupational Health and Safety Director maintain a daily crime log that is available for review upon request.

### Emergent Situations

In case of a life-threatening emergency, reporters are asked to call 911. Crimes of a non-emergent nature may be reported by calling the following based on location or by telling any campus official:

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

**Alliance** (308) 762-4955

**Sidney** (308) 254-5515

### Non-Emergent Situations

WNCC provides an online incident reporting form for non-emergency situations. The form can be accessed by all members of the WNCC community and the general public on the WNCC web site at [www.wncc.edu](http://www.wncc.edu); the “Report a Concern/Incident” link is at the bottom of all WNCC web pages.

### Reporting by Campus Security Authorities

Campus security authorities are directed to formally report to the Dean of Students specified criminal incidents that are reported to them or that have occurred at, or in association with, officially sanctioned events 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
- 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.

## Reporting by Victims of Criminal Offenses

The College strongly encourages accurate and prompt reporting of all crimes and concerns. Reporting options 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, victims 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.

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.

### **Confidential Resources**

It is recognized that in certain situations, individuals who are victims of crime may not wish to disclose certain details of crimes or their identities. If these individuals are in need of support and counseling services, they are referred to a licensed counselor in the Student Life Office. All counseling services at WNCC are free to WNCC students and the counselor will maintain the contacts as confidential to the extent allowed by law.

## Title IX at WNCC

Title IX of the Education Amendments Act of 1972 is a federal law that states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Title IX prohibits discrimination based on sex in education programs and activities in federally funded schools. Title IX protects students, employees, and other persons from sex discrimination.

As a recipient of federal financial assistance for education activities, the College is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex or gender. The College also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internal or external to the institution. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by the College's Sexual Harassment Policy (Regulatory Policy Standards). In support of this policy, the College's Sexual Harassment Grievance and Investigation Procedures provide a framework for investigating complaints and addressing identified concerns. WNCC has designated a Title IX Coordinator to ensure the College's compliance with Title IX.

## Reporting Discrimination, Sexual Harassment, or Retaliation

WNCC does not tolerate any form of discrimination, sexual harassment, or retaliation. Questions concerning Title IX, including its application and/or concerns regarding noncompliance, should be directed to the College's Title IX Coordinator. More information about the College's policy and procedure are set out below and on the College's website at [www.wncc.edu/about-wncc/consumer-information/title-ix-compliance](http://www.wncc.edu/about-wncc/consumer-information/title-ix-compliance). Individuals who believe they have experienced any form of discrimination, sexual harassment, and/or retaliation in violation of College policy should contact WNCC's Title IX Coordinator:

Kathy Ault, Title IX Coordinator  
1601 East 27th Street,  
Scottsbluff, NE 69361  
(308) 635-6350  
[aultk@wncc.edu](mailto:aultk@wncc.edu)

## Deputy Coordinators

In addition, the following Title IX Deputy Coordinators and may be contacted for assistance:

- Title IX Deputy Coordinator, Paula Abbott, Alliance & Sidney Campuses Executive Director, WNCC 371 College Drive, Sidney, Nebraska 69162 308.254.7404 or [abbottp@wncc.edu](mailto:abbottp@wncc.edu)
- Title IX Deputy Coordinator, Ryan Burgner, Athletic Director, WNCC 1601 East 27th Street, Scottsbluff, NE, 69361 308.635.6798 or [burgnerr@wncc.edu](mailto:burgnerr@wncc.edu)
- Title IX Deputy Coordinator, Lisa Gion, Human Resources Assistant Director, WNCC 1601 East 27th Street, Scottsbluff, Nebraska 69361 | 308.635.6105 or [gionl0@wncc.edu](mailto:gionl0@wncc.edu)
- Title IX Deputy Coordinator, Luke Stobel, Student Success Executive Director, WNCC 1601 East 27th Street, Scottsbluff, NE, 69361, 308.635.6132 or [stobell2@wncc.edu](mailto:stobell2@wncc.edu)

## Officials with Authority

The College has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of the College.

- President, Greg Dart, Scottsbluff Campus Main Building, WNCC 1601 East 27th Street, Scottsbluff, NE, 69361 308.635.6001 or [greg.dart@wncc.edu](mailto:greg.dart@wncc.edu)
- Executive Vice President, Grant Wilson, Scottsbluff Campus Main Building, WNCC 1601 East 27th Street, Scottsbluff, NE, 69361 308.635.6003 or [wilsong7@wncc.edu](mailto:wilsong7@wncc.edu)
- Vice President of Administrative Services, Lynne Koski, Scottsbluff Campus Main Building, WNCC 1601 East 27th Street, Scottsbluff, NE, 69361 308.635.6792 or [koskill@wncc.edu](mailto:koskill@wncc.edu)
- Interim Dean of Instruction, Michael Coste, Scottsbluff Campus Main Building, WNCC 1601 East 27th Street, Scottsbluff, NE, 69361 308.635.6339 or [costem@wncc.edu](mailto:costem@wncc.edu)
- Dean of Instruction, Charlie Gregory, Scottsbluff Campus Harms Center, WNCC 2620 College Park, Scottsbluff, NE, 69361 308.635.6740 or [gregor43@wncc.edu](mailto:gregor43@wncc.edu)
- Dean of Instruction, Allisha Weitzel, Scottsbluff Campus Harms Center, WNCC 2620 College Park, Scottsbluff, NE, 69361 308.635.6362 or [weitzel2@wncc.edu](mailto:weitzel2@wncc.edu)

- Dean of Students, Emily Norman, Scottsbluff Campus Main Building, WNCC 1601 East 27th Street, Scottsbluff, NE, 69361 308.635.6123 or [normane1@wncc.edu](mailto:normane1@wncc.edu)

## Mandated Reporting Requirements

The College has classified most employees (except Confidential Resources) as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The College has designated the Counseling Services Director (and affiliated on-campus counselors) as a Confidential Resource.

Additionally, Nebraska State Law (Neb. Rev. Stat. §28-711) requires the reporting of specified cases of abuse and neglect against minors.

## CAMPUS SECURITY (CLERY) ACT REPORTING AND STATISTICS

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.

## Clery Geography: Definitions

The following definitions apply to the geographical locations of incidents disclosed in the crime statistics tables contained in this report:

**On-Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the property described above in this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On-Campus Residence Halls:** An institution that has on-campus student housing facilities must separately disclose two sets of on-campus statistics: the total number of crimes that occurred on campus, including crimes that occurred in student housing facilities, and the number of crimes that occurred in on-campus student housing facilities as a subset of the total. In other words, if a Clery Act crime is reported to have occurred in an on-campus residence hall, the incident is counted twice. It is reported in the overall on-campus statistics table and once in the on-campus residence hall statistics table.

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

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

## 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: Criminal Offenses

#### 1. **Criminal Homicide**

**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.

**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.

**Rape.** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling.** 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.

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

**Statutory Rape.** Sexual intercourse with a person who is under the statutory age of consent.

#### 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

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

The third category of crime statistics disclosed by WNCC are those added to the Clery Act by the Violence Against Women Act (VAWA). Sexual assault is considered a criminal offense and is discussed above in Category One: Criminal Offenses.

1. **Dating Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and 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.** 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.** 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.): violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
2. **Drug abuse violations:** violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotics substance. Arrest for violations of State and local laws, specifically those relating to the unlawful, possession, sale, use, growing, manufacturing, and making of narcotics drugs.
3. **Liquor law violations:** violation of State of local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

## Nebraska State Law Definitions

The College desires to provide a safe and secure learning, living, and working environments for all students and employees. The College understands the impact of sexual harassment and its lasting effects. The College strictly prohibits any form of sexual harassment or prohibited conduct, including dating violence, domestic violence, sexual assault, sexual harassment, and stalking. Below are definitions applicable to sexual violence under Nebraska law and that will be used by law enforcement in criminal investigations. To review these statutes in their entirety, please see the official site of the Nebraska Unicameral Legislature at the following: [nebraskalegislature.gov/laws/browse-statutes.php](http://nebraskalegislature.gov/laws/browse-statutes.php)

### Consent to Sexual Activity (Neb. Rev. Stat. §§ 28-318, 28-319)

**Consent.** Agreement, approval, or permission as to some act or purpose, given voluntarily by a competent person.

#### Without consent:

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 their 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 commits domestic assault when they intentionally and knowingly cause 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 victim’s refusal genuine and real and so as to reasonably make 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.

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.

The complete Board of Governors policy (BP-721 - Sexual Harassment Policy: Regulatory Policy Standards) and the Sexual Harassment Grievance Investigation Procedure, Administrative Procedure AP-210.01, including detailed definitions of each form of prohibited conduct, can be viewed at [wncc.edu](http://wncc.edu) on the **Board Policies** page.

Additional information regarding Title IX can be viewed at [wncc.edu](http://wncc.edu) on the **Title IX Compliance** page.

### **Reporting an Incident**

In accordance with Title IX regulations, WNCC has a designated Title IX Coordinator who oversees the implementation of the College's sexual harassment policy and procedure and has primary responsibility for coordinating the College's efforts related to intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment, and retaliation. Complaints or notice of alleged policy violations, or inquires may be made internally to:

Kathy Ault, Title IX Coordinator  
1601 East 27th Street  
Scottsbluff, NE, 69361  
(308) 635-6350  
[aultk@wncc.edu](mailto:aultk@wncc.edu)

A report may be made at any time (including during non-business hours) by

- Contacting the Title IX Coordinator by telephone, email, or regular mail.

- Report online, using the Incident Reporting Form posted at

[https://cm.maxient.com/reportingform.php?WesternNebraskaCC&layout\\_id=8](https://cm.maxient.com/reportingform.php?WesternNebraskaCC&layout_id=8) 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, 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, Ryan Burgner**, Athletic Director, WNCC 1601 East 27th Street, Scottsbluff, NE, 69361 308.635.6798 or **burgnerr@wncc.edu**
- **Title IX Deputy Coordinator, Lisa Gion**, Human Resources Assistant Director, WNCC 1601 East 27th Street, Scottsbluff, Nebraska 69361 308.635.6105 or **gionl0@wncc.edu**
- **Title IX Deputy Coordinator, Luke Stobel**, Student Success Executive Director, WNCC 1601 East 27th Street, Scottsbluff, Nebraska 69361 308.635.6132 or **stobell2@wncc.edu**

The Title IX Coordinator or designee will assist all members of the WNCC community by assessing the incident; advising the Complainant on how they can seek legal protection; and making the Complainant aware of medical, counseling, and other support services.

All employees of WNCC are Mandated Reporters unless designated as a Confidential Resource and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment. Complainants may keep the details of the incident confidential and WNCC has designated the Director of Counseling Services as a Confidential Resource. These Confidential Resources will not share information about the individual unless given permission to do so by the person, there is an imminent threat of harm to self or others, there is reasonable cause to believe that a child has been subjected to or is in conditions that may subject a child to abuse or neglect, or unless otherwise permitted by law or court order. Any employee who is a Confidential Resource who receives reports

within their scope of their confidential roles will timely submit statistical information required for purpose of the Clery Act unless they believe it would be harmful to their client/patient. If a Complainant requests, any Mandated Reporter may give notice to the Title IX Coordinator anonymously, without identifying the Complainant. Mandated reporters may then report the complaint anonymously to the Title IX Coordinator unless it is reasonable to believe a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on this assessment without revealing personally identifiable information. Anonymous notices will be investigated to the extent possible, however, anonymous reporting typically limits the ability to investigate, respond, and provide remedies. When a Complainant has requested anonymity, their personally identifiable information may be withheld by the Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated Reporters may not be able to honor requests for anonymity for Complainants who are minors and/or if they fall under Nebraska's mandatory reporting laws. A Complainant who does not wish their name to be shared may also make that request to the Title IX Coordinator. Complainants should also be aware that under the Clery Act, WNCC must issue timely warnings for incidents that pose a serious or continuing threat of bodily harm; or which pose a danger to members of the campus community. WNCC will ensure that Complainant's name and other identifying information is not disclosed, while still providing sufficient information for community members to make safety decisions in light of the potential danger. Campus Security Authorities describe above have a duty to report certain crimes. All personally identifiable information is kept private when sharing such reports, but statistical information must be shared with the Dean of Students regarding the type of Incident and its general location for publication in the Annual Security Report and daily campus crime log.

WNCC can assist the Complainant in notifying the local police department with jurisdiction over the crime if the Complainant so chooses. Complainants can notify proper law enforcement authorities, be assisted by college authorities in notifying such authorities, but will not be pressured to report if the Complainant elects not to. **In case of an emergency or ongoing threat, one must get to a safe location and call 911.** Calling 911 will put the caller 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  
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.

### **Disciplinary Process: College Response to Reports of Sexual Harassment and Prohibited Conduct**

The College shall take the appropriate measures to immediately address prohibited conduct / sexual harassment (including sexual assault, dating violence, domestic violence and stalking) whenever it is reported. In doing so, it shall provide equal consideration to both the victim and the accused during any disciplinary proceeding and make decisions based on what has been justly determined based upon the facts (relevant evidence and testimony) presented during the investigation. All proceedings will be transparent to both the Complainant (accuser) and the Respondent (accused), and shall include a prompt, fair and impartial process from the initial investigation to the final outcome. The College relies on a fact-gathering investigation to offer information at disciplinary hearings for all forms of prohibited conduct set out in the College's policy. If the College and the parties determine that a particular allegation could be resolved using an informal or alternate resolution mechanism, such as mediation or shuttle negotiations, they may occur any time after a complaint has been filed. All parties must consent to the use of an informal or Alternate Resolution mechanism.

#### **Formal Resolution Process**

The general steps of the College's formal resolution process for all forms of prohibited conduct under the Sexual Harassment policy include the following:

1. Formal Complaint
2. Initial Assessment by Title IX Coordinator (Violence Risk Assessment; if needed)
3. Supportive Measures (The College will notify victims about options for changes to academic, living, transportation, and working situations and other available protective measures.)
4. Notice of Allegations to the Parties
5. Parties advised of Right to an Advisor (the parties may each have an Advisor of their choice in any disciplinary- related meeting.)
6. Investigation (completed expeditiously, normally within 30 business days; notice of any time-frame adjustments and their rationale provided to the parties)
7. Review of Draft Investigative Report (10-day review and comment period)
8. Investigative Report (provided to parties at least 10 days prior to a hearing)
9. Notice of Hearing (provided to the parties no less than 10 days prior to hearing)
10. Pre-Hearing Meetings
11. Formal Hearing
12. Notice of Outcome (simultaneous written notifications to both parties of the results, any changes prior to finalization, appeal options and procedures, and information on when the results are final.
13. Appeal (any party may appeal; must be submitted within 5 days of Notice of Outcome or result will be final)



In all formal hearings regarding allegations of prohibited conduct under the College's Sexual Harassment policy, the College will utilize the "preponderance of the evidence" standard. A preponderance of evidence means that it is more likely than not, based upon a totality of all relevant evidence and the reasonable inferences from that evidence, that the Respondent violated the policy. These proceedings will be conducted by individuals who have received relevant annual training.

WNCC's Sexual Harassment Grievance and Investigation Procedures setting forth the entirety of the formal resolution process can be found at: <https://www.wncc.edu/about-wncc/consumer-information/title-ix-compliance>

## Sanctions or Responsive Actions

The sanction or responsive action determined necessary for any violation of the College's Sexual Harassment policy will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal when an appeal is not requested. The sanctions determined by the College are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

### 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

### **Employee Sanctions or 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.

Following the appeal rights set forth herein, termination of continuing contract faculty is also subject to Board of Governor’s Non-Reappointment Procedures (Appendix A-4-81) and Neb. Rev. Stat. §85-1528.

### **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, WNCC 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 his/her 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.

Students and employees may contact the Title IX Coordinator for assistance with supportive measures. A list of some of the supportive measures available is included in the Administrative Procedure AP-721.01 Sexual Harassment Grievance and Investigation Procedures which can be access at [www.wncc.edu/about-wncc/leadership/board-of-governors/ap-721-01-sexual-harassment-grievance-and-investigation-procedures.pdf](http://www.wncc.edu/about-wncc/leadership/board-of-governors/ap-721-01-sexual-harassment-grievance-and-investigation-procedures.pdf)

### **On- and Off-Campus Resources**

WNCC and the cities of Scottsbluff, Alliance, and 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 office and off-campus programs 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**

Phone: (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.

Locations:	Scottsbluff 1321 Broadway Scottsbluff, NE 69361	Alliance 113 E. 5 <sup>th</sup> Street Alliance, NE 69301	Sidney 1103 Illinois St., Ste 2 Sidney, NE 69162
Phone:	(308) 436-HELP (4357) (866) 95-DOVES (866-953-6837) (24-hour Crisis Line) 24-Hour Text Line: 515-599-6620		
Web:	<a href="http://www.dovesprogram.com">www.dovesprogram.com</a>		

## **Community Action Health Center / Community Action Partnership of Western Nebraska (CAPWN)**

Counseling, medical, and referral services.

Phone: Main Admin. Phone: (308) 635-3089  
Health Center Phone: (308) 632-2540  
Toll Free Phone: 1-888-448-9665

Web: [www.capwn.org](http://www.capwn.org)

## **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.”

### **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:**

1. Understand what partners want. 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 is said 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 others as approval

to sexist or violent behaviors.

4. Report any incident as soon as possible. If someone appears to be in trouble at a party, do not be afraid to intervene. It is easy to use a cell phone to notify campus authorities, the police, or someone who could stop it.

**Remember:**

1. 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 limits clearly and verbally.
3. Trust instincts. If a situation does not feel right, get away from it.
4. Listen to what a partner or date is saying. Do not make assumptions.
5. Speak up when others joke or talk about their sexual conquests. Let others know of personal limitations.
6. Remember, drugs and alcohol decrease the ability to make sound decisions and protect oneself.

**Plan ahead:**

- First date or blind date? Check the person out with friends. Go to a public place and go with friends.
- Don’t leave a party, concert, or bar with someone new or who is not well known.
- Be wary of behavior that feels uncomfortable. If it persists, leave. Stand up for individual rights.
- If someone is pressuring you, make it clear that you do not like it.

**If there is a personal sexually assaulted:**

Whether committed by a stranger or someone who is known, sexual assault is a violation of one’s body and trust. **Remember, it is never the fault of the person assaulted.** There are people at WNCC who can help.

- Contact the local police department or a campus official.
- Don’t shower, wash, douche or change clothes, even though that may be an immediate reaction. If the person assaulted chooses to press charges, evidence may still exist if they do not wash.
- Seek medical attention. There may be internal injuries, and one should not live with the fear of STDs, AIDS, or an unwanted pregnancy.
- Trained medical staff or victim advocates may also assist in contacting experienced sexual assault response team members who can help file a police report, request a protection order, collect and preserve evidence, and provide victim assistance and rape crisis advocacy services.
- Get counseling to help manage your feelings.

**If someone confides they have been raped or sexually assaulted:**

- **Believe**—their statements and verbalize personal support available.
- **Empower**—support them, do not tell them what to do. Any next steps must be

their decision.

- **Connect**—talk about the WNCC and community resources that can help.
- **All WNCC employees, with the exception of the professional Counselor, are mandated to report any disclosures to the Title IX Coordinator.**

## 2023 Crime Statistics

### Alliance

#### 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	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Manslaughter by Negligence	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Rape	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Fondling	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Incest	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Statutory Rape	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Robbery	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Aggravated Assault	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Burglary	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Motor Vehicle Theft	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Arson	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Dating Violence	2023	0	N/A	0	0
	2022	0	N/A	0	0

	2021	0	N/A	0	0
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Domestic Violence	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Stalking	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Arrests: Weapons Carrying, Possession, ETC,	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Disciplinary Referrals: Weapons Carrying, Possession, ETC,	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Arrests: Drug Abuse Violations	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Disciplinary Referrals Drug Abuse Violations	2023	0	N/A	0	0
	2022	0	N/A	1	0
	2021	0	N/A	0	0
Arrests: Liquor Law Violations	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Disciplinary Referrals: Liquor Law Violations	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	1	0
Unfounded Crimes	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

Sidney

**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	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Fondling	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Incest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Statutory Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Robbery	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Burglary	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arson	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Dating Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Domestic Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0



Stalking	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arrests: Weapons Carrying, Possession, ETC,	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referrals: Weapons Carrying, Possession, ETC,	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arrests: Drug Abuse Violations	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referrals Drug Abuse Violations	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arrests: Liquor Law Violations	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	2	0	0
Unfounded Crimes	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

Scottsbluff: Athletic Facilities or Leased Properties

**Cleveland Field of Dreams and Volunteer Fields (1615 West 20<sup>th</sup> Street, Scottsbluff, NE)**

**Guadalupe Center – ESL., 1200 East 9<sup>th</sup> Street, Scottsbluff, NE**

**Landers Memorial Soccer Complex, East 42<sup>nd</sup> Street, Scottsbluff, NE**

Crime Type	Reporting Year	On-Campus	On-Campus Housing	Non-Campus	Public Property
Murder/Non-negligent Manslaughter	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Manslaughter by Negligence	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Rape	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Fondling	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Incest	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Statutory Rape	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Robbery	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Aggravated Assault	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Burglary	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Motor Vehicle Theft	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Arson	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0

Dating Violence	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Domestic Violence	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Stalking	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Arrests: Weapons Carrying, Possession, ETC,	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Disciplinary Referrals: Weapons Carrying, Possession, ETC,	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Arrests: Drug Abuse Violations	2023	0	N/A	0	0
	2022	0	N/A	1	0
	2021	0	N/A	0	0
Disciplinary Referrals Drug Abuse Violations	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Arrests: Liquor Law Violations	2023	0	N/A	1	0
	2022	0	N/A	1	0
	2021	0	N/A	0	0
Disciplinary Referrals: Liquor Law Violations	2023	0	N/A	0	0
	2022	0	N/A	0	0
	2021	0	N/A	0	0
Unfounded Crimes	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

Scottsbluff: Main Campus

**WNCC Scottsbluff Main Campus & Adjacent Properties 1601 East 27<sup>th</sup> Street, Scottsbluff, NE**

**Harms Advance Technology Center, 2620 College Park, Scottsbluff, NE**

**Conestoga Hall, 1311 East 27<sup>th</sup> Street, Scottsbluff, NE**

**Pioneer Hall, 1409 East 27<sup>th</sup> Street, Scottsbluff, NE**

Crime Type	Reporting Year	On-Campus	On-Campus Housing	Non-Campus	Public Property
Murder/Non-negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Fondling	2023	0	0	0	0
	2022	1	0	0	0
	2021	0	0	0	0
Incest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Statutory Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Robbery	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Burglary	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arson	2023	0	0	0	0
	2022	0	0	0	0

	2021	0	0	0	0
Dating Violence	2023	1	1	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Domestic Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Stalking	2023	1	1	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arrests: Weapons Carrying, Possession, ETC,	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referrals: Weapons Carrying, Possession, ETC,	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arrests: Drug Abuse Violations	2023	0	0	0	0
	2022	2	0	0	1
	2021	0	0	0	0
Disciplinary Referrals Drug Abuse Violations	2023	1	1	0	0
	2022	0	0	0	0
	2021	9	9	18	0
Arrests: Liquor Law Violations	2023	1	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2023	54	54	0	0
	2022	10	10	0	0
	2021	2	2	4	0
Unfounded Crimes	2023	0	0	0	0
	2022	0	0	0	0
	2021	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:**

- 2023- No hate crimes were reported
- 2022–No hate crimes were reported
- 2021–No hate crimes were reported

### **Hate crimes in on-campus housing:**

- 2023- No hate crimes were reported
- 2022–No hate crimes were reported
- 2021–No hate crimes were reported

### **Hate crimes non-campus:**

- 2023- No hate crimes were reported
- 2022–No hate crimes were reported
- 2021–No hate crimes were reported

### **Hate crimes on public property:**

- 2023- No hate crimes were reported
- 2022–No hate crimes were reported
- 2021–No hate crimes were reported

## CAMPUS FIRE REPORT AND STATISTICS

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.

### Campus Fire Safety System Information

#### Pioneer Hall:

Fire Alarm System: Silent Night

Sprinkler System Type: Wet with backflow

#### Conestoga Hall:

Fire Alarm System: Notifier system

Sprinkler System Type: Wet with backflow

In addition, 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 WNCC.

### Fire Safety Definitions

**Cause of fire.** 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.** 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.** 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.** 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.** 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.** 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.

## 2023 Campus Fire Statistics

The following charts provide information pertaining to any fires that have occurred at WNCC on-campus housing facilities for the 2021, 2022, and 2023 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.

CAMPUS FIRE STATISTICS								
Facility	Year	Total Fires	Date	Time	Cause of Fire	# of Injuries Requiring Treatment at a Medical Facility	# of Deaths	Value of Property Damage
Conestoga Hall 1311 E. 27th St. Scottsbluff, NE 69361	2023	0	0	0	0	0	0	0
Conestoga Hall 1311 E. 27th St. Scottsbluff, NE 69361	2022	1	3/3/22		Unintentional – cooking fire	0	0	0
Conestoga Hall 1311 E. 27th St. Scottsbluff, NE 69361	2021	1	6/11/21	12:14 a.m.	Unintentional - <u>Smoking</u> <u>Materials</u>	0	0	\$300.00
Pioneer Tower 1409 E. 27th St. Scottsbluff, NE 69361	2023	0	0	0	0	0	0	0
Pioneer Tower 1409 E. 27th St. Scottsbluff, NE 69361	2022	0	0	0	0	0	0	0



Pioneer Tower 1409 E. 27th St. Scottsbluff, NE 69361	2021	0	0	0	0	0	0	0

Pioneer/Bishop 1409 E. 27th St. Scottsbluff, NE 69361	2023	1	09/27/23	7pm	Unintentional - cooking fire, extinguished	0	0	0
Pioneer/Bishop 1409 E. 27th St. Scottsbluff, NE 69361	2022	1	11/30/22	-	Unintentional - cooking fire	0	0	0
Pioneer/Bishop 1409 E. 27th St. Scottsbluff, NE 69361	2021	0	0	0	0	0	0	0

Horizon Hall 1409 E. 27th St. Scottsbluff, NE 69361	2022	0	0	0	0	0	0	0
Horizon Hall 1409 E. 27th St. Scottsbluff, NE 69361	2021	0	0	0	0	0	0	0
Horizon Hall 1409 E. 27th St. Scottsbluff, NE 69361	2020	0	0	0	0	0	0	0

Sidney Unit A 371 Campus Dr. Sidney, NE 69162	2023	0	0	0	0	0	0	0
Sidney Unit A 371 Campus Dr. Sidney, NE 69162	2022	0	0	0	0	0	0	0
Sidney Unit A 371 Campus Dr. Sidney, NE 69162	2021	0	0	0	0	0	0	0

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Sidney Unit B 371 Campus Drive Sidney, NE 69162	2023	0	0	0	0	0	0	0
Sidney Unit B 371 Campus Drive Sidney, NE 69162	2022	0	0	0	0	0	0	0
Sidney Unit B 371 Campus Drive Sidney, NE 69162	2021	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. 27th St. Scottsbluff, NE 69361	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2
Pioneer Tower 1409 E. 27th St. Scottsbluff, NE 69361	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2
Horizon Hall 1409 E. 27 <sup>th</sup> Street Scottsbluff, NE 69361	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2
Sidney 371 College Drive Sidney, NE 69162	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2

## Residence Hall Training and Inspections

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 each month. 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, the occupant/s will be given notice to correct the problem. Items found that violate the housing contract or College policies or that may be illegal are confiscated and handled pursuant to the Student Code of Conduct.

Candles, incense, and plug-in types of air fresheners are prohibited in the residence hall given the potential fire hazard. Students may use small electrical appliances and equipment in their residence hall rooms. This includes TV, radio, stereo, computer, printer, microwave, small refrigerator, and hair equipment or other similar personal hygiene equipment. Hot plates, indoor grills, space heaters, and other electrical equipment with open coils are not permitted. All other equipment must be approved by Residence Life staff. All appliances must be UL (Underwriters Laboratory) approved, in good working condition, and have no compromised wiring, wiring insulation, or plug.

## 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 <https://www.wncc.edu/about-wncc/campus-safety/>.

## Report of Fire

To report fires that are occurring or have occurred in any on-campus housing, students, employees, and the general public should contact the Dean of Students at 308-635-6123 and the following:

### **Scottsbluff:**

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

### **Sidney:**

Sidney Fire Department  
1115 13th Avenue, Sidney, NE 69162  
(308) 254-2880 (via Communication Center for Non-Emergency Situations); or  
(308) 254-5515 (Non-Emergency Communications)  
Emergency: 911

# NONDISCRIMINATION STATEMENT AND EQUAL ACCESS POLICY

## Nondiscrimination Statement

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 expressly prescribed by institutional policy, state, and federal laws, regulations, and executive orders.

## Equal Access Policy

WNCC seeks to make all programs, services, including electronic, accessible to people with disabilities. In this spirit, and in accordance with the provisions of Sections 504 and 508 of the Rehabilitation Act and the Americans with Disabilities Act (ADA), WNCC provides students, faculty, staff, and visitors with reasonable accommodations to ensure equal access to the programs and activities of the College. For assistance or further information, students with disabilities should contact the Counseling Director at 308-635-6090. Additional information is available in the *Transition Guide for Students with Disabilities* on the WNCC web site at **[wncc.edu/student-life/student-services/disability-services](http://wncc.edu/student-life/student-services/disability-services)**.

Inquiries concerning the application of these policies, laws, and/or regulations to the College may be directed to the College's compliance officer for the Civil Rights Act(s), Title IX of the Education Amendments of 1972, Americans with Disabilities Act(s), and Section 504 of the Rehabilitation Act of 1973:

Chief Human Resources Officer  
Western Nebraska Community College  
1601 East 27th Street  
Scottsbluff, NE 69363-1815  
308-635-6105

or to the OCR office for Nebraska which is located at:

Office for Civil Rights  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106