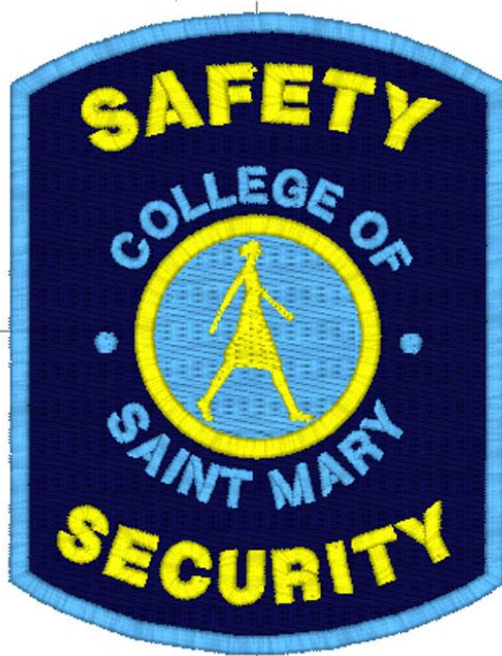


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# College of Saint Mary



## *Annual Campus Security and Fire Safety Report*

*2021*



September 2021

Dear Campus Community Member,

Thank you for taking the time to read this publication. It is packed with helpful information about safety and security on our campus.

College of Saint Mary is committed to providing an educational environment that is intellectually challenging and personally and spiritually enriching. Our faculty and staff support this mission by actively promoting safety and security on this campus. However, a truly safe campus can only be achieved through the cooperation of all its community members.

We take the commission of crimes against our students, faculty, staff, and visitors very seriously and aggressively investigate reported crimes. We also collaborate with local law enforcement agencies like Omaha Police Department and community groups to reduce crime on our campus.

Prevention, however, is the best cure for crime. We must ensure that our persons and property are secure and protected by responsible, vigilant, and caring population of involved people who report suspicious and unlawful behavior to the Safety and Security Department. "See Something! Say Something!" Please do your part by getting involved and speaking out if you notice suspicious persons. Let's work together to keep campus safe!

This report is part of the effort to ensure that this collaborative endeavor is effective and in compliance with federal legislation; in particular, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. We hope that you will read the report carefully and use the information to help foster a safer environment for you and for others within our community.

Sincerely,

David Ferber, Ph.D.  
Director of Safety and Security  
[dferber@csm.edu](mailto:dferber@csm.edu)

## How to Reach the Safety and Security Department

Phones for emergency purposes are located in the lobbies, foyers and entries of all buildings on our campus. These phones are primarily for emergency services (911) and Safety and Security by dialing “1” on any campus land line phone or by using your cell phone (402-670-8848).

**Website:** <http://www.csm.edu/student-life/campus-living/campus-safety-and-security>

**Email:** [CSMSecurity@csm.edu](mailto:CSMSecurity@csm.edu)

**Twitter:** @CSM\_Security

**Safety APP:** CSM Blue Light

## Important Phone Numbers

College of Saint Mary Safety and Security Department Hixson-Lied Commons Room 144 7000 Mercy Road Omaha, NE 68106 Phone: Dial “1” on any campus land line or 402-670-8848
City of Omaha Fire Department 1516 Jackson Street Omaha, NE Phone 402-444-5700 Emergency 911
City of Omaha Police Department 2475 Deer Park Blvd Omaha, NE 68105 Phone: 402-444-4041 Emergency 911

## About College of Saint Mary

College of Saint Mary is a private women's Catholic University located in the heart of Omaha, Nebraska. A metropolitan community of more than 915,312 area residents, CSM offers students a unique chance to learn and grow in a single-gender environment. Our goal: to help students develop their potential through excellent academics that combine professional and career preparation with the liberal arts.



College of Saint Mary enrolled approximately 1,019 students during the 2020 Academic Year, of which nearly 223 reside on campus in one of our three residence halls. CSM is unique, in that we are home to a number of mothers and their children whom live on campus in our Mother's Living & Learning (MLL) residential environment. Some 250 employees work on campus as members of faculty, staff, and administration.

The Mothers Living & Learning program is an innovative residential option for single mothers and their children who would like to pursue a college degree, full-time, while living on campus. This program is for women who have up to two children, (under the age of 10 by the mother's graduation year) are dedicated to continuing their education, and seeking community living opportunities that recognize they are parents as well as college students.



The academic programs at College of Saint Mary are primarily career-focused, with majors offered in fields, such as: nursing, occupational therapy, business, psychology and paralegal studies (to name a few). Students can receive a Bachelor's, Master's degree, or Doctor of Education upon graduation from CSM.







## 2021 ANNUAL SECURITY REPORT 2018-2020 STATISTICS

## Campus Safety & Security: A Shared Responsibility at CSM

Safety and Security at College of Saint Mary is a shared responsibility. Clearly, the best protection against campus crime is an aware, informed, alert campus community—students, faculty and staff who use reason and caution—along with a strong security presence.

The vast majority of our students, faculty, staff, and visitors do not experience crime at College of Saint Mary. However, despite our best efforts, crimes may occur. This information is provided because of CSM's commitment to campus safety and security, and in compliance with the federal law: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act). It is meant to be useful to you. If you have concerns, questions, or comments about federal or state law requirements, or CSM's compliance with these laws, please contact the Director of Safety and Security at [csmsecurty@csm.edu](mailto:csmsecurty@csm.edu).

### Disclosure of Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and safety and security policies. The material that follows is designed to familiarize you with issues of safety and security at College of Saint Mary. The CSM Safety and Security Department is responsible for preparing and distributing this report. We work with a number of other CSM Departments and outside agencies such as Student Development and Success, Athletic Department, Residence Life, and Omaha Police Departments to compile this information.

The CSM Safety and Security Department prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This act requires colleges and universities to:

- Publish an annual report containing three years of crime statistics and certain campus security policy statements.
- Disclose crime statistics for the campus, public areas immediately adjacent to campus, and specific non-campus facilities. These statistics are gathered from campus security, local law enforcement, and other university officials who have significant responsibility for student and campus activities.
- Provide campus safety alerts pertaining to crimes that have been committed and pose ongoing threats to students and employees.
- Disclose in a public campus crime log any reported crime occurring on campus or within the patrol boundaries of the campus police or campus security department. The Safety and Security Department maintains responsibility for preparing and distributing this report by Oct. 1 of each year. The report is prepared in cooperation with other college departments and local law enforcement agencies. College of Saint Mary annual crime statistics can be viewed or copies of the report can be requested, via e-mail at [csmsecurty@csm.edu](mailto:csmsecurty@csm.edu), by

calling the Safety and Security Department at 402-670-8848, or by viewing the report online at <http://www.csm.edu/student-life/campus-living/campus-safety-and-security>.

## Department of Safety and Security

The safety and security of College of Saint Mary community and guests are a primary concern of the University, and a principal responsibility of the Safety and Security Department. A fully trained safety and security officer is on duty 24 hours a day, seven days a week.

We want all of our students, faculty, staff, and visitors to be safe on our campus. That's why we provide 24/7 campus security. We patrol the campus regularly, enforce College of Saint Mary policies, and continually assess our safety and security practices, policies, and requirements.

Our mission is to provide the highest level of safety and security for students, faculty, staff, and visitors. This is accomplished by regular patrols of the campus, enforcement of CSM policies, ensuring all facilities are safe and properly secured, investigation of any crimes occurring on campus, and the continuous assessment of our safety and security needs and programs.



## Training

College of Saint Mary Safety and Security Officers have experience and receive on-going monthly training in the areas of safety and security. In-service workshops are conducted to ensure a prompt, professional response to incidents. Topics include patrol techniques, report writing, emergency preparedness, and first aid certification. Safety and Security Officers provide a highly visible security presence through frequent patrols of and through the campus. They are also available to respond and provide assistance during emergency situations. All Safety and Security Officers receive training in Incident Command, Sexual Assault and Dating Violence Response, Active Killer, Bomb Threat, First Aid, CPR, AED, and Bloodborne Pathogens (to name a few).



## Patrol

The CSM Safety and Security Department Patrol Unit consists of a vehicle, foot, and bicycle patrol. These patrol mediums provide the CSM community with many methods to ensure the safety of the CSM community.

### Vehicle Patrol

Vehicle patrol is an important part of the patrol unit for prompt response to emergency calls and ensuring the safety of all community members. Patrol officers can respond quickly to reports of suspicious activity, and requests for assistance ranging from disabled motorists to providing a safe walk to a student's vehicle.

### Foot Patrol

Foot patrol allows the CSM Safety and Security Officers to offer security in and around buildings. It also allows patrol officers to establish positive community relations with the university community.

### Bike Patrol

The CSM Bike Patrol is a familiar and welcome sight on the University campus, providing community contact, cycling education, and general/special patrol services. The bike patrol is available all hours of the day or night, in most weather conditions, and is active at sporting events and other special occasions.

CSM Bike Patrol officers use specially equipped mountain bikes to provide safety and security services to the CSM Community. All members are trained in the safe, proper, and efficient use of mountain bikes for patrol purposes.

The bike unit can patrol walkways and courtyards that are inaccessible to vehicle traffic, and can quickly respond in areas congested with vehicle or pedestrian traffic. The bike patrol is particularly well suited to enforce rules and regulations covering bicycle and pedestrian safety; also, increasing the public's awareness of the importance of safety and considerably sharing the road.



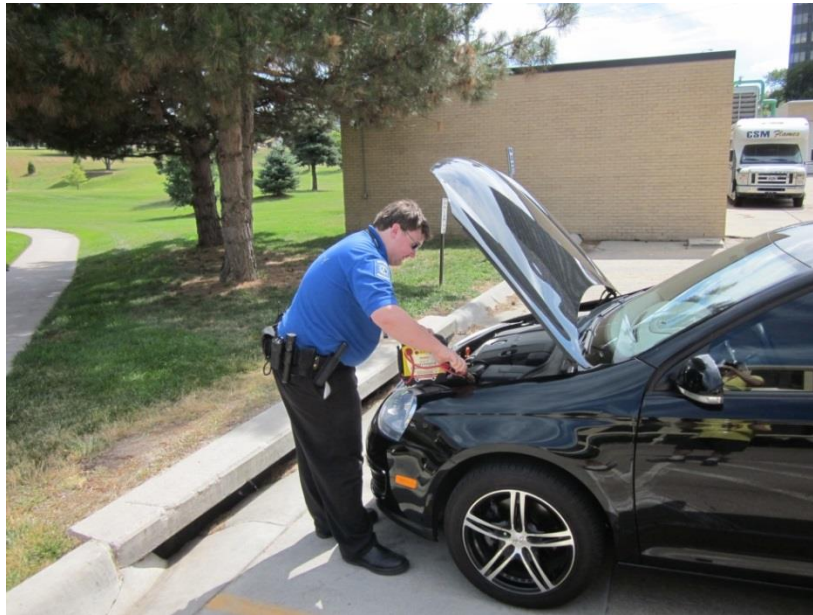
## Authority of Safety and Security

College of Saint Mary Safety and Security Staff have the authority to ask persons for identification and to determine whether individuals have lawful business at CSM. Safety and Security Staff also have the authority to enforce campus rules and regulations, as well as issue parking tickets, which are billed to financial accounts of students, faculty, and staff. Safety and Security Officers do not have powers of arrest. Criminal incidents are referred to the Omaha City Police Department or other law enforcement agencies that have jurisdiction on the campus. The Safety and Security Department at College of Saint Mary reports to the Vice President of Student Development and Success.

All crime victims and witnesses are strongly encouraged to immediately report any crime to the CSM Safety and Security Department and the Omaha City Police Department. Prompt reporting will assure timely posting of warning notices on campus and timely disclosures of crime statistics. College of Saint Mary Safety and Security Department has a written Memoranda of Understanding (MOU) with the Omaha Police Department as it relates to investigations of alleged criminal offenses.

## Resources and Services

Safety and Security Officers can be reached seven days a week, 24 hours a day, to respond to calls for assistance, campus incidents, building alarms, crimes, injuries, safety hazards, coordinate with local law enforcement, crowd control, parking enforcement, and related activities. The Safety and Security Department will also provide assistance to students and staff by jump starting their vehicles as needed.



## Parking and Traffic Control

Our well-lit parking areas at CSM are patrolled by the Safety and Security Department and we encourage all of our students, staff, and faculty to park on our campus as a way to increase personal safety for everyone. The Safety and Security Department also oversees all parking enforcement on campus, as well as directing traffic during special events like graduation and all home sporting events.



## Student Parking/Vehicle Policy

On-campus parking is available to CSM students at no cost. All student cars are to be properly licensed as well as registered through the Information Center, and a CSM sticker must be displayed on the car when it is parked on campus. While parked on campus, students should keep vehicles locked and not leave any personal property or valuables in plain sight. Resident students may only maintain one vehicle on campus. The University assumes no risk from damage to any vehicle that occurs on campus.

**No parking areas:** No vehicle shall be parked in any unauthorized area which includes, but is not limited to: crosswalks, blue handicapped parking stalls or the areas to the left and right of these stalls marked in yellow lines, red fire lanes, or any space marked 'No Parking'; nor shall any unauthorized vehicle be parked in a space marked with a sign for a particular individual.

**Vacation periods:** Only residential students may leave their vehicles on campus during vacation periods, and to do so, residents must notify the Director of Residence Life. Vehicles that remain on campus during vacation periods must be parked in a designated area, in order to facilitate snow removal and parking lot repairs, etc.

**Inoperable vehicles:** Vehicles which have been damaged, have a flat tire, or are not in running condition must adhere to parking regulations and must be removed from the campus within six (6) days, or as instructed in writing by Security. Report inoperable vehicles immediately to Security Office at 402-670-8848.

Continual violations may result in towing.

## Campus Security Authority (CSA)

A Campus Security Authority (CSA) is an individual who is an official of the institution that has significant responsibility for student and campus activities, including but not limited to:

- Director of Residence Life
- Director of Safety and Security
- Lozier Hall Director
- Madonna Hall Director
- Director of Student Leadership and Organization
- Assistant Dean for Retention Programs
- Associate Dean of Students
- Director of Athletics
- Assistant Director of Athletics
- Athletic Coaches
- Advisors to our student groups and organizations
- Resident Advisor (RA)
- Residence Life Front Desk Workers
- Campus Ministry
- Student Development and Success Staff
- Safety and Security Officers
- Director of Single Parent Success
- Title IX Coordinator
- Title IX Committee Members

Under the Clery Act, a crime is reported when a victim, witness, other third party, or even the offender brings it to the attention of a CSA, Safety and Security Officer, or local law enforcement personnel. It does not matter whether or not the individual/s involved in the crime or reporting the crime are associated with the institution. If a CSA receives the crime information and believes it was provided in good faith, he or she should document it as a crime report and provide this report to the Director of Safety and Security. In “good faith” means there is a reasonable basis for believing that the information is not simply rumor or hearsay. There are two (2) individuals who, although they have significant responsibilities for student and campus activities, are not considered CSAs under Clery. They are pastoral counselors and professional counselors. A pastoral counselor is defined as a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of recognition as a pastoral counselor. A professional counselor is defined as a person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition also applies to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

Although pastoral counselors and professional counselors do not have to report crimes that are brought to their attention, while serving in an official capacity, they are encouraged to inform their

client/s of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

## **Campus Security Authority (CSA) Training**

The role of CSA is crucial to the effective and accurate reporting of criminal incidents that occur on our campus, adjoining public property, or other properties owned, controlled, or leased by College of Saint Mary. We recognize that CSAs are not law enforcement or security personnel; however, training is a vital part in being effective in this role.

Every year, Campus Security Authorities at CSM go through training which covers who are “campus security authorities” and what are their reporting obligations. Who is included and exempt from the reporting? Training also includes understanding the geographic locations of CSM and understanding the geography for which criminal offenses need to be collected. In addition, they learn about classification of incidents, definition of crimes, and collection crime stats for our crime reports. The training also covers topics related to issues for CSA’s regarding arrests and judicial referrals, as well as timely warning requirements, why we as an institution keep a daily log, and our annual disclosure requirements.

## **Responsible Employees**

A responsible employee includes any employee: who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual abuse or any other misconduct to the Title IX coordinator or another appropriate designee; or whom a student could reasonably believe has this authority or duty. Subject to the exemption for counseling employees, a responsible employee must report to the school’s Title IX coordinator, or other appropriate designees, all relevant details about the alleged sexual violence that the student or another person has shared and that the University will need to determine what occurred and to resolve the situation.

This includes the names of the alleged perpetrator (if known), the student who experienced the alleged sexual violence, other students involved in the alleged sexual abuse, as well as relevant facts, including the date, time, and location. At College of Saint Mary, all of our community members are considered responsible employees.

## **Reporting of Criminal Incidents**

Members of the university community are encouraged to promptly report emergencies and criminal or suspicious activities to the Safety and Security Office, which is located in Room 144 in the Hixson-Lied Commons or by calling (402) 670-8848 or by dialing “1” on any campus phone. Prompt reporting of emergency, criminal, or suspicious activities will allow campus authorities to determine if a timely warning or emergency notification is an appropriate course of action as well as for accurate annual statistical disclosure. The Safety and Security Department can serve as a liaison between CSM students or employees and the Omaha City Police Department, which is located a short distance away. The Safety and Security Department encourages students and employees to file reports with the Omaha City Police Department, particularly in the aftermath of a serious or sensitive incident.



## Voluntary/Confidential Reporting

If you are the victim of a crime or breach of university policy, and you do not want to pursue action within the CSM Judicial System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Director of Safety and Security or designee can file a report on the details of the incident without revealing your identity. In the event that a crime had taken place, we are required by law to notify Omaha City Police, however, you may decline pressing charges. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information the college can keep an accurate record of the number of incidents involving students, determine whether there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

## Good Samaritan Policy

Student health and safety are the primary concerns of the College of Saint Mary community. In the case of a medical emergency, students should call 911 first then contact the Safety and Security Department by dialing “1” on any campus phone or by calling 402-670-8848. Students that seek assistance from these sources, the individual assisted, and others involved will not be subject to university disciplinary action with respect to our alcohol policy. (This policy does not preclude disciplinary action regarding other violations of university standards, such as: causing or threatening physical harm, sexual assault, vandalism of university property, harassment, hazing, or any other policy violations not named. Students should also be aware that this university policy does not prevent action by local county or state authorities.) Safety and Security officers or other CSM staff members will record names of intoxicated students to enable any follow-up that may be deemed necessary to ensure students’ well-being. Other information may also be recorded to allow any other appropriate follow-up.

College of Saint Mary’s Good Samaritan Policy ensures students that seek assistance for the individual and others will not be subject to university disciplinary action with respect to our alcohol policy. This policy is designed to promote and in accordance with Nebraska’s Good Samaritan Law. Nebraska’s Good Samaritan Law (LB439) provides minors (under 21) limited legal immunity if they call for medical assistance, remain on the scene and cooperate with law enforcement. The law does not provide protection for acts of sexual violence, threats, assaults, fake ID use, procuring for minors, harassment or hazing and other violations not named.

CSM’s policy does not preclude disciplinary action regarding other violations of university standards, such as: causing or threatening physical harm, sexual assault, vandalism of university property, harassment, hazing, or any other policy violations not named. Students should also be aware that this university policy does not prevent action by local county or state authorities. Safety and Security Officers or other CSM staff members will record names of intoxicated students to enable any follow-up that may be deemed necessary to ensure students’ well-being. Other information may also be recorded to allow any other appropriate follow-up.

In order for this policy to apply, the intoxicated student(s) must agree to timely completion of recommended alcohol education activities, assessment, and/or treatment depending on the level of

concern for student health and safety. Severe or repeated incidents will prompt a higher degree of medical interest. Failure to complete recommended follow-up will result in disciplinary action and could also prompt the imposition of a medical withdrawal. Likewise, organizations involved in an incident must agree to take recommended steps to address concerns.

## **Pandemic Planning**

In the aftermath of a worldwide pandemic, in March of 2020, the College moved to remote learning and working. After an exhaustive planning process during the summer break, the College developed clear plans and protocols to open the campus for an in-person and residential 2020-2021 academic year. These plans included installing plastic barriers in all classrooms, placing social distancing stickers on the floor, limiting the number of persons riding the elevators, moving all-campus meetings and events to zoom, and creating a COVID-19 Monitoring Team. We developed all plans in coordination with the Centers for Disease Control (CDC), public health experts, and the Douglas County Health Department.

## **Campus Upkeep**

Campus Lighting is another important part of the College of Saint Mary commitment to safety and security. There are two campus lighting tours conducted each year, which include members of Student Senate, the Safety Committee, and the Director of Safety and Security. Lighting problems or inefficiencies are immediately reported to the CSM Facilities Department for corrective action. A comprehensive survey of all exterior lighting is annually conducted by members of the Safety Committee and the Safety and Security Department.

Landscaping on campus is maintained by trimming shrubbery and trees to enhance safety and security. The staff of the Safety and Security Department and Facilities Department inspects campus facilities regularly. Any conditions which affect the safety and security of the campus such as broken windows or locks, burned-out lights, and malfunctioning fire safety equipment are reported and repaired immediately.

We encourage community members to report any deficiency in lighting to the Maintenance Department via the workorder process at [workorder@csm.edu](mailto:workorder@csm.edu). Any community member who has a concern about physical security should contact the Safety and Security Department at 402-670-8848 or by dialing “1” on any campus phone.

## **Elevator Phone**

Emergency telephones are located in every elevator on the campus. Simply push the button marked “Emergency Phone” and you will be connected to either our alarm monitoring company or a Campus Safety and Security Officer depending on the building. Every call placed by an elevator telephone is responded to by a member of the Safety and Security Department. If you are stuck, remain calm and stay inside the elevator. Only trained elevator personnel are authorized to remove trapped occupants. No one else should attempt to release them or to force elevator doors open. The elevator telephone is for emergencies ONLY; please refrain from using the phone unless it is an emergency.

## Safety Committee

The Safety Committee at College of Saint Mary is established to promote a safe working and learning environment for all members of the CSM Community. By creating and maintaining an active interest in safety by employees, and to assist in the overall effort to minimize the frequency of accidents in the workplace which includes the monitoring of OSHA compliance. Also, the Safety Committee sponsored training on how to properly use Automated External Defibrillators (AED), back safety, and Fire Extinguishers.

## Daily Crime Log

The CSM Safety and Security Department maintains a Daily Campus Crime Log that records, by the date the incident was reported, all crimes and other serious incidents reported to Safety and Security. This includes crimes that occurred on campus, in or on non-campus, college-owned buildings or property, on public property within the campus or immediately adjacent to and accessible from the campus, as well as crimes that occurred within the patrol jurisdiction of the CSM Safety and Security Department. The Campus Crime Log includes the nature, date, time, and general location of each crime reported to the department, as well as the disposition of the complaint (if the information is known at the time of publication). The department updates the Campus Crime Log daily as crimes are reported. The College of Saint Mary Safety and Security Department reserves the right to withhold information under certain circumstances. The Campus Crime Log is available for public inspection during normal business hours, at the department's office in Room 144 of the Hixson-Lied Commons.

## Off-Campus Efforts

Although not directly responsible for off-campus security, the College of Saint Mary Safety and Security Department works closely with the Omaha City Police Department in monitoring the neighborhood surrounding the College of Saint Mary Campus.

When responding to criminal incidents (both on campus and off) that involve or affect the university, the Omaha City Police Department routinely advises the Safety and Security Department for informational and/or follow-up purposes.

## Emergency Notification System

College of Saint Mary has a multi-tiered emergency notification system that allows the College of Saint Mary Senior Leadership Team and the Safety and Security Department to contact the university community within minutes via e-mail, text messaging, and posting on MyCSM. It is our belief that rapid notification is one of the best protections available for members of our campus community.

The success of the system depends on the community receiving the timely information. With this system, members of the College of Saint Mary Community will receive an emergency text message on their personal cell phone.

Safety and Security recommends that all students, faculty, and staff log into their MyCSM Account and click on CSM Alert to add their cell phone to the CSM Emergency Notification System. This technology allows for cell phones to be notified first in the event of an emergency. Any contact information provided will be kept secure and will be used only for emergency notification purposes.

The Safety and Security Department will also post CSM Alerts on desktop computers, MyCSM, the Safety, and Security website, CSM Social Media Sites, as well as send campus-wide emails to all students, faculty, and staff. This multi-tiered system is designed with the intention of reaching every person on campus in the event of an emergency.

## Emergency Notifications

If a situation arises that poses an immediate threat to the health and safety of students or employees, a CSM Alert will be issued to expedite emergency response and evacuation procedures. The goal of a CSM-Alert is to notify as many people as possible, as rapidly as possible, with adequate follow-up information as needed. Information will be disseminated via a variety of channels: The CSM Safety and Security Department distributes information via our Text Alert Emergency Notification System (text message, and email message). CSM Emergency Notifications are issued for incidents such as but not limited to an active threat/ shooter, major hazardous materials release, major fire, extended power outage, infectious disease outbreak or a tornado that would directly impact the campus.

College of Saint Mary has implemented a formal process that gives the Director of Safety and Security or designee the authority to confirm a significant emergency or dangerous situation. This allows for the development of content; to determine the appropriate segment(s) of the campus community to receive the notification, and to initiate CSM Alert Notification to send an emergency message to the campus community.

## Timely Warning

College of Saint Mary wants to ensure that all students and staff are aware of any threats that may pose a risk to the campus community (i.e. a rash of a specific crime, outbreak of a serious illness). To make sure that notification is provided and to be in compliance with the Clery Act, the University will issue timely warnings whenever necessary. The College of Saint Mary Safety and Security Department **will** be responsible for providing timely warnings to the campus community, and providing the warnings in a manner that will aid in the prevention of similar crimes. The College of Saint Mary Safety and Security Department will retain copies of all issued timely warnings on file.

### Purpose

The purpose of this policy is to state the College of Saint Mary Safety and Security Department's Procedure for Timely Warnings. Per the provisions of the *Jeanne Clery Disclosures of Campus Security Policies and Campus Crime Statistics*, the CSM Safety and Security Department must issue Timely Warnings to the Campus Community under certain circumstances. These circumstances are, but not limited to:

1. Criminal Homicide and non-negligent manslaughter
2. Negligent manslaughter
3. Forcible and non-forcible sex offenses, including rape, sodomy, sexual assault with an object, fondling, statutory rape, and incest.
4. Robbery
5. Aggravated Assault
6. Burglary
7. Motor vehicle theft
8. Arson
9. VAWA crimes, which includes any incidents of domestic violence, dating violence and stalking.
10. Hate crimes which involve any of the above-mentioned offenses, and, in addition, any incidents of larceny-theft, simple assault, intimidation, and any other crime involving bodily injury, or destruction/damage/vandalism of property that were motivated by bias. Hate crimes will be reported by the following applicable category of prejudice: those crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, disability, national origin or gender identity.
11. Arrest and referrals for disciplinary action for weapons (including carrying and possession); drug abuse violations; and liquor law violations.

And any other offense that the Director of Safety and Security designates which would be of benefit for the campus community. CSM will also publish Annual Security Report or Statistics of all of the crimes mentioned above.

### Procedure

In compliance with Clery Act, CSM Safety and Security Department and CSM will issue Timely Warnings to the campus community with information necessary to make informed decisions about their health and safety. This applies to all on campus property, public property, non-campus buildings or property. These are defined as follows:

**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 institutions educational purposes, including residence halls and any building that is within or reasonably contiguous to the above, that is owned by the institution but is controlled by another person.

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

**Non-Campus Buildings or properties;** Any building or property owned by 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



purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

The Timely Warnings shall be published and distributed by three methods;

1. A timely warning will be sent via text message to all members of the campus community.
2. The Timely Warning shall be sent via e-mail with the following in the subject line: “CSM Crime Alert – Nature of Incident” to all students, staff, and faculty. This shall be done by the individuals that have access to the CSM Alert Service: Safety and Security Director, the President, or a member of Senior Leadership Team.
3. Timely Warnings shall be posted on MyCSM.
4. Voice Message sent to campus phone lines
5. Desktop alerts on all classroom computers
6. CSM Safety and Security Twitter Account

The Timely warnings will provide the following information if possible;

1. A succinct statement of the incident
2. The date which the alert was issued
3. Physical description of the suspects
4. Other relevant and important information

Unless stated, the timely warnings shall expire after two weeks. If necessary, the warnings may be extended for a longer period of time.

Copies of all timely warnings will be kept in the Safety and Security Office for up to seven years.

## Emergency Notifications

The purpose of this policy is to state the College of Saint Mary Safety and Security Department’s Procedure for Emergency Notifications. Per the provisions of the *Jeanne Clery Disclosures of Campus Security Policies and Campus Crime Statistics*, the CSM Safety and Security Department must issue an Immediate Emergency Notification to the Campus Community under certain circumstances. These circumstances are, but not limited to:

- Outbreak of meningitis, norovirus or other serious illness.
- Approaching tornado, or other extreme weather conditions.
- Earthquake.
- Gas leak.
- Terrorist incident.
- Armed intruder.
- Bomb threat.
- Civil unrest or rioting.
- Explosion.

### Definition:

Emergency notifications are triggered by a far broader range of potential threats than a timely warning. An Emergency notification will be issued when there is any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on the campus of College of Saint Mary.

This could overlap and include a Clery crime such as a shooting, but it also covers crimes not reportable under Clery as well as non-criminal incidents, such as an [outbreak of a communicable illness](#), an impending weather emergency or a gas leak. Notifications are to be issued without delay upon confirmation of the emergency by responsible authorities pre-identified by the institution in their annual Clery Act reports.

### Policy:

Under Clery, CSM is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. An “immediate” threat as used here encompasses an imminent or impending threat, such as an approaching tornado as well as a fire in one of your buildings.

1. Emergency notification shall be sent via text message to all members of the campus community.
2. Emergency notifications shall be sent via e-mail and text message with the following in the subject line “CSM Emergency Alert!” to those subscribers of the CSM Alert service as well as those having CSM email accounts. This shall be done by the individuals that have access to the CMS Alert Service: Safety and Security Director, the President, or a member of Senior Leadership Team.
3. Will be posted on MyCSM.
4. Voice Message sent to campus phone lines
5. Desktop alerts on all classroom computers
6. CSM Safety and Security Twitter Account

Emergency notifications will provide the following information if possible;

1. A succinct statement of the incident
2. The date which the alert was issued
3. Physical description of the suspects
4. Other relevant and important information

Copies of all Emergency Notifications will be kept in the Safety and Security Office for up to seven years.

## Emergency Response

Every potential emergency requires a unique response. The College of Saint Mary Safety and Security Department is available 24-hours-a-day, 7-days-a-week. In addition the Safety and Security Department works closely with the City of Omaha Police Department, City of Omaha Fire

Department, Douglas County Sheriff Department, and Douglas County Department of Emergency Management for their assistance in the event of an emergency. College of Saint Mary also has partnerships with CHI Health to assist with any counseling assistance programs needed due to an emergency situation.

The Director of Safety and Security coordinates emergency management planning for College of Saint Mary. This plan lists inventories, staffing requirements, procedures, and policies used to provide guidance for immediate response and the ensuing recovery process in the event of an emergency.

The University has been involved in preparing guidelines for continuity of operations in the event of an emergency situation which requires response of longer duration. College of Saint Mary follows the National Incident Command System for managing emergency events.

Fire drills will be conducted in every residence hall twice a year, one each semester. These drills will require a complete evacuation of the building and will test and evaluate the response to a fire alarm. Tests of the CSM Alert Emergency Notification System are conducted twice a year, once each semester.

College of Saint Mary understands the importance of being able to immediately notify students and staff of any confirmed emergency situation that may arise on campus. The Director of Safety and Security, along with the Safety and Security Department, is responsible for determining when a situation warrants an emergency notification, initiating the campus emergency notification system, and providing any follow-up information as necessary.

In the event of any threatening situation, the Safety and Security Department will, after taking into account the safety of the campus community, immediately determine the content of and issue alert notifications to any and all parts of the campus community that may be affected; unless it has been determined that issuing such an alert would hinder efforts to help victims and/or contain the situation. Any notifications are distributed through the CSM Alert system. All students, faculty, and staff are highly encouraged to sign up to be part of the CSM Alert system.

## **The Evacuation Policy**

**Follow these building emergency protocols when you receive an emergency evacuation message and/or hear an evacuation alarm:**

- In the event of a building evacuation, all individuals who can safely do so are required to exit the building immediately.
- Take your keys and CSM ID card with you, if you have time.
- Take personal items (backpack, briefcase, purse, etc.), if you have time.
- Carefully, calmly exit via the closest fire exit route. **DO NOT USE ELEVATORS.**
- If you cannot negotiate the exit, move laterally away from any obvious danger and to an enclosed stairwell, if available.
- Assist others, including persons with disabilities, if you feel it is safe to do so.
- Check each door for heat with the back of your hand prior to opening.
- If a door feels hot, do not open it. Rather remain in the room.

- If the exit path is hazardous, leave the door closed and remain in the room.
- If there is a designated fire exit through your window, use it to exit the building. Contain smoke or fire by closing all windows and doors to rooms, stairwells, and corridors.
- Report the status and location of anyone remaining in the building to campus responders (i.e., Safety and Security) and public officials (i.e., police officers, fire department personnel).
- Repeat this message often. Stay together at a safe distance (50-100 yards, upwind) from the building until Safety and Security or public officials indicate you can return to the building.
- Anyone who remains in the building, whether because of disability, injury, or the exit path is hazardous, must do the following to the extent possible:

### **If You Are Trapped**

- Stay calm. There are many things you can do to protect yourself.
- If possible, go to a room with an outside window and use a flashlight or light to get people's attention.
- Close the door between you and the fire. Stuff the cracks around the door with towels, rags, or bedding and cover vents to keep the smoke out of the room.
- Use your cell phone or a land line to call the fire department and tell them exactly where you are. Do this even if you can see fire trucks on the street below.
- Wait at window and signal for help with a flashlight, if you have one, or by waving a sheet or other light-colored cloth.
- Be patient. Rescuing all the occupants of a residence hall can take some time.

### **Evacuation Preparedness**

- Study and remember important locations in each building you enter, including exits, stairways, phones, and elevators. Identify two routes out of each building, excluding the elevator.
- Carry emergency health information and emergency contacts with you at all times.
- Carry a cell phone preprogrammed with the Safety and Security number (402-670-8848) and the off-campus number for police, fire, and/or ambulance assistance (911).
- If you need to work in isolated areas after hours, determine telephone availability.
- If none is available, notify Safety and Security of your location in advance, including building name, floor, and room number, as well as the time you will be in that location.

## **Definitions**

**Evacuation:** The removal of persons or things from an endangered area.

**Emergency:** Any unexpected situation or incident that requires prompt action to prevent loss of life, injury or significant property damage.

**Fire Alarm:** The audible and visual alarm system set off by either a smoke detector or pull station. The alarm is recognized by horns and flashing lights.

**Occupants:** Anyone inside the building at the time of a fire alarm that is not considered emergency personnel or CSM staff members.

**Emergency Personnel:** CSM Safety and Security, Omaha Police Department, Omaha Fire Department, Douglas County Sheriff Department.

## Shelter in Place

There may be a situation (Severe Weather, Chemical Spill, Active Shooter, etc...) when it's simply best to stay where you are and avoid any uncertainty outside.

**Follow these building emergency protocols when you receive an emergency shelter-in-place notification:**

Move into or stay inside the nearest building:

- Go to an interior room or office with few windows, if possible.
- Note the room number.
- Close and lock windows and doors and, if possible, turn off ventilation systems.
- If the door has a window, cover it.
- Turn off lights.
- Stay away from windows and exterior doors. Move near walls or under sturdy locations (i.e., doorways or desks).
- Alert Safety and Security personnel of your location and/or medical emergencies by calling 911.
- Carefully, calmly exit via route designated by safety and security or law enforcement personnel. Leave room door closed.
- Report any symptoms of chemical exposure (i.e., mucous membrane irritation) to public officials.
- There may be a situation when you may have to barricade the door, (such as an active shooter)
- Gather essential disaster supplies, such as nonperishable food, bottled water, battery-powered radios, first aid supplies, flashlights, batteries, duct tape, plastic sheeting, and plastic garbage bags.
- Await Safety and Security personnel instruction regarding ending building evacuation or shelter in place event.

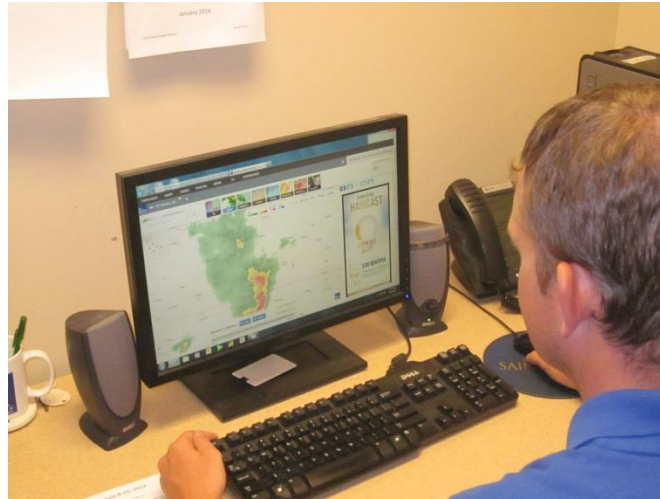
## College of Saint Mary Floor Captain Program

The CSM Floor Captain Program was initiated to empower volunteer employees, and members of the safety committee (with the knowledge required), to help fellow floor occupants evacuate as quickly and as safely as possible should an emergency occur. During the evacuation these volunteers assist emergency responders in an efficient evacuation, particularly in assisting those who need physical aid in leaving a building



## Weather Emergencies

Weather Emergencies are sometimes over looked and most people's plans are to stay indoors until the storm passes. While that sounds like a great plan, the situation may not be that easy. Nebraska is known for its beautiful and enjoyable outdoor environment; however Nebraska is also known for its extreme and fast weather shifts. Some even say if you don't like Nebraska's weather, wait ten minutes.



To start, what does it mean when you hear watch, warning, and advisory alerts?

To start what does it mean when you hear warning, watch, and advisory alerts?

**WATCH** A watch is used when the risk of a hazardous weather or hydrologic event has increased significantly, but its occurrence, location or timing is still uncertain. It is intended to provide enough lead time so those who need to set their plans in motion can do so. A watch means that hazardous weather is possible. People should have a plan of action in case a storm threatens and they should listen for further information and possible warnings especially when planning travel or outdoor activities.

**WARNING** A warning is issued when a hazardous weather or hydrologic event is occurring, imminent or likely. A warning means weather conditions pose a threat to life and/or property. People in the path of the storm need to take protective action.

**ADVISORY** Advisories are sort of in between a WATCH and WARNING. The expected weather condition has a pretty good chance of occurring, even a likely chance of occurring, but typically an advisory is used for “less” severe type of weather conditions.

## Severe Thunderstorms and Lighting

The Omaha Metro area is subject to intense thunderstorms with high rates of precipitation, hail, flash floods, high winds and lightning strikes. Some of the costliest disasters along the Missouri River are a result of high winds and hail damage. In addition, Nebraska has over 500,000 lightning strikes per year and has the 20th highest lightning fatality rate in the United States over the last 50 years.

## Tornadoes

Tornadoes are powerful and one of nature's most violent storms. They can strike quickly and with little or no warning. Tornado season in Nebraska is spring to summer with May having the most recorded tornadoes. Nebraska is ranked 5th in the U.S. for total number of tornadoes, and ranked 23rd for number of tornado fatalities and 24th for number of tornado injuries. The state of Nebraska averages almost 50 tornadoes a year.

### Before a tornado:

- To begin preparing, you should build an emergency kit and make sure you are aware of the tornado shelters on campus.
- Look for the following danger signs:
  - Dark, often greenish sky.
  - Large hail.
  - A large, dark, low-lying cloud (particularly if rotating).
  - Loud roar, similar to a freight train.
- Be prepared to take shelter immediately.

### Designated Shelter Areas

- Hill-Macaluso Hall -Evacuate to the ground floor and/or CSM tunnel system
- Walsh Hall-Evacuate to the ground floor north hallway and/or CSM tunnel system
- Hixson-Lied Commons-if safe to do so, evacuate through the North doors and enter Walsh Hall. Once inside of Walsh Hall enter the tunnel system. If it is not safe, remain in the HLC and go into the women's or men's restrooms. Stay away from windows!
- Madonna Hall-Evacuate to CSM tunnel system
- Lied Fitness Center-Evacuate to the lowest level hallway. Use both the restrooms and locker rooms as needed.
- Mercy Hall- if safe to do so evacuate through the North doors and enter Walsh Hall. Once inside of Walsh Hall enter the tunnel system or remain on the ground floor. If it is not safe remain in Mercy Hall and evacuate to the basement landing which is located on the north side of the building. Stay away from windows!
- Lozier Hall-Evacuate to CSM tunnel system or ground floor hallway. Stay out of the rooms on the East side of the hallway.

### Action taken in case of TORNADO WARNING AT CSM

Everyone will leave the area they are in and go directly to their designated area of shelter. Do not go outside! Listen to the Weather Radio for updates, which can be found in every designated shelter area

on campus. Once the National Weather Service allows the warning to expire, you are free to leave your designated area of shelter. Be sure that you are alert and looking in your immediate area for debris, glass, or downed power lines.

#### Weather Radio Locations

- Hill-Macaluso Hall -Ground floor near break room and or tunnel
- Walsh Hall-Tunnel near the storage rooms
- Walsh Hall West Annex Building-near student workers desk
- Hixson-Lied Commons-Library staff lunch room, and Achievement Center
- Lozier Tower-Ground Floor, McAuley, near computer center
- Madonna Hall-Tunnel
- Maryview-Ground Floor Restrooms
- Lied Fitness Center-Ground floor near coaches locker room
- Soccer/Softball Sports Complex in concession stand
- Mercy Hall-Basement landing in north stairwell, mounted to the step
- Spellman Child Development Center-kitchen storage area

#### **If you are in a structure off of Campus:**

- Go to a pre-designated shelter area such as a safe room, basement, storm cellar, or the lowest level of a building.
- If there is no basement, go to the center of an interior room on the lowest level (closet, interior hallway) away from corners, windows, doors and outside.
- Put as many walls as possible between you and the outside.
- Get under a sturdy table and use your arms to protect your head and neck.
- Do not open windows.

#### **If you are outside without shelter:**

- Lie flat in a nearby ditch or depression and cover your head with your hands. Do not get under an overpass or bridge because these structures can intensify the wind.
- Never try to outrun a tornado in a car or truck if you are in urban or congested areas. Instead, leave the vehicle immediately for safe shelter.
- Watch out for flying debris. Flying debris from tornadoes causes the most fatalities and injuries.

## **Tornado Drills**

Tornadoes can happen anytime, anywhere, with little or no warning. Knowing what to do when seconds count can save lives. In many cases advance warnings can be issued for tornadoes, it is important to be aware that tornadoes can change direction, speed, and intensity very quickly; which is why it's really important to practice tornado safety by holding tornado drills. Here at College of Saint Mary we conduct two tornado drills per academic year in each of our residence halls. The drills are conducted at the start of tornado season with the other occurring in the middle of tornado season.

## Residence Hall Security

Exterior doors of all of our residence halls are locked at all times and all are controlled electronically by card access readers. Some suites are equipped with separate entrance and individual room locks. Safety and Security Officers receive text message alerts if any of the residence hall exterior doors are held open longer than thirty seconds. Student desk workers are assigned at the entrance of each residence hall during posted visitor hours and are responsible for signing in all guests.

Each residence hall room, or suite, has its own lock and key. Keys do not contain room numbers, so if lost, they cannot be identified with a particular room. All rooms have locking windows.

Safety and Security Officers patrol the hallways of each residence hall throughout their shift, and in addition RA's conduct floor checks throughout the night time hours. The Director of Residence Life and Lozier Hall Director are full-time professionals trained in the area of student learning and personal development.

The Director of Safety and Security works closely with the Director of Residence Life to provide residents with information on safety issues through programs, educational bulletin boards, floor meetings, and posters.

All members of the Safety and Security Team attend the first all hall meetings at the start of each academic year. In addition members of the safety and security team attend various floor meetings throughout the year as well.



## Missing Student Notification

In compliance with the Missing Person Procedures 20 USC 1092 C (Section 488 of the Higher Education Opportunity Act of 2008), it is the policy of Student Development and Success, and the Office of Security to investigate any report of a missing student who resides at College of Saint Mary. CSM's practice, procedures, and policy are as follows:

The term ***missing student*** shall refer to any College of Saint Mary student living on campus who is reported missing from her residence.

Upon check-in to the campus residence halls, all students will have the opportunity to identify an individual to be contacted by the University in case the student is determined to be missing. Students have the option to register a confidential contact person to be notified in the case that the student is determined to be missing and that only authorized campus officials and law enforcement officers in the furtherance of a missing person investigation may have access to this information.

- For students under the age of 18, that notification will be made to the student's parent or guardian within 24 hours of the time that the student is determined to be missing.
- Any notification to parents, guardians, or designated contacts will be made by the Vice President for Student Development and Success or designee.

If a member of the CSM community has reason to believe that a student is missing, a report should be made to the Provost at 402.399.2427 and/or [skottich@csm.edu](mailto:skottich@csm.edu) or the Director of Safety and Security at 402.399.2319 and/or [dferber@csm.edu](mailto:dferber@csm.edu). All possible efforts will be made to locate the student to determine her state of health and well-being through collaboration of the Division of Student Development and Success, the Office of Security and the missing student's friends and floor mates. Within 24 hours, a University official will call the emergency contact for this purpose on file in the student's confidential records to report the student missing.

If not located after 24 hours have passed, appropriate family members, associates or a University official will make a confidential official missing person report to the law enforcement agency with jurisdiction. The University will also contact the missing student's custodial parent or guardian. The Office of Security will cooperate with, aid and assist the primary investigative agency in all ways prescribed by law.

## Security and Access to Campus Facilities

The College of Saint Mary Building Access Policy is designed to increase the safety of all faculty, staff, and students who work and study in our buildings. It also attempts to increase the physical security of the university's buildings and properties. This policy establishes normal building access hours as well as procedures for requesting access outside of normal academic building access hours. During business hours, College of Saint Mary administrative and academic buildings are open to students, parents, employees, contractors, guests, and the general public.

College of Saint Mary Building Access Policy provides guidelines for entrance into campus buildings, offices, classrooms, library, and labs after normal operating hours at College of Saint Mary. In order



to provide the CSM community with as much convenience as possible and to maintain a secure and safe campus, faculty, staff, and students are asked to comply with the following guidelines when requesting access to a locked room or building.

Employees requesting access to a locked building, room, or lab must have their CSM ID Card present. A driver's license is insufficient. Safety and Security personnel may deny access to anyone unable to produce proper identification or to anyone they believe has no legitimate business on campus. Faculty and staff desiring entrance into a building to access their office when their building is closed must contact the Safety and Security Department at 402-670-8848 for assistance. This process allows Safety and Security Officers the opportunity to know who is on campus after normal hours of operation and it adds to the overall safety and security of everyone involved.

Outside of normal operating hours, if a room is reserved in advance, then the room will be unlocked. If the room is reserved and is not unlocked, please dial "1" on any campus phone or dial 402-670-8848 and a member of the Safety and Security Department will assist you.

Outside of normal operating hours, if a room is not reserved in advance, the room will be unlocked by a Safety and Security Officer only if a faculty or staff member is physically present with their CSM ID Card. Students will be allowed access only upon presentation of the student's CSM ID Card after having secured permission from the appropriate faculty or staff member. The faculty or staff member providing authority shall contact Safety and Security via email at [CSMSecurity@csm.edu](mailto:CSMSecurity@csm.edu) to prearrange student access. If Safety and Security has not received written permission via an email the student will not be allowed access to locked lab, building, or classroom. In all circumstances, the student who is allowed access outside of normal operating hours must have at least one other individual with them. The Safety and Security Department will not leave a student unattended in a normally locked space outside of normal operating hours. Visitors and guests will not be allowed access to any room outside of normal operating hours.

College of Saint Mary utilizes access control systems as a way of limiting access to certain buildings on campus. The benefits of using an access control system include the prevention of loss or damage to capital assets and the reduced risk of personal injury to staff and visitors.

Safety also ranks as a high priority for the university's facilities department. College of Saint Mary employs its own staff for regular building maintenance and repair of doors, windows, lighting, and related safety items. Great care is taken to ensure keys are issued only to appropriate faculty, staff, and students. Safety and Security Officers are responsible for the daily locking and unlocking of all campus academic and administrative buildings and follows the Academic Building Access Policy. Safety and Security maintains a contact listing for on-call facilities staff and outside contractors for after-hours response if needed.

CSM Safety and Security Officers and Maintenance work together to identify inoperative locking mechanisms. We encourage community members to promptly report any locking mechanism deficiency to the Safety and Security Department via email at [CSMSecurity@csm.edu](mailto:CSMSecurity@csm.edu) or by calling 402-670-8848.

Safety and Security Officers as well as CSM Maintenance Staff Members are available to respond to calls for service regarding unsafe facility conditions or for personal safety and property protection. These conditions also may include unsafe steps or handrails, unsafe roadways on campus, and unsecured equipment.

## Crime Prevention Programs



College of Saint Mary Safety and Security Department offers an array of crime prevention and security awareness educational program initiatives to the campus community. These security awareness programs inform the campus community about campus security procedures and practices in addition to fire safety. Target times for training is during the beginning with orientations for freshman, transfer, faculty, and staff because it is very important to be aware of any threat even more so when new to the area. Students, faculty, and staff must exercise responsibility for their own safety.

Specific educational programs are also provided by the Safety and Security Department to address domestic violence, sexual assault, active killer, and emergency preparedness. CSM Campus Security Authorities (CSA) receive yearly training on campus instructed by the Director of Safety and Security.

The Safety and Security Department strives to educate the College of Saint Mary Community on a variety of topics so students and employees develop sound safety habits. Programs offered include new student orientation, RA Training, personal safety tips and fire safety. The CSM Safety and Security Department is available to hold training sessions on various safety topics upon request.

**2<sup>nd</sup> Bite Resource tabling:** Project SPEAK has a table set up next to the refrigerator providing vital resources for victim advocacy, information on SDDVS, off-campus/low-cost health resources and handouts for other community resources (mental health, food security, legal, etc.). PC closely monitors the table and replenishes pamphlets and other brochures.

**A Shot of Reality:** is an improv group that combines comedy, audience participation, and educational alcohol awareness for not only our first-year students but returning students as well. The two

performers of this program use hilarious improvisations to keep the audience engaged and entertained while educational sketches drive home alcohol facts and statistics.

**Active Shooter Awareness:** College of Saint Mary aims to enhance preparedness through a “whole community” approach by providing training to a broad range of stakeholders on issues such as active shooter awareness. In this training we cover understanding what an active shooter incident is, and developing a survival mindset, understanding the importance of preparedness, knowing your three options (Run, Fight, Hide) and finally, how to survive.

**AED Training:** This hands-on skills training prepares members of the CSM Community to respond to breathing and cardiac emergencies. It also teaches the skills and knowledge needed to provide care for victims of sudden cardiac arrest through the safe use of an automated external defibrillator (AED).

**Alcohol Prevention Activities:** You Make the Call Campaign. This activity involved fliers (provided by the OCC) to hand out and bring awareness to the Good Samaritan Law for underage drinking that passed in Nebraska in the fall of 2015. This law states that minors will not be persecuted for calling 911 if they suspect a friend is suffering from alcohol poisoning & requires medical assistance.

**Alcohol Prevention Activities:** Year One CAP survey administered to all incoming freshman asking about their perceptions of alcohol use in a college setting. This is through the OCC (Omaha Collegiate Consortium) to help prevent binge drinking on college campuses

**Behind Closed Doors:** Through role-playing, participants in the Behind Closed Doors Sessions will learn how to put their current knowledge of policies and procedures into action. Confronters will practice mediation skills and crisis response skills while keeping in mind the identity of those they may be confronting.

**Being Safe while at CSM:** This program focuses on common safety practices to assist both the Safety and Security Department and CSM Students in providing the safest learning environment possible. This informational session takes place during National Campus Safety Awareness Month and is open to all CSM Students.

**Bloodborne Pathogens Training Program:** is a safety program aimed at protecting members of the CSM Community who may be exposed to human blood, primary or established human cell lines, or other potentially infectious materials (OPIM) while at work. Blood or OPIM can contain disease-causing viruses such as Hepatitis B, Hepatitis C, and HIV.

**Bystander Intervention:** empowers and mobilizes participants to recognize, intervene, prevent and/or stop inappropriate comments, actions, and behaviors. The entire campus community plays a valuable role in preventing acts that violate the basic dignity of an individual.

The goals of bystander intervention training are to:

- Raise awareness of helping behaviors
- Increase one's motivation to help

- Develop skills and confidence when responding to problems or concerns
- Ensure the safety and well-being of self and others

**Caffeine and Consent:** Caffeine and Consent is an event held on campus that discusses what consent is, what it looks like, and the communication basics of consent.

**Clean Car Campaign:** We have learned through experience that many thefts from the parking lots are simply opportunity thefts. Catching these opportunistic thieves is difficult at best so a different approach is required. We ask for everyone to put forth a little effort in a "Clean Car" initiative. Simply put, by removing all viewable valuables from your vehicle, prior to leaving your vehicle, you will reduce the odds of your vehicle being illegally entered by nearly 95%! Additionally, please help us to reduce the opportunity of theft by reminding other students, co-workers, visitors, and friends to remove ALL items from their car!

**Coffee with Dave:** This program brings safety and security officers and the community members they serve together—over coffee—to discuss issues and learn more about each other.

**Community Policing:** The Director of Safety and Security attends meetings with members of the College of Saint Mary Community as a way provide crime prevention information and to hear the concerns from members of the University

**Coping Through the College Years:** A suicide prevention came to discuss coping through life changes such as college and to discuss suicide prevention and resources students can use.

**Dating Violence: Are you a Victim:** Through live scenario training, students can identify early warning signs of dating violence as well as be able to help themselves and others strive to prevent dating violence.

**Emergency Preparedness Training:** Training is essential to ensure that everyone knows what to do when there is an emergency or disruption of business operations. Everyone needs the training to become familiar with protective actions for life safety (e.g., evacuation, shelter, shelter-in-place and lockdown). This training provides our students with hands-on training on how to shelter-in-place, and how to safely evaluate in case of an emergency. Also, students learned how to prepare their very own emergency preparedness kit.

**Fire Safety Training:** All residence hall students are provided information regarding fire safety guidelines with their Residence Hall Handbook. The Director of Safety and Security meets with all incoming freshmen and transfer students to discuss fire safety at CSM. During this meeting students learn about fire prevention and how to evacuate in case of a fire. In addition, residence assistants (RAs) receive special training in fire extinguisher usage, residence hall fire safety guidelines and evacuation.

**GOTCHA:** The GOTCHA program is conducted through the CSM Safety and Security Department along with the Director of Residence Life. The program is designed to find unlocked doors in residential units and alert students living in these residences that their door(s) were found unlocked.

**House Party:** An evening of educational facts about VAWA, cups showing alcohol facts and responsible drinking habits, simulated drugs being dropped into cups, education on the Good Samaritan Law, and discussions on how to stay safe while drinking gives an innovative way to pass resources to students.

**If I Were a Thief:** Members of the CSM Safety and Security Department will be handing out “If I were a Thief” cards in campus study areas across campus. Theft is the number one reported crime on campus and the “If I were a Thief” cards identify ways students can reduce the risk of becoming a victim of theft.

**Library Pop-Up:** During October and January, the College of Saint Mary Library set up a section devoted to Sexual Assault and Dating Violence Survivors. It provided our students, staff, and faculty access to many sexual and domestic violence resources.

**Move-in Orientation:** The move-in orientation is conducted during move-in weekend at the Hixson-Lied Commons. An information table is set up by Director of Safety and Security to answer questions and provide safety tips.

**New Adjunct Faculty In-service:** During session, the Director of Safety and Security along with the Title IX Coordinator provide information to all new and returning adjunct faculty members as it relates to safety and security on campus as well as what it means to be a mandatory reporter as it relates to sexual assault, domestic violence, dating violence and stalking. Our Title IX Coordinator at this time also reviews our Title IX Policy with all new and returning adjunct faculty members.

**New Hire Orientation:** During new hire orientation, the Director of Safety and Security along with the Title IX Coordinator provide information to new staff and faculty members as it relates to safety and security on campus as well as what it means to be a mandatory reporter as it relates to sexual assault, domestic violence, dating violence and stalking. Our Title IX Coordinator at this time also reviews our Title IX Policy with all new staff and faculty members.

**Open that Bottle Night:** Is an evening where Residence Life staff makes mocktails and talks with our students about making safe drinking decisions.

**Self-Care Love Language:** Project SPEAK provided handouts and information and built a rapport with residential students during their February All-Hall.

**Self-Defense Training:** CSM offers Self Defense training for all of our students, staff, and faculty. This program not only instructs attendees in basic self-defense but it also provides them with the knowledge of how to avoid bad situations both on and off campus.

**Sex Offenses, Domestic and Dating Violence, and Stalking Training:** Comprehensive education and prevention programs that inform the university community about the risks and myths that contribute to sexual assaults, domestic violence, dating violence, and stalking. These training sessions are held with all incoming students to CSM as well as offered throughout the year to returning students, staff, and faculty. In addition they learn about University Procedures, why it’s important to report, and the availability of medical, counseling, and support services, and alternative remedies such as housing and academic accommodation, if reasonably available; and University

disciplinary sanctions for those who commit sexual assault, domestic violence, dating violence, and stalking.

**Stranger Danger:** This program is conducted by the Safety and Security Department with our Mother's Living & Learning Program. In the program we teach both the mothers and children who is a stranger? Who are safe strangers? We also address the importance of recognizing and properly responding to dangerous situations.

**Student Orientation:** Each semester, the Director of Safety and Security conducts informational sessions to familiarize new students with the department, available services, reporting procedures, and university policies. The presentation also includes risk reduction strategies and role-playing exercises focused towards managing the transition to the college experience and urban living.

**"You" Stalking Awareness:** is a discussion to incorporate the Netflix series "YOU" to help students better identify stalking, discuss social norms surrounding stalking/victim-blaming, how to intervene and what resources are available.

**What's Your Degree Worth?** Brochures were created for all OCC/NCC members to distribute to students regarding the career consequences of alcohol-related convictions.

**Whistle Stop:** College of Saint Mary is a participant in the National Whistle Stop Program. This program provides whistles for all incoming CSM students. Returning students and other CSM community members may obtain whistles upon request from the Safety and Security Office. This program instructs participants to blow the whistle if they feel they are in imminent danger.





## National Campus Safety Month

In 2013, College of Saint Mary started to participate in The “Safe Campus, Strong Voices” Campaign which is a national initiative for Campus Safety Awareness Month in September. The goal of this program is to raise awareness and increase advocacy on the issue of college sexual violence and the vast amount of underreported cases as well as the injustices that many survivors face.

### Safe Walk Program

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#### Purpose of the Safe Walk Program

Safe Walk is a Safety and Security Department Crime Prevention Program designed to assist the College of Saint Mary Community by providing walking escort services from one campus location to another. Members of the Safety and Security Department will provide the escort as needed.

#### Who can use the program?

Any member of the College of Saint Mary Community who desires a need to be assisted with this added level of security and safety.

#### When are Safe Walks available?

Safe Walks are available 24 hours a day, 7 days a week, 365 days a year.

#### How do I get a Safe Walk?

1. Contact the Safety and Security Department by dialing “1” on any campus phone or by calling 402-670-8848 on your cell phone to request a Safe Walk escort.
2. Give your destination and where the Safety and Security Officer can meet you.

3. Please be at the location when the Safety and Security Officer arrives. The officer may wait for a few minutes, but a "No Show" will negatively impact the ability we have to provide this service in a prompt and efficient manner.

### **Being Safe while Walking around Campus**

- Make sure your cell phone is easily accessible and fully charged.
- Be aware of open buildings where you can use a phone.
- Take major, public paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to Director of Safety and Security if lights need to be installed in an area.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Walking back from the library very late at night is sometimes unavoidable, so try to walk with a friend or contact Safety and Security for a Safe Walk.
- Carry a noisemaker (like a whistle) on your keychain.
- Carry a small flashlight on your keychain.
- Safe walk are available on campus 24/7 to request a safe walk please Dial "1" on any campus phone or call Safety and Security at 402-670-8848 and request a Safe Walk.

### **Project SPEAK Peer Educator Program**

Through the OVW Campus Grant to Reduce Sexual Assault Domestic Violence, Dating Violence, and Stalking, Project SPEAK has hired two Peer- Educators that will provide education on campus and assist with the coordination of awareness and other prevention events. Peer educators will be trained to facilitate trauma-informed, culturally competent training and discussions using the facilitator's One Love Foundation program. The following trainings are included in the Peer Educator Program:

**Amor Del Bueno-** This short film follows a Latino high school couple navigating an unhealthy relationship and depicts their friends' struggle to intervene correctly. A discussion follows the film.

**Because I Love You-** This short film highlights emotional abuse, and participants will be able to identify ten healthy and unhealthy relationships signs, such as how little words like, "because I love you" can be used as a tool for manipulation and control.

**Love Labyrinth-** Gas-lighting and intimidation tactics can trap a person in a relationship. Participants will be able to identify unhealthy behaviors, know how to support a friend, and provide resources.

**Escalation-** This is a 40-minute film that depicts unhealthy behavior escalating into violence. The film and discussion will help participants understand and recognize the early signs of relationship abuse.

Additionally, peer educators will provide positive bystander intervention, conflict resolution skills, and effectively support survivors.

## Nebraska Safety Belt Honor Roll

College of Saint Mary received a signed *proclamation* from Nebraska's Governor which inducted College of Saint Mary as a member of the Nebraska Safety Belt Honor Roll. The Nebraska Safety Belt Honor Roll is a joint effort between the Governor's Office and Click It Don't Risk It to recognize those dedicated to saving lives through seat belt use. Nebraska businesses, schools, and groups are encouraged to apply. We are happy to say that over 97% of CSM Community Members utilized seat belts during unannounced checks in 2020.



## Automatic External Defibrillators (AED)

College of Saint Mary has carefully placed eight automated external defibrillators (AED) throughout its campus. The authorized (AED) program will enable targeted responders in a campus setting to deliver early defibrillation to patients experiencing a sudden cardiac arrest. Responders' use of the AED does not replace the care provided by professional emergency medical services (EMS) providers, but is meant to provide a lifesaving bridge during the first few critical minutes it takes for advanced life support providers to arrive. Upon arrival of EMS providers, patient care will be transferred. Every year the College of Saint Mary Safety Committee purchases a new AED to be placed on campus.

Daily Inspection checks are performed by College of Saint Mary Safety and Security Officers:

- Green "indicator light" represents active
- Red "indicator light" represents inactive

Monthly Inspection checks are performed by the Director of Safety and Security:

- Visual checks of the unit and the alarm cabinet.
- Verify battery and pads are within the expiration date.
- Inspect emergency supplies (nitrile gloves, razor, scissors, electrode pads, CPR barrier masks).
- Perform the AED Unit's Self-Diagnostic Test.

AED Location	Building
Walsh Hall	1 <sup>st</sup> Floor near Chapel 2 <sup>nd</sup> Floor Computer Labs
Walsh Hall West Annex Building	Near front Desk
Mercy Hall	1 <sup>st</sup> floor near Room 112
Hixson-Lied Commons	Near Room 126
Lied Fitness Center	Lower level near Room 3
Lied Fitness Center	Hallway outside of Weight Room
Lied Fitness Center	Fieldhouse-West Side of Track
Lozier Hall	1 <sup>st</sup> floor near student mailboxes
Hill-Macaluso Hall	1 <sup>st</sup> Floor near Gross Conference Center
Madonna Hall	1 <sup>st</sup> floor near student mailboxes
Softball/Soccer Complex	Training Room

## Explosives, Firearms and Weapons

The following actions and behaviors are prohibited at College of Saint Mary or at University-sponsored events. Possession of explosives, dangerous chemicals, and weapons including, but not limited to: firearms, bows and arrows, sling shots, hunting and other knives, blowguns, BB guns, pellet guns, air soft guns, Tasers, etc.

All faculty, staff, students and all other persons visiting campus are prohibited from carrying a weapon of any kind, including a concealed weapon, onto College of Saint Mary property or into any College of Saint Mary facility. A student who violates this policy will be asked to remove the weapon from campus immediately and will be subject to disciplinary action pursuant to the Code of Conduct. Further, CSM may contact the appropriate law enforcement agency if it learns that a student has violated or is violating the policy. The student may also be subject to arrest.

If a student believes that a fellow student intends to or has brought a weapon or a concealed handgun onto the premise the student should alert the Safety and Security Department (402-670-8848) or by dialing “1” on any campus phone or by contacting Student Development and Success at 402-399-2422.

## Preventing and Responding to Sexual Assault

If a sexual assault does occur, the victim is encouraged to report the incident to the appropriate campus and municipal agencies. While the university respects the wishes of the victim in each situation, the option of involving law enforcement authorities is encouraged. Assistance and support will be provided to the victim throughout the reporting process, should they choose to pursue the matter in this way.

College of Saint Mary educates the student community about sexual assaults and date rape through student orientation and programs offered each year. If you are a victim of a sexual assault at this

institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment.

If you need medical transport to an area hospital, call Safety and Security by dialing “1” from any campus phone or 402-670-8848 from your cell phone. Visits to hospitals for medical treatment and counseling are confidential. The Safety and Security Office strongly advocates that a victim of sexual assault report the incident in a timely manner as time is a critical factor for evidence collection and preservation. An assault should be reported directly to a Safety and Security Officer and/or to any university official.

## **A Commitment of Safe Environment our Statement of Purpose**

College of Saint Mary is committed to providing a learning and working environment that emphasizes the dignity and worth of every member of its community. Sexual assault, domestic violence, dating violence, and stalking in any form or context are contrary to our principles. Sexual assault, domestic violence, dating violence, and stalking can threaten the safety, well-being, educational experience, and career of students, faculty, and staff and will not be tolerated in any form. Any individual found to have violated this statement of purpose will be subject to disciplinary action.

## **Title IX College of Saint Mary Title IX Policy**

### **College of Saint Mary Sexual Misconduct, Harassment, Relationship Violence and Stalking Policy**

The College of Saint Mary Sexual Misconduct, Harassment, Relationship Violence and Stalking Policy strives to ensure that our institutional mission and values are upheld in order to maintain a community free from the harmful consequences of sexual and gender-based harassment. College of Saint Mary (CSM) is committed to providing a non-discriminatory and harassment-free educational, living, and working environment for all members of our community. CSM will take appropriate action to prevent, correct, and discipline harassing or violent behavior that is found to violate this policy.

The purpose of this policy is to provide the CSM community with a clearly articulated set of behavioral standards, common understandings of definitions and key concepts, and descriptions and examples of prohibited conduct, including sexual misconduct, sexual harassment, stalking, and domestic and dating violence. This policy provides guidance for what students or employees should do if they have experienced conduct that is prohibited by this policy on campus and what CSM will do if such conduct occurs.

A student alleged to have violated this policy can be disciplined under the Student Code of Conduct and/or prosecuted under the Nebraska criminal statutes. Employees alleged to have violated this policy may also be disciplined under other CSM policies found in Employee and Faculty handbooks and/or prosecuted under the Nebraska criminal statutes.

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Appendix A: Summary of Survivor Rights

Appendix B: Flow Chart for Title IX Complaint Procedures

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## **I. Scope of the Policy**

CSM denounces harassment of and discrimination against any and all individuals or groups. The policy applies to all community members, including students, faculty, adjunct faculty, staff, student workers, contractors, and visitors. The Title IX complaint provisions of this policy apply only to current and prospective students and employees.

All CSM community members are responsible for their actions and behavior, and are required to follow University policies and local, state, and federal law. This policy applies to conduct that occurs on CSM property or at a CSM-sponsored event that takes place off campus. Off-campus conduct that is not a CSM sponsored event that creates a hostile learning or working environment on campus may be covered under this policy. This policy applies to conduct that occurs within the United States. Title IX does not apply to sexual harassment or sexual misconduct that occurs off campus, in a private setting, that is not part of CSM's educational program or activity. However, CSM will offer support and services to individuals regardless of where the misconduct occurred.

When used in this policy, "Complainant" refers to an individual (student or employee) who is subject to alleged discrimination, harassment, or retaliation regarding the application of this policy. "Respondent" refers to an individual who has been accused of prohibited conduct under this policy. "Third party" refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

Reporting Parties or Third Parties are encouraged to report sexual misconduct or harassment to CSM officials regardless of where the incident occurred, or who committed it. However, CSM has jurisdiction to take disciplinary action only against a Respondent who is a current student or employee. Even if CSM does not have jurisdiction over the Respondent, CSM will provide support for the safety and well-being of the Complainant and the broader campus community.

## **II. Notice of Non-Discrimination**

CSM does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Title IX of the Education Amendments of 1972 prohibits sex discrimination in education programs and activities at universities that receive federal financial assistance. Title IX protects all students and employees regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, pregnancy, disability, or immigration status. Independent undergraduate programs may be single-sex programs, and an exemption is contained for religiously affiliated colleges if a conflict exists between Title IX and their religious tenets. Title IX prohibits sex discrimination in both the educational and employment settings. Sex discrimination and sexual harassment are also prohibited under Title VII of the Civil Rights Act of 1964. Title IX is enforced by the Office for Civil Rights within the U.S. Department of Education, which has promulgated regulations explaining and implementing Title IX.

Under the Department of Education's Title IX regulations, an institution that receives federal funding "shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." CSM's procedures regarding Title IX pregnancy and parenting accommodations can be found in its own policy. All inquiries concerning the application of this policy or other Title IX requirements should contact the Title IX Coordinator.

### **A. Role of Title IX Coordinator**

CSM has designated a Title IX Coordinator to oversee implementation of this policy and facilitate the University's compliance with Title IX and related provisions of the Clery Act (as amended by VAWA).

Complaints or inquiries about sexual harassment or sex discrimination should be directed to the Title IX Coordinator:

Title IX Coordinator  
Director of Human Resources  
Walsh Hall, Room 295  
7000 Mercy Road  
Omaha, NE 68106  
(402) 399-2664  
[TitleIX@csm.edu](mailto:TitleIX@csm.edu)

The Title IX Coordinator is supported by members of an interdepartmental team. These team members are called the Title IX Designees. If the Title IX Coordinator is unavailable or has a conflict of interest, one of the Title IX Designees will respond. Members of the Title IX Team include:

- Director of Safety and Security, Walsh Hall #319, 402-399-2319
- Director of Residence Life, Madonna Hall #104, 402-399-2674
- Director of Legal Professions, Walsh Hall #366, 402-399-2418
- Associate Dean for Faculty Development, Walsh Hall #173, 402-399-2675

Concerns about the University's application of relevant federal and/or state law can be referred to:

U.S. Department of Education

Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg.  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

### **III. Prohibited Misconduct**

College of Saint Mary Sexual Misconduct, Harassment, Relationship Violence and Stalking Policy addresses a broad spectrum of behavior, all of which fall under the general term sexual misconduct.

#### **A. Sexual Harassment**

Sexual Harassment is defined as unwanted conduct of a sexual nature when one or more of the following occur:

1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic progress, or participation in any aspect of a college program or activity; or is used as the basis for employment or academic decisions affecting such individual, or
2. Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, or equal opportunity to participate in or benefit from the University's educational programs, activities, or employment. That is, the conduct is so severe, pervasive, and objectively offensive as to create a hostile educational or workplace environment under both a subjective and an objective standard. In determining whether a reasonable person in the individual's circumstances would find the work or educational environment hostile, the totality of the circumstances must be considered.
3. Any instance of sexual assault, dating violence, domestic violence, or stalking

Sexual harassment may be committed by anyone regardless of gender identity and may occur between members of the same or different sex.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, written, visual, or physical conduct of a sexual nature. Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, stalking, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature. Gender-based harassment can occur if individuals are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with an individual's work, academic performance, or equal opportunity to participate in or benefit from the University's educational programs, activities, or employment. That is, the conduct is so severe, pervasive, or persistent as to create a hostile educational or workplace environment under both a subjective and an objective standard. In determining whether a reasonable person in the individual's circumstances would find the work or educational environment hostile, the totality of the circumstances must be considered.

#### B. Sexual Assault and Non-Consensual Sexual Contact

Sexual assault is defined as having or attempting to subject another person to sexual intercourse either:

- Without the consent of the Complainant, or
- When the Respondent knew (or should have known) that the Complainant was incapacitated.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

Non-consensual sexual contact is defined as having intentional physical contact of a sexual nature with another individual:

- Without the consent of the Complainant, or
- When the Respondent knew (or should have known) that the Complainant was incapacitated.

Non-consensual sexual contact includes: touching the intimate parts of another; touching a person with one's own intimate parts; forcing a person to touch another's intimate parts; forcing a person to touch their own intimate parts; or disrobing or exposure of another without permission. Intimate parts may include the breasts or chest, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner, or the clothing covering the same.

#### C. Unlawful non-forcible sexual intercourse (incest and statutory rape)

Incest is the non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape is the non-forcible sexual intercourse with a person who is under the statutory age of consent.

#### D. Sexual Exploitation

Sexual Exploitation means an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses. Sexual exploitation may involve individuals who are known to one another, have an intimate or sexual relationship, and/or may involve individuals not known to one another. Examples include, but are not limited to:

1. Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
2. Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
3. Prostituting another individual;
4. Knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge; and
5. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

#### E. Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

A course of conduct refers to a pattern of behavior of two or more acts over a period of time that can be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party.

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

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Stalking includes cyber-stalking, a particular form of stalking in which technological means are used to pursue, harass, or make unwelcome contact with another person in an unsolicited fashion. Such methods include the use of the Internet, emails, social media, or blogs; landlines and cell phones; text messaging; global positioning systems; spyware on a person's computer or cellphone; or other similar devices or forms of contact.

#### F. Indecent Exposure

A person commits indecent exposure if that person intentionally shows their genitals in a public place or in another place where there are other persons present under circumstances in which one knows or should know that this conduct is likely to affront or alarm.

## G. Domestic Violence

Domestic violence includes a single act of physical violence as well as a pattern of coercive or controlling behavior committed by a current or former spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child in common; By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Domestic violence takes many forms: physical; emotional; economic; stalking and harassment.

### a. Physical abuse

Physical abuse does not always leave marks or cause permanent damage:

- Scratching, biting, grabbing or spitting.
- Shoving and pushing.
- Slapping and punching.
- Throwing objects to hurt or intimidate you.
- Hurting or threatening to hurt your children and/or pets.
- Burning.
- Strangling.
- Attacking or threatening to attack with a weapon.
- Blocking exits, physically restraining you and/or not allowing you access to call for help (taking your phone).
- Any threats or actual attempts to kill you.
- Withholding basic physical needs such as food, transportation and/or housing.

### b. Emotional/Psychological Abuse

Emotional/psychological abuse is a behavior your partner uses to control you or damage your emotional well-being. It can be verbal or non-verbal:

- Name-calling, mocking, intimidation and making humiliating remarks or gestures.
- Yelling in your face or standing in a menacing way.
- Manipulating your children.
- Threatening to hurt themselves, your friends, family, children and/or pets.
- Threatening to take away children or visiting privileges.
- Telling you what to do or where you can and cannot go.
- Interrupting, changing topics, not listening or responding, and twisting your words.
- Putting you down in front of your children or other people.



- Preventing or making it difficult for you to see friends or relatives.
- Shifting responsibility for abusive behavior by blaming others or saying you caused it.
- Monitoring your phone calls, texts, car and computer use.

#### c. Economic/Financial Abuse

Economic/financial abuse happens when the abuser makes a Complainant entirely financially dependent on the abuser, with no power or say in the relationship:

- Forbidding the Complainant to work or attend school.
- Sabotaging employment opportunities.
- Jeopardizing employment.
- Denying access to a vehicle or damaging the vehicle so that the Complainant cannot get to work.
- Sabotaging educational opportunities.
- Withholding documents such as passports and visas.
- Withholding money or giving an allowance.
- Confiscating your paycheck.
- Denying access to bank accounts.
- Hiding family assets.
- Running up debt in the Complainant's name.

#### d. Stalking and Harassment

Stalking and harassment can happen between strangers or in relationships, where the abusive partner or ex demands your time even after you make it clear you do not want contact:

- Making unwanted visits, sending you unwanted messages (voicemails, text messages, emails, etc.) or sending you unwanted items
- Following you, including installing GPS tracking software on your car or cell phone without your knowledge or consent.
- Checking up on you constantly.
- Embarrassing you in public.
- Refusing to leave when asked.

### H. Dating violence

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

### I. Physical Assault

Physical assault is a purposeful action meant to threaten or endanger the health or safety of any person. Examples include, but are not limited to, fighting, pushing, kicking, punching, hitting with or throwing an object at, or biting. This behavior is typically treated as a violation of the Student Conduct and the Employee Handbook. When these acts occur in the context of domestic or dating violence or when the behavior is perpetrated on the basis of sex or gender, the misconduct will be resolved under the College of Saint Mary Sexual Misconduct, Harassment, Relationship Violence and Stalking Policy.

#### J. Retaliation

Retaliation is any act or attempt to retaliate or seek retribution against any individual or group of individuals involved in the report, investigation and/or resolution of an allegation of sexual misconduct or harassment. Forms of retaliation include intimidation, threats, pressuring, harassment, continued abuse or violence, slander and libel, or preventing participation in college activities or proceedings. Retaliation can be committed by any individual or group of individuals, not just a Complainant. Retaliatory conduct by community members and third parties is prohibited regardless of whether it occurs on or off campus, in person, or through social media, e-mail, or other forms of communication.

CSM expressly prohibits any form of retaliatory action against any individual involved in a complaint under this policy or for assisting in an investigation. Any acts of retaliation shall be a violation of this policy and shall be grounds for disciplinary action up to and including expulsion for students and termination for employees.

Although CSM does not restrict either party from discussing the investigation with other potential witnesses, communication that is deemed as retaliatory, vengeful, or intended to unduly influence a witnesses will be treated as a violation of this policy.

#### K. Violations of campus no contact orders

Violations of campus No Contact orders are a violation of this policy. Suspected violations of a no contact order will be handled separately through different processes depending on whether a student or employee is suspected of the misconduct.

#### L. Other Campus Code Violations

The outcomes and actions taken by the Title IX process do not necessarily preclude other disciplinary actions from being taken using other CSM disciplinary procedures. The Title IX investigations and outcomes may be used as support for other disciplinary processes.

### **IV. Other Important Concepts and Definitions**

#### A. Hostile Environment

Hostile Environment is when sexual harassment is so severe, pervasive and objectively offensive that it effectively interferes, limits or deprives someone of the ability to participate in or benefit from the University's educational programs, activities, or employment. In determining whether a

reasonable person in the individual's circumstances would find the work or educational environment hostile, the totality of the circumstances must be considered.

## B. Consent

Consent must be communicated clearly, either verbally or non-verbally, through an outward demonstration signifying a person has chosen to engage in specific sexual activity. The person must act freely and voluntarily and have knowledge of the nature of the act involved. A person who is giving consent cannot be incapacitated by drugs or alcohol, unconscious, passed out, coming in and out of consciousness, or have a disability or disorder that would impair his/her understanding of the act. Consent cannot be inferred from the absence of a "no" and may not be inferred from silence, passivity, lack of resistance, or a lack of an active response (e.g. freezing or being physically unable to communicate). Past consent does not imply future consent. Consent can be revoked at any time. The presence or absence of consent is based on the totality of the circumstances.

Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

## C. Coercion

Coercion is present when an individual is compelled by another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, implied threats of physical harm, or blackmail which places a person in fear of immediate harm or physical injury. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion is more than persuading an individual to engage in sexual activity. For the use of pressure to result in coercion, the amount must be unreasonable. This is more than an effort to persuade, entice, or attract another person to gain sexual access. Factors include the frequency, intensity, degree of isolation of the person being pressured, and the duration of the pressure. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

## D. Force

Force refers to the use or threat of physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

## E. Incapacitation

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act. Incapacitation is the inability, temporarily or permanently, to make rational, reasonable judgments. An individual is incapacitated, and therefore unable to give consent, if they are asleep, unconscious, or otherwise unaware that the sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person; however, warning signs that a person may be approaching incapacitation includes slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, loss of consciousness, or emotional volatility.

The test for whether a person should know if another individual is incapacitated is whether a reasonable person in the same position knew or should have known of the Complainant's incapacitation.

Being intoxicated or impaired by drugs or alcohol is not an excuse for sexual harassment, sexual violence, stalking, intimate partner violence, or other sexual misconduct and does not diminish one's responsibility to obtain informed and freely given consent.

#### F. Preponderance of the Evidence

Preponderance of the Evidence means that it is "more likely than not," based upon the information provided, that the respondent is responsible for the alleged violation(s). This is the standard that is used to review evidence during Formal Resolutions and Appeals.

### **V. Privacy and Confidentiality**

CSM is committed to protecting the privacy of all individuals involved in a report of sexual misconduct, including sexual harassment, sexual violence, stalking, or intimate partner violence. All CSM employees who are involved in the college's Title IX response, including investigators, Title IX Designees, and Appeals Authority receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report. Such a review is essential to protecting the safety of the Complainant, Respondent, and the broader campus community and to maintaining an environment free from sex discrimination and gender-based harassment. Privacy and confidentiality have distinct meanings under this policy.

#### A. Privacy

Privacy generally means that information related to a report of misconduct will only be shared with a limited group of individuals. The use of this information is limited to those college employees who "need to know" in order to assist in the active review, investigation, provide supportive measures, or resolution of the report. While not bound by confidentiality, these individuals will be discreet, and respect the privacy of all individuals involved in the process. The Title IX Coordinator will determine which employees have a "need to know."

At no time will CSM release personally identifying information of the Complainant to the general public without the express consent of the Complainant. The release of the Complainant or other necessary parties' personally identifying information to the general public is guided by Family Educational Rights and Privacy Act (FERPA) and the Jeanne Clery Act. However, CSM may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions.

Under this policy, all CSM employees, who are not specifically designated as confidential resources, are required to share reports of sexual violence, harassment, dating/domestic violence, or stalking with the Title IX Coordinator. This includes faculty; staff; coaches; security officers; and RAs. In general, CSM employees do not have legally protected confidentiality. Only the Director of Counseling can offer confidentiality to individuals who are not ready to report to the Title IX Coordinator.

A CSM student, faculty, or staff who has a complaint against another CSM community member involving allegations of conduct prohibited by this policy should contact the Title IX Coordinator.

#### B. Confidentiality

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or as otherwise required by law. The only CSM employee that can offer confidentiality is the Director of Counseling. Off campus confidential resources are available and are listed in this policy. The Title IX Coordinator, in some circumstances, may offer confidentiality which is described below.

In general, CSM employees do not have legally protected confidentiality, with the exception of the campus counselor. Therefore, all other employees who receives a report of sexual assault or harassment is required to share the report with the Title IX Coordinator.

#### C. Responsible Employees

A “Responsible Employee”, under Title IX, is an employee: who has the authority to take action to redress sexual or gender-based harassment or violence; has the duty to report to appropriate school officials sexual or gender-based harassment or violence; or an individual who could reasonably be thought to have the authority or responsibility to take action.

The University is on official notice if the Title IX Coordinator or other responsible employee has actual knowledge of alleged sexual harassment that has occurred within the schools education program or activities. This includes incidents that are reported directly, are witnessed, or are reported by a third party (parent, other student), etc. All of these should be reported to the Title IX Coordinator immediately.

In all cases of reported sexual violence, sexual harassment, stalking, or domestic/dating violence that occurs on campus or at a campus event, the CSM President will be notified of the situation, however, all personally identifying information will be withheld.

#### D. Request for Confidentiality

Where a Complainant requests from the Title IX Coordinator that a name or other identifiable information not be shared with the Respondent or that no formal action be taken, the Title IX Coordinator will balance this request with its dual obligations to provide a safe and non-

discriminatory environment for the entire community and to afford a Respondent fundamental fairness by providing notice and an opportunity to respond before action is taken.

CSM will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation or disciplinary action, but its ability to do so may be limited based on the nature of the request by the Complainant.

When weighing a Complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
  - Whether there have been other sexual violence complaints about the same alleged perpetrator;
  - Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - Whether the alleged perpetrator threatened further sexual violence or other violence against the Complainant or others;
  - Whether the sexual violence was committed by multiple perpetrators;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the Complainant is a minor;
- Whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- Whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the Complainant's request for confidentiality.

If the University determines that it cannot maintain a Complainant's confidentiality, the University will inform the Complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The Department of Safety & Security will be notified of any reports of sexual violence occurring on campus. Pursuant to federal law, the Jeanne Clery Act, the University has a legal responsibility for documenting and providing statistics of reported incidences of sexual assault and other crimes to the U.S. Department of Education. The information contained in a "Clery report" only tracks the number of Clery reportable offenses. All personally identifying information will be removed from the statistical report.

#### E. Timely Warnings

If a report of misconduct discloses a serious, immediate or continuing threat to the CSM community, the college may issue a campus wide timely warning or notification (which may take the form of an email, text or other electronic communication to community members) to protect the health or safety of the community and to heighten safety awareness. A timely warning



may include a campus wide notification for a report of sexual assault, stalking, and intimate partner violence on campus. The timely warning will not include any identifying information about the Complainant. The college reserves the right to send campus wide notifications on any report of sexual misconduct.

## **VI. Resources**

CSM recognizes that deciding whether to make a report, either to the university or law enforcement, and choosing how to proceed can be difficult decisions. The university encourages all individuals affected by sexual misconduct to seek the support of campus and community resources. These professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred. A list of these resources are provided in writing to all students and employees and made readily available.

### **A. Confidential Counseling**

If you are uncertain whether you want to report or you are want to speak confidentially to a trained professional, the following are excellent resources we encourage you to contact.

#### CSM Director of Counseling Services

402-399-2374

*Provides free on campus short term counseling services to all students.*

#### Women's Center for Advancement (WCA)

3801 Harney St. / 402-345-6555

Hotline 402-345-7273 or email [DirectSupport@wcaomaha.org](mailto:DirectSupport@wcaomaha.org)

*Provides free counseling, victim advocacy, legal assistance and more to victims of domestic violence, sexual assault, human trafficking and stalking.*

#### Bergan Mercy- One Professional Center- Counseling Assistance Program (CAP) and Employee Assistance Program (EAP)

7710 Mercy Rd. / 402-398-5566 or (888) 847-4975

*CSM partnership that provides counseling services and referrals for more specific behavioral health needs for students and employees of CSM.*

#### Project Harmony

11949 Q St. / 402-595-1326

Report Child Abuse 1-800-652-1999

*A child advocacy center dedicated to ending the cycle of abuse. Comprehensive services for children and their families including immediate crisis counseling, case coordination, advocacy and medical exams for your child.*

### **B. Campus Safety and Law Enforcement**

CSM Safety and Security has established a solid working relationship with the Omaha Police Department and are here to help keep you safe.

CSM Safety and Security

Walsh 319 / 402-670-8848\* or dial 1 from any campus phone. 24 hour assistance

*CSM Safety officers provide a safe walk program to help you feel safe on campus at all times. They can also help inform you of your rights and enforce no contact orders should you need assistance.*

Omaha Police Department (OPD)

*For emergency help or to file a report call:*

911

*General information*

*505 S. 15th St. / 402-444-5600*

C. 24/7 Confidential Crisis Services- Call, Text, or Chat online

All services are free and available 24 hours, 7 days a week in convenient and confidential manners to provide you support when you need it the most.

Crisis Text Line

Text HOME to 741741

*Free confidential texting service available 24/7.*

Trevor Project

1-866-488-7386

Text START to 678678

*Free LGBTQ resource for crisis intervention provided 24/7. Available to chat online.*

Rape, Abuse and Incest National Network

1-800-656-4673

*National Sexual Assault hotline and online chat. Also available in Spanish and free for everyone.*

D. Other Helpful Resources

CSM Student Financial Aid- Express Center

1<sup>st</sup> Floor Walsh Hall, the Express Center is open Monday through Thursday from 8 a.m.—5:30 p.m. and Friday from 8 a.m.—5 p.m.

402-399-2429

Immigrant Legal Center (ILC)

4223 Center Street

402-898-1349 or [info@immigrantic.org](mailto:info@immigrantic.org)

*ILC continues to provide free legal services to immigrants who have incomes below 150% of the federal poverty guidelines.*

Nebraska Immigration Legal Assistance Hotline (NILAH)

Monday-Friday 9am-3pm

1-855-307-6730

*A confidential centralized hotline that provides resources and referrals for those in need of immigration legal assistance.*

Catholic Charities of Omaha - Immigration Legal Assistance Services

5211 S. 31st Street

402-939-4615

*Offers quality bilingual legal immigration assistance services at a low to no cost.*

Legal Aid of Nebraska

209 S. 19th St., Suite 200

402-348-1069

*Legal Aid seeks to empower individuals to take action on their own behalf and increase the likelihood of achieving a positive legal outcome by providing the knowledge and resources to help people understand and navigate the civil legal system.*

Vine

*Free and confidential victim notification network will notify you of an offender's custody information. You can also download the app, VINElink and receive updates via phone, email or text.*

MyPlan

*Free phone app that can help you or someone you care about identify if they are experiencing relationship abuse, how to navigate it, make a safety plan and provides access to resources.*

#### E. Medical Resources in the Event of Sexual Violence

Individuals are encouraged to seek medical care to assess and address their healthcare needs. When seeking care, you have the option of requesting your care be provided under the State of Nebraska's Victim Compensation Fund.

Local Omaha hospitals offer immediate services to victims of sexual assault and domestic violence 24 hours per day, 7 days a week. Sexual/Domestic Assault Nurse Examiners (SANE) are nurses who have received special training in the collection of forensic evidence in sexual assault and rape cases. Completing a forensic examination does not require an individual to file a police report but would help preserve evidence in case the individual decides to file a police report at a later date.

The nearest medical facilities to campus is:

Bergan Mercy Medical Center- CHI Health

7500 Mercy Rd/ (402) 398-6161

*Bergan Mercy provides a team of Sexual/ Domestic Assault Nurse Examiners (SANE) to respond to any of the 5 emergency departments in its health system. SANE seek to reduce the physical and psychological trauma by additionally collaborating with interdisciplinary community response teams.*

Methodist Hospital

8303 Dodge St. / 402-354-4424 \*24 hour hotline

*Methodist has a survivor program adjacent to the Emergency Department that provides a team of specially trained professionals: Sexual/Domestic Assault Nurse Examiner (SANE), Physician, Victim Advocate and Law Enforcement Officer. Teams respond to all Methodist hospital locations.*

There may be legal options available if the sexual misconduct offense is also a crime in the state or locality in which the incident occurred. These options are available solely at the discretion of the Complainant, who has the right to file a report and/or pursue charges at any time.

The preservation of evidence may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

Below are suggestions for preserving evidence related to an incident of sexual misconduct. It is important to keep in mind that each suggestion may not apply in every incident:

General evidence preservation suggestions:

- Do not alter, dispose of, or destroy any physical evidence. Evidence includes DNA that can be collected from clothing, skin, hair, underneath nails, etc.
- If there is suspicion that a drink may have been drugged, inform a medical assistance provider and/or law enforcement as soon as possible so they can attempt to collect possible evidence (e.g., from the drink, through urine or blood sample).
- Preserve evidence of electronic communications by saving them and/or by taking screen shots of text messages, instant messages, social networking pages, or other electronic communications, and by keeping pictures, logs, or copies of documents that relate to the incident and/or perpetrator.
- Even if Complainant chooses not to make a complaint regarding sexual misconduct, they should nevertheless consider speaking with someone from the Title IX Team or law enforcement to preserve evidence in the event that they change their mind at a later date.
- Because some evidence, particularly evidence that may be located on the body, dissipates quickly (within 48-96 hours), individuals who have been sexually assaulted and wish to preserve evidence should go to a hospital or medical facility immediately to seek a medical examination and/or evidence collection.

## **VII. Reporting Prohibited Conduct**

CSM is committed to providing a variety of accessible means of reporting sexual misconduct so that all instances of sexual violence or harassment will be reported. The Title IX Coordinator is specifically charged with coordinating CSM's efforts to comply with Title IX responsibilities to include responding to allegations of sexual misconduct or harassment to stop the conduct, address its effects, and prevent its recurrence.

### **A. Campus Reporting**

There are several ways to report possible acts of sexual misconduct or harassment.

- Report to the Title IX Coordinator directly in Walsh Hall Room 295

- Send an email to [TitleIX@csm.edu](mailto:TitleIX@csm.edu)
- Call Title IX Coordinator at 402-399-2664
- Use the online form at <http://www.csm.edu/TitleIX>

## B. Reporting to Law Enforcement

The Complainant has the right to choose whether or not to notify law enforcement. If a Complainant chooses to report to law enforcement, campus authorities can assist, at the Complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law. Except where the Complainant is less than 19 years old, the university will respect a Complainant's choice whether or not to report an incident to local law enforcement, unless the university determines that there is an overriding issue with the safety or welfare of the CSM community. A Complainant has the right to decline to participate. When a report involves suspected abuse of a minor under the age of 19, the university is required by state law to notify the state Department of Health and Human Services (DHHS).

CSM's policy, definitions, and standard of proof may differ from Nebraska criminal law. A Complainant may seek a resolution through CSM's Title IX process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's decision whether or not to prosecute, nor the outcome of any criminal prosecution are determinative of whether sexual harassment, sexual violence, stalking, or domestic/dating violence has occurred under this policy. Proceedings under College of Saint Mary Sexual Misconduct, Harassment, Relationship Violence and Stalking Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Individuals are not required to file a criminal complaint.

## C. Anonymous reporting

Any individual may make an anonymous report concerning an act of sexual violence or harassment. An individual may report the incident without disclosing one's name, identifying the respondent, or requesting any action. Anonymous reports can be provided by using the online form at <http://www.csm.edu/student-life/student-support/title-ix>.

Another person may also report an assault anonymously on behalf of the Complainant. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the College's ability to respond, investigate, or take further action.

## D. False Reports

CSM takes validity of information very seriously since a charge of sexual misconduct or harassment may have severe consequences.

A Complainant who makes a report that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation.

Similarly, a Respondent or witness who is later proven to have intentionally given false information during the course of an investigation may be subject to disciplinary action.

#### **E. Reports Involving Minors**

All College of Saint Mary employees, who in the course of their employment witness or receive information related to suspected physical or sexual abuse or neglect of children, must report such information to the Department of Health and Human Services (DHHS) of the state where the suspected abuse has taken place within 24 hours. The Nebraska Child Abuse/Neglect Hotline is 1-800-652-1999. The employee should report to the Director of Safety and Security once they have reported the information to the DHHS. The State of Nebraska defines minor to be anyone under the age of nineteen.

### **VIII. Amnesty for Alcohol or Drug Use**

CSM seeks to remove any barriers to reporting. An individual who reports sexual harassment, sexual violence, stalking, and domestic and dating violence either as a Complainant or a third party, will not be subject to disciplinary action by the college for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. CSM may, however, initiate an educational discussion or pursue other educational or therapeutic remedies regarding alcohol or other drugs for those individuals.

### **IX. Reporting Considerations: Timeliness of Report and Location of Incident**

Complainants and third party witnesses are encouraged to report sexual misconduct and harassment as soon as possible in order to maximize CSM's ability to respond promptly and effectively. CSM does not, however, limit the timeframe for reporting. If the Respondent is not a student or employee, the College will not be able to take action against the Respondent under Title IX, but it will still seek to provide support through other campus and community resources.

The Title IX requirements and procedures applies to incidences that occur on campus or at a CSM sponsored event. However, off-campus conduct that creates a hostile learning or working environment on campus may be covered under this policy.

### **X. University Procedures for Responding to Reports of Prohibited Conduct**

An individual who wishes to make a report of sexual harassment, sexual violence, stalking, and domestic and dating violence is encouraged to make a report directly to the Title IX Coordinator. In every report of sexual harassment, sexual violence, stalking, and domestic and dating violence, the Title IX Coordinator or designee will conduct an initial Title IX assessment.

#### **A. Initial Assessment**

Upon receiving information about a potential violation of this policy, the Title IX Coordinator will first determine whether or not the information provided states a potential violation of this policy. The Title IX Coordinator will notify the Complainant in writing of the decision.

If there is a potential violation of this policy, the Title IX Coordinator will conduct an initial assessment within seven (7) working days after receiving notice of the alleged misconduct. The first step of the assessment will usually be a preliminary meeting with the Complainant with the Title IX Coordinator or designee. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full interview.

As part of the initial assessment of the facts, the Title IX Coordinator or designee will:

- Assess the nature and circumstances of the allegation
- Address immediate physical safety and emotional well-being of the parties
- Provide a written notification which will include:
  - Information about on and off-campus resources
  - The right to contact law enforcement and seek medical treatment
  - The importance of preservation of evidence
  - An explanation of the rights and options under the Title IX disciplinary process
  - The range of interim supportive measures
- Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding
- Provide information on how to obtain orders of protection issued by a criminal, civil, or tribal court
- Explain the University's policy prohibiting retaliation
- Assess the reported conduct for the need for a timely warning under the Clery Act
- Ensure the report is entered into the University's daily crime log, if applicable.

#### B. Interim Supportive Measures

In all cases of alleged sexual misconduct or harassment, regardless of whether the Complainant wishes to pursue CSM disciplinary action or report to law enforcement, CSM will undertake an appropriate inquiry and take prompt and effective action to support and protect the Complainant. The purpose of interim supportive measures is to avoid depriving any student or employee of their right to an education, safe work environment, and safe college community. These actions may include:

- No Contact Orders: The Title IX Coordinator may request from the University a no-contact order which typically will include a directive that the Complainant and Respondent refrain from having intentional contact with one another, directly or through proxies, whether in person or via electronic means, pending the investigation. A violation of a CSM no contact order is a violation of this policy. CSM can assist with obtaining other state issued protective orders as well.
- The State of Nebraska has multiple types of Protection Orders and a confidential victim advocate can help provide you with further information on this process. To request an advocate, please contact the Women's Center for Advancement hotline at, 402-345-7273. If a state issued protection order or no contact order has been obtained that has implications for the Complainant's or Respondent's participation in employment, educational programs



and activities, or other University activities or programs, the University will assist with implementation.

- The Title IX Coordinator may coordinate other supportive measures that are reasonable and appropriate, including, without limitation:
  - ✓ Addressing academic concerns with the appropriate University officials (e.g. assignments, grades, withdrawal, leave of absence, alternative course completion, alternative internship or field placement, modify class schedule)
  - ✓ Safety planning
  - ✓ Changing on campus housing
  - ✓ Changing a work or job assignment/schedule
  - ✓ Providing on-campus escort to help ensure safety on campus
  - ✓ Imposing interim leave or suspension
  - ✓ Assistance contacting community resources, such as Heartland Family Services, or other support services
  - ✓ Guidance and support with filing a report through the criminal justice system
  - ✓ Provide information on transportation options such as CSM 2 Go and Heartland Bike Sharing memberships

A Complainant may request specific accommodations from the Title IX Coordinator. If the request is reasonable, the Title IX Coordinator will coordinate with the appropriate University official to obtain the requested action. For further information please contact the Title IX Coordinator, Jessica Hochstein at (402) 399-2664.

Regardless of whether the alleged offense cites a possible Title IX violation, CSM will provide information about the student or employees' rights, options, and on and off campus resources when any report of sexual harassment or sexual violence is received by CSM.

The Title IX Coordinator will offer interim supportive measures to the Respondent as well, once notification is given. The Respondent may request specific accommodations from the Title IX Coordinator. If the request is reasonable, the Title IX Coordinator will coordinate with the appropriate University official to obtain the requested action. When requesting or coordinating supportive measures for either party, the Title IX Coordinator may disclose the name of the Complainant or Respondent and other supporting information on a "need to know" basis and only to the extent necessary to obtain the requested support. In addition, the Title IX Coordinator will maintain as confidential any accommodations or protective measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodations or protective measures.

### C. Withdrawal of Complaint

Prior to the completion of the resolution options described in this policy, the Complainant may withdraw the sexual misconduct complaint. Withdrawal of the complaint will, in most circumstances, end any investigation or process taking place under this policy. CSM reserves the right to move forward with a complaint, even after the Complainant withdraws it, in order to protect the interests and safety of the college community.

## **XI. Disciplinary Procedures**

All proceedings under this policy will include a prompt, fair, and impartial process from the initial investigation to the final result. CSM applies a presumption of innocence throughout the disciplinary process. The burden of proof is on the University to prove a finding of responsibility.

### **a. Informal Resolution**

An option available to students, faculty, and staff is to seek a voluntary, informal resolution. This option is available only after a formal complaint is filed and the Respondent has been notified of the complaint and given full disclosure of the allegations and their options. An informal resolution can be voluntarily entered any time prior to a final determination. The parties must provide written consent to participate in the informal process. Either party may withdraw from the informal resolution process and resume the formal process at any time prior to a resolution being reached.

The parties to any such informal resolution will not be required to deal directly with each other. Instead, the Title IX Coordinator or other designee may arrange for or facilitate mediation between the involved parties and coordinate other informal resolution measures. Either party may request that the informal resolution process be terminated at any time. If the situation is not able to be resolved informally or if either party chooses not to engage in an informal resolution, a formal process could commence. A summary of the outcomes from an Informal Resolutions shall be provided to the Appellate Authority, who is the Provost. An informal resolution is not available in any case where an employee is accused of sexually harassing a student. An informal resolution does not preclude an employee's supervisor from taking disciplinary actions, if necessary. Student misconduct that is addressed using the informal resolution process may still be addressed through the Student Judicial System

### **b. Formal Resolution Process**

A Complainant may initiate the formal resolution process by filing a "formal complaint" with the Title IX Coordinator which must be in writing. The formal complaint must include the allegations against the respondent and request the school to investigate the allegation. The formal complaint must include an original signature or digital signature.

Once a formal complaint is made, the College must provide written notice to the parties of the investigation. The written notice must describe the process to be utilized and disclose sufficient details regarding the complaint, including, if known, the identities of the parties, the conduct at issue, and the date and location of the alleged incident. This written notice must also include a statement that the Respondent is presumed not responsible and that a determination will not be made until the conclusion of the grievance process. The notice must also advise the parties of their right to an advisor of their choice, who may be an attorney. The notice should apprise the parties of the prohibitions against making false statements and retaliation.

When initiating a formal resolution following a formal complaint, the Title IX Coordinator may consolidate multiple complaints involving different persons when they arise from the same facts or circumstances.

When a Formal Resolutions process involves sexual violence and students, the Title IX procedures and outcomes replace the Judicial Process described in the College of Saint Mary Student Handbook. At the discretion of the Title IX Coordinator, other non-Title IX violations may be handled separately through different processes or within the Title IX disciplinary procedure if actions are connected to the Title IX offense.

In situations that require CSM to proceed with Title IX disciplinary procedures without a Complainant, the Title IX Coordinators can initiate a formal complaint against the Respondent on behalf of the University. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or a party during the disciplinary process. The act of initiating a formal complaint in absence of a Complainant does not create a conflict of interest or bias.

The Title IX Coordinator will appoint an investigator to begin an investigation. The Investigator will be selected from the Title IX trained designees, who have received annual training through seminars and webinars on the issues related to dating violence, domestic violence, sexual assault and stalking, as well as how to conduct an investigation. The Title IX Coordinator will ensure there are no conflicts of interest between the parties involved and the investigator. Rather than a formal hearing process, the University will use an investigation to determine whether the conduct violated the University's policy definitions for sexual misconduct. Once a decision has been made to open an investigation, the Title IX Coordinator must provide a written "Notice of Investigation" to the Respondent listing the potential violation with sufficient details and with sufficient time to prepare a response before the initial interview with the Investigator. The Respondent will be informed of the prohibition against retaliation and instructed not to destroy any potentially relevant documentation or evidence in any format. If the Respondent refuses to meet or cooperate with the investigation or with the Title IX Coordinator, the investigation will proceed without input from the Respondent.

The investigator will take steps to complete the investigation within a reasonably prompt timeframe once an investigation is opened. Although Investigations will occur as quickly as possible, the complexity of the investigation, the severity and extent of the harassment, and the number of involved parties can impact duration. Extensions of time frames may be given for good cause, with a written notice given to the parties. A Title IX investigation can occur even if law enforcement is conducting its own investigation. Although the Title IX investigation may be reasonably delayed in order to allow law enforcement to collect evidence, it does not need to wait until the law enforcement investigation is completed or criminal cases have been resolved. The reasonableness of delaying a Title IX investigation pending the completion of a law enforcement investigation or criminal case will be made on a case by case basis by the Title IX Coordinator.

If the scope of the investigation expands, the Title IX Coordinator must issue a supplemental written notice to the parties that meet the requirements in the initial notice.

At any point during the investigation, if it is determined that the conduct alleged, if assumed true:

- Does not constitute sexual harassment;
- Did not occur in the College's education program or activity; or
- Did not occur against a person in the United States

then the College *must* dismiss the complaint for purposes of its Title IX grievance procedure. However, the conduct may be addressed through other CSM policies and procedures.

During the investigation, the College *may* dismiss a formal complaint at any time if:

- The Complainant would like to withdraw the complaint;
- The Respondent is no longer enrolled or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient evidence to reach a determination.

The Title IX Coordinator will provide written notice of a dismissal (mandatory or discretionary) to the parties and the reason for the dismissal.

During the investigation, the burden of proof and the burden of gathering evidence rests on the College, not the parties. The College may not access either party's health, psychiatric, or counseling records without consent. In addition, the parties must have equal opportunity to present witnesses, including both fact and expert witnesses, together with any inculpatory and exculpatory evidence. The College may not restrict the ability of either party to discuss the allegations or to gather and present relevant evidence. As a result, it is impermissible to prohibit the parties from communicating with witnesses.

The Title IX Coordinator will provide written notice to the parties and witnesses of any interview, meeting, or hearing that the individual is expected to attend, with sufficient time for the party to prepare to participate, to include: the date, time, and location; the participants; and the purpose.

In general, in a case where the Respondent raises consent as a defense, any prior consensual relationship between the parties may be deemed relevant to assess the manner and nature of communications between the parties, but is not necessarily determinative. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Generally, prior sexual history of either party will not be considered relevant to an investigation. However, in limited circumstances, such as pattern evidence, it may be relevant in the determination of responsibility or, in the case of Respondent, the determination of a sanction. Additionally, a prior finding (post appeal rights) of responsibility for a similar act of sexual misconduct will always be deemed relevant and may be considered in making a determination as to responsibility and/or assigning of a sanction.

At the conclusion of the investigation, the investigator will prepare a written investigative report summarizing the relevant facts determined through the investigation, referencing any supporting documentation or statements. The investigation report shall consist of:

- History of the case
- Policy violations being investigated
- Standard of Proof
- The Complaint
- The Response
- Summary of interviews conducted

- Summary of additional evidence collected (relevant photographs, physical evidence, electronic records, documents, records, and reports etc)
- Negative Inquiries (information requested, but unable to obtain)
- Evidence or witnesses provided by either party
- Summary of facts not in dispute
- Summary of facts that are in dispute
- Optional Responses (Additional responses from the parties after they have seen the preliminary report)

The investigator will present the report to the Title IX Coordinator who will ask for feedback and comment from both parties and their advisors. The Complainant and Respondent each have 10 days following the receipt of the report to write a response to it, if they so wish. Responses will be included with the final report. Upon receiving feedback and comment, the Title IX Coordinator will review the report and supplemental information. The Title IX Coordinator may request assistance in reviewing the report from other Title IX Designees, except the Investigator. The Title IX Coordinator and Title IX Designees, when requested, will review it to determine whether or not there is adequate information available to proceed to a conduct hearing. The Title IX Coordinator may request that additional information be gathered in order to make an appropriate determination.

Should a determination be made that the information gathered warrants a Conduct Hearing, the complete report, with party responses, will be sent forward to the hearing panel for adjudication. The Title IX Coordinator will provide finalized investigation reports to the parties and their advisors. The report must be provided at least 10 days prior to the hearing.

### 1. Conduct Hearing

The Conduct Hearing is not an investigative hearing. It is a deliberative hearing in which the Hearing Board will weigh the information provided and will accept it as fact, or not. The Conduct Hearing is a closed hearing; it is not open to the public. The individuals who may appear before the Conduct Hearing Board are: the Complainant, the Respondent; any individual serving as an approved Advisor; the Title IX Coordinator; and any individuals appearing as witnesses. Due to the sensitive nature of these cases, either party participating in the hearing will have the opportunity to do so without having to physically be in the same room. The concerned party can have the ability to call-in from an alternate on-campus location through the use of Zoom or other video conference system that allows for live, simultaneous video and audio of all participants.

Before and after giving testimony, witnesses may be excluded from the room or building where the hearing occurs.

All parties involved in a hearing are required to keep all information learned in preparation for the hearing, and at the hearing, private. No copies of documents provided are to be made or shared with any third parties. Any breach of this duty is subject to further disciplinary action by the College.

The Hearing Board will be comprised of a three-person panel drawn from the Senior Leadership Team of the College (2 people) and an outside attorney (1 person), who are trained in hearing Title IX cases. The outside attorney will be Chair of the Hearing Board. The Complainant and

Respondent will have the opportunity to state whether they feel a Board member should not participate in the panel due to bias or any other reason which would prevent them from making a fair assessment of the evidence. The final decision on any such requests for recusal will be made by the Title IX Coordinator. This panel will hear the case and determine, based on the preponderance of the evidence, whether there has been a sexual misconduct policy violation by the Respondent. A majority of two votes is necessary for a positive or negative finding of responsibility in a Title IX case. If the Respondent is found responsible, then the same panel will also determine the sanction(s).

The Hearing Board must review the Title IX Investigator's report containing all pertinent information regarding the incident in question prior to the date of the Conduct hearing. Additional relevant information may be offered in the form of written statements, documents, items, or oral information from the Complainant, the Respondent, and witnesses to the Hearing Board. Cross-examination of the parties and witnesses may be allowed by the party's advisor, not by the party personally.

Notes may be taken by the participants in the hearing solely for their personal use. There will be a single verbatim recording made of the hearing which shall be the sole property of the Title IX Coordinator, and this recording will be available only for review by the Complainant, Respondent, or the College for the purpose of an appeal. The recording will not be released to any party nor will the Title IX Coordinator make copies. If copies are requested, the party interested must supply a transcriber at their cost to transcribe at the College under the supervision of Title IX Coordinator or his/her designee. The recording will be maintained with the student conduct record. It will be discarded with the entirety of the record following the institutions record retention guidelines.

A hearing will be called to order by the Hearing Board Chair. The Chair will orally explain the hearing process and will provide an opportunity for all parties to ask procedural questions prior to initial statements and the presentation of information.

The Investigator will provide a summary of the investigation report. The Hearing Board, Complainant, and Respondent may make inquiries of the Investigator at this juncture. The Complainant may supplement the information provided to the Hearing Board with a brief statement. This is not intended to be a retelling of the event. The Hearing Board and Respondent may pose questions to the Complainant. Questions from the Respondent must be asked by the Respondent's advisor, who will then ask the Complainant directly.

Generally, questions concerning Complainant's prior sexual history is not permitted, subject to exceptions under the rape shield provisions of the Federal Rules of Evidence

After the Complainant is finished, the Respondent will be given an opportunity to make a brief statement. This is not meant to be a retelling of the event. The Hearing Board and Complainant may pose questions to the Respondent. Questions from the Complainant must be asked by the Complainant's advisor, who will then ask the Respondent directly.

The Hearing Board may hear from witnesses on behalf of the Complainant and the Respondent. Each witness will be questioned by the Hearing Board, and the advisors of the Complainant and the Respondent. Neither Party may cross examine witnesses personally.

If a party or a witness refuses to submit to cross examination, the Hearing Board is required to ignore that person's statement and reach a decision based on the remaining relevant evidence.

At the conclusion of the presentation of all witnesses, the Complainant and Respondent will each be given a brief final opportunity to address any outstanding issues of fact.

At the conclusion of this process, the Hearing Board will excuse everyone from the room and deliberate. At the conclusion of their deliberations, the Hearing Board must issue a written determination of responsibility applying the preponderance of evidence standard. The written determination must include:

- Identification of the allegations at issue;
- Description of the procedural steps taken throughout the case;
- Findings of fact supporting the determination;
- Conclusions regarding application of the Sexual Misconduct Policy;
- A statement and rationale as to the determination of each allegation;
- A statement of any disciplinary sanctions and whether any remedies will be provided to the Complainant; and
- A description of the procedures and permissible grounds for appeal

The parties will receive the written determination simultaneously. The written determination will be final upon the earlier of when: (1) the parties are notified of the determination on appeal; or (2) the time to file an appeal has passed with neither party appealing.

In the event that the University chooses to pursue a Conduct Hearing without a Complainant in order to protect the interests and safety of the University community, the Title IX Investigator will take the role of the Complainant during the hearing. Since the Investigator is not an actual party to the complaint, the Investigator may cross examine the Respondent and other witnesses and will not be provided an advisor.

## **XII. Role of Advisor or Support Person**

During a formal resolution process, the Respondent and Complainant can each be accompanied by one advisor of choice who may assist, advise, and support the person throughout the formal resolution process/investigation. An advisor may be present for related meetings or interviews but cannot actively participate. The choice whether or not to invite an advisor is solely that of the Complainant and Respondent. An advisor may not participate in the formal investigative process in any other capacity in reference to the same incident, including, but not limited to, serving as a witness, co-Complainant, or co-Respondent. If the advisor of choice is a College faculty or staff member, the College will not require the individual to serve as an advisor. However, if the individual voluntarily accepts the role as advisor, the College will support the decision.

The Complainant/Respondent is encouraged to provide the contact information of the Title IX Coordinator to their advisor of choice in advance of the meeting or interview. The Title IX Coordinator must be advised in writing that an advisor will be present at least 48 hours before the scheduled meeting or interview. This notification must include:



Full name and title of the advisor of choice  
Contact information for the advisor of choice (phone, email and address)

If the advisor is an attorney, this must be disclosed to the University in advance. The University reserves the right to have its own legal counsel present during meetings and interviews.. If any advisor's conduct is not consistent with the guidelines in this policy, he or she may be excluded from the formal resolution process.. The availability of an advisor to attend meetings or interviews shall not unreasonably interfere with or delay the proceedings.

During a live disciplinary hearing, cross examination must be conducted directly, orally, and in real time by the party's advisor and never by the party personally.

If either party is unable to obtain an advisor, the College will provide one free of charge for the purpose of conducting cross examination for the party. The advisor provided does not have to be an attorney.

### **XIII. Appeals**

Both the Complainant and the Respondent have the right to appeal. Third parties do not have the right to appeal. An appeal must be submitted in writing to the Title IX Coordinator within seven (7) calendar days of being notified of the outcome and must set forth the reasons for the appeal. Appeals will be decided by the Provost of the University. Notification of the appeal will be given to the non-appealing party and allowed to submit a written response within seven (7) days. Neither the Complainant nor the Respondent will be entitled to a hearing in connection to the appeal.

The appeal will be conducted in an impartial manner by the Provost, who has received annual training from the Title IX Coordinator on the Title IX process and concepts that promote fairness and accountability. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination is presumed to have been decided reasonably and appropriately. The appeal is not a de novo review of the underlying matter. The decision shall affirm the original findings of the Hearing Board unless the Provost sustains one of the grounds for appeal in which case the Provost will refer the case to the Title IX Coordinator for further action as appropriate.

Dissatisfaction with the findings is not grounds for appeal. Appeals may be based only on one or more of the following grounds:

- Procedural error (failure to follow proscribed policy and/or procedures) that may have had a prejudicial effect upon the outcome of the proceedings;
- New evidence that was discovered after the investigation was completed and could not have been discovered previously that may have an effect upon the outcome of the proceedings; or
- Evidence of conflict of interest, bias, fraud or misconduct on the part of the investigator, Title IX Coordinator, or the Hearing Board members in charge of making the decision and sanctions.

The Provost will review any appeal statements provided the Complainant and Respondent, the recording of the original hearing, and any supplemental information gathered during the original hearing

The Provost has the option to uphold the original decision and sanction, institute a modified decision and/or sanction, or request the case be reheard in its entirety. The latter will only be utilized in cases with significant procedural lapses that impacted the decision-making of the original Hearing Board.

Both parties will be informed simultaneously in writing of the outcome of the appeal within fourteen (14) calendar days by which all requested information is received unless the Title IX Coordinator determines that additional time is required. The written appeals decision must describe the appeal and the rationale for the result. The decision of the Provost upon an appeal shall be final.

#### **XIV. Potential Sanctions**

An individual found responsible for violations of this policy will face a range of sanctions. Sanctions depend upon the severity of the incident and take into account any previous incidences. Potential sanctions are as follows:

- Imposition of an on-campus "no-contact order"
- Loss of privileges to use campus housing and facilities to include Lied Fitness Center and Dining Hall
- Change in class schedule, work schedule, or job assignment
- Loss of privileges to participate in CSM functions, activities, facilities, or organizations.
- Being placed on University probation
- Required counseling or education
- Suspension or Expulsion, if a student
- Termination, if an employee
- Revocation of degree
- Campus ban
- Revocation of honors or awards
- Reprimand or written warning
- Required community service or other restorative action deemed appropriate
- Any other remedy which can be tailored to the involved individuals to achieve the goals of this policy.

#### **XV. Records**

The Title IX Coordinator will retain records of all reports, allegations and complaints, regardless of whether the matter is resolved by Title IX assessment, informal resolution, or formal resolution. All records will be maintained for seven (7) years. Complaints resolved by Title IX assessment or informal resolutions are not part of a student's conduct file or academic record.

Affirmative findings of responsibility in matters resolved through the formal process are part of a student's file and academic record.

## **XV. Education and Prevention Programs**

As part of College of Saint Mary's commitment to preventing and eliminating crimes of sexual assault, domestic violence, dating violence, stalking and all other discrimination on the basis of sex, CSM will have educational programs designed to promote the awareness and prevention of sexual assault, domestic violence, dating violence, stalking and other forms of sexual misconduct. These educational programs are intended for incoming students and new employees, in addition to ongoing campaigns for students and employees. These programs will provide information on the following: relevant definitions of sexual assault, domestic violence, dating violence, stalking and consent; safe and positive options for bystander intervention when there is risk for sexual offense; information on risk reduction strategies to decrease perpetration and avoid potential attacks; empower individuals to promote safety and help change the culture; warning signs of abusive behavior; overview of Title IX federal law; and a summary of College of Saint Mary Sexual Misconduct, Harassment, Relationship Violence and Stalking Policy procedures and disciplinary proceedings.

The following section provides further details on specific ongoing prevention and education initiatives for students, faculty and staff.

### **A. Students**

#### **i. SafeColleges**

This online prevention and education module is available for all students, however it is mandatory for all freshman, transfer and student athletes. SafeColleges provides primary and refresher courses on sexual violence awareness; policies, responses and rights within university's disciplinary proceedings, university procedures, information on healthy relationships, risk reduction, victim protections and bystander intervention.

#### **ii. Bystander Intervention Training**

This comprehensive Bystander Intervention Training is uniquely created to empower individuals to recognize and effectively address potentially harmful situations. The courses will help communicate that violence will not be tolerated and that everyone has a role in changing the culture. Bystander Intervention Training will be offered to the campus community 4 times a year and additional trainings are provided to clubs, other campus identified groups and by invitation of course instructors.

#### **iii. Women's Center for Advancement**

The Women's Center for Advancement is a community partner that offer ongoing prevention and education on the topics of sexual violence.

#### **iv. Title IX Basics for Students**

This presentation will provide an overview of Title IX federal law, important definitions and a summary of College of Saint Mary Sexual Misconduct, Harassment, Relationship Violence and Stalking Policy.

#### B. Campus Activities and Events

CSM hosts a variety of events and activities throughout the year to provide strong messages of awareness and prevention of sexual assault, domestic violence, dating violence and stalking. Activities and events occur during National Stalking Awareness Month, National Teen Dating Violence Awareness Month and Sexual Assault Awareness Month.

#### C. Faculty and Staff

To promote and maintain a safe environment, faculty and staff will be strongly encouraged to engage in comprehensive, culturally competent, and trauma informed programming, activities and events being offered throughout the year.

##### i. Title IX Responsible Employee Training

All faculty and staff will receive “Responsible Employee” training during their first 30 days of new hire. This training will provide an overview of Title IX federal law, important definitions and a summary of College of Saint Mary Sexual Misconduct, Harassment, Relationship Violence and Stalking Policy procedures and disciplinary proceedings.

##### ii. Bystander Intervention Training for Employees

Bystander Intervention training will be made available upon request to faculty and staff who wish to participate. This training is designed to empower CSM faculty and staff to address potentially harmful situations and help create a community where violence will not be tolerate.

#### D. Title IX Coordinator and Title IX Team

The Title IX Coordinator and the Title IX Team will receive annual and ongoing trainings in order to conduct and effectively respond to situations involving sexual assault, domestic violence, dating violence and stalking. These trainings can include, but are not limited to: information on the causes and effects of sexual assault, intimate partner violence and stalking; trauma-informed responses and investigations; neurobiology of trauma; cultural competency in cases of intimate partner violence; tactics of offenders; and review of student conduct code.

#### E. Campus Safety and Security

CSM’s Campus Safety and Security will meet regularly to review campus responses and to engage in quarterly ongoing trainings on the topics of sexual assault, domestic violence, dating violence and stalking. These trainings can include, but are not limited to; information about relevant state and federal laws, ways victims respond to trauma, lethality assessments, tactics of offenders; and forensic interview techniques.

## **XVI. Amendments or Termination of this Policy**

CSM reserves the right to modify, amend, or terminate this policy at any time.

## Appendix A: Survivor Bill of Rights

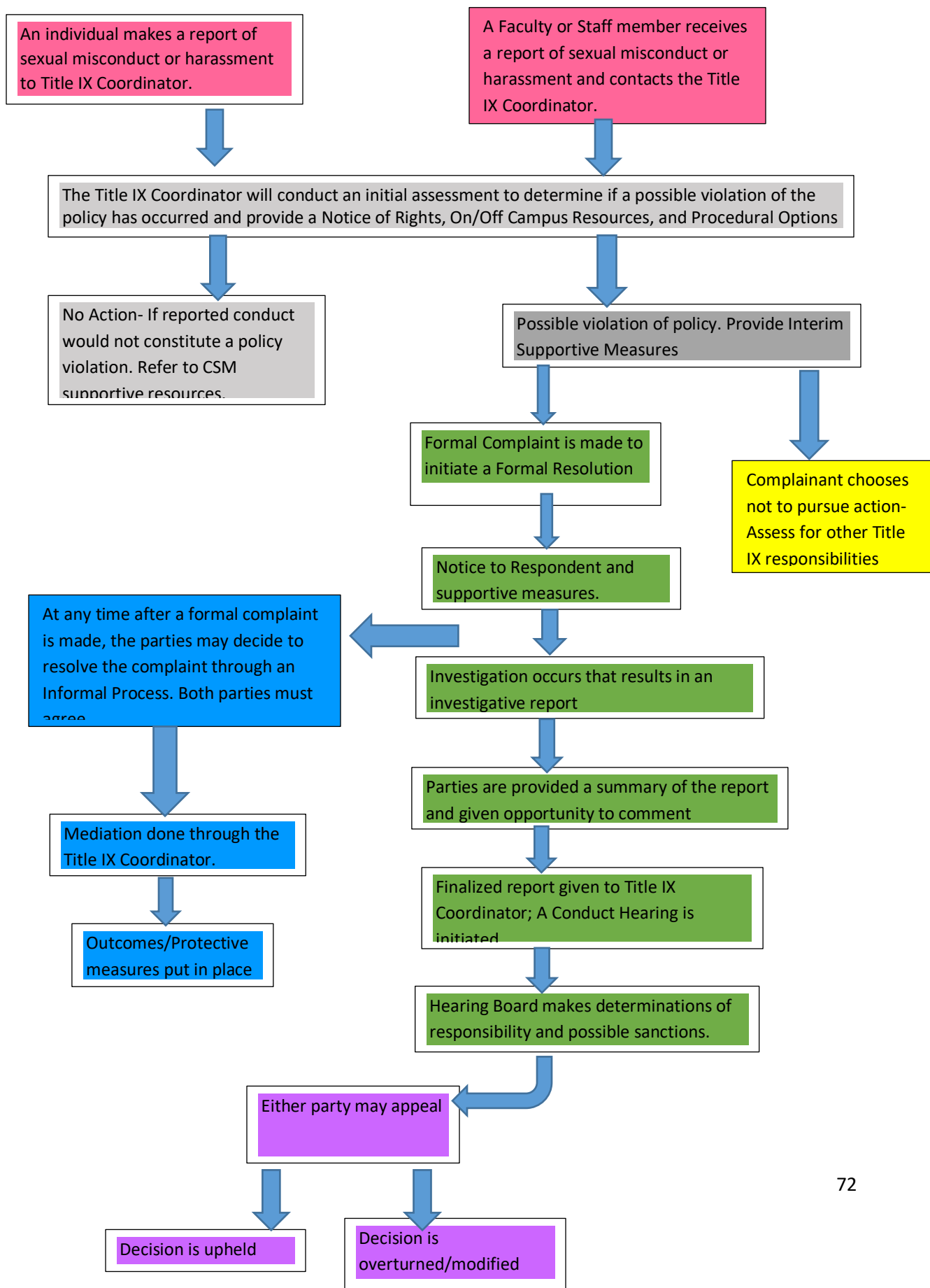
At the College of Saint Mary, we believe in the power of a careful education and are dedicated to providing an environment that calls forth potential and leadership. We recognize that the impact of violence on victims can be severe and long lasting. As such, we are committed to providing survivors of sexual assault, dating violence, domestic violence, and stalking with options, support and assistance to ensure that they can continue to participate in campus programs, activities and employment. All survivors of these crimes, regardless of race, color, religion, gender, gender identity, sexual orientation, age, pregnancy, ability and documentation status, have the following rights regardless of whether the crime occurs on or off campus.

College of Saint Mary Survivor Bill of Rights has been established to summarize the rights and help ensure that the needs of survivors are met.

### **Campus Survivor Rights**

- You have the right to live, learn and/or work in a community free from gender-based discrimination.
- You have the right to have your disclosure(s) of sexual assault, dating violence, domestic violence and/or stalking be treated seriously.
- You have the right to know that any disclosure of sexual assault, dating violence, domestic violence and/or stalking made to a university employee (with the exception of the Director of Counseling) may result in the private outreach from the Title IX Coordinator.
- You have a right to know that you have amnesty for drug or alcohol violations of CSM policy that occurred at the time of the incident.
- You have the right to know all of your reporting options, both on and off campus.
- You have the right to choose whether you wish to participate in any formal investigative process.
- You have a right to ask for and to receive appropriate interim support and reasonable protective measures to help you heal, live, learn and/or work at College of Saint Mary, regardless of your choice to file a report on or off campus.
- You have the right to be informed of the medical, counseling, crisis response, legal, campus disciplinary, pertinent local resources and/or victim advocacy services available through campus or community resources. You have the right to choose which services are appropriate for you.
- You have the right to be free from retaliation for seeking supportive services and/or choosing to report.

## Appendix B: Flow Chart for Title IX Complaint Procedures





## Step 1

### Listen

LISTEN actively and be present.

ASK if the person is safe. See if they would like assistance contacting the police or if they require medical attention.

BELIEVE them and provide nonjudgmental support. Let them know it is not their fault and validate what they have been through.

THANK them for trusting you and sharing.

## Step 2

### Refer

PROVIDE them with the [Campus Survivor Bill of Rights](#).

SHARE with them [the on and off campus resource](#) hand out. Let them know they are not alone.

ADVISE them of accommodations they may be provided to help ensure their safety and equal access to their education and/or work place.

OFFER to check back in with them in a few days.

## Step 3

### Report

REVIEW their reporting options, both their right to file with law enforcement and their right to file with CSM.

EXPLAIN your obligation to report the *necessary* information to **only** the Title IX coordinator. This is to help ensure their safety and rights are being met.

CONTACT the Title IX coordinator to make the report:

Jessica Hochstein,  
Walsh 295, 402-399-2664, [titleIX@csm.edu](mailto:titleIX@csm.edu)

**Responsible Employees consist of *all* College of Saint Mary employees, with exception of the Director of Counseling Services. All students, faculty and staff who are employed by the school are mandated reporters.**

## Warning Signs of Abusive Behavior and Future Risk

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual assault, domestic violence or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, recognize warnings signs of abusive behavior and avoid potential attacks.

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

- Being afraid of your partner.
- Constantly watching what you say to avoid a “blow up.”
- Feelings of low self-worth and helplessness about your relationship.
- Feeling isolated from family or friends because of your relationship.
- Hiding bruises or other injuries from family or friends.
- Being prevented from working, studying, going home, and/or using technology (including your mobile phone).
- Being monitored by your partner at home, work or school.
- Being forced or pressured to do anything you don’t want to do.
- Help Reduce Your Risk and Avoid Potential Attacks
- If you are being abused or suspect that someone you know is being abused, speak up or intervene.

Get help by seeking information and support services from our Title IX Coordinator

## Sexual Assault Prevention

- Be aware of rape drugs.
- Try not to leave your drink unattended.
- Only drink from un-opened containers or from drinks you have watched being made and poured.
- Avoid group drinks like punch bowls.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- If you suspect you have been drugged, go to a hospital and ask to be tested.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

## Registered Sex Offenders

The university complies with federal legislation that requires institutions of higher education to inform interested persons within the campus community about how information regarding registered sex offenders within the state can be obtained. This information can be found at the *Nebraska Sex Offender Registry Database* which is located at <https://sor.nebraska.gov/>

## Harassment and Discrimination

### *Policy Statement:*

CSM is committed to maintaining a humane atmosphere in which individuals do not abuse their personal power in interpersonal relationships. CSM will not condone actions or words that a reasonable person would regard as discrimination or harassment.

### Definitions:

**Harassment** is a deliberate act, verbal or non-verbal, which is threatening, abusive, or physically harmful to another person.

**Sexual Harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the educational program, or to create a hostile or abusive educational environment. (Source: Department of Education guidelines.)

**Discrimination** may be defined as any distinction, derogatory reference, or favor for or against an individual compared to others that is based upon an individual's gender, race, color, sexual orientation, creed, national or ethnic origin, or physical or mental disability.

## Alcohol and Drugs Policy

The Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act of 1989 and the policies of College of Saint Mary prohibit unlawful manufacture, dispensation, possession, use, sale, and/or distribution of controlled substances and alcohol on property owned, operated or controlled by College of Saint Mary, or in association with any university-related duties or activities.

College of Saint Mary does not encourage consumption of alcoholic beverages, nor does it promote the use or abuse of them. The University adheres to the laws of the state of Nebraska and does not permit students under the age of 21 to possess or consume alcoholic beverages on campus. The following policies are in effect:

- Students 21 years of age or older may consume alcohol in their own residence hall room, or the room of another resident who is 21 years of age or older, with no more than five individuals present.
- Students 21 years of age or older may not possess or consume alcohol in the presence of minors (under 21).

- Students 21 years of age or older are strictly forbidden from offering, providing, or selling alcohol to minors.
- Consumption of alcohol and/or possession of open containers in public areas, including parking lots and residence hall lounges, are not permitted on campus. Exceptions will be made for events sponsored by Student Senate, RHC, or others where the Director of Student Leadership & Organizations grants specific permission for the event. Provisions for compliance with the legal age, safety, security, and availability of food and alternative beverages will be considered in determining approval. For these events, students must obtain a third-party vendor and there must be a separate section where only those students 21 years of age or older who wish to consume alcohol are allowed.
- Kegs, beer balls, and all other common bulk alcohol containers are not permitted on campus.
- Any student who becomes intoxicated or who, while under the influence of alcohol, acts in a manner detrimental to her own good name or the good name of the University, will be subject to disciplinary sanctions; including potential notification of parents and possible expulsion. This expectation exists regardless of the location of the behavior (on-or off-campus), or whether the student is participating in University-related or sponsored activities.

College of Saint Mary prohibits the unlawful possession, use, or distribution of illicit drugs by any student on University's property or as part of any of the University's activities on or off campus.

As it is stated in our mission, CSM calls us to pay attention to the development of mind, body, and spirit. Therefore, CSM recognizes that the use of alcohol and drugs have potential health risks. There are numerous, serious health risks associated with the use of illicit drugs and alcohol. Substance abuse, when left untreated, may lead to damaged vital organs such as the liver, brain, and kidneys. Other problems normally associated with substance abuse include nausea, vomiting, loss of memory, slurred speech, blurred vision, and violent acts of aggression.

These effects, more often than not, lead to poor academic performance, loss of jobs, arrests, arguments with family and friends, and serious accidents. Consequently, when appropriate, CSM will refer students to CAP (Counseling Assistance Program) for an evaluation. Students will be expected to follow through with the recommendations CAP may suggest. Any student in violation of our alcohol and drug policy will be referred to the judicial process outlined in the code of conduct section.

The illegal use of controlled substances and abuse of alcohol may cause serious health problems, impair performance and endanger the safety and well-being of students, faculty, staff and members of the general public. Because it is readily available and its use is not necessarily illegal, the drug which tends to have the greatest potential for harm to the most people is alcohol. Adverse health and social consequences which may occur as a result of the use of alcohol include accidents, assaults (physical or verbal) and other problems related to health and productivity. The use of alcohol by pregnant women, alcoholics and people who are ill or on medication is especially dangerous. In all instances, the university observes a relevant state of Nebraska laws and regulations about alcohol.

## How Drugs Use Affects Your Health

Adverse health effects can range from nausea and anxiety to coma and death. There are risks associated with the chronic use of all psychoactive drugs, including alcohol.

A pregnant woman who uses alcohol, cigarettes or other drugs exposes her fetus to dangerous risks, including miscarriage, low birth weight, and brain damage. Substance abuse may involve controlled substances, illegal drugs, and alcohol—all of which pose a health risk. When drugs are used in combination with each other, their adverse effects on the mind and body are often multiplied beyond the consequences of the same drugs taken on their own.

**Alcohol** is the drug most frequently abused on college campuses and in our society. Even small amounts of alcohol significantly impair the judgment and coordination required to drive a car, increasing the chances of having an accident. Consumption of alcohol may be a factor in the incidence of aggressive crimes, including sexual assault, dating violence and domestic abuse. Moderate to significant amounts of alcohol severely impairs your ability to learn and remember information. Because alcohol is a depressant, very large quantities can cause respiratory and cardiac failure, which can result in death.

**Marijuana** impairs short-term memory and comprehension. It can cause confusion, anxiety, lung damage and abnormalities of the hormonal and reproductive system. Hours after the feeling of getting high fades, the effects of the drug on coordination and judgment remain, heightening the risk of driving or performing other complex tasks. Cannabis, a fat-soluble substance, may stay in the body for weeks, and an overdose can cause paranoia, panic attacks or psychiatric problems.

**Club Drugs** refers to a wide variety of drugs including MDMA (Ecstasy), GHB, Rohypnol, ketamine, methamphetamine, and LSD, and are often used at raves, dance clubs, and bars. No club drug is safe due to variations in purity, potency, and concentration, and they can cause serious health problems or death. They have even more severe consequences when mixed with alcohol.

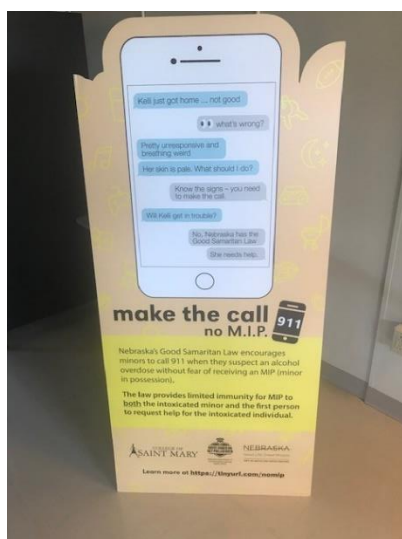
**Depressants** such as barbiturates, Valium and other benzodiazepines, Quaaludes and other depressants cause disorientation, slurred speech and other behaviors associated with drunkenness. The effects of an overdose of depressants range from shallow breathing, clammy skin, dilated pupils and weak and rapid pulse to coma and death.

**Hallucinogens** such as LSD, MDA, PCP (angel dust), mescaline and peyote can cause powerful distortions in perception and thinking. Intense and unpredictable emotional reactions can trigger panic attacks or psychotic reaction. An overdose of hallucinogens can cause heart failure, lung failure, coma, and death.

**Narcotics** like heroin, codeine, morphine, methadone and opium cause such adverse effects as anxiety, mood swings, nausea, confusion, constipation and respiratory depression. Overdose may lead to convulsions, coma, and death. The risk of being infected with HIV/AIDS or other diseases increases significantly if you inject drugs and share needles, and there is a high likelihood of developing a physical and psychological dependence on these drugs.

**Stimulants** cocaine, amphetamines, and others – can cause agitation, loss of appetite, irregular heartbeat, chronic sleeplessness, and hallucinations. Cocaine and crack cocaine are extremely dangerous and psychologically and physically addictive. An overdose can result in seizures and death.

**Tabaco**, with its active ingredient nicotine, increases heart rate and raises blood pressure. The tar in cigarette smoke is one of the leading causes of cancer and other respiratory problems. Carbon monoxide in cigarette smoke can promote arteriosclerosis, and long-term effects of smoking include Emphysema, chronic bronchitis, heart disease and lung cancer.



## Counseling Assistance Programs

The college experience can be a new and exciting adventure, but it can also be challenging and sometimes stressful in your life. College of Saint Mary is committed to each student's success and is here to help you make informed decisions that will enhance and improve your quality of life. Counseling Services are available on and off campus to help students address their mental health and mental wellness needs. They're also known for everyday concerns that often arise during this transitional time, such as stress, anxiety, homesickness.

**CONFIDENTIALITY:** College of Saint Mary ensures that counseling services are in compliance with the ethical standards put in place by the [American Counseling Association](#). Seeking counsel will not jeopardize an individual's academic standing or relationship with the faculty and staff. Confidentiality is an important element of the therapeutic process.

In our mission, CSM calls us to pay attention to the development of mind, body, and spirit. Therefore, CSM recognizes that the use of alcohol and drugs have potential health risks. Consequently, when appropriate, CSM will refer students to the CHI Health Creighton University Medical Center Bergan Mercy.

## On-Campus Counseling Assistance

- To make an appointment, please email Andrea Joyce at [AJoyce@csm.edu](mailto:AJoyce@csm.edu) or call 402-399-2374.

### **Counseling Assistance Program (CAP) for an evaluation**

- The CHI Counseling Assistance Program is located at 7710 Mercy Road, Building One, Suite 332. The 24-hour telephone number is (402) 398-5566/Toll Free 1-888-847-4975. Students will be expected to follow through with the recommendations CAP may suggest. Any student in violation of our alcohol and drug policy will be referred to the judicial process outlined in the conduct section's code of conduct.

## **Children on Campus**

Responsibility for the safety and well-being of children on the CSM campus rests with parents/guardians or assigned chaperones. A parent, guardian, or caregiver must supervise children at all times while on campus. Children must be accompanied by a person 14 years of age or older. Parents, guardians, or caregivers are responsible for the behavior of accompanying children. If a child is with a parent, guardian, or caregiver, but is not being actively supervised and/or is acting inappropriately (such as distracting others or making noise), College of Saint Mary staff will attempt to locate the adult and inform him/her that the child must be supervised. If a child is left in the building without any caregiver or adult present, a staff member will ask the child for his/her telephone number and attempt to reach the child's parent or guardian by telephone. Children are not allowed in the classroom.

## **CSM Code of Conduct**

### **SECTION 1: CSM Student Conduct Philosophy**

The College of Saint Mary community is committed to inspiring academic excellence, respecting the dignity of each person, developing the mind, body, and spirit, and fostering a commitment to compassionate service. Similarly, the student conduct process strives to be an individualized educational and developmental experience that balances the interests of each student with the interests of CSM.

### **SECTION 2: Scope of the Code**

Students at College of Saint Mary are provided a copy of the *Code of Conduct* annually in the form of a link on the Student Development and Success webpage of [www.csm.edu](http://www.csm.edu). Students are responsible for having read and abiding by the provisions of the *Code of Conduct*, Student Handbook, Residence Life Handbook, and Academic Handbook.

The College expects its students to conduct themselves as responsible citizens and to comply with all College policies. Conduct that is unbecoming of a College student; that adversely affects the College community, mission or reputation; or that violated College policies may result in a student's required participation in the student conduct process, regardless of whether or not such conduct occurs on College premises.



The *Code of Conduct* and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all CSM-affiliated student organizations. For the purposes of this document, CSM considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in CSM.

The CSM student conduct process is an educational process designed to resolve matters concerned student conduct within the framework of students' rights and responsibilities pursuant to College policies. The College strives to provide a fundamentally fair, equitable, and educational process for all participants. Student conduct proceedings are not a legal process, and is not intended to duplicate legal proceedings. Therefore, legal counsel within the student conduct process is not appropriate or permitted unless it is heard within the context of the college's Title IX policy.

The College of Saint Mary retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any alleged misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll, and/or obtain transcripts. All sanctions must be satisfied prior to becoming eligible for re-enrollment. In the event of serious misconduct committed while still enrolled, but reported after the accused student has graduated, CSM may invoke these procedures and should the former student be found responsible, the College may revoke that student's degree.

The *Code of Conduct* applies to behaviors that take place on campus, at CSM-sponsored events, and may also apply off campus when the Associate Dean of Students or his/her designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of self or other; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of College of Saint Mary.

The *Code of Conduct* may be applied to behavior conducted online, via e-mail or other electronic mediums such as blogs, web postings, chats, and social media. These public postings can subject a student to allegations of conduct violations if evidence of policy violations are posted online. The College does not regularly search for this information, but may take action if and when such information is brought to the attention of College officials.

The *Code of Conduct* applies to guests of members of the college community whose hosts may be held accountable for the misconduct of their guests. The code may also be applied to resident non-students, camp attendees, and participants in the College's summer academies. Visitors to and guests of CSM may seek resolution of violations of the *Code of Conduct* committed against them by members of the CSM community.

There is no time limit on reporting violations of the *Code of Conduct*; however, the longer a complainant waits to report an offense, the harder it becomes for College officials to obtain information and statements to make determinations regarding alleged violations.

Anonymous complaints are permitted, however doing so may limit the College's ability to investigate and respond to a complaint. Those who are aware of perceived misconduct are encouraged to report it as soon as possible to the Associate Dean of Students, Residence Life, or Campus Security.

CSM e-mail (@csm.edu) is the College's primary means of communication with students. Students are responsible for all communication delivered to their College e-mail address.

The Associate Dean of Students may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in the CSM *Code of Conduct*. The Associate Dean of Students may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code of Conduct* will be referred to a joint committee of the Director of Residence Life, Associate Dean of Students, and Vice President of Student Development and Success. The committee's interpretation is final. CSM's *Code of Conduct* will be subject to annual review under the direction of the Associate Dean of Students or his/her designee. A comprehensive revision process will be conducted every 3-5 years.

### **SECTION 3: Violations of Local, State, and Federal Law**

As the CSM *Code of Conduct* is separate from criminal and civil proceedings, alleged violations of federal, state, and local laws may be investigated and addressed under the *Code of Conduct*. When an offense occurs, the College's conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

The College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. Interim suspensions are imposed by the Associate Dean of Students or the Director of Residence Life until a hearing can be held, typically within 10 working days. Within that time, the suspended student may request an immediate hearing in writing to the Associate Dean of Students to show cause for why the interim suspension should be lifted. If an immediate hearing is held, this hearing will serve to determine whether the interim suspension is continued, but will not serve in place of the conduct hearing.

### **SECTION 4: Community Behavioral Standards**

College of Saint Mary considers the behaviors described in the following sub-sections as inappropriate for the College community and in opposition to CSM's core values and the values of the student conduct process set forth in this document. These expectations apply to all students regardless of academic program or residency. The College encourages all community members to report to College officials all incidents that involve the following actions. Any student found to have committed, or to have attempted to commit, the following may be subject to the sanctions outlined in Section 7: Conduct Procedures.

**Excellence**— CSM students share a commitment to achieving academic distinction, fostering leadership, and nurturing a love of lifelong learning. The following behaviors, though not limited to these, stand in opposition to this value:

1. **Alcohol:** Use, possession, or distribution of alcoholic beverage or paraphernalia except as expressly permitted by law and the College's Alcohol Policy located on page 33 of the student handbook.
2. **Drugs:** Use, possession, or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the College's Drug Policy. This policy includes the abuse, misuse, sale, or distribution of prescription or over-the-counter medications and is located on page 33 of the student handbook.
3. **Tobacco:** Smoking or tobacco use within the bounds of the College campus.
4. **Violations of Law:** Violation of local, state, or federal laws, regardless of whether law enforcement intervened.
5. **Unauthorized Entry:** Unauthorized entry or use of College facilities, including trespassing, propping or unauthorized use of alarmed doors, or unauthorized possession or duplication of College keys, access cards, and codes.
6. **Damage and Destruction:** Intentional, reckless and/or unauthorized damage to or destruction of College property or the personal property of another.
7. **Weapons:** Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as, but not limited to, arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than 4 inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on College property.
8. **Violation of Residence Life Policies:** Violation of published Residence Life policies or rules, which are found in the Residence Life Handbook located at <http://www.csm.edu/student-life/campus-living/residence-halls>.

**Service—** CSM students are committed to servant leadership and social responsibility. Behaviors that violate this value include, but are not limited to:

1. **Fire Safety:** Violation of local, state, federal or campus fire policies including, but not limited to:
  - a. Intentionally or recklessly causing a fire which damages College or personal property or which causes injury;
  - b. Failure to evacuate a College-controlled building during a fire alarm;
  - c. Improper use of College fire safety equipment; or
  - d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property.
2. **Health & Safety:** Creation of health and/or safety hazards (failing to maintain a healthy/safe residence hall room, dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)
3. **Animals:** Animals, with the exception of animals that provide assistance, and pets as outlined in the Residence Life Handbook, are not permitted within campus buildings except as permitted by law.
4. **Wheeled Devices:** Skateboards, roller blades, roller skates, bicycles, hover boards, and similar wheeled devices are not permitted inside College buildings, residence halls or on athletic fields. Additionally, wheeled devices may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to College property caused by such activities.

5. **Disruptive Behaviors:** Behavior which causes substantial disruption of College operations including obstruction of teaching, research, administration, other College activities, or other authorized non-College activities which occur on campus.
6. **Rioting:** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property.

**Dignity—** CSM students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

1. **Harm to Persons:** Intentionally or recklessly causing physical harm or endangering the health or safety of any person, including self.
2. **Threatening Behaviors:**
  - a. **Threat:** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
  - b. **Intimidation:** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.
3. **Bullying/Cyberbullying:** Repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally verbally, in writing, or via an online platform.
4. **Hazing:** Encompasses any action or activity which does not contribute to the positive development of a person, or which inflicts or intends to cause mental or bodily harm or anxieties, or which may demean, degrade, or disgrace any person.
5. **Intimate Partner/Relationship Violence:** Violence or abuse by a person who has been in romantic or an intimate relationship with another. Please see CSM's Title IX policies found on page 93 of the student handbook.
6. **Stalking:** Engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress. Please see CSM's Title IX policies found on page 93 of the student handbook.
7. **Sexual Misconduct:** Includes, but is not limited to, sexual harassment, sexual violence, and/or sexual exploitation. Please see CSM's sexual misconduct and Title IX policies found on page 93 of the student handbook.

**Compassion—** CSM students extend mercy in all relationships as they care for others in their communities. Behaviors inconsistent with this value include, but are not limited to:

1. **Bystanding:** Complicity with or failure of any student to address known or obvious violations of the Code of Conduct or law.
2. **Collusion:** Action or inaction with another or others to violate the *Code of Conduct*;
3. **Noncompliance:** Failure to comply with directions of College officials acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.

**Inclusivity—** College of Saint Mary students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing College community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. Conduct that violates this value include, but is not limited to:

1. **Discrimination:** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or

mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the College's educational program or activities.

2. **Harassment:** Any unwelcome conduct based on actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status).
3. **Abuse of the Conduct Process:** Abuse or interference with, or failure to comply in, College processes including conduct and academic integrity hearings including, but not limited to:
  - a. Falsification, distortion, or misrepresentation of information;
  - b. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
  - c. Attempting to discourage an individual's proper participation in, or use of, the conduct system;
  - d. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a conduct hearing;
  - e. Failure to comply with the sanction(s) assigned by the hearing officer;
  - f. Influencing, or attempting to influence, another person to commit an abuse of the conduct process.

**Integrity**—College of Saint Mary students exemplify honesty, honor, and strong moral principles. Behavior inconsistent with this value includes, but is not limited to:

1. **Falsification:** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments.
2. **Forgery:** Alteration or misuse of College documents, records, or identification, or knowingly providing false documentation to the College.
3. **Academic Dishonesty:** Academic policies are outlined in the Academic Catalog.
4. **Unauthorized Access:** Unauthorized access to any College building (ex: keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any College building or failing to make a timely report of a lost College access card.
5. **Trust:** Violations of positions of trust within the community.
6. **Theft:** Intentional unauthorized taking or possession of College property or the personal property of another, including goods, services, and other valuables.
7. **Trademark:** Unauthorized use (including misuse) of College or organizational names and images.
8. **Acceptable Use:** Violations of the College's institutional use and computing policy, found online here at <http://www.csm.edu/student-life/student-support/technology>.

## SECTION 5: Overview of the Student Conduct Process

This section is intended to give an overview of how the College of Saint Mary student conduct proceedings operate, but it should be noted that not all situations are of the same severity or complexity.

The student conduct process and all applicable timelines commence with notice to an administrator of a potential violation of College policies, including residential community standards. Notice is

defined as when any source (complainant, staff member, 3<sup>rd</sup> party, online post, etc.) is in contact with a College official regarding allegations of a policy violation.

A formal hearing may be held between the student accused of a policy violation and a hearing officer who acts on behalf of the College. A formal notice of the complaint will be issued to the student at the time when they are informed of the meeting. At CSM, hearing officers include, but may not be limited to, the individuals who serve in the positions listed below:

- Madonna Hall Director
- Lozier Hall Director
- Director of Residence Life
- Associate Dean of Students
- Vice President of Student Development and Success

Unless unusual circumstances are present, Hall Directors will only hear cases involving residential students. Within 5 business days, a finding will be determined and that decision is final unless a student completes a successful formal appeal.

A student found responsible for a policy violation will be issued an educational sanction congruent with the individual student and his/her violations. More information about sanctions can be found in Section 6.

## **SECTION 6: Conduct Procedures**

### **A. Role of Conduct Procedure Participants**

The Associate Dean of Students or his/her designee will be the convener of each action outlined in this section. For Residence Life policies, the Director of Residence Life or his/her designee will serve as the convener. Definitions of roles within this section include:

- Responding Student: The person who is alleged to have violated the *Code of Conduct*.
- Complainant: The party bringing the complaint, who may be a student, employee, visitor, guest, or law enforcement.
- Witnesses: Persons who may offer information regarding the allegation or incident.
- Hearing Officer: College representative whose role is to facilitate discussion about the incident and to have an educational conversation with all parties before making a determination of responsibility in the matter. The hearing officer is also responsible for the assignment of sanctions and follow-up with students as needed.

### **B. Group Violations**

A student group or organization, including athletics teams, and its officers and/or membership may be held collectively and individually responsible when violations of the *Code of Conduct* by the organization or its member(s):

- Take place at an organization-sponsored or co-sponsored event, whether sponsorship is formal or implied;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or

- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

#### C. Good Samaritan Policy:

Nebraska's Good Samaritan Law (LB439) provides minors (under 21 years of age) limited legal immunity if they call for medical assistance, remain on the scene, and cooperate with law enforcement. The law does not provide protection for acts of sexual violation, threats, assaults, fake identification use, procuring for minors, harassment or hazing and other violations not named.

Student health and safety are the primary concerns of the College of Saint Mary community. College of Saint Mary's Good Samaritan Policy ensures students that seek assistance for an intoxicated individual and others will not be subject to university disciplinary action with respect to the CSM alcohol policy. (This policy does not preclude disciplinary action regarding other violations of university standards, such as: causing or threatening physical harm, sexual assault, vandalism of College property, harassment, hazing, or any other policy violations not named. Additionally, this CSM policy does not prevent action by city, county, or state authorities.) Safety and Security Officers or other CSM staff or RAs will record names of intoxicated students to enable any follow-up that may be deemed necessary to ensure students' well-being. Other information may also be recorded to allow any other appropriate follow-up.

In order for this policy to apply, the intoxicated student(s) must agree to timely completion of recommended alcohol education activities, assessment, and/or treatment depending on the level of concern for student health and safety. Severe or repeated incidents will prompt a higher degree of medical interest. Failure to complete recommended follow-up will result in a student being referred to the student conduct process. Likewise, groups or organizations involved in an incident must agree to take recommended steps to address medical concerns.

#### D. Notice of Alleged Violation

When a student has been accused of violating a College policy or the *Code of Conduct*, a hearing officer will be assigned to the incident. In the event of multiple students' alleged involvement, the same hearing officer will work with all parties. Usually within 10 business days, the hearing officer will contact the respondents via CSM e-mail to set up a time to meet with each of the students. At the time of this contact, the respondents will be notified of the Code of Conduct or College policy they are accused of having violated as well as the date, time, and location of the incident. Additional resources for learning more about the policies will be noted in the contact letter.

Most notices of alleged violation will contain information about a meeting that has been set up in advance between the responding student and the hearing officer. If the responding student needs to

select a different meeting time, he/she must notify the hearing officer via CSM e-mail a minimum of 24 hours prior to the meeting to reschedule

#### E. Formal Conduct Hearing

This meeting is intended to be an educational discussion that allows students the opportunity to learn more about expectations of the College community and how to foster good citizenship. This meeting will also serve to gather information regarding the alleged incident. At the start of the meeting, the hearing officer will offer an explanation of the student conduct process prior to beginning conversation about the alleged incident.

All meetings are closed and neither the College nor the student(s) are permitted to bring attorneys to student conduct meetings.

Witnesses may be permitted if it is believed that the witness personally observed, or has direct knowledge of, information relevant to the incident. Character witnesses are prohibited. The hearing officer reserves the right to determine whether witness commentary will be permitted. Students wishing to have a witness' statement considered must notify the hearing officer prior to the hearing, and the hearing officer will be responsible for setting up a meeting between the hearing officer and the witness. Witnesses may not be brought to a responding student's hearing.

If the responding student fails to appear for a scheduled hearing and does not attempt to reschedule the meeting, the hearing officer may make a determination regarding the student's responsibility based on the information available (including, but not limited to, incident reports, formal complaints, information presented by others involved, etc.) and may impose sanctions as a result of violations. If a student does not attend the hearing, the student forfeits his/her right to appeal the decision.

#### F. Alternative to Formal Hearing

In the case of first-time alleged conduct violations, the hearing officer may opt to send the responding student a letter that serves as a reminder of the College policy in lieu of a formal hearing. Within this letter, the alleged violation, date of alleged violation, time of alleged violation, location of alleged violation, and an explanation of the College policy will be presented. The responding student will be granted the opportunity to opt for a hearing, and must do so prior to the date listed in the letter, usually 5 business days. A student's choice to not respond to the letter will be interpreted as acceptance of the written warning, and the written warning will be documented as the sanction for a finding of "responsible."

#### G. Determination of Responsibility

Following the student conduct meeting, the hearing officer will take into consideration all information in the case including, but not limited to, students' previous conduct records, conversation and statements during hearings, written complaints, incident reports, witness statements, and other relevant information. No decisions regarding any of the responding



students will be made until all parties conduct meetings have concluded. After review of this information, the hearing officer will make a determination to:

- 1) Find the accused student was not responsible for a violation of the *Code of Conduct* or College policies.
- 2) Find the accused student was responsible, more likely than not, for violating the *Code of Conduct* or College policies.

Regardless of outcome, each responding student will be contacted via CSM e-mail to be notified of the decision, usually within five business days.

If responsible, the hearing officer will outline relevant sanctions that a responsible student must complete. An explanation of the sanction, including a timeline for completion, will be presented.

Notes and statements recorded as a part of the student conduct meeting are the property of the College. Student conduct records are maintained for a period of seven years.

#### H. Conduct Sanctions:

One or more of the following sanctions may be imposed upon any student for any single violation of the *Code of Conduct*:

##### Educational Sanctions

1. Apology: A written or oral apology to a person or group affected by the actions of the student.
2. College Service: For a student or organization to complete a specific supervised College service.
3. Educational Programs: Requirement to attend, present, write, and/or participate in a program related to the violation.
4. Online Course: For cases involving alcohol or marijuana, CSM partners with 3<sup>rd</sup> Millennium Classrooms to offer an online course that teaches more about these substances. The student will be responsible for the \$35 course fee, paid directly to the 3<sup>rd</sup>-party provider.
5. Referral: Hearing officer may refer a student to counseling or another appropriate community resource.

##### Administrative Sanctions

1. Warning: An official written notice that the student has violated CSM policies and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at College of Saint Mary.
2. Restitution: Compensation for damage caused to the College or any person's property. This could also include situations such as failure to return a space to proper condition—labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property damaged, consumed, destroyed or stolen.
3. Fines: Reasonable fines may be imposed.
4. Holds: A hearing officer may issue a hold to a student's account with the college if terms of a sanction are not completed by the stated deadline. These holds may

result in a student's inability to register for classes, apply for on-campus housing, or receive transcripts.

5. Loss of Privileges: The student will be denied specified privileges for a designated period of time.
6. Confiscation of Prohibited Property: Items whose presence is in violation of College policy will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Associate Dean of Students or Director of Residence Life.
7. Exclusion: Student may be excluded for a definite or indefinite period of time from all or a portion of College premises, property, buildings, or residence areas, which would be specifically outlined in the sanction.
8. Restriction of Visitation Privileges: May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.
9. No Contact Directive: Prohibits contact in any form or capacity (written, face-to-face, electronic, etc.) with a stated person or persons.
10. College Probation: The student is put on official notice that, should further violations of College policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed at the discretion of the Associate Dean of Students.
11. Social Probation: The student is deemed "not in good standing" with the College for a specified period of time. Specific limitations or exceptions may be granted by the Associate Dean of Students or his/her designee. Terms of this sanction may include, but not be limited to:
  - a. Ineligibility to hold any office in any student organization recognized by College or hold any elected or appointed leadership position at the College; or
  - b. Ineligibility to represent the College to anyone outside the College community in any way including: participating in the student abroad program, attending conferences, or representing the College at an official function, event, or intercollegiate competition as a player, manager, or student coach, etc.
12. College Suspension: Separation from the College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. If residential, the student is required to vacate the campus within 24 hours of notification of the sanction, though this deadline may be extended at the discretion of the Associate Dean of Students. During the suspension period, the student is banned from College property, functions, events, and activities without prior written approval from the Associate Dean of Students.
13. College Expulsion: Permanent separation from the College. The student is banned from College property and the student's presence at any College-sponsored activity or event is prohibited. This action may be enforced with a trespass action on necessary. This sanction will be noted as a Conduct Expulsion on the student's official academic transcript.

### Residency Sanctions

1. CSM Housing Reassignment: Reassignment to another CSM housing assignment. Residence Life personnel will decide on the reassignment details such as location, timeline for move, etc.
2. Residence Hall Probation: Official notice that, should further violations of Residence Life or College policies occur during a specified probationary period, the student may immediately be removed from CSM residence halls. Regular probationary meetings may be imposed at the discretion of the hearing officer.
3. Removal from CSM Residence Halls: Removal from CSM housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to College housing may be specified. Under this sanction, a student is required to vacate College housing within 24 hours after notification of the action, though this deadline may be extended at the discretion of the Director of Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for College housing, the student must gain permission from the Director of Residence Life or his/her designee. This sanction may include restrictions on visitation to specified buildings or all College housing during the suspension. A residential student may be removed from college housing for no less than the remainder of the semester or for an indefinitely period of time. No refunded for semester room/board will be granted.
4. CSM Housing Expulsion: The student's privilege to live in, or visit, any CSM Residence Life structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary at the discretion of the Director of Residence Life.

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Conduct*

1. One or more of the sanctions listed above; or
2. Deactivation, de-recognition, loss of all privileges (including status as a College-registered group/organization), for a specified period of time. Specific instructions for reinstatement will be provided at time of sanction.

#### I. Parental Notification

The College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and other drug violations. Parental notification may also be utilized discretionarily by College officials when permitted by FERPA or consent of the student.

#### J. Notification of Outcomes

The outcome of a student conduct hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense, the College will inform the

party bringing the complaint in writing of the final results of a hearing regardless of whether the College concludes that a violation was committed. Such release of information may only include the responding student's name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

FERPA defines "crimes of violence" to include:

- 1) Arson
- 2) Assault offenses (including stalking)
- 3) Burglary
- 4) Criminal Homicide—manslaughter by negligence
- 5) Criminal Homicide—murder and non-negligent manslaughter
- 6) Destruction/damage/vandalism of property
- 7) Kidnapping/abduction
- 8) Robbery
- 9) Forcible sex offense
- 10) Non-forcible sex offense

#### K. Failure to Complete Conduct Sanctions

All students, as members of the College community, are expected to comply with conduct sanctions within the timeframe specified by the hearing officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or a hold being placed on the student's account.

### SECTION 7: Appeal Review Procedures

Any party may request an appeal of the decision of the hearing officer by filing a written request to the appropriate party as outlined below within 5 business days of when the notice of outcome was delivered:

*Original Hearing Officer:*

Lozier Hall Director  
Madonna Hall Director  
Director of Residence Life  
Associate Dean of Students  
Other

*Appeal Officer:*

Director of Residence Life  
Director of Residence Life  
Associate Dean of Students  
VP for Student Development and Success  
VP for Student Development and Success or designee

Appeals requests are limited to the following grounds, which the student must address in the appeal letter in order to have the appeal considered:

1. A procedural error occurred that significantly impacted the outcome of the hearing; or
2. To consider new evidence, that was unavailable during the original hearing, which could substantially impact the original decision or sanction. A summary of this new evidence and its potential impact must be included.

The appeal officer will conduct an initial review to determine if the appeal request meets the limited grounds and was submitted in a timely manner. If it is determined that the appeal does not meet the requirements, the original findings and sanction will stand and the decision is final. The appeal officer will notify the student if the appeal will not be heard within 5 business days of the filing of the appeal.

When new evidence is presented, the appeal officer will determine if the matter should be returned to the original decision-maker for reconsideration or if it will be reviewed by the appeal officer. For instances of appeals on procedural grounds, the appeals officer will make determinations in the case. The appeal officer may ask that the student schedule a meeting with him/her to discuss the appeal, or may determine that there is enough information to make a determination without an additional hearing. From the date of the submission of the appeal, the appeal officer usually responds to the appeal with either a final decision on the matter or a request to meet within ten business days.

The original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party to show clear error. The appeals officer will limit his/her review to the grounds presented. On reconsideration, the appeal officer may affirm or change the findings and/or sanctions of the original hearing. All decisions of the appeal officer are final. A student may not submit an appeal to the appeal officer's decision.

## **SECTION 8: Conduct Records**

All conduct records are maintained by the College for seven years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely.

## **SECTION 9: Approval and Implementation**

This revised *Code of Conduct* was approved on July 18, 2017, by Senior Leadership Team, and implemented on August 10, 2017.

The College of Saint Mary *Code of Conduct* is adapted from The NCHERM Group Model Developmental Code of Student Conduct and is used here with permission

## **Disciplinary Review Alcohol and Drug Sanctions**

Students at the university are regarded as adults and citizens of the community as a whole. The main premise of the process is that we expect students to take responsibility for their behavior. The disciplinary process is fundamentally a learning process for the students. For the staff who work with students in question, the process provide the challenge and support necessary for students to learn from the experience. Typically, the Assistant Dean of Students will review disciplinary cases.

## Alcohol and Drug Sanctions

Violation	First Offense	Second Offense	Third Offense
Inappropriate possession or consumption of alcohol	<ul style="list-style-type: none"> <li>• Behavioral Probation</li> <li>• Learning Project</li> </ul>	<ul style="list-style-type: none"> <li>• Extension of probation</li> <li>• Alcohol education course w/ results reported to CAP (\$35 cost to student)</li> <li>• Parental notification</li> </ul>	<ul style="list-style-type: none"> <li>• Possible removal from residence halls without refund (residential student)</li> <li>• Parental notification</li> <li>• Community service</li> </ul>
Being in the presence of drugs	<ul style="list-style-type: none"> <li>• Learning project</li> <li>• Required attendance at Bystander Intervention training</li> </ul>	<ul style="list-style-type: none"> <li>• Behavioral probation</li> <li>• CAP Referral</li> </ul>	<ul style="list-style-type: none"> <li>• Possible removal from residence halls without refund (residential student)</li> <li>• Parental notification</li> <li>• Community service</li> </ul>
Sale, distribution of alcohol	<ul style="list-style-type: none"> <li>• Behavioral Probation</li> <li>• Learning Project</li> </ul>	<ul style="list-style-type: none"> <li>• Online alcohol education course (\$35 cost to student)</li> <li>• Parental notification</li> <li>• Community service</li> </ul>	<ul style="list-style-type: none"> <li>• Possible removal from residence halls without refund (residential student)</li> <li>• Parental notification</li> </ul>
Possession of drug paraphernalia	<ul style="list-style-type: none"> <li>• Behavioral Probation</li> <li>• Learning Project</li> <li>• Online drug course (\$35 cost to student)</li> </ul>	<ul style="list-style-type: none"> <li>• Possible removal from residence halls without refund (residential student)</li> <li>• Parental notification</li> <li>• Social probation</li> <li>• CAP referral</li> </ul>	<ul style="list-style-type: none"> <li>• Removal from residence halls without refund (residential student-applies if did not occur on 2<sup>nd</sup> violation)</li> <li>• Extension of social probation</li> <li>• Possible suspension</li> </ul>
Possession of usage of drugs	<ul style="list-style-type: none"> <li>• Behavioral Probation</li> <li>• Learning Project</li> <li>• Online drug course (\$35 cost to student)</li> </ul>	<ul style="list-style-type: none"> <li>• Possible removal from residence halls without refund (residential student)</li> <li>• CAP Referral</li> <li>• Social probation</li> <li>• Parental notification</li> </ul>	<ul style="list-style-type: none"> <li>• Removal from residence halls without refund (residential student-applies if did not occur on 2<sup>nd</sup> violation)</li> <li>• Extension of social probation</li> <li>• Possible suspension</li> <li>• Parental notification</li> </ul>

Sale, manufacture, delivery, distribution of drugs	<ul style="list-style-type: none"> <li>• Removal from residence halls without refund</li> <li>• Online drug course (\$35 cost to student)</li> </ul>	<ul style="list-style-type: none"> <li>• Possible suspension from the university</li> </ul>	<ul style="list-style-type: none"> <li>• Suspension from university</li> <li>• Possible notification to law enforcement for legal action</li> </ul>
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**NOTE: College of Saint Mary reserves the right to deviate from the above for exceptions or variability due to individual circumstances of violations.**

## Complaint Process

In the spirit of providing our students with a quality education and offering an appropriate array of support services to the community, College of Saint Mary has taken steps to create an accessible complaint process.

The complaint procedures have been established to address concerns that arise within the University community. In addition, the University has a federal obligation to track student and stakeholder complaints to help us monitor the quality of our operations and services.

### Informal Complaint Process

A complaint is defined as occurring when an individual believes that any decision, act or condition affecting them is illegal, unjust or creates unnecessary hardship.

When an individual encounters a problem on campus or feels there has been unfair treatment, he/she should first try to resolve the issue informally with the faculty, staff or department personnel directly involved. Many issues can be resolved by making an appointment to appropriately discuss the concern.

If a complaint is not resolved through this action, the individual should contact the supervisor, program director or Associate Dean. For some types of complaints, CSM has established complaint procedures. In those cases, the procedures found in those policies will be followed. University personnel will be able to help identify these types of complaints and direct to individual to the appropriate policies and procedures.

College of Saint Mary seeks to resolve all complaints in a timely and effective manner.

### Formal Complaint Process

If an individual cannot find a resolution for the concern informally, a formal complaint can be submitted. The intention is to provide a procedure whereby complaints are processed promptly and resolved fairly. Individuals will submit a formal complaint using the [Online Formal Complaint Form](#). The complaint will be forwarded to key individuals who will address the concern and communicate with the individual who submitted the formal complaint.

## Your Responsibility Related to Campus Safety

The cooperation and involvement of students, faculty and staff in campus security is absolutely necessary. All members of the community must assume a part of the responsibility for their own personal safety and the security of their personal belongings.

Student, faculty and staff responsibilities include, but are not limited to:

- Taking reasonable precautions to ensure their own personal safety.
- Protecting the security of buildings and offices by not letting strangers in or propping doors open.
- Locking offices and room doors.
- Marking valuable items and recording serial numbers.
- Locking vehicles and bicycles.
- Participating in campus and college crime prevention programs.
- Reporting all security-related maintenance problems.
- Staying aware of campus crime trends (reading bulletins and statistics).
- Reporting suspicious persons or activities to the Safety and Security Department.
- Reporting crimes promptly to the Safety and Security Department

In short, it is incumbent upon all members of the College of Saint Mary community to take proactive measures to protect themselves and their property. Remember, if you remove the opportunity, you eliminate the crime.

## Clery Act Crime Definitions

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

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

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



**Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** - A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; 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, or 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.

**Negligent Manslaughter** - The killing of another person through gross negligence.

**Murder / Non-Negligent Manslaughter**- The willful (non-negligent) killing of one human being by another.

**Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

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

**Sex Offense Forcible (F)** - Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent: forcible rape; forcible sodomy; sexual assault with an object; forcible fondling and attempted rape.

**Sex Offense Forcible (Rape) (New 2015)** 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.

**Sex Offense Non Forcible (N)** – Unlawful, non-forcible sexual intercourse: incest; statutory rape.

**Sex Offense (Incest)**-Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Sex Offense (Statutory Rape)**-Sexual intercourse with a person who is under the statutory age of consent.

**Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to Fear for the person's safety or the safety of others; or Suffer substantial emotional distress.

**Disciplinary Referrals** - Incidents in which a student was not arrested but was referred for campus disciplinary action for liquor law violations, drug law violations, or illegal weapons possession. Do not include disciplinary referrals for violation of university policy if there was no violation of the law. For example, if a student of legal drinking age violates a "dry campus" policy and is referred for disciplinary action, this statistic should not be included in the crime statistics.

**Liquor Law Violation** - The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, or possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still, furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; any attempts to commit any of the foregoing violations. This list does not include public drunkenness and driving under the influence.

**Drug Law Violation** - Violations of State and local laws related to the possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include; opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone's); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

**Weapon Law Violation** - The violation of laws or ordinances regulating weapons.

**Hate Crimes** - Any crime that manifests evidence that the victim was intentionally selected because of the victim's actual or perceived race; religion; gender; sexual orientation; ethnicity; national origin; gender identity or physical/mental disabilities.

**The following crimes only apply to hate crime reporting**

**Simple Assault** - Assaults and attempted assaults where no weapon was used and which did not result in serious or aggravated injury to the victim. (This only applies in hate crime reporting).

**Larceny-Theft** - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Vandalism** - To willfully or maliciously destroy, injure, disfigure, or deface any public or private property; real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**Intimidation** - To intentionally say or do something which would cause a person of ordinary sensibilities to be fearful of bodily harm.

**Different Types of Campus Prevention and Awareness Programs**

**Awareness programs:** Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety and reduce perpetration

**Bystander intervention:** Safe and active options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence overcoming barriers to intervening, identifying safe and efficient intervention options, and taking actions to intervene

**Ongoing prevention and awareness campaigns:** Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

**Primary prevention programs:** Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur. This is done through the promotion of active and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

**Risk reduction:** Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence.

## Clery Act Location Definitions

**Campus** – (i) 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 (ii) any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of 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).

**Housing** - Residence halls or other university-owned residences.

**Affiliated/Non-Campus** - (i) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) 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. Include in this category repeated use of a non-campus location. For example, if every year students in the debate club take a trip to Washington, DC and stay at the same hotel, you must report

any Clery crimes occurring in certain portions of the hotel such as hotel rooms rented to students, elevators, lobbies, etc.

**Public Property** - "Public property" is defined by the Clery Act regulations as all public property including thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus. Include the sidewalk across the street from the campus, but do not include public property beyond the sidewalk.

## State Statutes

### State Penalties and Sanctions for Illegal Possession of Controlled Substances

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

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

**Being Under the Influence of Any Controlled Substance for Unauthorized Purpose:** It is a violation of Nebraska law to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings. Neb. Rev. Stat. § 28-417(1) (g) (Reissue 1995).

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

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

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

**Controlled Substance Analogue:** For purposes of Nebraska's Uniform Controlled Substance Act, analogue controlled substances (often called "designer drugs") are treated as controlled substances. Such an analogue is defined as (a) substantially similar in chemical structure to the chemical structure of a controlled substance or (b) having a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401 (36) (Supp. 1999).

### **Selected Nebraska Alcohol Offenses**

**Minor In Possession:** It is against the law for a person under the age of 21 years to possess alcohol. Neb. Rev. Stat. § 53-180.02 (Reissue 1998). Violation of this law is punishable by a three-month imprisonment, or \$500 fine, or both. Neb. Rev. Stat. § 53-180.05 (1) (Reissue 1998) and § 2-106 (1) (Cum. Supp. 1998). As part of sentencing a judge may order an offender to become part of a public work detail under the supervision of the County Sheriff for not more than 10 days in lieu of the above penalties. Neb. Rev. Stat. § 53-180.05 (1) (Reissue 1998).

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

### **Clery Act Statistical Information**

A federal law, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, establishes the requirements for collecting and reporting campus crime statistics. The classifications of crimes used in these reports are defined in the United States Department of Justice, Federal Bureau of Investigation Unified Crime Reports or for sex offenses, the National Incident Based Reporting System. The College of Saint Mary Clery Reporting Officer is the Director of Safety and Security and works with not only the Safety and Security Department but with the Student Development and Success, Residence Life, Judicial Affairs, and Omaha City Police Department to compile an accurate account of campus crimes for the designated year.

The following is the report of statistics for years 2018 through 2020.

Offense	Location	2018	2019	2020
Aggravated Assault	On Campus	1	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Arson	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Burglary	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Manslaughter- Negligent	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Murder / Non-Negligent Manslaughter	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Motor Vehicle Theft	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Robbery	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Sex Offense (Rape)	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Sex Offense (Fondling)	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Sex Offense (Incest)	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Sex Offense (Statutory Rape)	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0

## **Hate Crimes**

Regarding Hate Crimes Statistics for 2018, 2019, and 2020—College of Saint Mary is required by federal law to include in this report all incidents reported to the Safety and Security Department or to other campus security authorities that involved any of the crimes listed above, as well as for larceny-theft, simple assault, intimidation, and vandalism of property, if these crimes also manifested evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, or disability.

### **Reported Hate Crimes**

Hate crimes on campus:

- 2018—No hate crimes were reported.
- 2019—No hate crimes were reported.
- 2020—No hate crimes were reported.

Hate crimes in on-campus housing:

- 2018—No hate crimes were reported.
- 2019—No hate crimes were reported.
- 2020—No hate crimes were reported.

Hate crimes non-campus:

- 2018—No hate crimes were reported.
- 2019—No hate crimes were reported.
- 2020—No hate crimes were reported.

Hate crimes on public property:

- 2018—No hate crimes were reported.
- 2019—No hate crimes were reported.
- 2020—No hate crimes were reported.

## ARRESTS

Offense	Location	2018	2019	2020
Liquor Law Violations	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Drug Law Violations	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Illegal Weapons Possessions	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0

## REFERRED FOR DISCIPLINARY ACTIONS

Offense	Location	2018	2019	2020
Liquor Law Violations	On Campus	5	13	4
	Residence Halls	5	13	4
	Non-Campus	0	0	0
	Public Property	0	0	0
Drug Law Violations	On Campus	1	1	0
	Residence Halls	1	1	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Illegal Weapons Possessions	On Campus	1	1	0
	Residence Halls	1	1	0
	Non-Campus	0	0	0
	Public Property	0	0	0



### VAWA ACT (Violence Against Women Act)

Offense	Location	2018	2019	2020
Dating Violence	On Campus	2	0	0
	Residence Halls	2	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Domestic Violence	On Campus	1	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
Stalking	On Campus	2	2	2
	Residence Halls	2	2	2
	Non-Campus	0	0	0
	Public Property	0	0	0

Crimes reported in the *Residence Halls* are also included in the *On-Campus* category.

Per federal mandate, requests for crime statistics were made to the Omaha Police Department and other jurisdictions

## Safety Tips for On and Off Campus

- Always keep your doors and windows locked. Never leave personal property unattended.
- If possible, let a friend or roommate know where and with whom you'll be and when you'll return.
- Trust your instincts! If you feel uncomfortable about someone near you on the street, in an elevator or getting off a bus, head for a populated place or yell for help.
- Use well-lit and busy sidewalks.
- Avoid walking alone or walking near vacant lots, alleys, construction sites, and wooded areas. Contact the Safety and Security Department for a Safe Walk when walking alone on campus.
- Carry a cell phone, whistle or a personal alarm to alert people that you need help. Remember to program your cell phone with the Safety and Security Department's phone number (402-670-8848).
- Attend an educational course sponsored by the Safety and Security Department and learn what can be done to avoid vulnerability to crimes like sexual assault, relationship violence, and stalking.
- Try to park in an area that will be well-lit and heavily traveled when you return.
- Lock your car doors and roll up the windows completely, even if you're only running a quick errand. Do not leave valuables in plain view
- If you choose to drink, drink legally and responsibly. Remember that your ability to respond is diminished by over-consumption of alcohol.
- Stay alert at all times and call the Safety and Security Department immediately to report suspicious activity.
- Put ICE (In Case of Emergency) on your cell phone, along with a name and telephone number of a loved one, to enable emergency services personnel to contact your family in the event of an emergency.
- Listening to loud music, wearing headphones or using your cell phone distracts you from being alert to potential safety issues. Unplug yourself and tune into your immediate environment.
- When driving, be aware of pedestrians and bicyclists and yield to them when required by law.
- Follow all rules of the road when driving a car, riding a bike or using other forms of personal transportation such as rollerblades, skateboards or scooters.
- Get to know your roommates and neighbors. Encourage checking on each other often.
- Please report any safety hazards, unsafe lighting, and defective equipment.



## 2021 ANNUAL FIRE SAFETY REPORT 2018-2020 STATISTICS

## Introduction

Fire prevention on the College of Saint Mary campus is led by the CSM Safety and Security Department. Other partners include College of Saint Mary Student Development and Success Department, CSM Maintenance Department, CSM Residence Life Staff and, the City of Omaha Division of Fire and the State of Nebraska Fire Marshal's Office. Together, along with the support of students, faculty, and staff, we can foster a culture of fire prevention and promote the safety and well-being of our campus community.

## Purpose

This report provides information and data pertaining to fire safety at College of Saint Mary. The data and information contained in this document are reported annually in compliance with legal requirements set forth by the Higher Education Opportunity Act. Information in this report, as well as the College of Saint Mary Annual Campus Security Report, aim to provide the information and data required by Federal law, as well as the situational awareness required to further develop and enhance the culture of safety and preparedness on the campus of CSM. For further information or questions pertaining to information submitted in this report, please call the Safety and Security Department at 402-670-8848 or by dialing "1" on any campus phone.

## *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 an intentional or unintentional action, mechanical failure, or act of nature (34 C.F.R. 668.49 (a)).

**Fire** — any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner (34 C.F.R. 668.49 (a)).

**Fire drill** — A supervised practice of a mandatory evacuation of a building for a fire (34 C.F.R. 668.49 (a)).

**Fire log** — (1) An institution that maintains on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time, and general location of each fire. (2) An institution must make an entry or an addition to an entry to the log within two business days, as defined under §668.46(a), of the receipt of the information. (3) An institution must make the fire log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection. (4) An institution must make an annual report to the campus community on the fires recorded in the fire log. This requirement may be satisfied by the annual fire safety report described in paragraph (b) of this section (34 C.F.R. 668.49 (d)).

**Fire-related death** — Any instance in which a person —(1) Is killed as a result of a fire, including death resulting from a 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 (34 C.F.R. 668.49 (a)).

**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 the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals (34 C.F.R. 668.49 (a)).

**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 (34 C.F.R. 668.49 (a)).

**Fire statistics** —(1) An institution must report statistics for each on-campus student housing facility, for the three most recent calendar years for which data are available, concerning — (i) The number of fires and the cause of each fire; (ii) The number of persons who received fire-related injuries that resulted in treatment at a medical facility, including at an on-campus health center; (iii) The number of deaths related to a fire; and (iv) The value of property damage caused by a fire. (2) An institution is required to submit a copy of the fire statistics in paragraph (c)(1) of this section to the Secretary on an annual basis (34 C.F.R. 668.49 (c)).

**Value of property damage** —The estimated value of the loss of the structure and contents, in terms of the 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 (34 C.F.R. 668.49 (a)).

## **Fire Log**

The College of Saint Mary Safety and Security Department maintains a fire log that records any fire that occurred in an on-campus student housing facility and includes information such as the nature, date, time and general location of each fire. The fire log entry, or an addition to an entry, shall be made within two business days of the receipt of information. The fire log for the most recent 60-day period shall be open to public inspection during normal business hours. Any portion of the log older than 60 days will be available within two business days of a request for public inspection.

## **Reporting Fires**

These are the following individuals within the CSM Organization to which students, staff, and faculty should report that a fire occurred:

- Director of Safety and Security
- Director of Facilities
- Safety and Security Officers

## Fire Safety

College of Saint Mary has many systems, policies and procedures in place to enhance fire safety at the university. On the next few pages you will find information on the fire safety system for each on-campus student housing facility, as well as fire statistics for the past three years. You will also find policies on portable electrical appliances, procedures for student housing evacuation as well as plans for future improvements in fire safety. Please use this information to make informed decisions and to keep the College of Saint Mary campus community safer.

## Annual On-Campus Housing Fire Safety Systems

Location	Fire Alarm Monitoring System	Alarm strobe lighting	Audio Alarm	Full Sprinkler System	Smoke Detection (hardwired)	Marked Fire Exits
Lozier Hall	YES	YES	YES	YES	YES	YES
Madonna Hall	YES	YES	YES	YES	YES	YES
Maryview	YES	YES	YES	YES	YES	YES

## Fire Prevention

The goal of fire prevention at College of Saint Mary is to educate students, staff, and faculty to take precautions to prevent potentially harmful fires, and be educated about surviving them. It is a proactive method of reducing emergencies and the damage caused by them.

### Fire Safety in College of Saint Mary Residence Halls

College of Saint Mary is committed to making campus residence halls safe and secure, and demonstrates this commitment through its financial investments in fire sprinkler, fire alarm, and emergency power systems. The Safety and Security Department and Residence Life Department further this commitment with their joint fire safety training and inspection program for residence halls, which is briefly overviewed below.

### Fire Sprinkler Systems

All residence halls at College of Saint Mary are protected by automatic fire sprinkler systems. A fire sprinkler system is an active fire protection measure, consisting of a water supply system, providing adequate pressure and flow-rate to a water distribution piping system, onto which fire sprinklers are connected. Each sprinkler head has a glass tube, which can be broken by a blow or intense heat. The

success of these fire suppression systems depends in part on students' commitment to respect the system as well as the safety rules of the residence halls. Please read and follow the Fire Suppression System Guidelines to keep sprinkler systems intact and help ensure your protection.



### **Fire Alarm Systems**

All residence halls have automatic fire alarm systems to alert residence hall students should a fire occur. These systems typically consist of manual pull-boxes located at exit doors, with smoke detector systems in corridors and common areas. Single-station, hard-wired smoke detectors are installed in all residence halls rooms as well.



### **Fire Extinguishers**

Multi-purpose ABC fire extinguishers are located throughout all the university buildings and residence halls for use by the occupants on most types of small fires. Members of the Safety and Security Department inspect each fire extinguisher monthly to make sure they are in proper working condition.

When using a fire extinguisher use the P.A.S.S. method:

**P** - Pull the pin.

**A** - Aim.

**S** - Squeeze the trigger.

**S** - Sweep the fire.



## Emergency Lighting Systems

All residence halls are provided with emergency lighting systems, which activate if primary power is lost. These emergency lighting systems can be found in hallways and exit stairwells.

## Fire Doors

Stairwell fire doors should be kept closed at all times. During a fire the stairwells will provide a place of refuge and will protect you during your escape from the building. If the fire doors are left open, the stairwells will act as chimneys, rapidly spreading the fire and smoke throughout the building.

## Exits

Each exit or exit access should be kept clearly marked with a lighted or fluorescent exit sign. You should familiarize yourself with all exit routes in your facility when you move in.

## Evacuation Drills

All residence halls have emergency evacuation plans and conduct fire drills each semester to ensure residents are familiar with evacuation procedures.



## **Fire Safety Guidelines**

Fire safety guidelines are established for all residence halls. Examples include prohibitions on smoking, using candles, and certain electrical appliances. You may view complete health, fire, and safety guidelines for residence halls in the CSM Residence Life Handbook.

### **Fire Safety Training:**

All residence hall students are provided information regarding fire safety guidelines with their Residence Hall Handbook. The Director of Safety and Security meets with all incoming freshmen and transfer students to discuss fire safety at CSM. During this meeting students learn about fire prevention and how to evacuate in case of a fire. In addition, residence assistants (RAs) receive special training in fire extinguisher usage, residence hall fire safety guidelines and evacuation.



## **Fire Safety Management**

Residence Life Staff conduct inspections of every residence hall rooms twice each semester. Safety hazards noted during these inspections are identified and corrected. Students who violate fire safety regulations receive additional safety training, and repeated violations may result in disciplinary action.

## **Elevators are Hazardous to Use in Fires**

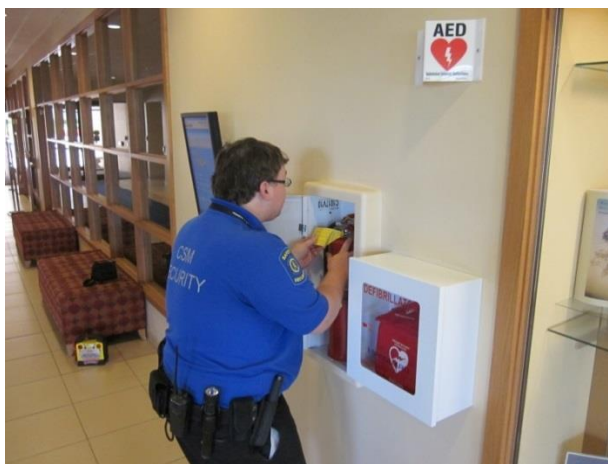
Elevators should not be used during an actual emergency. The elevator shaft could act as a chimney in transmitting heat and smoke from floor to floor. Also, elevators may malfunction and stop at the floor involved in the fire, opening automatically, and exposing the passengers to heat and smoke.

## **Fire Safety Month**

It is a nationwide effort to raise fire and life safety awareness on campus. September is designated as “Campus Fire Safety Month.” August and September are typically the worst time of year for fatal campus-related housing fires. Unfortunately, some students do not realize how quickly a fire can occur, and most have not received fire safety education since elementary school. We hope through Campus Fire Safety Month that students at CSM will realize they are not invincible, that fires do happen in campus-related settings, and that students should take steps to protect themselves no matter where they live.”

## **Fire System Inspections**

During the summer of 2017 all fire alarm systems, fire extinguishers, and sprinkler systems in all applicable College of Saint Mary buildings were inspected and certified by authorized companies contracted by College of Saint Mary. In addition College of Saint Mary Safety and Security Officers conduct monthly inspections of all fire extinguishers to make sure they are fully charged, and are in proper working condition.



## **Fire Watch**

A fire watch is a temporary measure for the purposes of ensuring the fire-safety of a building or premises in the event of any act or situation which creates an increased risk to persons or property. The term fire watch is also used to describe a dedicated person or persons whose sole responsibility is to look for fires and other hazards within a building, specific area, or premises.

The purpose of a fire watch is to provide temporary surveillance in a building or premises for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, initiating alarms or evacuation procedures, and notifying the fire department.

### **Health and Safety Inspections**

The Safety and Security Department continues to assess the fire and life safety equipment as an ongoing process to ensure that all the equipment meets applicable codes and standards. These inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers, and other life safety systems on the campus of CSM.

Residence Life Professional Staff conducts health and safety inspections of all occupied residence hall rooms. This review will also include a general assessment of food and waste storage and other sanitary considerations of the room. Prohibited items will be immediately confiscated.

### **Policy on Portable Electrical Appliances, Smoking and Open Flames in Residence Halls**

The following appliances are allowed in a resident's room:

- personal computer items
- television
- stereo
- air circulation fan
- coffeepot
- hotpot
- a refrigerator under three feet (6.0 cubic feet)
- microwave that is 700 watts or less.

All before mentioned items must be Underwriters Laboratory (UL) approved and in good physical condition.

Due to fire prevention guidelines and ventilation restrictions, the following appliances are **Prohibited** from use in individual rooms including but not limited to the following:

- Any cooking appliance with exposed burners
- heating surfaces including hotplates (even with a flat surface)
- Toaster ovens
- Lamps with halogen light bulbs
- Space heaters/ heater fans.

If any of these appliances are found in a resident's room, they will be confiscated.

It is impossible to list all electrical appliances which are hazardous for use in the residence halls, although a general guideline is that any appliance is prohibited if it is rated over six amps (700 watts), if it has an exposed heating element, or if it is not UL listed. Halogen lights are not permitted because they present a fire hazard.

## **Tobacco-Free Campus Policy**

As a women's university, College of Saint Mary has a special responsibility to lead efforts in recognizing and addressing smoking as a significant issue affecting women's health. CSM also has a responsibility to its employees and students to provide a safe and healthy environment. Research findings show that tobacco use in general, including smoking and breathing second hand-smoke, constitutes a significant health hazard. In addition to causing direct health hazards, smoking contributes to institutional costs in other ways, including fire damage, cleaning/maintenance costs, and costs associated with student and employee absenteeism, health care, and medical insurance. Consequently, **SMOKING IS PROHIBITED IN ALL CAMPUS BUILDINGS AND ANYWHERE ON CAMPUS PROPERTY.** College of Saint Mary will pursue avenues to provide free, accessible tobacco cessation treatment on campus –and will publicize the availability of such resources. College of Saint Mary asks its faculty, staff and student leaders to become advocates for the above policy to ensure a safe and healthy environment for all who study, work, or visit the campus.

## **Open Flames**

Because of the risk of fire, anything with an open flame, as well as flammable materials (incense, candles, potpourri pots, etc.) is prohibited in the residence halls. In case of power failure, emergency lights will activate, and the residence life staff will have flashlights for assisting residents. Any decorative candles in a student's room, must have a white wick or a removed wick. Students may have candle warmers.

## **Explosives**

Gasoline, paint, ether, propane or any other flammable liquids or gasses are not allowed in any of the residential halls for any reason. Fireworks, gunpowder or any other explosives are not allowed on campus under State Fire Codes and may not be stored on campus for any reason.

## **Fire Procedure**

If a fire alarms sounds, the Omaha City Fire Department and Safety and Security will respond to the affected building. Every building on campus including the residence halls is connected directly to Safety and Security by electronic monitoring. If you notice a fire in your building you should still contact both the Safety and Security Department and 911 for Omaha City Fire.

When a fire or other evacuation alarm sounds, every person must follow these procedures:

- Take your keys and CSM ID with you, if you have time.
- Carefully and calmly exit via the closest fire exit route.
- **DO NOT USE THE ELEVATORS.**
- Check each door for heat or hazard prior to opening. If your door feels hot or the exit path is hazardous, remain in the building.
- If there is a designated fire exit through your window, use it.
- Leave the room door closed.

- Stay low to the floor and cover your mouth with a wet cloth to make breathing easier in smoky conditions.
- If you notice that individuals cannot negotiate the exit, move them laterally away from any obvious danger to a safe place.
- Persons with disabilities, such as those who cannot walk or must be assisted down the stairs, may elect to remain in the building until emergency personnel arrive.
- Report the status and location of anyone remaining in the building to campus responders (Safety and Security) and public officials (Police, Fire). Repeat this message often.

**Stay together at a safe distance (100 yards, upwind) from the building until Campus Safety and Security indicates you can return to the building.**

### **In The Event of a Fire:**

If you notice a fire: Alert others in the immediate area and activate the nearest fire alarm on your way out of the building.

- Call 911 and state that you wish to report a fire. (You do not need to dial 9 first) State your name, building name, street address (7000 Mercy Road), street intersection (72<sup>nd</sup> Street and Mercy Road), office number, location of fire, extent of fire, and your telephone number. Then call Safety and Security by dialing “1” on campus phones or on your cell phone at 402-670-8848.
- Do not fight a fire if you have not been trained or are unsure about what type of fire extinguisher to use. Most portable extinguishers are appropriate for only small contained fires, such as a fire in a wastebasket.
- Remember to never fight a spreading or growing fire and never block your escape.
- Close doors to help prevent the fire from spreading.

### **If You Are Trapped**

- Stay calm. There are many things you can do to protect yourself.
- If possible, go to a room with an outside window and use a flashlight or light to get people’s attention
- Close the door between you and the fire. Stuff the cracks around the door with towels, rags, or bedding and cover vents to keep the smoke out of the room.
- Use your cell phone or a land line to call the fire department and tell them exactly where you are. Do this even if you can see fire trucks on the street below.
- Wait at window and signal for help with a flashlight, if you have one, or by waving a sheet or other light-colored cloth.
- Be patient. Rescuing all the occupants of a residence hall can take some time.

**Do Not Jump from the Room** - Any rescue attempts will be made by the Fire Department.

### **If You Are On Fire:**

- **Stop, Drop, and Roll** - If your clothes catch on fire, Stop, Drop, and Roll, wherever you are. Rolling smothers the fire.



## Responding to Residence Hall Fire

**Safety and Security staff will respond and perform the following steps when responding to fire alarms in a Residence Hall:**

- Safety and Security Officer (s) will proceed to the fire alarm panel and determine where the alarm originated.
- Safety and Security Officer (s) will then proceed to the area of origin to determine if there is a fire or what set off the alarm. If at any time, a real fire is suspected or confirmed, Campus Safety and Security will again call 911 and make sure everyone has finished evacuating the building.
- If there is no apparent cause or the cause of the alarm is contained, Safety and Security Officer (s) will notify Residence Life Staff appropriately. Safety and Security Officer (s) will then reset the fire alarm panel and silence the alarm.

**Residence Life Staff will respond and perform the following steps when responding to a fire alarm in a Residence Hall:**

- During an alarm or actual fire emergency, staff will carry out agreed-upon protocols, knocking on doors to awaken sleeping residents. But never putting themselves in danger
- CSM Students still in a room are required to vacate immediately.
- CSM Students who refuse to vacate the room or who are found to be hiding somewhere in the room, will be held accountable for their actions and sanctioned accordingly by the appropriate CSM Judicial Hearing (at a later date).
- CSM Students should not wait for Residence Life Staff or Safety and Security to come to their room. Each resident is expected to provide for their own safety.
- At no time are Residence Life Staff allowed to place themselves at risk. Staff members are required to vacate a building immediately if their own safety is in jeopardy.
- Once procedures have been completed, exit the building and direct residents 100 yards, upwind away from the building from the building and continue crowd control.

After the “All Clear” signal is given by either the Fire Department or Safety and Security, allow CSM Students to enter the hall. This signal must come from a member of the fire department or the hall director.

In the event of a residence hall fire, an academic building will be opened by Safety and Security personnel to provide shelter until the building is either deemed safe to re-enter or temporary living arrangements can be made.

<b>2020- Campus Housing Fire Statistic Report</b>	<b>Arson</b>	<b>Mechanical</b>	<b>Electrical</b>	<b>Act of Nature</b>	<b>Smoke Investigated</b>	<b>Other</b>	<b>Treated Injuries</b>	<b>Death</b>	<b>Property Damage</b>
Lozier Hall	0	0	0	0	0	0	0	0	0
Madonna Hall	0	0	0	0	0	0	0	0	0
Maryview	0	0	0	0	0	0	0	0	0

<b>2019- Campus Housing Fire Statistic Report</b>	<b>Arson</b>	<b>Mechanical</b>	<b>Electrical</b>	<b>Act of Nature</b>	<b>Smoke Investigated</b>	<b>Other</b>	<b>Treated Injuries</b>	<b>Death</b>	<b>Property Damage</b>
Lozier Hall	0	0	0	0	0	0	0	0	0
Madonna Hall	0	0	0	0	0	0	0	0	0
Maryview	0	0	0	0	0	0	0	0	0

<b>2018- Campus Housing Fire Statistic Report</b>	<b>Arson</b>	<b>Mechanical</b>	<b>Electrical</b>	<b>Act of Nature</b>	<b>Smoke Investigated</b>	<b>Other</b>	<b>Treated Injuries</b>	<b>Death</b>	<b>Property Damage</b>
Lozier Hall	0	0	0	0	0	0	0	0	0
Madonna Hall	0	0	0	0	0	0	0	0	0
Maryview	0	0	0	0	0	0	0	0	0



## Summary

College of Saint Mary works hard to ensure the safety of all individuals within its campus community. Everyone; students, faculty, and staff play an essential role in preventing and reporting crime. We believe that information, personal awareness, and the elimination of “opportunity” are vital elements in staying safe and reducing crime. Similarly, fire safety is essential to the university. Students, faculty, and staff must familiarize themselves with policies, equipment, and evacuation procedures to ensure the safety of the entire College of Saint Mary campus community. In 2018 College of Saint Mary was named as one of the top fifty safest campuses by College Choice. For more information, please feel free to contact the Director of Safety and Security, Dr. David Ferber, at (402) 399-2319.



## Clery Map

Public Property Surrounding CSM
Aksarben Drive, Mercy Road, Pine Street, 72 <sup>nd</sup> Street, and Heritage Park

