



**DOANE**  
UNIVERSITY

**Crete Campus  
Student Handbook**

## Table of Contents

<b>Crete Campus Student Handbook Introduction</b>	<b>5</b>
From the President	5
About Doane	5
Doane Campus Map	5
Doane Leadership and Board of Trustees	5
Faculty and Staff Directory	5
Mission Statement and Values	5
Notice of Nondiscrimination	5
Academic Calendar	5
Doane Crete Campus Offices and Services	5
Student Rights & Responsibilities	6
<b>Article I. Academic Integrity</b>	<b>7</b>
Section 1.00: Expectations of the University	7
Section 1.01: Scope, Limitations, and Applicability	7
Section 1.02: Violations of Academic Integrity	7
Section 1.03: Reporting of Violations	8
Section 1.04: Consequences for an Academic Integrity Violation	8
Section 1.05: Academic Integrity Process	9
Section 1.06: Computer Use Policy and Procedures	12
Section 1.07: Abuse/Misuse of Resources	18
Section 1.08: Copyright Infringement	19
<b>Article II. Academic Freedom and Student Publications</b>	<b>22</b>
Section 2.01 Student Expression	22
Section 2.02 Social Network	22
Section 2.03 Student Involvement in University Government	23
Section 2.04 Student Publications	23
<b>Article III. Student Records Section</b>	<b>24</b>
Section 3.01 Privacy of Student Education Records	24
Section 3.02 Summary of Federal Law	24
<b>Article IV. Community Life</b>	<b>27</b>
Section 4.01 Campus Solicitation	27
Section 4.02 Motor Vehicle Policies	28
Section 4.03 Social Event Policy	32
Section 4.04 Room Reservations and Scheduling Events	36
Section 4.05 Hazing	36
Section 4.06 Freedom of Expression Policy	37
Section 4.07 Service and Assistance Animal Policy	39
Section 4.08 Student Organizations & Activities	44

<b>Article V. Student Conduct Codes</b>	<b>47</b>
Section 5.01 Violation of Law and University Rules and Regulations	47
Section 5.02 Student Conduct Code	48
<b>Article VI. Judicial Systems</b>	<b>52</b>
Section 6.01 Judicial Proceedings	52
Section 6.02 Judicial Actions	52
Section 6.03 Judicial Sanctions	57
Section 6.04 Hearing Board	60
<b>Article VII. Drugs, Alcohol and Tobacco</b>	<b>61</b>
Section 7.01 Alcohol, Drug, & Substance Abuse Policy	61
Section 7.02 Rehabilitation Services	64
Section 7.03 Federal Trafficking Penalties	64
Section 7.04 Smoking Policy	64
Section 7.05 Beverage Container Policy	65
<b>Article VIII. Non-Discrimination and Harassment</b>	<b>66</b>
Section 8.01 Violence & Unacceptable Behavior Policy	66
Section 8.02 Sexual Harassment, Sexual Assault, Dating/Domestic Violence, and Stalking Policy (Title IX Policy)	67
Statement of Purpose	67
When and To Whom This Policy Applies	68
Employee Responsibility to Report Allegations	69
Campus Training	70
Definitions	70
Consent	74
What To Do If An Incident Occurs	76
Grievance Procedures	79
Reporting Options	80
Investigation	81
Hearing Process	84
Appeal Process	87
Procedural Definitions	90
Resources	93
Crete	93
Lincoln	95
Omaha	97
Section 8.03 Bias/Hate Incident Policy	98
Section 8.04 Non-Discrimination Policy: Preventing and Addressing Discrimination, Harassment, and Retaliation & Reporting Procedure	99
Section 8.05 ADA Grievance Procedure	104

<b>Article IX. Crime on the Campus</b>	105
Section 9.01 Student Right to Know: Campus Security Act	105
Section 9.02 Security and Access to Campus Facilities Policies	105

*Handbook reviewed by Doane University legal counsel - July 2023, July 2024*

## Crete Campus Student Handbook Introduction

Doane University believes in and is dedicated to supporting its students in achieving their goal of an excellent higher education. Information within this publication and published links will help guide and inform students of campus policies and procedures and is subject to change by the University.

[From the President](#)

[About Doane](#)

[Doane Campus Map](#)

[Doane Leadership and Board of Trustees](#)

[Faculty and Staff Directory](#)

[Mission Statement and Values](#)

[Notice of Nondiscrimination](#)

[Academic Calendar](#)

### **[Doane Crete Campus Offices and Services](#)**

Services and resources that support students during their time on campus are listed under specific offices. The above link allows quick access for the student to find offices and their services, resources, policies and procedures on and off campus OR click on a specific office shown below:

[Academic Affairs](#)

[Campus Organizations](#)

[Public Safety](#)

[Admissions](#)

[Counseling Services](#)

[Registrar](#)

[Advancement](#)

[Dining Services](#)

[Residential Life and Education](#)

[Alumni](#)

[Facilities](#)

[Service Center](#)

[Athletics](#)

[Financial Aid](#)

[Strategic Marketing](#)

[Bookstore](#)

[Health and Wellness](#)

[Student Affairs](#)

[Business Office](#)

[Human Resources](#)

[Technology Services](#)

## Student Rights & Responsibilities

The responsibility to create an environment conducive to the freedom to learn is shared by all members of the educational community. The following are general statements of policy that have not been covered previously in this text.

- Article I. Academic Dishonesty
- Article II. Academic Freedom and Student Publications
- Article III. Student Records Section
- Article IV. Community Life
- Article V. Student Conduct Codes
- Article VI. Judicial Systems
- Article VII. Drugs, Alcohol and Tobacco
- Article VIII. Nondiscrimination and Harassment
- Article IX. Crime on the Campus

*Handbook reviewed by Doane University legal counsel - July 2023, July 2024*

[Higher Education Opportunity Act](#)

## Article I. Academic Integrity

### Section 1.00: Expectations of the University

Fundamental to our mission, our core values, and our reputation, Doane University adheres to high academic standards. Students of Doane University are expected to conduct themselves in a manner reflecting personal and professional integrity. Disciplinary actions may be taken against students whose academic behavior is not congruent with the expectations of the University. Students are responsible for adhering to the standards detailed in this policy. Not being familiar with these standards does not mean that the students will not be accountable for adherence to them.

### Section 1.01: Scope, Limitations, and Applicability

This policy is for academic integrity violations occurring in or because of academic coursework and activities associated with taking and completing courses at Doane University. The Doane University Student Handbook discusses policies and processes for non-academic offenses.

### Section 1.02: Violations of Academic Integrity

In general, Doane University expects that a student will:

- A. pursue their academic endeavors with honesty;
- B. acknowledge and adhere to the expectations and guidelines in the syllabus;
- C. follow instructions for assessments as specified by the faculty member; and
- D. ask faculty for clarification if there are any questions.

An academic integrity violation includes, but is not limited to:

- A. **Falsification or Fabrication:** Making any oral or written statement, which the individual knows, or should have known, to be untrue. Falsification is the alteration of information, while fabrication is the invention or counterfeiting of information. Examples include, but are not limited to:
  - making a false statement to faculty, University employees, or fellow students;
  - submitting contrived or altered information in any academic exercise. Examples: making up data for an experiment, citing nonexistent articles, contriving reference sources;
  - giving a false excuse for missing an examination, quiz, or assignment deadline; and
  - falsely claiming to have submitted a paper or assignment.
- B. **Cheating:** Using or attempting to use unauthorized assistance, materials, devices, or a study aid in an examination or other academic work, or preventing, or attempting to prevent, another from using authorized assistance, materials, or study aids. Examples include, but are not limited to:
  - using an unauthorized aid, material, electronic resource (e.g., website), or electronic device (e.g., cell phone or tablet) for an examination, quiz, or assignment;
  - copying from another student's work;
  - copying another student's answers during individual quizzes or examinations;

- altering a graded exam and resubmitting it for a better grade without instructor authorization;
  - buying, selling, possessing, soliciting, transmitting, or using material purported to be the unreleased content of any assignment, including examinations and quizzes;
  - bribing or soliciting any person to obtain or to provide any information relating to examinations, quizzes, or other assignments outside of the bounds of the instructions for the assessment; and
  - acting as a substitute for another person during an examination or other assessment.
- C. **Collusion and/or Complicity:** Collaborating with one or more individuals without instructor approval, on any examination, quiz, computer or laboratory work, or any other assignment or assessment. Collusion includes exchanging or facilitating the exchange of materials or ideas verbally or nonverbally. Complicity includes helping or attempting to help another student to commit an act of academic dishonesty.
- D. **Plagiarism:** Using the ideas, data, presentation, or language of another without specific or proper acknowledgment in academic work. Examples include but are not limited to:
- quoting word-for-word from a source without using quotation marks and appropriate citation;
  - summarizing and paraphrasing ideas without acknowledging the source;
  - submitting a paper that was not authored by the student taking the course (e.g., written by another person, paper obtained from a commercial source); and
  - failing to verbally acknowledge one or more sources during an oral presentation.
- E. **Multiple Submissions:** Submitting, without prior permission, academic work that has been previously submitted in identical or similar form to fulfill another academic requirement without instructor authorization. Examples include, but are not limited to, submitting the same paper for credit in two different courses.

### Section 1.03: Reporting of Violations

Faculty are expected to follow the process for reporting academic integrity violations in order to maintain the expectations of the University. The philosophy for faculty to report all violations allows the University to maintain a record and documentation of all incidents in a student's file. A faculty member may be unaware that a student has had a prior violation and that a new violation would require additional reviews and/or consequences. Students and faculty are prohibited from proposing and/or entering into an arrangement with an instructor to receive a grade of "F" or any other reduction in grade in a course or on an academic exercise in lieu of being charged with a violation of the academic integrity policy. Additionally, a student is not permitted to drop the course as a means to avoid being charged with a violation. Students are encouraged to report suspected or known violations of academic integrity to appropriate faculty, staff, or administrators.

### Section 1.04: Consequences for an Academic Integrity Violation

Possible consequences for an academic integrity violation include, but are not limited to:



**Course-Level Consequences** *(one or more to be specified by the faculty member of the course):*

- A. warning on academic dishonesty and what constitutes a violation;
- B. requiring the student to redo the assignment or examination;
- C. lowering the student's grade for the assignment or examination;
- D. assigning a zero or failing grade for the assignment or examination;
- E. lowering the student's grade for the course;
- F. assigning the student a failing grade for the course;
- G. referral to the Academic Support Office for assistance with academic needs; or
- H. referral to the Academic Integrity Subcommittee for additional review.

**University-Level Consequences** *(to be specified by the Academic Integrity Committee or the Appeal Committee):*

- A. suspension from a program or the University
- B. dismissal from a program or the University

### **Section 1.05: Academic Integrity Process**

*NOTE: The specified timeline for actions and decisions can potentially be lengthened due to circumstances (e.g. school breaks, unavailability of individuals), though those involved should seek to resolve the issue in a timely manner and communicate and agree upon any changes to the timeline as soon as possible.*

#### **Step 1: Identification of Violation**

The faculty member identifies an alleged academic integrity violation.

#### **Step 2: Reporting a Violation**

- A. The faculty member contacts the student in a timely manner regarding the alleged violation to request a discussion with the student (in person or via technology). For purposes of this process, the day when the faculty member contacts the student is considered Day One. The discussion between the student and faculty should take place within five (5) business days of the faculty member identifying an alleged violation.
- B. The student has two (2) business days to provide the faculty member with his or her own written summary detailing the incident, to provide any relevant documentation or evidence, and to describe any related circumstances. The student can submit this material using the following online form: <http://bit.ly/DU-integrity-student>. If the student chooses not to have a discussion with the faculty member and/or does not provide a

written explanation, the faculty member should move forward with the process and note that the student did not participate.

- C. The faculty member has up to three (3) business days to render a decision:
- **A violation did not occur.** The process ends and no details are recorded or submitted.
  - **A violation did occur.** The faculty member is encouraged to consult with his or her supervisor for the course (e.g., Department Chair, Division Chair, Program Director, or Dean) to discuss the violation and proposed Course Level consequence(s). The faculty member must specify a consequence(s) and submit all relevant documentation and actions to the Registrar's Office using an online form: <http://bit.ly/DU-integrity>. As part of the submission form, a faculty member can indicate if the issue is egregious and should be forwarded to the Academic Integrity Subcommittee for additional review. The Registrar's Office will forward a copy of the completed Academic Integrity submission to the respective Dean of the course.
- D. The faculty member has one (1) business day to notify the student of his or her decision and the Course Level consequence(s), if applicable.

### **Step 3: Documentation**

- A. If the student disagrees with the faculty member's decision, within two (2) business days of being notified by the faculty member, the student must submit a disagreement letter to the Academic Integrity Subcommittee outlining his or her disagreement with the alleged violation and/or disagreement with the consequence(s). The student must provide the letter to the Registrar's Office [registraroffice@doane.edu](mailto:registraroffice@doane.edu) and address it to the Academic Integrity Subcommittee. The disagreement letter must include discussion of any evidence or additional circumstances.
- B. The Registrar's Office will review the Academic Integrity Violation submission. If it is the first violation for a student and the faculty member did not recommend that it be forwarded to the Academic Integrity Subcommittee, the Registrar's Office will record the incident in the student's file.
- C. The Registrar will forward the incident to the faculty Academic Integrity Subcommittee if any of the following exists:
- The student has a prior academic integrity violation.
  - The student submits a disagreement letter as to whether a violation occurred and/or disagrees with the consequence(s).
  - The faculty member recommends that the violation be forwarded to the Academic Integrity Subcommittee.
- D. The Registrar's Office will notify the student whether the violation has been recorded in his or her academic file or whether it will be reviewed by the Academic Integrity Subcommittee.

### **Step 4: Academic Integrity Subcommittee Deliberation**

- A. The Academic Integrity Subcommittee will deliberate regarding academic integrity violation cases that have been submitted to the committee for a decision. The Subcommittee should contain at least one faculty member from the College in which the course was taught. The Academic Integrity Subcommittee will perform due diligence in reviewing the violation. As part of the review, the Committee will review all relevant documentation and may consult with involved parties such as students, faculty, staff, or

administrators for information, guidance, and/or clarification. The committee will determine:

- whether an academic integrity violation occurred and/or
  - what type of academic integrity violation occurred.
- B. After determination of a violation, the Academic Integrity Subcommittee will make a determination to support the proposed Course Level consequence(s) or determine different Course Level consequence(s) to ensure consistency across the University and/or impose a University Level consequence(s) for the violation, taking into consideration the decision of the faculty member and the prior history of the student.
- C. The majority decision of the Academic Integrity Subcommittee will be shared with the Registrar's Office. Within two (2) business days, the Registrar's Office will communicate the decision to the student, the faculty member, and the respective Dean of the course.

### **Step 5: Appeal Process**

- A. A student has the right to appeal the Academic Integrity Subcommittee decision. Within five (5) business days of being notified by the Registrar's Office of the Academic Integrity Subcommittee decision, a student can submit a written appeal to the respective Dean of the course that must address one or both of the following issues for appeal:
- new evidence that was not reviewed by the Academic Integrity Subcommittee and/or
  - any evidence that the review process was improper or unfair.
- B. An appeal letter that does not clearly identify one or both of the issues listed above shall be dismissed without further consideration. The respective Dean of the course will make an initial assessment of a valid appeal after reviewing the incident file provided by the Registrar's Office and, if necessary, by communicating with relevant parties such as staff or administrators.
- For a valid appeal request, within ten (10) days the respective Dean of the course will schedule a meeting of an Appeal Committee consisting of:
    1. Chief Academic Officer (or designee), who will serve as chair;
    2. Associate Vice President of Academic Affairs-Online Operations (only if the course is an online course);
    3. Dean (or administrative designee) of each of the colleges;
    4. Two full-time faculty members appointed by the Faculty Council who teach outside of the department of the student, have had minimal academic interaction with the student, and who have been at the Doane University at least one year; and
    5. Registrar (or designee).

The Registrar and respective Dean of the course can be participants in the discussions but will be non-voting members in determining a course of action. All members or their designees must participate for deliberation and decision.

- C. The Appeal Committee will perform due diligence in reviewing an incident. As part of the due diligence, the Committee will review all relevant documentation and may consult with relevant parties such as students, faculty, the Academic Integrity Subcommittee, staff, or administrators for information, guidance, and/or clarification. The Committee will review the prior decisions for consequence(s) by the faculty member and by the Academic Integrity Subcommittee, as well as review the history in the student's file.

- D. The Appeal Committee will make a determination to support the consequence(s) or determine different Course Level consequence(s) to ensure consistency across the University or impose a University Level consequence(s) for the violation.
- E. A majority decision by the Appeal Committee is final and ends the appeal process for an academic integrity violation.
- F. Within two (2) business days, the Registrar's Office will communicate the majority decision of the Appeal Committee to the student, the faculty member, and the Academic Integrity Subcommittee.

### [Academic Integrity Policy](#)

The above link is a video that gives an overview of Doane University's Academic Integrity Policy.

*The policy is based on similar academic integrity policies developed by Nebraska Methodist College and University of Nebraska-Lincoln.*

## **Section 1.06: Computer Use Policy and Procedures**

### **Purpose**

The purpose of this computer policy ("Policy") is to set forth guidelines so that members of the Doane community may use the campus network and computing facilities in ways that are responsible and respectful of privacy.

### **Scope**

This Policy applies to all users of Doane University's ("University") information systems, including students, faculty and staff, and any others granted the use of University information systems and data. It applies to the use of all computing facilities owned, leased, operated, or contracted by the University. As used in this Policy, terms such as "computing," "computer/information resources," "devices," etc., refer to all computers, communication systems and peripherals, internet of things, software, telephones, and systems with similar functions, which are owned or leased by the University, or that utilize University infrastructure such as telephone lines or computer networks.

Although this Policy does not attempt to deal specifically with legal issues, University members are responsible to act in compliance with the law, including any federal, state, and local laws governing computer and telecommunications use as well as all other applicable University policies.

### **Privileges and Responsibilities**

Every member of the Doane community who uses computing and related communications systems at the University or systems that belong to the University or that rely on the University's infrastructure has the responsibilities described in this Policy. This includes members of the Doane community who have restricted privileges, such as alumni who may have electronic mail access only. Individuals with personally owned devices but who rely upon the University's network to connect those devices are expected to abide by the policies set forth in this document. Personally owned devices operating independently or networked through a non-University connection are not covered under this Policy.

Access to the University's information systems is contingent upon being a member of the University community and adhering to University and Information Systems policies, guidelines, and procedures, including this Policy. Misuse may result in the loss of access and/or University disciplinary action. For some users and certain systems, access may be authorized by specific departments. In such cases, any department- or group-specific policies and guidelines must be adhered to when using resources provided by the department or group. This is in addition to University policies and Technology Services guidelines and procedures.

Any user who suspects a violation of the University's Information Systems use policies or has knowledge of potential vulnerabilities or security loopholes in a system or network at the University should immediately notify the Information Security Team at [infosec@doane.edu](mailto:infosec@doane.edu).

### **Maintain the Security and Confidentiality of your Account**

Users assume personal responsibility for the actions associated with their computer accounts. This responsibility begins with selecting a secure password and involves maintaining the confidentiality of that password and changing the password regularly and/or enabling multi-factor authentication in order to assure the continued security of your account. For guidance in selecting a secure password and/or enabling multi-factor authentication, please contact the Help Desk. If you believe that someone has made unauthorized use of your account, you should change your password immediately and report the incident to the Help Desk at [helpdesk@doane.edu](mailto:helpdesk@doane.edu).

### **Respect for Others' Property and Privacy Rights**

Users are responsible for respecting copyright agreements and intellectual property ownership. Any material that is the work of another, whether explicitly copyrighted or not, should not be distributed by any user without the appropriate acknowledgment and/or permission of the creator. Unless permission has been granted by the owner of copyright-protected materials, distribution of copyright-protected material via the University network or information systems is prohibited.

### **Improper/Illegal Communications**

Any communications that would be improper or illegal on any other medium are equally so on information systems: libelous material, obscene messages, harassment, forgery, threats, etc. However, this is not intended to restrict the free expression of ideas. Communication conducted in accordance with University policies with the statement on Academic Freedom and Responsibility will not be considered a violation of this Policy.

### **Risks of Data Loss and Data Persistence**

Although the University will make efforts to secure the network and University-controlled servers from abuse and damage, it cannot guarantee against data loss by a student, faculty, or staff member, on a University-operated or an individually owned device.

### **Personal Use**

While the University makes information systems available primarily to achieve its goals of academic advancement and for administrative activities, it realizes the need to encourage the personal use of computing for the convenience of the campus community. Thus, it is reasonable to allow the use of information systems for activities that can facilitate convenience

or enhance productivity, to the extent that the activity is within the limits described by the Information System's Policies. Any personal use of Information Systems related to operating a personal business or commercial enterprise is prohibited unless permission to do so has been specifically granted by the Chief Information Officer.

## **Privacy**

The user must presume that the contents of any other users' directory are private unless expressly designated otherwise, just as one would presume that the contents of someone's apartment or office are private. An unprotected account or shared device is not considered to be public unless the name or service expressly indicates that it is. In such cases, any files or other data that would appear to be private in nature, by virtue of the file name or data stored, even if "publicly accessible" should be considered to be private. The user accessing such files has a responsibility to ask the owner of the files or service if the files are intended to be publicly accessible before the user does more than a "cursory glance" sufficient to cause the question.

A user can explicitly grant access to his or her directories and files. However, users who issue general or vague invitations to browse through their files incur a special obligation to project any material that they do not wish others to see. Indeed, all users are urged to maintain projection levels on their files consistent with the access they are actually willing to give other users.

## **Access to User Data**

Electronic data on a user's account, whether stored on a computer in the user's office/room or elsewhere under the proprietary control of that user, may not be examined without the user's consent, except in cases of emergency or by the employee's supervisor for the purpose of accessing work-related electronic data. Posting of data by a user on the platforms available to the public or to users of the University shall be understood to imply consent, and electronic access given to specific parties by the user will likewise imply consent for those parties to access permitted data. Emergencies may include, for example, but are not limited to, the death, incapacity, or disappearance of the user, or the search for and examination of files used for apparently malicious activity in an account that endangers the integrity of Information Systems, the network, or other aspects of the University's computing infrastructure.

Only specifically designated individuals are permitted to determine what passes for an "emergency." Such individuals may be specifically designated or may be designated by job position/description for employees. For students, the Vice President for Student Affairs will be designated to determine what is defined as an "emergency" aside from what was stated above.

Whenever possible and legally permissible, the notification must be given to the user whose data are subject to subpoena, search warrant, or order of court prior to compliance therewith. Any intrusion by an employee of the University into a user's electronic data must be reported to the user as soon as possible, and within five days of the event via electronic mail unless prohibited by order of court, or due to a continuance of an ongoing investigation by the University. Violation of any aspect of this Policy is an offense that could be sanctioned.

In cases where a staff member believes that electronic data in their account has been inappropriately accessed by another staff member, the incident should be reported to Human Resources. For students, it should be reported to the Vice President for Student Affairs.

Note: Removable media such as in a faculty or staff office, or in a residence hall suite are not subject to search by Technology Services, though Technology Services will assist authorized law enforcement agencies or authorities to read data after they are obtained, at the agencies' or authorities' request.

### **Protecting Confidential Information**

Users who maintain confidential information, such as records relating to employees or students, are responsible for following privacy-related policies, laws, and data use agreements.

### **Protecting Personal Information**

As is described throughout this Policy, data transmitted across the University's network or stored on University systems may be accessed by others as a result of misuse by an individual, as an incidental result of the routine operation of the network and systems, or in response to a court subpoena or University investigation into suspected or alleged misuse. While complete privacy of personal data may not be possible, users who wish to ensure a higher degree of privacy for their data are encouraged to use encryption, PGP security, or other techniques to reduce the risk that others may access their data.

### **Misuse and Inappropriate Behavior**

The following activities are expressly prohibited at Doane University:

- A. Using a computer system without proper authorization granted through a University official. Some activities such as "port scanning" are not expressly prohibited. However, if the target of such scanning request that an individual or system stops performing such actions, the person or system performing the scans must stop scanning the target machine and/or networks unless the scans are being carried out by a Privileged User who has the authority and responsibility over the machine(s) being scanned or for the network being used.
- B. Concealing your identity or assuming the identity of another (e.g., by sending forged electronic mail). Note that some forms of electronic communication, such as browsing web pages, passively "identify" users. Keeping your identity private either by not setting an identity in your browser or by using a Web-Anonymizer in order to protect yourself from being added onto mailing lists is not a violation of this Policy.
- C. Using another person's computer account, user id, files, or data without appropriate permission, as described in the previous bullet (e.g., using an account found "logged in").
- D. Deleting or tampering with another user's files or with information stored by another user on any information-bearing medium (disk, tape, memory, etc.). Even if the user's files are unprotected, apart from files obviously intended for public reading, such as web pages, it is improper for another user to read them unless the owner has given permission (e.g., in an announcement in class).
- E. Attempting to "crack" or guess other users' passwords. Privileged Users or those specifically designated by the administrator or owner of a system may attempt to crack passwords in order to test and enhance the security of the system. In cases where an individual or department "owns" machines that use password files controlled by another organization (e.g., Information Security course machines or their like), the owner may not attempt to crack passwords without explicit permission from the owners of the password database.

- F. Obtaining passwords by other means, such as password capturing, phishing, and key logging programs.
- G. Attempting to circumvent system security (e.g., breaking into a system or using programs to obtain “root” or “administrative” access), without the explicit permission of the owner of that system.
- H. Denying permitted and appropriate access to resources to other users (e.g., Denial of Service attacks).
- I. Releasing malicious code, malware, etc., that disrupt other users, damage software or hardware, disrupt network performance, or replicate themselves for malicious purposes.
- J. Sending commercial solicitations via electronic means (i.e., spamming) to individuals or to newsgroups or mailing lists where such advertising is not part of the purpose of the group or list.
- K. Any “mass mailing” that is solicitous in nature, unless the mailing is in the conduct of University business.
- L. Reselling of services based on the University network, such as web hosting, mailing services, or the selling of shell accounts.
- M. Running a proxy service that results in inappropriate or unauthorized access to University materials to non-University members.
- N. Advertising commercial businesses or ventures on web pages hosted by Doane, unless prior authorization has been granted.
- O. Using mail messages to harass or intimidate another person (such as by repeatedly sending unwanted mail or broadcasting unsolicited mail).
- P. Violations of any local, state, or federal laws, such as the distribution of copyright-protected materials (e.g., the distribution of commercial software, music, or films in electronic format without appropriate permissions by the owner, even if the user distributing the materials notifies others of their copyright status).
- Q. Tampering with, willful destruction of or theft of any computer equipment, whether it belongs to the University or an individual. Tampering includes any deliberate effort to degrade or halt a system, or to compromise the system/network performance. Willful destruction includes any deliberate disabling or damaging of computer systems, peripheral equipment such as scanners or printers, or other facilities or equipment including the network, and any deliberate destruction or impairment of software or other users’ files or data.
- R. The unauthorized removal of the University’s or another person’s computer equipment constitutes theft.

This list should not be considered to be complete or exhaustive. It should, however, serve as a set of examples of obviously inappropriate behaviors. If you are in doubt about the appropriateness of something that you want to do, contact the Help Desk and ask first.

## **Enforcement**

Inappropriate behavior in the use of computers is punishable under the Information Security policies and regulations regarding faculty, staff, and students. The offenses mentioned in this policy range from relatively minor to extremely serious, though even a minor offense may be treated severely if it is repeated or malicious. Certain offenses may also be subject to prosecution under federal, state, or local laws.



Appropriate disciplinary action depends not only on the nature of the offense but also on the intent and previous history of the offender. The range of possible penalties includes reprimands, loss of computing privileges, course failures for students, disciplinary probation, suspension or dismissal from the University, and/or criminal prosecution.

Offenses that are minor or appear to be accidental in nature are often handled in a very informal manner, such as through electronic mail. More serious offenses involve formal procedures pursued through Student Affairs for students, Human Resources, and/or the respective Vice President for staff and faculty.

### **Restrictions of Privileges During Investigations**

During the course of an investigation of the alleged inappropriate or unauthorized use, it may be necessary to temporarily suspend a user's network or computing privileges, but only after determining there is at least a prima facie case against the individual, as well as a risk to the University or its information resources if privileges are not revoked. In these cases, it is important to recognize that the restriction of network or computing privileges is intended to protect the system rather than to punish the individual. For example, if a computer account has been used to launch an attack on another system, the account will be rendered inactive until the investigation and/or response effort is complete. This is a necessary action taken to prevent further misuse and does not presume that the account holder initiated the misuse.

Unsubstantiated reports of abuse will not result in the suspension of accounts or network access unless sufficient evidence is provided to show that inappropriate activity occurred. For example, if someone reports that their computer was "attacked" by a Doane system, the burden will be upon the complainant to provide sufficient data logs or other evidence to show that the incident at least did appear to be an attack.

### **Adverse Impact on Shared Systems**

The University reserves the right to discontinue communication with external systems that are known to harbor malicious actors and/or content (e.g., spammers, account crackers, and phishing sites) even though this may restrict certain acceptable communications. When deemed necessary, this action will be taken to protect the security and safety of our systems. Similarly, there may be cases where a particular service or activity on a given University system will, by the very nature of its legitimate operation, tend to generate attacks from other internet sites. If these attacks are frequent and severe enough to cause service interruptions for larger parts of the campus community, it may be necessary to temporarily or permanently remove these systems from the campus network. In cases where such action is deemed necessary, network administrators will work with the maintainers of the system to identify alternative methods of network access. In cases where the University restricts access to external sites or removes network access for internal sites, the purpose of the action is to maintain the security and reliability of the computer systems and networks rather than to punish an individual or a site, or to restrict the free expression of ideas.

## **Section 1.07: Abuse/Misuse of Resources**

Users must not misuse or abuse any information resources. Information technology and resources must not be used to disrupt or interfere with other users, services, or equipment. This includes, but is not limited to:

- A. Threatening or harassing others. This includes electronically transmitting or reproducing materials that are slanderous or defamatory in nature or that otherwise violate existing laws or Doane University regulations.
- B. Propagating viruses or worms.
- C. Posting or mailing of obscene materials.
- D. Displaying obscene, lewd, or sexually harassing images or text on a computer owned by Doane University or in a location that may be easily viewed by others.
- E. Distributing unsolicited advertising, initiating or propagating electronic chain letters, inappropriate mass mailing, including multiple mailings to newsgroups, mailing lists, or individuals, e.g. spamming” flooding,” or “bombing,” or random mailing of messages.
- F. Impersonating another user or entity while using Doane University technology resources or services in such a manner as to create the impression to the recipient that the information originated from another source or individual. All materials sent via the University network must be attributed to the individual, office or organization sending the material.
- G. Using the University network to gain unauthorized access to any computer systems (including other student-owned computers).
- H. Connecting unauthorized equipment to the University network (this includes personal hubs, switches, routers, wireless access points, servers, and any other devices that may have a negative effect on network performance or services).
- I. Attempting to circumvent data protection schemes or uncover security loopholes. This includes creating and/or running programs that are designed to identify security loopholes and/or decrypt intentionally secure data.
- J. Associating an unapproved domain name with a Doane University-owned IP address or resource.
- K. Knowingly or carelessly performing an act that will interfere with the normal operation of computers, terminals, peripherals, or networks (this includes downloading excessive amounts or transferring excessive amounts across the network).
- L. Deliberately wasting/overloading computing resources, such as printing too many copies of a document or using excessive bandwidth on the network. Individuals who are misusing resources will be notified and given an opportunity to adjust their usage. If the individual does not voluntarily comply, access for that individual will be electronically restricted.
- M. Using Doane University resources for commercial activity such as creating products or services for sale.
- N. Forging or disguising the identity of a user or machine in an electronic communication.
- O. Attempting to monitor or tamper with other user’s electronic accounts; communications; or reading, copying, changing, or deleting another user’s files, profiles or software without the explicit agreement and knowledge of the owner.
- P. Violating copyright laws and their fair use provisions through inappropriate reproduction, downloading, and/or distribution of music (including MP3 files), movies, computer software, copyrighted text, images, etc. Note: all Doane network users are expected to comply with the copyright laws of the United States, regardless of the location of the server from which they are downloading.
- Q. Violations of the Doane University Acceptable Use Policy are subject to action by the University. Violations will be referred to the Vice President for Information Technology, who will report issues and problems for review by the appropriate Administrator or the

Vice President for Student Affairs and the Vice President of Academic Affairs, and will be referred to the appropriate administrative or judicial proceedings. Violators may be billed or fined for unethical or illegal use of information technology. They may also be subject to dismissal, suspension, loss of network and computing privileges, and/or legally prosecuted.

## **Section 1.08: Copyright Infringement**

The software used by the institution is protected under federal Copyright Law. All students, staff, and faculty must comply with these regulations. It is illegal to make personal copies of software unless specifically allowed by a license agreement. Questions regarding specific instances should be directed to a professional staff member of Information Technology Services.

Students found in possession of illegal copies of software (either copies they have made or acquired by other means, or copies of software designated for use in class sessions or through the library that have not been issued to a student) will be subject to disciplinary action.

### **Copyright Law and Fair Use**

Students, faculty and staff have an obligation to practice high copyright standards and comply with policies and laws.

### **Digital Millennium Copyright Act**

The Digital Millennium Copyright Act (DMCA) passed by Congress in 1998, makes it illegal to copy or share intellectual property—music, videos, games, software and other materials—without permissions. Doane University adheres to the regulations and guidelines outlined by the DMCA.

### **Fair Use**

Fair Use comprises Section 107 of the Copyright Act and was set up in recognition that free exchange of information is beneficial. Four standards are applied: the purpose and character of the use; the nature of the copyrighted work; the amount and substantially of the portion used; and the effect of the use on the publisher's potential market. Students are asked to bear in mind that all the factors work together in balance. Lack of one factor is not likely to disqualify a use for fair use. Likewise, a use may contain elements of all factors and still not qualify as fair use.

The purpose in using the four-factor analysis is to weigh those factors as a whole to determine if the balance is tipped in the direction of fair use. This can be difficult to determine without appropriate knowledge or experience. If in doubt, contact Doane University's Office of Finance & Administration at [financialaffairsoffice@doane.edu](mailto:financialaffairsoffice@doane.edu).

### **Factor 1: Purpose and Character of Use**

As a general matter, educational, nonprofit, and personal uses are favored as fair uses. Making commercial use of a work typically weighs against fair use but commercial use does not

automatically defeat a fair use claim. Just because a use is educational does not mean that is automatically qualified as fair use.

“Transformative” uses are also favored as fair uses. A use is considered to be transformative when it:

- results in the creation of an entirely new work (as opposed to an adaptation of an existing work, which is merely *derivative* and not transformative); or
- uses the original work for a new and different purpose.

*Weighing in favor of fair use:*

1. Showing a film during class for the purpose of criticism and comment
2. Creating a parody of an existing work - transformative
3. Using a book as a prop in a stage performance - transformative

*Weighing against fair use:*

1. Showing a film on campus for a party or other social gathering
2. Adapting an existing work to a new medium, such from book to film or television to stage
3. Reading from a book during the course of a stage performance

## **Factor 2: Nature of Copyrighted Work**

In general, published works and factual, non-fiction works are more likely to qualify for fair use. Unpublished works tend to receive more copyright protection because the law values the creator’s right to decide how and when to distribute a work. Likewise, “highly creative” works (e.g., poetry, art, entertainment film, fiction novels) tend to receive more protection than factual, non-fiction works (e.g., documentary films, informational displays, educational texts) because the law seeks to provide maximum protection to a creator’s artistic effort.

This does not mean, however, that unpublished works or highly creative works can never be used without permission. A determination of fair use depends on the balance of all four factors.

## **Factor 3: Amount and Substantiality**

The law does not set bright lines or absolute limits on how much of a work may be used to be considered fair use. Generally, the less of a work you use, the more likely it is to fall under fair use.

However, it is important to be aware that this factor considers not just the quantity of what is used but also qualitatively assesses whether the use includes the so-called “heart of the work.” Even small portions may exceed fair use if the most notable or creative aspects of a work are used.

## **Factor 4: Effect Upon the Potential Market**

The final consideration is whether the use results in economic harm to the creator or copyright owner. In evaluating this factor, it is important to consider not just whether your particular use has a negative impact, but also whether widespread use of the same type would have an effect on the work’s potential market. Distributing copies of significant portions of a required textbook for class discussion or posting a journal article on the open web for supplemental reading likely do not qualify for fair use.

Copyright law provides a classroom exception in [17 U.S.C. Section 110\(1\)](#) that allows instructors to display or show entire copyrighted works during the course of a face-to-face classroom session. This exception exists independently of fair use and may be a more applicable option for exposing students to copyrighted material. Keep in mind that the exception only applies to face-to-face instruction. Separate rules apply for material posted online for courses.

If in doubt, contact Doane's Office of Finance & Administration at [financialaffairs@doane.edu](mailto:financialaffairs@doane.edu) to ensure best practices and compliance with all copyright related matters.

### **Legal online sources for copyrighted materials**

There are many legal sources for copyrighted material such as music and movies; some are even free. Additional resources can be found on our website at <https://web.doane.edu/faq/copyright-law-fair-use>.

### **Information Privacy and Security**

Doane University reserves the right to monitor electronic activity of users when there is activity that appears to be harmful to another user, to the campus system and/or network (programs being launched to attack the servers, users attempting to break into accounts, etc.), or when there is evidence of violations of the appropriate use policy.

When there is no evidence of an appropriate use violation or threat to the Doane University system or network, computer users have the right to expect that their materials remain private. No person, regardless of status (i.e., including the system manager, faculty member or University administrator) may view, change or remove another user's files without the user's permission, whether the material exists on network media or on a user's own media. An exception exists for class accounts that are owned and managed by an instructor or system manager and that exists strictly for a class project and that excludes personal electronic mail. In these cases, the administrator of the account is allowed complete access, but persons outside of the class are not. Documents stored on public use computers (labs) have no expectation of privacy and documents may be deleted at any time.

Doane University will actively monitor electronic security measures; however, users should be aware that no information system is completely secure. Persons both within and outside of the University may find ways to access files. Therefore, the University does not guarantee user privacy.

## Article II. Academic Freedom and Student Publications

### Section 2.01 Student Expression

Students, individually and collectively, are free to examine, discuss and express opinions and views using appropriate channels for expression and respecting the maintenance of order. They are free to support causes by orderly means that do not disrupt the operation of the University or substantially interfere with the learning environment. At the same time, it should be made clear to the academic and larger community that in their public expressions or demonstrations, individuals speak only for themselves.

Student organizations may invite and hear any speaker of their choice, subject only to routine procedures required for the scheduling of facilities and preparation for the event. The group should clarify that sponsorship of guest speakers does not imply approval or endorsement of the views expressed, either by the sponsoring group or the University.

### Section 2.02 Social Network

The growing use of social networking sites among Doane University students has led to the importance of sharing some cautions and concerns.

- A. Please be cautious as to what extent private or identifying information is posted. Note that nearly anyone can access another person's page. Doane encourages students to avoid posting information like date of birth, social security number, address, or phone numbers on these sites as it could leave students open to identity theft or stalking. Most sites provide privacy settings for information contained on its pages; use these settings to protect these types of private information.
- B. Please be aware that potential current and future employers can often access information that is posted and many are increasingly using these sites for this purpose. Students are encouraged to review any information posted as potentially providing an image of themselves to a prospective employer.
- C. Placing images or information online for short periods of time does not mean that it goes away completely when taken off line. Search sites cache pages on a regular basis so the information removed a month ago may still be cached on their old system and may still show up in a search. From here, people/employers can search for copies of pages that no longer exist on live sites.
- D. Although Facebook and similar platforms are hosted outside the Doane University server, violations of University policy posted on them (for example, harassing language, possible University alcohol or drug policy violations, etc.) are subject to investigation and sanction via the Doane University computer use policy, Student Code of Conduct, and other relevant University policies.
- E. It is recognized that students are using these venues in positive ways to connect with and interact with other students. At the same time, users should be cautious when posting information.

## Section 2.03 Student Involvement in University Government

- A. Students have a role in the formulation of University policies as members of Student Congress. There are no reviews of Student Congress actions except where review procedures are provided in advance to the Vice President for Student Affairs or designee.
- B. The Residence Hall Association (RHA) shall participate with the institution in suggesting ideas affecting students' living environment. The University will maintain reasonable standards to be consistent with federal, state, and local laws.

## Section 2.04 Student Publications

Student publications shall be free of censorship and advance approval of copy. Editors and managers shall be protected from arbitrary suspension and removal because of student, faculty, administration, alumni, or community disapproval of editorial policy or content. However, there will be, from time to time, intense dialogue and discussion about sensitive issues and publication of irresponsible comments. Being a part of the media requires a balanced factual orientation that carries responsibility, along with freedom. The same freedom and responsibility is assured for oral statements of views on the University television and radio stations.

- A. Editorial freedom involves the corresponding obligation to be governed by the canons of responsible journalism and applicable regulations of the FCC for radio and television, such as: the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and techniques of harassment and innuendo.
- B. The student press shall provide fair opportunities for expression of differing opinions and should state on the editorial page that the opinions expressed are not necessarily those of the University or student body.

## Article III. Student Records Section

### Section 3.01 Privacy of Student Education Records

Gramm-Leach-Bliley (GLB) Act of 16 CFR part 314 Safeguarding Information. As a result of regulations promulgated in May 2000, colleges and universities are deemed to be in compliance with the privacy provisions of the GLB Act if they are in compliance with the Family Educational Rights and Privacy Act (FERPA). Doane University is in compliance with FERPA. Guidelines for FERPA are published in Doane's Student, Faculty, and Staff Handbooks.

Doane is also subject to the provisions of the Act related to the administrative, technical, and physical safeguarding of customer information. The University is required to implement and maintain a written information security program that contains administrative, technical, and physical safeguards appropriate to size and complexity. The following is the administrative response to Safeguarding Customer Information. The Chief Information Officer of the Leadership Team is the designated individual responsible for coordinating the information security program. All reasonable steps have been taken to identify the foreseeable internal and external risks to the security, confidentiality, and integrity of customer information that could result in unauthorized disclosure, misuse, alteration, destruction, or other compromise of such information.

Employees have been notified of FERPA requirements and follow established procedures for safeguarding confidential customer information. Doane's information systems, including processing, storage, transmission, and disposal are secured by firewalls, packet shapers, sniffers, and virus protection. Detecting, preventing, and responding to attacks, intrusions, security holes, attempted breaches, and other system failures are the highest priority for network administrators.

A statement of conduct that addresses the monitoring and disclosure of customers' electronic activity governs Doane technology personnel. Doane University reviews and oversees service providers and takes steps to retain providers that are capable of maintaining appropriate safeguards for customer information. The Cybersecurity Team reviews yearly required changes and adjusts the University's security program based on any material changes to operations, regulations, or any other circumstances that are known to have or that may have a material impact on Safeguarding Customer Information.

[Doane University FERPA Statement](#)

### Section 3.02 Summary of Federal Law

- A. Students have the right to inspect and review their educational records maintained by the school. Schools do not have to provide copies of the records but it must make the records accessible.
- B. Students have the right to request that a school correct records that they believe to be inaccurate or misleading. If the school decides not to amend the record, the student then has the right to a formal hearing. After a formal hearing, if the school still decides not to amend a student's record, the student has the right to place a statement with the record, setting forth his or her view about the contested information.



- C. Federal law applies to public schools that receive federal education funds. In order to continue to be eligible to receive federal monies, schools must comply with FERPA.

The following is a highlight of FERPA, which generally gives a parent certain rights with respect to their child's education records. When students reach age 18 or enroll in college, these rights are transferred to the student:

- A. Generally, schools must have written permission from a student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions:
- School officials with legitimate educational interests.
  - Other schools to which a student is transferring.
  - Specified officials for audit or evaluation purposes.
  - Appropriate parties in connection with financial aid to a student.
  - Organizations conducting certain studies on behalf of the school.
  - Accrediting organizations.
  - Directory information.
  - To comply with a judicial order or lawfully issued subpoena.
  - Appropriate officials in cases of health and safety emergencies.
  - State and local authorities, within the juvenile justice system, pursuant to specific Nebraska law.
- B. Students have the right to contact the Student Privacy Policy Office of the United States Department of Education to file a complaint related to the privacy of education records and FERPA. If a student discovers an error in the records, it should be pointed out to the official in charge of the record. The Chief Academic Officer is the hearing officer that resolves disagreements. A hearing will be conducted and decided within 14 days following a written request by the student.
- C. Doane University personnel have access to student records. Federal law and University policy make it possible for a limited number of individuals and groups to have access to records, but they must leave their names and the interest they have in the record. Doane University may disclose appropriately designated "directory information" without written consent, unless the student advises Doane University to the contrary in accordance with Doane University's procedures.

The primary purpose of directory information is to allow Doane University to include this type of information from student education records in certain school publications. Examples include:

- A playbill, showing a role in a drama production
- Dean's List or other recognition lists
- Graduation programs
- Sports activity sheets, such as for football, showing weight and height of team members

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without the student's consent. If students do not want Doane University to disclose directory information

from their educational records without prior written consent, the Registrar's Office must be notified in writing.

- D. Students have a right to receive copies of their records at a cost of \$7-\$9 per transcript. Student records retained by some offices are periodically destroyed. For specific information on types of information maintained, the location of records, persons in charge of records, and destruction of records, the student should consult the Directory of Records maintained with the Doane University Policy on Access To and Release of Student Records. Students have the right to file complaints with the U.S. Department of Education concerning alleged failure by the University to comply with the Act. Questions concerning FERPA may be referred to the Registrar's Office.

## Article IV. Community Life

### Section 4.01 Campus Solicitation

Students have the right to assume that they will not be subject to undue intrusions upon their privacy. In order to minimize intrusions, the following guidelines govern contacts by off-campus individuals or organizations within the Doane University community.

The University does not distribute lists of student names to sales representatives or solicitors.

There will be no door-to-door solicitation by sales representatives, fundraisers or other persons engaged in similar activities in any of the residence halls or campus buildings. Persons invited to conduct business with a student in his/her private room may come on campus to meet only with the student who requested the appointment. Students are encouraged to meet individuals in Perry Memorial Campus Center and not in residence halls.

Solicitation will generally be limited to Perry Memorial Campus Center, but on occasion may be permitted in the common areas of the traditional residence halls if approved by the Director of Residential Life and Education. Any solicitation activities must be sponsored by a Doane University office or recognized student organization, and follow University policies with regard to timing and location (including compliance with space reservation policies). Advertising materials must have the Student Affairs office stamp of approval displayed.

Solicitors must receive prior approval of the product, time, and place by the Vice President for Student Affairs or designee.

Solicitation on campus by student organizations requires permission from the Vice President for Student Affairs or designee. The Doane Athletic Director must approve solicitation at athletic events.

#### **Apparel**

Groups or organizations that are designing graphics for t-shirts or clothing with the intent to sell them to the student body need to have their design approved by the Vice President for Student Affairs as well as the Director of Marketing (or their designee) prior to advertising their product.

Students may not utilize campus facilities for the purpose of running or promoting personal businesses or ventures, or for ventures that compete with campus retailers. (Example: Bookstore - book procurement or buyback)

#### **Emails**

Emails sent to all-campus listserves to promote student campus events will be reviewed and if approved, sent out from the Student Affairs office email. This office will have the authority to deny, or request to be modified, any email with content that is inconsistent with the values and mission of Doane University or in conflict with any of its policies. The Student Affairs office will contact the organization or individual making the request to apprise them of the policy-related issue with the announcement.

## Section 4.02 Motor Vehicle Policies

### A. Registration

- Registration of student vehicles at Doane University is required and free-of-charge. Parking on Doane property is a privilege. Parking registration authorizes students to park at Doane in designated areas during approved times.
- Students who repeatedly fail to comply with parking policies will have their privileges revoked. Students are encouraged to park their vehicle in an approved location and walk to classes and events as much as possible. Parking in an unapproved area will result in punitive actions, regardless of the reason.
- All Doane students who operate and/or park any motor vehicle on campus are required to register it within 24 hours of bringing it to campus. This includes students who reside off campus as commuters. Failure to do so will result in a fine, towing, vehicle immobilization (boot), or a ban from parking on campus. All registration requests must be made by email to the Public Safety Office (PSO).
- Email a clear picture of your current vehicle registration and proof of insurance to the Public Safety Office ([doanesafetyoffice@doane.edu](mailto:doanesafetyoffice@doane.edu)) to register your vehicle. This registration and insurance will be used to record the model and make of the vehicle, the license plate number, and insurance information in case of emergency. No vehicle will be registered without a current vehicle registration and insurance. Once you have registered your vehicle (as long as you don't change vehicles), the Public Safety Office can use the same information to register your vehicle in the following years (upon your request).

### B. Parking Stickers

- You must have a current registration sticker to park on the Doane campus. Parking stickers should be placed outside the rear window in the lower right-hand corner (opposite the driver's side).
- Parking permits cannot be taped and must be fully affixed to the window.
- Permits are required for motorcycles and bicycles.
- Temporary parking permits are available for specific periods of time. The same procedure is used to register these vehicles. Students may apply for a special parking permit for restricted areas in cases where an exception is warranted.
- Unauthorized sticker use will carry a minimum \$100 fine (charged as a parking ticket on the student account) and be turned over to Judicial Affairs.
- Repeated violations of parking policy will result in the loss of the privilege of parking on campus.
- The University reserves the right to add parking stickers to student vehicles (while ticketing them) if they are parking on campus property and not properly registered. This is done to assist the student and reduce future tickets for being non-registered.

### C. Parking Areas (Doane has five (5) types of student parking):

- Student Parking - ORANGE STICKER: These lots are open for all enrolled and properly permitted students/vehicles.
- Motorcycle Parking - Students who have a motorcycle on campus may park in designated motorcycle parking areas. Motorcycles may also park in other approved parking spaces (as long as the student is authorized to park there). Please see the parking map on our website for details. Motorcycles must be registered at the Doane Safety Office and you must have a valid motorcycle license and proof of insurance to

register. Motorcycles parking outside designated areas is subject to ticketing and/or a tow per normal vehicle parking regulations.

- General Parking Lots (GUEST) - Designated overflow parking areas are at the Fuhrer Fieldhouse and east Hansen Hall parking lot. These are areas where upperclassmen, first-year, and commuter students can all park when other parking lots are full or not available. *Note: If you need an escort from these parking lots to your residence hall or academic building, call the Safety Office at 402.826.8669, 24 hours a day, 7 days a week.*
- (After Hours Only) - Faculty and staff lots are open to students after business hours (6 am - 5 pm, Monday through Friday).
- Long-term Parking (Academic year only) - For registered student vehicles, two "long-term" parking lots are identified on campus for the academic year. These lots are reserved for students who leave campus for more than 24 hours. Students must be able to either move their vehicle at the request of the University or park in a long-term parking lot if they will be off-campus for more than 24 hours. This allows the University to access and clear parking lots in the event of emergency issues (e.g., snow removal, accidents, construction projects). Vehicles left on campus by the owner and not moved per a University request are subject to towing at the owner's cost.

#### D. Restricted Parking

- Faculty/Staff - Restricted lots during these times: Monday - Friday, 6 am - 5 pm. These lots are restricted for use by Doane employees. These areas include Communications, a semi-circle drive through Gaylord, the Con, and Padour Walker, and the circle drive between Padour Walker and Chab Weyers Education and Hixson Lied Art buildings. Restricted lots are not available to students without a special permit between the hours of 6 am through 5 pm, Monday - Friday.
  1. *Note: Most campuses close their restricted lots to students and guests 24/7. At Doane, however, they are only closed for part of each weekday.*
- Community Directors and/or Community Advisors (CDs/CAs) along with Facilities Services parking spaces are for the use of each respective Doane staff member only. Students who are in violation are subject to tickets, immobilization or towing.

#### E. Parking violations that may result in tickets, towing or immobilization include, but are not limited to:

- Failure to display a valid parking permit in the appropriate location on the vehicle.
- Parking in restricted lots without an appropriate permit.
- Parking in a CD/CA or Facilities Services space. (May result in immediate towing/immobilization with one (1) ticket.)
- Failure to park between the lines marking parking stalls.
- Parking against the direction of traffic.
- Parking on lawns, in driveways, in no-parking areas, by yellow curbs, in front of garbage pick-up areas, in handicapped-only spaces (without a handicapped permit) or in other unauthorized areas.
- Unauthorized use and/or failure to use a parking sticker will result in tickets, towing, immobilization or a ban from campus parking.
  1. *Tickets can still be added to the student account of students who do not register their vehicle. The University tracks all tickets issued, even on non-registered vehicles. This means a student could receive dozens of ticket charges*

*simultaneously if we determine who owns the vehicle, including tickets from prior years.*

- One-way violation. All community members must follow the posted parking signs. This includes one-way signs.
- Speeding. The campus speed limit is 15 mph.
- Reckless driving is not permitted on campus and will result in tickets or a ban from campus parking. Students will be held responsible for tow charges even if they appear before the arrival of the tow truck. Doane also owns a vehicle boot and will boot cars parked illegally. A \$25 payment is required to get a vehicle released from the boot. If your vehicle is booted, please contact the Doane Safety Office at 402.826.8669.
- Parking fines will be added to the student's account five (5) days after the ticket is issued.

#### F. Appeals Process

- Tickets may be appealed to the Public Safety Office within five days of being issued. After five days, appeals will not be considered. Appeals must be submitted **online** and found at this link: [Parking Ticket Appeal Form/Doane University](#).
  1. Limits of appeals: Appeals will **only be considered** for the following:
    - i. Inaccurate information on the ticket prevents confirmation of a violation (Note: a picture is taken of all vehicles when ticketed).
    - ii. Error in parking policy on the part of PSO (e.g., Vehicle had a special permit to park in the location that was not observed at the time of ticketing).
    - iii. Verification that a request to register a vehicle was received before the ticket (Note: students are still responsible for placing the requested sticker on their vehicle within 24 hours of its receipt in their mailbox or pick up from the Public Safety Office).
  2. Appeals that will **NOT be considered**:
    - i. Running late for meals, work or class (regardless of time)
    - ii. Approval to park in restricted areas by other staff, faculty or departments without prior Public Safety Office approval
    - iii. Unwillingness to walk from parking lots or spaces further than you wish to walk
    - iv. Wanting to park closer due to weather conditions

#### G. Driving Regulations

- Motor vehicles driven on campus must be operated within the campus speed limit of 15 miles per hour (or slower if posted or communicated for special events). This includes any/all directional postings including one-way streets. Violations for speeding will be given out at the Public Safety Office's discretion.
- Vehicles must not be driven on campus sidewalks or grass. Failure to abide by this regulation will result in a minimum fine of \$100 and/or compensation to the school for any damages. Fines will be applied directly to the student's account.
- Passengers may not ride in truck beds, on roofs or hang out of windows while driving on Doane campus property.
- Golf carts and Cushman's operated on Doane property must operate 5 miles per hour when driving on Doane sidewalks and grounds. Drivers of these vehicles must pull to the side and stop to allow pedestrian traffic to pass safely. Reckless driving or

excessive speed will immediately confiscate the vehicle keys and report to the office or department the student works for. The student may also be subject to judicial action,

H. Important Notes - Must Read:

- Parking regulations are in continuous effect 24 hours, 7 days a week. This includes breaks and vacations.
- Parking tickets may be placed in a student's mailbox. This typically occurs when the vehicle is moved by the time staff arrive to cite it or when a moving violation is involved (e.g., driving down a one-way).
- Cars blocking access to trash containers, driveways, or other vehicles will be towed at the owner's expense. Once the University has requested a tow truck because of parking violations, the owner/operator of the vehicle is responsible for any cost incurred.
- When leaving campus for more than 24 hours, students must move their vehicles to the Den or Hansen Hall Far South guest parking area.
  1. Vehicles not moved immediately when requested by the University because the student is "off-campus" will be subject to towing (for example-snow removal).
  2. Vehicles cannot be abandoned in any campus parking lot over the summer. Students must move their vehicles off campus during the summer unless they are living on campus.
- An accumulation of three tickets in a semester will result in disciplinary action in addition to the fine. Sanctions typically include restricted parking and may result in denial of on-campus parking or towing/booting the vehicle in lieu of issuing another ticket. Towing and/or booting the vehicle will be at the student's expense. Should your car be towed or booted, please contact the Doane Safety Office. Vehicles with more than 3 parking tickets will be placed on a tow list and the owner will be warned via letter in their mailbox and by email. The vehicle will be towed on the next violation
- Vehicles may be ticketed once per Doane Safety Office shift. Shifts are 8 am until 4 pm, 4 pm until 12 am and 12 am until 8 am. If the vehicle moves to another location during a Public Safety Office shift or is involved in a subsequent violation, the University may issue as many tickets as necessary to address the situation.
- Failure to comply with parking regulations will result in parking tickets, vehicle booting, towing of the vehicle, or removal of parking privileges, which will result in a vehicle ban from campus. The Public Safety Office will ticket parking violations. The City of Crete limits parking on Boswell Avenue, 13th Street, and other residential streets to 24 hours. City officials will issue tickets.
- Student vehicles must be maintained and operable at all times. It is the owner's responsibility to ensure their vehicle is mechanically able to be moved when requested by the University. Due to obstructed views and close parking, University parking lots are not appropriate locations to provide maintenance (other than tire replacement or battery jump-start) to a vehicle.

### **Section 4.03 Social Event Policy**

Doane University Recognized Student Organizations (RSOs) may host a variety of events throughout the year. Doane University requires that all events sponsored by a student organization must follow all policies and procedures as outlined within the Crete campus

Student Handbook. Events that include alcohol, are off-campus, or require travel must be submitted a minimum of two weeks prior to the event for approval by the Division of Student Affairs. Some events may require additional planning time; refer to the [Event Services website](#) for guidance.

To obtain approval, student organizations must use the event registration system, 25Live, for events on campus or contact Campus Engagement staff to begin the approval process for off-campus events. It is recommended that student organizations arrange a meeting with a member of the Campus Engagement team in the Division of Student Affairs as soon as they decide to plan an event.

### **Event Registration Process**

#### **For On-Campus Events:**

1. Submit the event details through 25Live, the University's event registration system.
2. Event Services staff will review the request via 25Live.
  - a. If clarification or additional information is needed, a member of the staff will contact the identified point of contact.
3. Depending on the size and scope of the event, additional tasks may be required, including but not limited to the completion of a Risk Assessment Form and obtaining approval from student organization advisors.
4. Once all materials are submitted and approved on 25Live, the student organization may host the event following the policies and procedures outlined in this policy.

#### **For Off-Campus Events:**

1. Notify your student organization advisor(s) of the plan to host an event, and email the member of Campus Engagement staff who provides support for your student organization (Assistant Director of Campus Engagement - Clubs & Organizations or Assistant Director of Campus Engagement - Fraternity & Sorority Life).
2. Include the following information in the email:
  - a. Nature of the event, expected attendance, hosting organization(s), location, date, timeframe, and whether you would like to serve alcohol or include other high-risk activities. High-risk and/or unusual activities include, but are not limited to, any activity that could cause serious injury or death (tournaments, club sports, games, bounce houses/inflatables, rides, obstacle courses, etc.).
3. Campus Engagement staff will respond with approval or disapproval of the event, or to request additional information as needed.
4. Once approved, the student organization may host the event following the policies and procedures outlined in this policy.

### **Policies and Procedures for Event Hosting**

This policy is designed to ensure the safety and well-being of all participants at events hosted by student organizations, both on- and off-campus. By adhering to this policy, student



organizations can create a responsible and respectful environment that aligns with Doane University's values.

The policy includes the necessary steps and requirements for hosting events where alcohol is present, ensuring compliance with legal standards and promoting safe behavior. Events where alcohol will be served can present additional challenges, and thus, this policy has been developed to ensure the safety of our students and their guests and that Doane University expectations are understood and met for all events. Some events will require additional risk management policies and procedures, which will be determined by the Division of Student Affairs or the Campus Engagement staff. This policy is subject to change at Doane University's discretion.

### **Requirements for All Social Events**

- Themes must represent University values and not be demeaning to any individual, group, or population.
- Event attendees must sign in and out with a designated member of the student organization to ensure safe participation and departure.
- Each organization member is responsible for their guests' behavior and sharing expectations with those invited. The sponsoring organization(s) leadership shall monitor the number of guests and members invited and those in attendance and take measures to ensure the total number of attendees does not exceed the capacity limits of the event venue.
  - Depending on the size and scope of the event, organizations may be required to submit a pre-outlined attendee list, including both Doane students and non-Doane student guest names.
  - Each attendee from the sponsoring organization is allowed to bring a maximum of two pre-identified guests.
- All events must comply with Nebraska state law, federal and local laws, and University policy.
  - No illegal drugs or other controlled substances are permitted.

### **Specific Requirements for all Events Involving Alcohol**

Education:

- Each semester, student organizations and Greek chapters must participate in alcohol and bystander intervention education, conducted by the Division of Student Affairs.
- All members should be trained to recognize and care for alcohol poisoning.

Legal Compliance:

- All events must comply with Nebraska state law, federal and local laws, and University policy.
- No illegal drugs or other controlled substances are permitted.
- No alcoholic beverages may be served unless previously approved by the Division of Student Affairs and the Campus Engagement staff.

Alcohol Compliance:

- No hard liquor may be served at any event, on or off campus. Student organization event organizers are responsible for notifying any licensed third-party vendor of this requirement.
- Licensed third-party vendors are required for alcohol service.
- Third-party vendors are the only parties allowed to serve and distribute alcoholic beverages at an event with students who must be of legal drinking age, with proof of a valid ID.
- Third-party vendors must be approved by the Division of Student Affairs after a review of the contract agreement.
- The organizations' leadership and sober monitors shall be responsible for arranging, in conjunction with the off-campus facility, staff for security or persons to handle emergencies or disruptions, including the removal of persons who are being disruptive and to ensure no one leaves the venue with alcohol.
- The Division of Student Affairs and the Campus Engagement staff may require a post-event report from sober monitors or leadership.

#### Additional Provisions:

- Non-alcoholic beverages and snacks/food must be provided at no cost to attendees by the sponsoring organization.
- Doane University prohibits the inclusion of drinking games at any student organization sponsored event, including but not limited to beer pong, flip cup, king's cup, etc.
- Sober monitors are required.
  - The number of sober monitors necessary is either 10% of all attendees or at least four (4) people.
  - Sober monitors are required to remain sober throughout the event, and be present before, during and after the event.
- Depending on the event location, additional safety requirements may be imposed.

#### Transportation Requirements for Off-Campus Events

The Transportation Requirements section aims to ensure the safety and well-being of all participants traveling to and from off-campus events. Recognized Student Organizations (RSOs) at Doane University have several options for arranging transportation, including the use of third-party services like Uber or Lyft, contracting with a bus company, or having attendees drive themselves or others. The policy outlines the expectations and responsibilities associated with each transportation method and emphasizes the importance of liability awareness and compliance with safety standards. All Off-Campus Events hosted by student organizations must have pre-arranged transportation plans for all attendees.

#### Transportation Options

- Certified Drivers Using Doane University Fleet
  - Student organizations hosting an event on or off-campus **without** alcohol may explore the option of using Doane University's fleet. In order to do so, students must:
    - Complete the online driving certification course provided by Doane University,

- Identify attendees who will be passengers in their vehicles, and
  - Be responsible for safe transportation of all attendees to and from the event.
  - Additional requirements may be identified from Doane University Fleet Management.
- Third-party Transportation (Off-Campus within Crete, NE):
  - Organizations may utilize services like Uber or Lyft to transport members and guests to and from the event location.
  - The cost of such services must be covered by the sponsoring student organization.
- Contracted Bussing Service (Off-campus outside of Crete, NE):
  - Organizations may contract with a bussing company from an origin location to the event location, with attendees able to use transportation to travel between locations.
  - All contracts must be reviewed and approved by the Division of Student Affairs.
  - The expense of this service must be covered by the sponsoring student organization.
- Use of personal vehicles and carpooling (both off-campus, inside and outside of Crete, NE):
  - Attendees may choose to drive themselves and others to the event.
    - Sponsoring student organizations may use personal vehicles and carpool to the location outside of Crete, but must still provide a bussing service or third-party transportation to and from the event location.
  - Drivers must comply with the responsibilities outlined in the Off-Campus Event Release Waiver, which details the following:
    - If I am a driver of others for the event, I acknowledge:
      - I have a valid driver's license, have taken the Drivers Safety Fundamentals certification course offered by Doane University, and do not have any history of driving under the influence of alcohol or drugs;
      - I agree that I will not consume alcohol or use drugs that impair driving on the day of the event, and after the event until I have driven my passengers back to the Doane University campus.
      - My vehicle has been properly maintained and has valid insurance coverage.
  - All drivers must ensure their vehicles are properly maintained and insured.

For questions regarding Doane University's social event policy, please contact [spencer.munson@doane.edu](mailto:spencer.munson@doane.edu), [eden.diehl@doane.edu](mailto:eden.diehl@doane.edu), or another member of the Student Affairs staff.

## Section 4.04 Room Reservations and Scheduling Events

Event scheduling and facility reservation (excluding classes and athletic events) is coordinated by the Event and Conference Coordinator, who reports to the Manager of Event Services in the Office of Facilities Operations.

The Event and Conference Coordinator can be reached at 402.826.6739, and maintains a master calendar of campus events in order to ensure doors are unlocked and any special arrangements (setup, IT needs, catering, etc.) are made.

If you wish to schedule a meeting or event, please fill out the appropriate event reservation request form online to indicate date, time, place, support services requested, etc. The Event & Conference Coordinator will be your point person and will confirm if your event request can be fulfilled.

Regular meetings of University organizations can be scheduled in advance for a full year. Abuse of facilities, rooms or equipment may result in loss of the privilege to utilize the room or any other Doane facilities. Students are required to be clear about their intended use of the facility.

## Section 4.05 Hazing

Hazing in any form is strictly prohibited. This refers to any action or situation which recklessly or intentionally, whether on or off-campus premises, endangers the mental or physical health or safety of a student. Such activities and situations include, but are not limited to, paddling in any form, creating excessive fatigue, forced consumption of any substance (such as food, beverages, tobacco, alcohol), forced road trips, kidnapping, morally degrading games or stunts, or other activities prohibited by law or University policy. Individuals, organizations, or athletic teams in violation of the hazing policy are subject to judicial sanction.

### **Nebraska Revised Statute Section 28-311.06:**

Hazing, defined; penalty.

(1) For purposes of this section, hazing means any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any organization. Such hazing activity includes whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with intent to affront or alarm any person, a lewd fondling or caressing of the body of another person, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment or the performance of any unlawful act which endangers the physical or mental health or safety of any person or the coercing of any such activity.

(2) It is unlawful to commit the offense of hazing. Any person who commits the offense of hazing is guilty of a Class II misdemeanor.

(3) If the offense of hazing is committed for the purpose of initiation into, admission into, affiliation with, or continued membership with an organization of student members

operating under the sanction of a post-secondary education institution and such offense is committed by members of such organization, such organization shall be punished by a fine of not more than ten thousand dollars. Such organization shall not include the alumni organization or any corporation which owns the house or real estate of such organization.

#### **Section 28-311.07**

Hazing: consent not a defense.

Notwithstanding any provisions to the contrary, consent shall not be a defense to a prosecution pursuant to Section 28-311.06.

### **Section 4.06 Freedom of Expression Policy**

#### **Guiding Statement**

The University respects the right to free expression by all members of the University community both inside and outside the classroom and at college-sponsored events, so long as the expression of those views do not disrupt the ability of the University to operate. Doane University is committed to providing a learning environment that is secure for all members enrolled or employed at the institution, regardless of location or modality. The University maintains an environment in which reasonable limits are placed on the time, place, and manner of speech on campus without favoring the content or viewpoint represented. The University embraces the value of a wide array of viewpoints as a mainstay of the educational mission of Doane University.

#### **Expectations of Civil Discourse in our Campus Community**

As a community committed to the learning and development of every individual within it, Doane University embraces the responsibility of all its members – students, faculty, staff, members of administration and the Board of Trustees, as well as visitors to our campuses – to serve as role models for civility in all discourse and to help create and sustain an inclusive climate in a community of diverse backgrounds, identities, and perspectives. While civility is always the preferred mode of discourse, all campus members are reminded that the First Amendment’s protection of expression includes the protection of uncivil confrontation or views that seem offensive or impolite to others. Doane aligns itself with this protection, but also with the bright line that exists between the merely uncivil and speech that meets the legal criteria of true threats, harassment, or other speech acts unprotected by the First Amendment. In that spirit, the University will not tolerate or facilitate expression that threatens the safety of the community or its members.

Doane University has long been committed to providing an environment in which the ideals of academic freedom are honored. Campus members are encouraged to refer to the University’s policy on academic freedom for information regarding the expectation of faculty members’ conduct as educators. Campus members are encouraged to refer to applicable handbooks for students, staff, and faculty for guidelines specific to campus expectations for behavior and accountability or grievance procedures. No portion of this policy shall serve as an exception or contradiction to Doane University’s policies regarding Anti-Harassment, Sexual Assault, Title IX,

Domestic Violence or other similar policies governing acceptable conduct for Doane campus members, both students and staff/faculty.

### **Campus Events, Demonstrations or Assembly**

Campus events in any location or modality should follow policies and procedures established by the University. Campus members seeking to host an event of any kind should work directly with the Doane University Event Services office. By sharing the anticipated purpose and attendance for the event, hosts are inviting campus event staff to ensure that the time, date, location and resources for the event are appropriate for the intended purpose of the audience. Campus demonstrations, vigils, rallies or protests or unplanned or “pop-up” demonstrations are subject to campus policies and procedures as outlined with the Doane University Event Services office as well as expectations of the greater campus community. Such expressions are permitted so long as they give consideration to the ability for all campus community members to engage fully in the functions of the University.

All campus events are subject to the University’s ability to safely provide for those visiting our campuses. Thus, allowable sizes for demonstrations will be based upon the legal capacity for the intended spaces, the security and safety resources the University is able to provide for the space, and the comportment of the organizing host(s). Hosts and participants may be asked to relocate before or during the event by University staff. It is possible events hosted on campus may draw attention from other campus members resulting in the form of demonstrations or assemblies. In the case of such a demonstration, the two groups/assemblies will be treated by staff as two separate events, and be subject to the procedures outlined in this policy. Campus members are reminded that the University is at liberty to determine how all assemblies may be conducted based on resources available, location of the event, and comportment of participants.

Persons affiliated with Doane University are invited to work with the University to plan events that may be open to the public. Hosts for events are responsible for many aspects of the event, including ensuring that behavior of all participants are in keeping with the mission and values of Doane University and with the University’s commitment to providing a safe and inclusive learning environment for all its members. Thus, hosts are reminded that it is University policy that all campus members be able to provide their campus identification upon request and that persons visiting our campus may be asked by University staff to exit campus property if their behavior is deemed inappropriate.

Hosts are expected to be supportive in assisting University staff upon request.

### **Unavailable Public Forum Locations:**

Certain locations on campus are not public forums and are not available for freedom of expression events, meetings, or demonstrations unless an exemption is granted by the Office of Events. These include:

- A. Private offices
- B. Laboratories
- C. Areas that restrict entry and exit from buildings per fire codes

- D. Residential facilities
- E. Classrooms or areas with pre-scheduled events
- F. Maintenance/facilities storage areas, boiler rooms, Data Center, IT closets and work areas or other areas that require servicing for support power and emergency equipment
- G. Parking areas/lots
- H. Sidewalks or areas that would restrict freedom of movement by others
- I. Dining facilities or areas where food is being served
- J. Athletic facilities

**Demonstration and Expression Areas (with approval):**

5.1 [Link](#) to a campus map illustrating demonstration and expression areas.

**Passive Demonstrations, Public Postings and Social Media**

Doane University embraces the variety of communication modalities available to all our campus members and recognizes that some expressions of opinion may occur outside the structure of physical campus events. Campus members are encouraged to refer to University policies regarding the posting of materials on our campuses, use of University technology resources and informal gatherings in campus spaces.

**Information and Resources for Campus Event Planning**

[Event Services Office](#)

[Human Resources Office](#)

[Division of Student Affairs](#)

[Division of Academic Affairs](#)

**Section 4.07 Service and Assistance Animal Policy**

Doane University (“University”) recognizes the importance of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of “Emotional Support Animals” under the Fair Housing Act that provides physical and/or emotional support to individuals with disabilities. Doane is committed to allowing individuals with disabilities the use of an Assistance Animal (either Service or ESA) on campus to facilitate their full participation and equal access to the University’s programs and activities. Doane is also committed to allowing Service and ESA Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy University housing.

This Policy explains the specific requirements applicable to an individual’s use of both Service and ESA Animal(s) in University housing. Doane reserves the right to amend this Policy as

circumstances require. This policy applies to both “Emotional Support Animals” and “Service Animals” as defined by the ADA.

Although it is the policy of Doane that individuals are generally prohibited from having animals of any type in University housing, Doane will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Assistance Animal that is necessary because of a disability and reasonable accommodation pursuant to this Policy. This request needs to be renewed yearly.

This Agreement uses the term “Assistance Animal” for both “Service Animal” and “Emotional Support Animal” and outlines when applicable for one or the other.

### **Definitions**

“Service Animals” are a category of animals that may work, provide assistance, or perform physical tasks for an individual with a disability. Dogs are commonly used as Service Animals but any animal may serve a person with a disability. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, or performing other duties. Service Animals are working animals, not pets. The work or task a Service Animal has been trained to provide must be directly related to the person’s disability.

“Emotional Support Animals,” referred to in the document as ESAs, are a category of animals that provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual’s disability, but that are not considered Service Animals under the ADA. Some ESA Animals are professionally trained, but in other cases, ESA Animals provide the necessary support to individuals with disabilities without any formal training or certification. The question in determining if an Emotional Support Animal will be allowed in University housing whether or not the ESA Animal is necessary, because of the individual’s disability, to afford the individual an equal opportunity to use and enjoy University housing and its presence in University housing is reasonable. However, even if the individual with a disability establishes the necessity for an Emotional Assistance Animal and it is allowed in University housing, an Emotional Support Animal is not permitted in other areas of the University (e.g., dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.).

### **Owner**

The “Owner” is the individual who has requested the accommodation and has received approval to bring an Assistance Animal, either Service or ESA, into University Housing.

### **Disability Services Office**

The Director of Disability Services collaborates with individuals, faculty and staff to ensure that individuals with disabilities have equal access to all Doane’s programs and activities.

### **Procedure for Requesting Assistance Animals in University Housing**



The procedure for requesting Assistance Animals follows the general procedures set forth in the Reasonable Accommodation Policy for University housing (“Reasonable Accommodation Policy”) and the requirements set forth below. However, to the extent the requirements and procedures in this Policy conflict with the Reasonable Accommodation Policy, this Policy shall Control.

### **Criteria for Determining if Presence of the Assistance Animal is Reasonable**

- A. University housing is unique in several aspects, including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room or suite in certain residence halls to ensure that the presence of either Service or ESA Animals is not an undue administrative burden or fundamental alteration of University housing, Doane reserves the right to assign an individual with an Assistance Animal, either Support or ESA, to a single room without a roommate if possible. If not possible, then approval is needed from all parties that will be exposed to the Assistance Animal. This form is handled by Housing.
- B. However, for all requests for ESA Animals, Disability Services shall nonetheless consult with Residential Life in making a determination on a case-by-base basis of whether the presence of an ESA Animal is reasonable. A request for an ESA Animal may be denied as unreasonable if the presence of the animal (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters University housing policies; and/or (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including University property.
- C. Doane may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with ESA Animals:
  - The size of the animal is too large for available assigned housing space;
  - The animal’s presence would force another individual from individual housing (e.g., serious allergies);
  - The animal’s presence otherwise violates individuals’ right to peace and quiet enjoyment;
  - The animal is not housebroken or is unable to live with others in a reasonable manner;
  - The animal’s vaccinations are not up-to-date;
  - The animal poses or has posed in the past, a direct threat to the individual or others, such as aggressive behavior towards or injuring the individual or others; or
  - The animal causes or has caused excessive damage to housing beyond reasonable wear and tear;
  - The animal is not spayed/neutered;
  - The animal is less than 10 months of age based on American Veterinary Association Guidelines.

Service Animals, with appropriate documentation, will be accepted to assist the individual. However, the individual needs to comply with all Owner and General Responsibilities.

Doane will not limit room assignments for individuals with Assistance Animals (Service or ESA) to any particular building or buildings because the individual needs an Assistance Animal

because of a disability. Generally, only one animal is allowed per residence unit, with limits of one animal to a residence room/suite.

### **Access to University Facilities by Assistance Animals**

#### **A. Emotional Support Animals**

- An Emotional Support Animal must be contained within the Owner's privately assigned individual living accommodations (e.g., room, suite, apartment) except to the extent the individual is taking the animal out for natural relief. When an Emotional Support Animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Emotional Support Animals are not allowed in any University facilities other than University residence halls (e.g., dormitories, suites, apartments, etc.) to which the individual is assigned.

#### **B. Dominion and Control**

- Notwithstanding the restrictions set forth herein, the Assistance Animal (either Service or Emotional Support Animal) must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from University housing.

### **Owner's Responsibilities for Assistance Animal**

If the University grants an Owner's request to live with an Assistance (either Service or ESA) Animal, the Owner is solely responsible for the custody and care of the Assistance Animal and must meet the following requirements:

#### **A. General Responsibilities**

- The Owner must abide by current city, county, and state laws and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the Owner's responsibility to know and understand these ordinances, laws, and regulations. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The University reserves the right to request documentation showing that the animal has been licensed.
- The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and when provided, must use animal relief areas designated by Doane.
- The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the Assistance Animal and/or discipline for the responsible individual.
- Doane will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Assistance Animal.
- An individual with a disability may be charged for any damage caused by his or her Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Owner's living accommodations may also be inspected for fleas, ticks or other pests, if necessary, as part of the University's standard or routine inspections. If fleas, ticks

- or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a University-approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The University shall have the right to bill the Owner's account for unmet obligations under this provision.
- The Owner must fully cooperate with the University personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
  - Assistance Animals may not be left overnight in the University Housing to be cared for by an individual other than the Owner. If the Owner is to be absent from his/her residence hall overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the Assistance Animal is contained, as appropriate, when the Owner is not present during the day while attending classes or other activities.
  - The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability, such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.
  - The Animal is allowed in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Disability Services in writing if the Assistance Animal is no longer needed or is no longer in residence. To replace an Assistance Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures in this Policy and the Reasonable Accommodation Policy when requesting a different animal.
  - Doane personnel shall not be required to provide care or food for any Assistance Animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.
  - The individual must provide written consent for Disability Services to disclose information regarding the request for and presence of the animal, including but not limited to, Residence Life personnel and potential and/or actual roommate(s)/neighbor(s). Such information must be related to the individual's disability.
  - If Roommates/Suitemates have objections to sharing their living quarters with an ESA and/or Service Animal, someone may be asked to shift to an alternative setting. Such decisions will be made on a case-by-case basis.

### **Removal of Assistance Animal**

The University may require the individual to remove the animal from University housing if:

- A. the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
- B. the animal's presence results in a fundamental alteration of a University program;

- C. the Owner does not comply with the Owner's Responsibilities set forth above; or
- D. the animal, or its presence, creates an unmanageable disturbance or interference within the University community.

The University will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done in consultation with the Director of Disability Services and may be appealed following the procedure set forth in Paragraph 5 of the Reasonable Accommodation Policy. The Owner will be afforded all rights of due process and appeal as outlined in that process.

Should the Assistance Animal be removed from the premises for any reason, the Owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

### **Non-Retaliation Provision**

Doane will not retaliate against any person because that individual has requested or received a reasonable accommodation in University housing, including a request for an Assistance Animal.

## **Section 4.08 Student Organizations & Activities**

### **Recognized Student Organizations & Activities**

There are numerous Recognized Student Organizations (RSOs) and activities on the Doane campus offering opportunities to develop talents, skills, leadership abilities, and friendships.

### **Student Organization Recognition**

Students are encouraged to organize and establish student organizations to promote common interests for any purpose, which is legal and compatible with the policies of Doane University. A group becomes an officially Recognized Student Organization contingent upon the approval of the organization's petition to Student Congress, and the Vice President for Student Affairs. Individuals or groups that are not officially recognized by Doane University are subject to sanction under the Student Conduct Code if their conduct adversely affects the University community, its reputation and/or the pursuit of its objectives.

### **Procedures for Student Organization Recognition:**

- A. Secure a Doane faculty or staff member to serve as an advisor. Greek organizations require two advisors that are current full-time Doane employees.
- B. A minimum of five full-time undergraduate Doane University students must indicate interest in becoming members of the organization. This minimum number may not apply to organizations with a national affiliation.
- C. Complete a constitution and by-laws, provide a list of proposed members, and if applicable, an allocation of funding information form from the Student Congress office.
- D. If students wish to form a new social fraternity or sorority chapter, they must meet with the Assistant Director of Campus Engagement/Fraternity & Sorority Life to discuss additional requirements.

- E. All documents and completed forms must be reviewed by the appropriate Student Congress Executive Board members in conjunction with the Assistant Director of Campus Engagement/Clubs & Organizations.
- F. Return all completed forms to the Student Congress office, located in the Perry Campus Center.
- G. After all paperwork has been submitted, representatives of the proposed group will be invited to a Student Congress meeting to request becoming an officially Recognized Student Organization (RSO).
- H. Within one week of the Student Congress meeting, a letter will be sent regarding the outcome of the group's request. Information will be included on the appeals process if official recognition has not been recommended. If Student Congress recommends that the organization be officially recognized by Doane University, the recommendation will be forwarded to the Vice President for Student Affairs or designee for final approval.

## **Regulations**

- A. Any Doane University student is eligible for a voting membership in any organization providing they meet the requirements stated in the constitution of the particular organization.
- B. If an organization falls below the minimum of five members, they will be expected to inform Student Congress and the Campus Engagement staff, who can assist with recruitment activities.
- C. No additional requirements or limitations for membership that are not included in the organization's constitution shall be imposed.
- D. Individual members will not realize financial profit from an organization's activities.
- E. Meetings are to be conducted so that the advisor and all members of the meeting can comprehend the business of the meetings.
- F. It is the responsibility of the advisor to be present at regularly scheduled business meetings to facilitate the following tasks:
  - Provide guidance in fiscal matters.
  - Assist in attaining organizational goals.
  - Encourage open lines of communication between students, faculty and staff.
  - Facilitate continuity in the group through the end of the year.

The advisor may not serve as an officer in the organization.

To maintain active status, all Recognized Student Organizations are required to re-register with the Division of Student Affairs/Campus Engagement staff by providing an updated list of members, advisor(s) and a copy of their current constitution on an annual basis.

The recognition of the student organization may be suspended by Doane University for the following reasons:

- Violation of any University policies, rules or regulations published in hard copy or available electronically on the University website.
- Violation of any federal, state or local law.
- Failure to abide by the organization's constitution.
- Failure to involve an active advisor.

If a group has been suspended and its members wish to reorganize, the entire process must be repeated to become an officially Recognized Student Organization. Before reorganization can occur, any sanctions that were given must be rectified.

### **Inactive Status**

If an officially recognized organization has no president, advisor, has not been meeting for an extended period of time, or has failed to re-register with the Campus Engagement staff, it will be declared inactive. Inactive organizations can become active again by fulfilling the regulations of an officially recognized organization.

The privilege of allocation of funds by Student Congress may be denied to organizations not in “good standing” with the expectations of Student Congress or policies outlined by Doane University.

### **Defunct Status**

If an officially recognized student organization has failed to re-register with the Campus Engagement staff for two consecutive years, it will be considered defunct. If a defunct organization would like to become recognized again, the group must successfully complete the procedures for becoming a Recognized Student Organization.

## Article V. Student Conduct Codes

### Section 5.01 Violation of Law and University Rules and Regulations

Doane University is committed to its mission to create distinctive educational experiences, immersed in the liberal arts, to prepare our students for careers and lives grounded in inquiry, ethics, and a commitment to lead and serve in the global community. We strive to encourage students to develop a sense of self-worth, an understanding of how their behavior impacts others, and a commitment to their own responsibility for upholding and strengthening community standards. Students are expected to obey the policies of Doane University as well as applicable local, state and federal laws and are not entitled to greater immunity or privilege before the law than that enjoyed by ordinary citizens.

As they prize rights and responsibilities for themselves, students are expected to respect the rights and responsibilities of others. For infractions of laws, regulations, policies and standards, students may be subject to judicial sanction up to and including expulsion from the University. Such action may be imposed for violations that occur on University premises, at University-sponsored activities, and to off-campus conduct that adversely affects the University community, its reputation and/or the pursuit of its objectives. The Vice President for Student Affairs, Senior Judicial Officer or designee will determine whether the Student Conduct Code applies to conduct occurring off campus, on a case-by-case basis.

The policies and procedures outlined in the Student Conduct Code will be followed in a majority of student discipline cases. Although as a private institution, the University specifically reserves the right to deviate from said policies and procedures if it is determined that such a deviation is in the best interest of the student(s) involved, the effective learning and education environment to which all Doane students are entitled, and/or will best protect the safety and well-being of the Doane community.

Nothing in these policies or procedures is intended to nor shall it create a contractual agreement between the University and the students as to how student judicial matters will be handled; rather, Doane retains discretion to protect the best interests of the institution and students in all cases. Generally, the University judicial process is limited to incidents of student behavior that adversely affect the University community's pursuit of its educational objective or create a substantial interference with the safety and well-being of Doane students and members of the community.

**Students are expected to be familiar with all University regulations and to abide by them at all times in order to maintain an equitable, just and safe living-learning environment. Students are responsible for checking their Doane University email on a regular basis, as all official University notifications, including those related to the Student Conduct Code, will be sent to that email address.**

#### **Jurisdiction**

All students are responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual

enrollment. The Student Conduct Code may apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

Doane University may choose to address student discipline matters prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President for Student Affairs, Senior Judicial Officer or designee. If a criminal complaint is filed against a student(s) for conduct on or off campus that constitutes a crime of violence, theft, sexual assault, distribution of controlled substances and/or illegal drugs, or any other serious crime, the University may determine whether the presence of student(s) on campus during the pendency of the criminal justice proceedings will constitute a substantial interference with school and educational purposes. If such a determination is made, the University may suspend the student from attendance at Doane University until such time as the matter is brought to conclusion by the criminal justice system. Such suspension shall not restrict the University from invoking additional disciplinary sanctions.

University discipline will not be used to duplicate the function of city/state laws when a student is charged with or convicted of a violation occurring off-campus. The University however, may, impose sanctions for serious misconduct, flagrant disregard for the rights of others or jeopardizing the good reputation of the University. The University may institute proceedings against a student who violates a federal, state, county or city law that is also a violation of a published University policy.

Determinations made or sanctions imposed under this Student Conduct Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced or resolved in favor of or against the criminal law defendant. When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Conduct Code, the University may advise off-campus authorities of the existence of the Student Conduct Code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

## **Section 5.02 Student Conduct Code**

The following forms of misconduct are subject to University sanction. Each student is held accountable for their behavior under the judicial system of the University.

- A. Abuse of the student conduct system, including but not limited to:
  - Failure to obey a notice from a Student Conduct Code process or University official to appear for a meeting or hearing as part of the process.
  - Failure to answer questions accurately and honestly during the course of a meeting or hearing.



- Disruption or interference with the orderly implementation of any conduct proceeding, or attempting to discourage an individual's proper participation, or use of, the student conduct system.
  - Harassment or intimidation of a University official prior to, during, and/or after a student conduct code proceeding.
  - Failure to comply with the sanction(s) imposed under the Student Conduct Code.
- B. Violation of the Doane University Academic Integrity policy, including but not limited to all forms of dishonesty, cheating, plagiarism and forgery.
- C. Knowingly furnishing false information to University staff or being in possession of any form of false identification.
- D. Alteration, falsifying or misuse of University documents, Doane-affiliated websites, platforms or instruments of identification with intent to defraud.
- E. Intentional obstruction or disruption of teaching, research, administration, disciplinary proceedings or other University activities. This includes violations of library policies.
- F. Abusive conduct, physical or verbal abuse, disruptive behavior, threats, intimidation, harassment, coercion and/or other conduct that threatens or endangers the health or safety of any person, including but not limited to:
- Acts or expression of harassment, discrimination, personal intimidation or intentional physical or emotional abuse of any person
  - Physical assault or attempted assault
  - Sexual misconduct
  - Sexual harassment
  - Bullying/cyber bullying
  - Domestic violence
  - Retaliation
  - Emotional, mental or psychological abuse
  - Use of technology or social media to target groups or individuals, or to send obscene or abusive messages
  - Abusive language or other behavior that is inappropriate, threatening or directed toward University staff
  - Conduct that is unsafe, disorderly or lewd, including any unauthorized use of electronic or other devices to make a visual or audio record of any person without their prior knowledge or consent when such a record is likely to cause injury or distress
  - Hazing as defined by Nebraska law. The express or implied consent of the victim is not a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this policy.
  - Bias incident or hate crime that is threatened, attempted or completed
- G. Any violation of Doane University Computer Use Policy and Procedures, including but not limited to:
- Unauthorized entry into a file for any purpose
  - Unauthorized transfer of a file
  - Use of another individual's identification and/or password
  - Use of computing facilities and resources to interfere with normal University functions, the work of another student, University faculty/staff member or official, or in violation of copyright laws

- H. Theft or attempted theft of property or services of the University or that of a member of the University community or campus visitor, or possession of known stolen property.
- I. Failure to comply with directions of University officials, their designees or local law enforcement and safety personnel acting in performance of their duties and/or failure to identify oneself to those persons when requested to do so.
- J. Unauthorized entry or use of University facilities or property.
- K. Unauthorized possession or use of dangerous items or weapons, including but not limited to: firearms or guns of any type, knives (including pocket knives); fireworks, or dangerous chemicals. This includes carrying a concealed handgun, which is prohibited in or on Doane University property. This prohibits permit holders from possessing or carrying a concealed handgun on these premises. Unless otherwise authorized by law, violation of the prohibition is a criminal offense. This policy is pursuant of the Nebraska Revised Statute 28-1202.01.
- L. Setting fires, tampering with fire protection equipment, causing false fire alarms or failure to leave the building during fire alarms or drills. Tampering with fire protective equipment may result in sanctions including a \$500 fine.
- M. Possession, manufacture of, sale, distribution, use or involvement with any kind of non-prescribed narcotics, drugs or controlled substances. This includes the possession of prescription drugs that have been prescribed to others.
- N. Violation of the campus alcohol policy.
- O. Damage to or vandalism of University facilities or property, or to property of a member of the campus community or campus visitor.
- P. Violation of any University policies, rules or regulations published in hard copy or available electronically on the University website.
- Q. Violation of any federal, state or local law.
- R. Violation of the Student Responsibility and Self-Care policy as outlined below:
  - Self-care and Threatening Behavior Policy: Students must be able to care for themselves at all times. The University has limited resources for students who are not able to provide reasonable care for themselves. Incidents where students demonstrate lack of care for themselves (alcohol poisoning, suicidal threats, not taking health medication, failing to turn in required health documents to the Director of Student Health and Wellness, etc.) may be removed from campus housing immediately. Students involved in incidents like this are required to provide documentation from health professionals that they have completed any assigned requirements (such as alcohol, medical, or mental health evaluations). Repeat incidents may result in removal from residential housing until documentation is provided supporting the student(s) ability to live in the residential community. Students who exhibit threatening behavior towards other students may be removed from housing immediately.
  - Direct/Immediate Threat Policy: Any student threatening to harm themselves or others mandates immediate action. Statements of suicidal and homicidal threats will be reported to the Crete Police Department or local EMS for additional evaluation and assistance.

If an immediate threat of harm to oneself or others is possible, the University will take the necessary steps to ensure safety for the student and community and local authorities will be

contacted. **If no immediate threat of harm to oneself or others is present, then the University will move forward with the following steps:**

- A. Convene the Threat Assessment Management Team to assess threat(s) and make recommendations.
- B. Generate an assessment report.
- C. Immediately contact the student posing the threat to ensure a proper, objective, assessment interview.
- D. If the student has disclosed a disability and has an accommodation plan with the University, the University will consider additional accommodations available to the student, and when necessary, will make an individualized assessment of the direct threat posed by the student in accordance with applicable federal law.
- E. At minimum, the University will respond with the following:
  - Establish contact with the accused student and alleged victims.
  - Confirm Report of Threat and follow the steps within the Student Handbook.
  - The University will separate the accused student and victim. This may be provided by creating alternative classes or housing arrangements as the situation warrants.

## Article VI. Judicial Systems

### Section 6.01 Judicial Proceedings

The Division of Student Affairs views the judicial process as an opportunity for learning. When a student is in violation of University policy, sanctioning is a natural consequence. Our goal is to encourage students to understand their responsibility for upholding and strengthening community standards.

Every attempt is made in the imposition of sanctions to provide procedural fairness to an accused student and to protect them from unfair impositions of penalties. The University standard of proof is a preponderance of the evidence or “more likely than not” that a violation of policy of the Student Conduct Code has occurred.

Doane University, as a private University, is not required to provide due process in its response to student discipline matters. The policies and procedures below will be followed in a majority of student discipline cases, but the University specifically reserves the right to deviate from said policies and procedures whenever the administration determines that such a deviation is in the best interest of the student or students involved; in the best interests of the effective learning and educational environment to which all Doane students are entitled; or will best protect the safety and well being of the Doane student population. Nothing in these policies or procedures is intended to nor shall it create a contractual agreement between the University and students as to how student judicial cases will be handled; rather, Doane retains discretion to protect the best interests of the institution and students in all cases.

Authority for the administration of regulations at the University rests with the President. The Vice President for Student Affairs, Senior Judicial Officer or designee is the President’s primary designee for administering the student judicial system. The responsibilities of the Senior Judicial Officer include training of hearing officers, hearing boards, and administrative review professionals, communication with students and parents/family members, and oversight and review of all cases. The Vice President for Student Affairs is responsible for overseeing the Senior Judicial Officer and will serve as an appellate body when needed.

All complaints for sexual assault or rape will be processed, investigated, and resolved according to the Doane policy on sexual assault and rape (see Article 8: Non-Discrimination and Harassment) set forth in this handbook.

### Section 6.02 Judicial Actions

This policy applies to student judicial matters unless the matter falls within another Doane policy, such as the Title IX, Sexual Assault and Rape Policy, and/or Anti-Harassment and/or Non-Discrimination Policies, Article 8.

University judicial proceedings are not legal trials. There is the need to make every effort to sort out facts, establish a positive attitude and educational tone, and making certain that fairness is demonstrated to all persons involved is paramount. Courtesy and civil treatment is expected on the part of all concerned. Learning, growth, and improvement of the campus climate and advancing the comfort and mutual understanding of all concerned are desired outcomes of the process.

It is not double jeopardy for both civil authorities and the University to proceed against and sanction a person for the same specified conduct. The University will initiate its own disciplinary proceedings against a member of the academic community when the alleged conduct is deemed to affect the interest of the University.

## **Definitions**

The following selected terms are defined in an effort to promote transparency and facilitate a more thorough understanding of the Student Conduct Code. This list is not intended to be a complete list of all the terms that might require interpretation or clarification. The Vice President for Student Affairs, Senior Judicial Officer or designee shall make the final determination on the definition of any term found in the Student Conduct Code.

“Accused student” means any student accused of violating the Student Conduct Code.

“Hearing Officer” or “student conduct officer” means a University staff member who is authorized to determine the appropriate resolution of an alleged violation, and/or to impose sanctions or affect other remedies as appropriate. Subject to the provision in this code, a hearing officer as well as a student conduct officer is vested with the authority to, among other duties, investigate a complaint of an alleged violation of the Student Conduct Code; decline to pursue a complaint; refer identified disputants to mediation or other appropriate resources; approve an administrative agreement developed with an accused student; conduct a hearing; impose sanctions; approve sanctions recommended by another hearing body; and chair and/or advise a hearing and conduct an appellate review.

“Appellate body” means any person or persons authorized by the Vice President for Student Affairs or designee to conduct a review of a decision reached by a hearing body.

“Business day” means any day, Monday through Friday, in which the University is open.

“Complainant” means any person who submits an allegation that a student violated the Student Conduct Code. When a student believes that they have been a victim of another student’s misconduct, the student who believes they have been a victim will have the same rights under the Student Conduct Code as are provided to the complainant, even if another member of the University community submitted the charge itself.

“Consent” is a clear, informed and voluntary agreement to engage in sexual activity. Consent requires an outward demonstration, through understandable words or behavior, which conveys a clear willingness to engage in sexual activity. Consent to one type of sexual activity does not equal consent to other types of sexual activity. Consent can be withdrawn at any point during sexual activity and the sexual activity must stop immediately. A verbal “no” establishes lack of consent. Silence, without clear actions demonstrating permission, cannot be assumed to indicate consent – the absence of “no” does not equal “yes.” Consent cannot be obtained by coercion, threat or force. Consent cannot be given by someone if they are mentally or physically incapacitated. Engaging in sexual activity with a person whom you know – or reasonably should know – to be incapacitated constitutes sexual misconduct. A person also is incapable of giving valid consent to sexual activity if they are under the legal age of consent (age 16 in Nebraska). Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual willingness

and respect. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted and do not constitute evidence of consent.

“Designee” refers to a staff or faculty member who has responsibility for implementing the student conduct process or administering the student conduct system, in part or in whole.

“Hearing Board Chair” means a hearing officer who observes a hearing board/meeting and during the hearing board’s private deliberations for the purpose of providing information and interpretations relative to the University student conduct system and the Student Conduct Code.

“Hearing Officer/Hearing Board” means one or more members of the University community authorized by the Senior Judicial Officer or designee to determine whether a student has violated the Student Conduct Code and to impose sanctions as warranted.

“Instructor” means any faculty member, teaching assistant or any other person authorized by the University to provide educational services (e.g., teaching, research, or academic advising).

“May” is used in the permissive sense.

“Member of the University community” includes any person who is a student, instructor, or University staff member; any other person working for the University, directly or indirectly (e.g., private enterprise on campus) or any person who resides on University premises. A person’s status in a particular situation shall be determined by the Senior Judicial Officer.

“Policy” is defined as the written regulations, standards, and student conduct expectations adopted by the University and found in, but not limited to, the Student Conduct Code; the Terms and Conditions of the Occupancy and Board contract; the Policy on Alcohol and Other Drugs, the Policy on Harassment; graduate and undergraduate catalogs; and other publicized University notices.

“Senior Judicial Officer” refers to that person in Student Affairs, designated by the Vice President for Student Affairs to be responsible for the overall coordination of the University student conduct system, including the development of policies, procedures, and the education and training programs. This individual may serve as a hearing officer, student conduct officer and/or an appellate body.

“Shall” and “Will” are used in the imperative sense.

“Student” means any person admitted, registered, enrolled, or attending any University course or University conducted program; any person admitted to the University who is on University premises or University-related premises for any purpose pertaining to their registration or enrollment.

“Student conduct file” means the printed/written/electronic file, which may include but is not limited to the incident report(s), correspondence, academic transcript, witness statements, and student conduct history.

“Student organization” means an association or group of persons that has complied with the formal requirements for University recognition.

“Support person” means any person who accompanies an accused student, a complainant, or a victim to a hearing for the limited purpose of providing support and guidance. A support person

may not directly address the hearing body, question witnesses, or otherwise actively participate in the hearing process.

“University” means Doane University.

“University official” includes any person employed by the University to perform administrative, instructional, or professional duties.

“University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, solely or in conjunction with another entity.

## **Reporting Violations and the Investigation Process**

### **A. Reports of Misconduct**

Any member of the University community alleging behavioral misconduct on the part of a student should file a report with their respective Community Director in Residential Life and Education or the Senior Judicial Officer on a timely basis, normally within two business days of the alleged violation. The Senior Judicial Officer should be consulted if a report needs to be filed beyond that timeframe. All reports must include the name of the accused student(s), specific details of the alleged violation, and should include the name of the person filing the report.

### **B. Investigation/Review of Report**

The University will investigate/review reported violations of the student conduct code to determine if they have merit and/or if they can be disposed of administratively, by mutual consent of the parties involved, in a matter acceptable to the Senior Judicial Officer. Such dispositions will be final and there will be no subsequent proceedings. If a decision is made to charge a student with an alleged violation, the University will select one of the following hearing bodies/procedures deemed most appropriate:

- If the violation does not rise to the level of a violation of the Student Conduct Code, the case will be resolved via an informal resolution process. This involves an educational discussion, and a University official will discuss the concern with the students' involvement in the alleged situation. The goal of the conversation is to provide an opportunity for the student to learn about the impact of their behavior. The student will also reflect on how to prevent similar situations from occurring in the future.
- Assign the case to a member of the Residential Life and Education staff for adjudication.
- Assign the case to the Senior Judicial Officer or his/her designated hearing officer for investigation and/or adjudication.
- Refer the case to the Hearing Board for adjudication. This typically occurs when the alleged violation is serious enough that the sanction could result in the accused student being suspended or expelled from the University.
- In cases of academic dishonesty, please refer to the Academic Dishonesty Policy. (Article 1)

### **C. Procedural Standards in Judicial Proceedings**

The student(s) accused will be informed of the violation(s) or charge(s), name of the designated hearing officer (unless the notification specifies “no formal action taken at this time”). If the designated hearing officer is the Hearing Board, the student will receive a hearing notice with the date, time and location of the hearing. All charges shall be presented to the accused student in written form, which includes a written copy or an email. A time shall be set for the hearing, not less than five nor more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Senior Judicial Officer.

- The accused student must respond to indicate their receipt of the charges within a reasonable period of time, typically two business days. Failure to respond to notification will result in a hearing conducted without the accused students’ presence and input, and a potential sanction imposed with the information available.

Hearings will be conducted according to the following guidelines:

- A. Hearings shall be conducted in private.
- B. The complainant, accused student and their advisors, if any, shall be allowed to attend the entire portion of the hearing at which information is received (excluding deliberations). Admission of any other person to the hearing shall be at the discretion of the hearing officer.
- C. In hearings involving more than one accused student, the hearing officer, in their discretion, may permit the hearings concerning each student to be conducted either separately or jointly.
- D. The complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. The complainant and/or the accused student is responsible for presenting their own information, and therefore, advisors are not permitted to speak or to participate directly in any hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not normally be allowed due to the scheduling conflicts of an advisor.
- E. The complainant and the accused student have the right to request a redacted copy of Public Safety reports through Residential Life & Education or Doane Public Safety.
- F. The complainant, the accused student and the hearing officer may arrange for witnesses to present pertinent information at the hearing. The University will try to arrange the attendance of possible witnesses who are members of the University community, if reasonably possible, and who are identified by the complainant and/or accused student at least two weekdays prior to the hearing. Witnesses will provide information to and answer questions from the Hearing Board/Hearing Officer(s). Questions may be suggested by the accused student and/or the complainant to be answered by each other or by other witnesses. This will be conducted by the Hearing Chair/Hearing Officer with such questions directed to the Hearing Chair, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid the creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the Hearing Chair.
- G. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by the chairperson or the hearing officer.



- H. All procedural questions are subject to the final decision of the Hearing Chair/hearing officer.
- I. After the portion of the hearing concludes in which all pertinent information has been received, the hearing officer shall determine whether the accused student has violated each section of the Student Conduct Code which the student is charged with violating.
- J. The hearing officer's determination shall be made on the basis of whether it is more likely than not (the preponderance of evidence standard) that the accused student violated the Student Conduct Code.
- K. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct Code proceedings.

The hearing may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, video conferencing, videotape, audio tape, written statement, or other means, as determined in the sole judgment of Senior Judicial Officer to be appropriate

### **Order of the Hearing**

The following is an outline of the process of a hearing. Any questions relative to the process should be directed to the Senior Judicial Officer.

- A. Reading of the complaint.
- B. Opening statement of the accused student.
- C. Presentation of the complainant's case, including presentation of witnesses.
- D. Questions of the complainant by the judicial body or officer.
- E. Questions of the complainant when present by the accused presented through the Chair or officer.
- F. Presentation of the accused student's case, including presentation of witnesses.
- G. Questions of the accused by the judicial body or officer.
- H. Questions of the accused by the complainant when present, presented through the Chair or officer.
- I. Closing statement by complainant.
- J. Closing statement by accused student.
- K. Adjournment.

Decisions will be communicated to both the complainant and accused students within five (5) business days. The decisions of the hearing officer and the sanctions imposed are final, subject only to the University's appeal process.

### **Section 6.03 Judicial Sanctions**

- A. In determining sanctions, the University reserves the right to review student judicial and/or academic records. Similar and/or repetitive violations will be taken into consideration and may warrant a more serious sanction. The following sanctions may be imposed individually or collectively:
  - Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.

- Probation - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
- Loss of Privileges - Denial of specified privileges for a designated period of time.
- Fines - Previously established and published fines may be imposed.
- Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Restorative Justice and/or Educational Sanctions - Work assignments, online modules, reflections, essays, service to the University, or other related discretionary assignments.
- Residence Hall Move - Mandatory move from your current residence hall room to another room
- University Suspension - Separation of the student from the University for a definite period of time, after which the student is eligible to return. Suspended students are required to schedule a review meeting with the Office of the Vice President for Student Affairs to be considered for readmission to the University. Students suspended from the University shall receive no refund of tuition, room, board or other fees.
- University Expulsion - Permanent separation of the student from the University. Students expelled from the University shall receive no refund of tuition, room, board or other fees.
- Revocation of Admission and/or Degree - Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- Withholding Degree - The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.

\*More than one of the sanctions listed above may be imposed for any single violation.

Student conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record. Upon graduation, the student's conduct record may be expunged of student conduct actions other than residence hall expulsion, University suspension, University expulsion, or revocation or withholding of a degree, upon application to the Vice President for Student Affairs or designee. Cases involving the imposition of sanctions other than residence hall expulsion, University suspension, University expulsion or revocation or withholding of a degree shall be expunged from the student's confidential record five years after final disposition of the case.

In situations involving both a respondent(s) (or group or organization) and a complainant of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the respondent(s) and complainant because the educational career and chances of success in the academic community of each may be impacted.

The following sanctions may be imposed upon groups or organizations:

- A. Those sanctions listed above: Warning, Probation, Loss of Privileges, Fines and Restitution.
- B. Loss of selected rights and privileges for a specified period of time.

- C. Deactivation. Loss of all privileges, including University recognition, for a specified period of time.

### **Interim Suspension**

In certain circumstances, the Senior Judicial Officer or a designee may impose a University or residence hall suspension prior to the hearing. Students on interim suspension shall receive no refund of tuition, room, board or other fees.

Interim suspension may be imposed only: 1) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Senior Judicial Officer may determine to be appropriate.

The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a hearing, if required.

### **Appeals**

A decision reached by a Hearing Officer or a sanction imposed by the hearing board may be appealed by the accused student(s) to the Vice President for Student Affairs or designee within five (5) business days of the decision. Such appeals shall be in writing and shall be delivered to the Senior Judicial Officer or their designee. Students are responsible for organizing, writing, and submitting all appeal information electronically to the appeal officer noted in the student's outcome notification. The appeal should be typed using standard font and spacing and include the basis for appeal, in detail.

Except as required to explain the basis of new information, an appeal shall be limited to a review of hearing and supporting documents and based on one or more of the following reasons:

- A. Failure to follow procedural standards in the hearing as outlined in the Student Handbook.
- B. The emergence of new evidence that could change the original determination of responsibility and resulting sanction that was not presented in the original hearing.
- C. Substantial reason to believe the sanction is too severe for the violation.

One of the above criteria must be met in order to have an appeal heard. Merely disagreeing with the assessed sanction is not grounds for appeal. An appeal is not a rehearing of the case, but a review of the process and procedure. Appeals from cases heard by Community Directors go to the Senior Judicial Officer or designee. Appeals from cases heard by the Senior Judicial Officer or hearing board go to the Vice President for Student Affairs or designee.

The President, as Chief Administrative Officer of Doane University, alone or in consultation with officers of the University, has the authority to levy judicial sanctions (such a summary suspension or expulsion) against one or more student(s) whose behavior is considered threatening, dangerous, or extreme.

If an appeal is granted by the appellate body, the Vice President for Student Affairs or designee has the right to make the following decisions based on the appeal:

- A. To accept and enforce the original sanction given to the accused student;
- B. To make the original sanction more stringent;
- C. To lower or lessen the original sanctions;
- D. Order a new hearing for the accused.

The Vice President for Student Affairs or designee shall notify the student in writing of his or her final decision within five (5) business days unless special circumstances make that impossible.

Accused student(s) are permitted one final appeal to the University President or designee if the sanction includes long-term (one semester or more) suspension or expulsion from the University. This appeal should be submitted in writing electronically within five (5) business days of being notified of the outcome of their initial appeal.

### **Section 6.04 Hearing Board**

The Hearing Board will consider cases of policy violation referred by the Senior Judicial Officer. The Hearing Board will be comprised of Doane University faculty, staff and students who are informed of all aspects of the Student Conduct Code and have been trained in the campus judicial process. All members must be in good standing with the institution, meaning there have been no significant reports of misconduct while serving or for one year prior to service. In addition to the Senior Judicial Officer or hearing board chair, there must be a minimum of one faculty member, one staff member and one currently enrolled student present in order for a hearing to be conducted.

Members of the hearing board will recuse themselves in a particular case if they are unable to remain impartial or have been involved in the case to be heard. Hearing board members must follow a strict policy of confidentiality. Members are not to disclose information discussed, opinions, or votes of any member, or the degree of agreement reached in a decision. Members are not to discuss a pending case with anyone other than the hearing board members or the Senior Judicial Officer. They must remain fair and impartial to all parties involved.

The accused student(s) have the right to request one postponement of the initial hearing if the request is in writing and not less than 24 hours of the scheduled hearing and sufficient reason is given. Sufficient reasons include illness, being away from campus on a school-sponsored trip, or a family emergency. The written request for postponement must be submitted to the Senior Judicial Officer.

## Article VII. Drugs, Alcohol and Tobacco

### Section 7.01 Alcohol, Drug, & Substance Abuse Policy

One of the fundamental purposes of Doane University is to maintain an environment that supports and encourages the pursuit and dissemination of knowledge. All members of the University community, students, faculty and staff members share the responsibility for protecting that environment and all are expected to exemplify standards of professional and personal conduct. The illegal or abusive use of drugs or alcohol by members of the University community adversely affects the educational environment. Therefore, Doane University is committed to having a campus that is free of illegal drug use and alcohol abuse.

In keeping with its primary purpose, Doane University will utilize educational strategies as its major approach to this area. Any member of the University community who uses, distributes, or abuses any drug, including alcohol, may be subject to prosecution and punishment by the civil authorities and to disciplinary proceedings by the University. Trafficking illegal drugs is particularly offensive and the penalties reflect this judgment. Doane University's interest in resolving the problem is not punitive, but rather to establish clear boundaries of conduct.

Misuse and abuse of alcoholic beverages is a serious problem often resulting in loss of human potential and irresponsible behavior that may be dangerous to the individual(s) involved, threaten the lives of others, infringe on the rights of others, and/or cause destruction of property. Alcohol poisoning is a significant and rising social problem that causes multiple deaths every year on college campuses across the nation.

Drinking games promote mass consumption and binge drinking. Doane University respects the rights of individuals to consume alcohol in a legal and responsible manner. The University expects all students to participate in educational programming and discussion about the effects of alcohol use and abuse. The University prohibits the use of alcoholic beverages by minors on campus and University policies are in compliance with state and federal laws regarding alcohol use, possession and distribution. Violations of the University alcohol policy are grounds for disciplinary action.

Pertinent statutes include:

- A. Neb. Rev. Stat. 53-103.23: Defines a minor as any person less than 21 years of age.
- B. Neb. Rev. Stat. 53-180: Prohibits the sale, giving away, exchange or delivery of alcoholic beverages to a minor. Procurement to a minor at Doane University will be turned over to local law enforcement and the student(s) responsible will receive campus sanctions including, but not limited to, a \$500 fine.

Doane University is dedicated to the pursuit and dissemination of knowledge and expects all members of the academic community to behave in a manner conducive to that end. Faculty, staff and students must maintain the highest standards of personal and professional conduct. Illegal or abusive use of drugs by members of the University community adversely affects the mission of the University and is prohibited. The University, through its Board of Trustees, adopts the following policy consistent with the State of Nebraska on illegal drugs. The policy is intended to accomplish the following:

- A. Prevent drug abuse through a strong educational effort outside the classroom.
- B. Encourage and facilitate the development and use of rehabilitation services and programs.
- C. Discipline those members of the University community who engage in illegal drug-related behavior.

In addition to these, and all state laws, the following regulations also apply at Doane University:

- A. Consumption and possession of alcoholic beverages is permitted by a person of legal age in their private room, suite or quad area under the following conditions:
  - All residents of the room, suite or quad must be 21 years of age
  - Residents of the room or suite have been approved and registered their living environment as an alcohol tolerant room with Residential Life and Education.
  - An Alcohol Tolerant Room Certificate is posted in plain site for a University official to observe upon entering the room. This document is inspectable by the Public Safety Office or Residential Life and Education staff upon request.
  - Minors cannot be present in alcohol tolerant rooms when alcohol is visibly present, and/or being consumed. This includes empty alcohol containers if they are visibly present and this includes trash or recycling receptacles. If it is discovered that underage drinking is occurring in an alcohol tolerant room, all residents will be referred to the Judicial Affairs. If no residents are present, while underage drinking/possession is occurring, all residents will be referred to the Judicial Affairs for further follow-up, which could include the alcohol tolerant room certificate being revoked.
- B. Students in rooms that are not alcohol tolerant (whether they are of age or not) cannot have alcohol or alcoholic containers present at any time.
- C. In all residence halls, alcoholic beverages are not permitted in the hallways, lounges, or any other public areas in or around the residence halls, including the balcony and outdoor areas.
- D. Except when authorized by University officials, kegs and other multi-liter containers, empty or full, are prohibited on University property. University officials have the authority to request and supervise the immediate removal and disposal of prohibited items.
- E. The University prohibits using University or student organization funds for the purchase of alcoholic beverages for any student function.
- F. Campus organizations may not use alcoholic beverages at membership recruitment functions.
- G. References to and/or pictures of alcoholic beverages may not be used directly or indirectly in the advertisement of any University organization function.
- H. Hard alcohol (examples: whiskey, rum, tequila, vodka), including but not limited to mixes, brews or alcohol punches is not permitted in campus residence halls or other campus facilities unless approved by administration and provided by a third party vendor.
- I. No drinking games (with or without alcohol) are permitted on the Doane University's campus. Drinking games are also not permitted by the University's residential policies. Even if not in use, drinking game equipment (examples: tables used for beer pong) can be confiscated by the University.

Drinking or possessing alcoholic beverages on University property, except where permitted under these regulations, is subject to disciplinary action. This includes, but is not limited to,

fines, community service, drug and alcohol evaluations (at the student's expense), probation, suspension or expulsion from the University.

- A. Minor in Possession: Anyone under the age of 21 that possesses or is in the presence of alcohol. Examples of a MIP:
  - Any minor present in a room that is alcohol tolerant where the alcohol is in plain sight.
  - Any minor in a non-alcohol tolerant room where alcohol is anywhere within the room.
  - Possession of unopened or open alcohol containers.
  - Alcohol found in a minor's room during room checks. This includes alcohol that is found in shared lounges, bathrooms or trash cans.
- B. Procuring for a Minor: Serving and/or making alcohol available for students under legal age is a crime and the University will not tolerate or condone such practices. This also includes providing an environment where minors can drink. If minors have alcohol in their possession in a room, it will be assumed that residents registered to the room provided the alcohol for the minor(s). The residents of the room are required at all times to be diligent in ensuring others are not drinking in their room or suite. The University's judicial system is designed to handle such infractions of the law and penalties are severe. In addition, these cases may be turned over to the local law enforcement.
- C. Alcohol Consumption in Public Places/Open Container: Alcohol is only permitted in the room or shared living space of students who are 21 years of age or older, have completed any required training and have properly displayed their alcohol tolerant room certificate. Alcohol is only allowed in the room, suite or quad that is alcohol tolerant or designated areas on campus during special events.

The goal of these regulations is legal and responsible alcohol use. Irresponsible use of alcohol that infringes on the rights of others (i.e. excessive noise, physical or emotional abuse, assault, or unsafe conduct) or results in the destruction of property will be subject to appropriate disciplinary action, even if the students in question are of legal drinking age. Based on behavioral concern reports and/or incident reports, the administration reserves the right to require that a student submit themselves for an alcohol or drug evaluation at their own expense. Subsequently, the student will be expected to abide by the recommendations of the evaluation. The University does reserve the right to turn any and all violations of law over to local authorities.

### **Good Samaritan Policy**

The Doane community values the health and safety of its members and supports an environment that encourages students to come to the assistance of one another. To that end, the Good Samaritan policy was enacted to ensure that responsible action is taken when a student is medically endangered due to the consumption of alcohol.

Students for whom medical assistance is summoned for alcohol intoxication will be granted amnesty from University disciplinary action. The student who summons the Public Safety Office or Residential Life and Education staff members or EMS on behalf of an intoxicated student as soon as the emergency situation is apparent will likewise be granted such amnesty. This is contingent upon the reporter remaining with the intoxicated student(s) until help arrives and is cooperative with University, medical and law enforcement personnel. Students involved in an alcohol-related incident for which amnesty is granted will be provided appropriate educational or

developmental interventions which may include assessment and counseling. Amnesty applies only to alcohol violations and does not apply to other violations of the student conduct code such as assault, property damage, hazing or the presence of other illicit substances.

### **Section 7.02 Rehabilitation Services**

Students who have concerns about their pattern of substance use or are seeking assistance to overcome a drug or alcohol related problem have access to up to five (5) free and confidential counseling services at Blue Valley Behavioral Health in Crete, Nebraska. Additionally, counselors are available to make referrals for students to receive Alcohol and Drug Assessments and Evaluations through outside agencies located in Crete and neighboring areas. Students may request an appointment with one of the on campus counselors by contacting Student Health Services at 402.826.8265 or visiting the Student Health office. More information about counseling services is available at <https://web.doane.edu/offices-services/student-services/student-health/counseling>

### **Section 7.03 Federal Trafficking Penalties**

Students, faculty members and other staff are responsible, as citizens, for knowing about and complying with the provisions of Nebraska law that make it a crime to possess, sell, deliver or manufacture those drugs designated collectively as controlled substances. Any member of the University community who violates any of those laws is subject to both prosecution and punishment by the civil authorities and disciplinary proceedings by the University. Trafficking in illegal drugs and/or the illegal possession of drugs is taken very seriously and will be addressed in a similar fashion. If such conduct occurs, or is alleged by law enforcement to have occurred and criminal charges are filed, the involved students will be subject to immediate suspension and additional disciplinary consequences up to and including expulsion. The penalties to be imposed by the University may range from written warnings with probationary status to expulsions and complete separation from enrollment and/or discharges from employment. A federal drug conviction may result in the loss of federal student aid eligibility and the loss of all Doane University institutional funding. Check out more information on [Federal Trafficking Penalties](#).

### **Section 7.04 Smoking Policy**

In order to provide a safe and healthy work/study environment for all employees and students and to comply with the [Nebraska Clean Indoor Air Act](#), the University has adopted the following tobacco policy.

The following forms of tobacco products are prohibited:

- A. In all campus buildings and University vehicles: smoking in any form through the use of tobacco products (pipes, cigars and cigarettes) or “vaping” with E-cigarettes. Chewing or snorting smokeless tobacco is also prohibited.

Smoking tobacco in any form and smokeless tobacco will be permitted outdoors in designated smoking areas at least 20 feet away from building entrances. All members of the campus community share responsibility for adhering to and enforcing this policy, and have responsibility for bringing it to the attention of visitors.



## **Section 7.05 Beverage Container Policy**

Beverage containers of any type are not allowed into any Doane-sponsored public event, including events at the Haddix Center, Butler Gym, Fuhrer Fieldhouse, etc. The general public and Doane University students are encouraged to purchase refreshments sold at the concession stand. Anyone attempting to bring in a beverage container will be asked to dispose of it.

## Article VIII. Non-Discrimination and Harassment

### Section 8.01 Violence & Unacceptable Behavior Policy

A basic tenet of our society is that every citizen has the right to security in both person and property. Our laws prohibit the physical abuse of persons and the illegal appropriation and destruction of property. The effect of these laws is to provide a setting in which persons can realize their potential as social, political, economic, and creative beings.

Doane is a place of excitement and learning where all ages, abilities and disabilities, races, creeds, orientations, genders, identities, and ethnic and national origins have the opportunity to develop skills and knowledge toward goals that will make them effective citizens and promote their individual and group well-being.

Those students who do not share these goals, who flagrantly or consistently disrupt the educational process, or who physically abuse or harass, or attempt to physically abuse or harass, other persons in the Doane community or the Crete community as a whole, will be subject to disciplinary consequences. Such individuals may be dismissed from school and may be subject to criminal charges. Similarly, students who do not respect the property of others, thereby degrading the quality of student life and increasing the cost of education, will be held liable for such damages and may be dismissed from the institution as well as be subject to criminal liability.

Moreover, students found diminishing the dignity of other members of the community through illegal harassment, including sexual harassment, hate speech, hate/bias incidents or other means of disparagement, which are unlawful or inconsistent with the University's aspiration to produce citizens respectful and tolerant of the diversity of people, may be disciplined or dismissed from the University. Violation of this policy is prohibited both on campus and off campus during normal work or school hours and outside the normal work or school hours. Off campus conduct constituting a violation of this policy is subject to disciplinary consequences up to and including expulsion from school when said off campus conduct is determined by the University to affect the normal student/faculty/staff relationships and/ or has negative effects on Doane University's educational programs, students, faculty or school sponsored activities and/or is so severe, pervasive or objectively offensive that it interferes with student academic performance or student ability to fully participate in Doane University's educational programs or activities

Students are encouraged to report criminal actions occurring on campus directly to the police by dialing 911. In addition, they are encouraged to report crimes to the University.

Doane University does not condone and will not tolerate violence of any kind. This prohibition includes, but is not limited to, violation of Doane's Sexual Assault and Rape Policy, Section 8.02; Doane's Anti-Harassment Policy, Section 8.04; and Doane's Bias/Hate Incident Policy, Section 8.03. Violence prohibited under Doane's policies includes, but is not limited to:

- A. Domestic violence, which includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former co-cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

- B. Dating violence, which means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.
- C. Stalking, which means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

## Section 8.02 Sexual Harassment, Sexual Assault, Dating/Domestic Violence, and Stalking Policy (Title IX Policy)

- Statement of Purpose
- When and to Whom this Policy Applies
- Employee Responsibility
- Campus Training
- Definitions
  - Sexual Harassment
  - Sexual Assault
    - Rape
    - Fondling
    - Sexual Exploitation
  - Intimate Partner Violence
    - Domestic Violence
    - Dating Violence
  - Stalking
  - Consent
- What to do if an incident occurs:
  - Sexual Harassment
  - Sexual Assault
  - Intimate Partner Violence
  - Stalking
- Grievance Procedures
  - Reporting Options
  - Investigation
  - Hearing Process
    - Adjudication of the Complaint
  - Appeal Process
- Procedural Definitions
- Supportive Measures
- Resources
  - Crete
  - Lincoln
  - Omaha

### **STATEMENT OF PURPOSE**

Doane University, referred to as the “University”, is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. This policy addresses the University’s responsibilities under Title IX, the Violence

Against Women Reauthorization Act of 2013, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”).

Doane University does not condone and will not tolerate sexual misconduct, sexual or gender-based harassment, intimate partner violence, stalking and all other terms below defined (collectively referred to throughout as “Prohibited Conduct”). **This policy refers only to those incidents that occur on campus or within the scope of campus activities and/or educational programs. Off-campus incidents (including those that occur in a study abroad context), incidents that fall outside the definitions listed below, and incidents that are reported after graduating, after a student voluntarily leaves the campus (by un-enrolling or transferring), or leaving employment at the University are subject to our non-discrimination policy which can be found [here](#).**

### **Good Samaritan Policy**

The Doane community values the health and safety of its members and supports an environment that encourages community members to come to the assistance of one another. To that end, the Good Samaritan policy applies to the Complainant, Respondent, third-party reporters, and all witnesses who were under the influence of alcohol or other substances when the Prohibited Conduct occurred. These individuals will not face judicial consequences for the use of alcohol or other substances. The Good Samaritan policy applies only to Doane students in accordance with other Student Handbook policies. Law enforcement may have different requirements.

## **WHEN AND TO WHOM THIS POLICY APPLIES**

### **To Whom This Policy Applies**

Any student, staff, faculty, or third party member (e.g. contractors, vendors, those contractually obligated to the University, in addition to visitors and guests of the University) has the option to file a formal complaint against a member of the community who is believed to have violated the policy.

### **When This Policy Applies**

- A. The conduct occurs on University grounds, buildings, or other property owned, leased, or controlled by the University; or
- B. The conduct occurs in the context of a University education program or activity within the United States, including online. An education program or activity is defined as programs or activities in which the University is in substantial control of the context, circumstances, and the respondent.
- C. The conduct occurs to an individual within the United States.

**Note: Please see our [Non-Discrimination Policy: Preventing and Addressing Discrimination, Harassment, and Retaliation & Reporting Procedures](#) if you would like to report an incident that falls outside the above criteria.**

Any person having inquiries concerning the University’s compliance with the regulations implementing Title VI, of the Civil Rights Act 1964, or Section 504 of the Rehabilitation Act of 1973, is directed to contact:

- Director of Human Resources and 504 Compliance Officer at [humanresources@doane.edu](mailto:humanresources@doane.edu) or 1014 Boswell Ave., Crete, NE 68333; 402.826.6795.

Any persons having inquiries concerning the University's compliance with the regulations of implementing Title IX of the Education Amendments of 1972, is directed to contact:

- Leah Cech, Equity Compliance Officer (Title IX Coordinator) at [titleix@doane.edu](mailto:titleix@doane.edu), or Perry Campus Center, 1014 Boswell Ave. Crete, NE 68333; 402.826.8118.

Any person may also contact the Assistant Secretary for Civil Rights, U.S. Department of Education, regarding the institution's compliance with the regulations implementing Title VI, Title IX, or Section 504.

## **EMPLOYEE RESPONSIBILITY TO REPORT ALLEGATIONS**

There are (3) general classifications of employees on campus. Two categories of employees, Confidential and Referral, have the ability to maintain a Complainant's confidentiality. Responsible Employees, while they do not have the authority to institute corrective measures, are required by the University to report incidents of Prohibited Conduct to the Equity Compliance Officer (Title IX Coordinator).

**(1) Confidential Resources** (individuals listed in Section 8.07 with legally protected confidentiality): Confidential Resources can maintain the confidentiality of a Complainant's disclosures and will not share any information with the University, subject to the exception of threat to self and others, or ongoing abuse of a minor.

**(2) Responsible Employees:** While able to maintain an individual's privacy, Responsible Employees are required to immediately share all known details of incidents of Prohibited Conduct with only the Equity Compliance Officer (Title IX Coordinator). Doane considers all employees referred to as "Campus Security Authorities" (CSA) under the Clery Act as "Responsible Employees" or "Mandatory Reporters" within the scope of their CSA duties (e.g. an employee serving as an advisor for a student organization is only considered a Responsible Employee when serving in that role). You can find a full list of our CSAs [here](#).

Supervisors who receive reports of Prohibited Conduct from individuals they supervise are also required to share all known details with the Equity Compliance Officer (Title IX Coordinator).

**(3) Referral Employees:** All other employees who do not fall into categories (1) and (2) will be responsible for ensuring they provide a referral to confidential resources. These individuals will be trained yearly on how to respond to disclosures of interpersonal violence and the various resources offered. These employees are not subject to reporting requirements to the Equity Compliance Officer (Title IX Coordinator) nor do they have the authority to institute corrective measures.

**Training:** All Responsible Employees, Campus Security Authorities, and Referral Employees are trained on an annual/ongoing basis.

**Clery Act Reporting:** Pursuant to the Clery Act and VAWA, the University includes statistics about certain offenses in its daily crime log and Annual Security Report (ASR) and provides those statistics to the United States Department of Education in a manner that does not include any identifying information about persons involved in an incident. The University will also issue a

timely warning to the community for reports of Clery-defined conduct that constitutes a serious and ongoing threat, as outlined in the Annual Security Report. All efforts will be made to maintain the privacy of the Complainant.

## **CAMPUS TRAINING**

New students and new employees will be provided primary prevention and awareness programs to promote awareness of sexual assault, rape, sexual harassment, date rape, acquaintance rape, domestic violence, dating violence and stalking within the Doane community. The training programs will include:

- A. the fact that Doane University prohibits these conducts and offenses;
- B. the definition of the prohibited conduct and offenses;
- C. the definition of consent with reference to sexual offenses;
- D. safe and positive options for bystander intervention which an individual may take to prevent harm or intervene in risky situations;
- E. how to recognize signs of abuse behavior and how to avoid potential attacks
- F. the presence of ongoing prevention and awareness campaigns for students, employees and faculty at Doane University as they relate to each of these topics.

## **DEFINITIONS**

### **Sexual Harassment**

Conduct on the basis of sex that satisfies one or more of the following:

- A. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- B. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education programs or activities; or
- C. Sexual assault (as defined in the Clery Act), or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Note: Please see our [non-discrimination policy](#) if you would like to report an incident that falls outside the above criteria.

### **Sexual Assault**

Sexual assault is any type of sexual contact that occurs without the explicit consent of the recipient. Sexual assault is forced, manipulated, or coerced sexual contact.

Sexual contact is defined as:

- A. any intentional sexual touching with any object or body part, however slight, of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; or
- B. forcing or coercing another person to touch you or themselves in a sexual manner.

A number of different acts fall into the category of sexual violence, including rape, fondling, and sexual exploitation.

## **Rape**

Engaging in sexual intercourse (oral, anal, or vaginal) with another person without that person's consent or cognizance. Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent. Rape may be accomplished by forcing or coercing an individual(s) to have sexual intercourse against their will, including the use of threat of physical force, or any behavior that is designed to intimidate and induce fear. Rape is the use of sex to inflict physical and emotional violence and humiliation on or to exert power and control over an individual.

Rape can occur when an individual is under the influence of alcohol or drugs, is undergoing physical or emotional trauma, or is incapable of denying or giving consent (for example, when they are underage or in an unconscious or semi-conscious state).

Acquaintance or date rape is rape committed against an acquaintance, friend, or date under any of the conditions described above. An individual's consent to socialize or date does not constitute consent to sexual intercourse. Acquaintance or date rape is still rape. According to RAINN, 7 out of 10 rapes are acquaintance or date rape, making this the most common type of rape.

## **Statutory Rape**

Sexual intercourse with a person who is under the statutory age of consent. In Nebraska, that is the age of 16. Statutory rape occurs when an individual is less than 16 and the other individual is at least 19.

## **Incest**

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

## **Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental capacity.

## **Sexual Exploitation**

Sexual exploitation is defined as purposefully taking advantage of another person without consent for the purpose of sexual gratification, financial gain, or personal benefit or advantage. It may involve use of one's own or another individual's nudity or sexuality.

Examples of Sexual Exploitation include, but are not limited to:

- A. Inducing incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to consent to sexual activity;
- B. Disseminating, streaming, posting pictures or video, allowing someone to observe from a hidden location another person(s) in a state of undress, content of a sexual nature, or private sexual activity without the consent of all parties;

- C. Voyeurism: such as watching or taking pictures, videos, or audio recordings of another person in a state of undress or of another person engaging in a sexual act without the consent of all parties;
- D. Exposing one's genitals to another person without consent;
- E. Forcing a person to engage in sex work; or
- F. Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge and consent.

### **Revenge Porn**

Revenge porn is a type of sexual exploitation that is illegal in Nebraska. Revenge porn is defined as sharing private images of intimate areas or people engaged in sexual acts. Threatening to distribute such images with the intent to intimidate or harass a person also falls within this definition.

### **Intimate Partner Violence**

Intimate Partner Violence is an umbrella term that includes any act of violence or threatened act of violence used to maintain power and control over another. This can be a single act or a pattern of behavior within a relationship.

An occurrence of Intimate Partner Violence will be judged:

- A. Objectively: a reasonable person would find the behavior to be emotionally, physically, or psychologically abusive
- B. Subjectively: the Complainant felt the behavior was emotionally, physically, or psychologically abusive

Intimate partner violence includes, but is not limited to, physical, sexual, emotional, economic, spiritual, and/or psychological actions or threats of action, including threatening to reveal personal or confidential information (including, but not limited to, information regarding one's gender identity and/or sexual orientation). Prohibited Conduct under this definition includes threats of violence or harm to one's self, one's family member(s) and/or friend(s), and/or one's pet.

### **Domestic Violence**

Domestic Violence is defined as abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another. This can be a single incident or pattern of behavior. Domestic Violence can be physical, sexual, emotional, economic, spiritual, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Domestic Violence includes asserted violent misdemeanor and felony offenses committed by an individual's current or former spouse, current or former intimate or romantic cohabitant, a person with whom the individual shares a child, a person similarly situated to a spouse under domestic or family violence law, or anyone else protected under domestic or family violence law.



## **Dating Violence**

Dating Violence is defined as abusive behavior where one person uses threats of abuse, or actual abuse, to exert power and control over a current or former dating partner. This can be a single incident or pattern of behavior. Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence can include any person, regardless of gender, who is or has been in a social relationship of an intimate or romantic nature with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or long-term. Such a relationship will be gauged by its length, type, and frequency of interaction.

Dating Violence covers a variety of actions and can include physical, sexual, emotional, economic, spiritual, or psychological actions or threats of actions that influence another person. It can also include “digital abuse,” the use of technology, such as smartphones, the internet, or social media, to intimate, harass, threaten, or isolate an individual.

## **Stalking**

Stalking is defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to fear for their or others’ safety, or to suffer substantial emotional distress.

For the purposes of this definition-

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

Stalking often involves individuals who are known to one another or who have a current or previous relationship, but may also involve individuals who are strangers. Stalking is dangerous and can often cause severe and long-lasting emotional and psychological harm to an individual. Stalking often escalates over time and can lead to domestic violence, sexual assault, and even homicide. Stalking can include frightening communications, direct or indirect threats, and/or harassing an individual through the internet, also known as cyber-stalking. Cyber-stalking is a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, and/or other similar devices or forms of contact are used.

Stalking can include:

- A. Repeated, unwanted, intrusive, and frightening communications by phone, mail, email, and/or the internet;
- B. Repeatedly leaving or sending an individual unwanted items, even if they appear harmless such as presents, or flowers;
- C. Following or laying in wait for an individual at places such as home, school, work, or recreation place;

- D. Making direct or indirect threats to harm an individual, or the individual's children, relatives, friends, or pets;
- E. Damaging or threatening to damage an individual's property;
- F. Posting information or spreading rumors about an individual on the internet, in a public place, or by word of mouth; and/or
- G. Obtaining personal information about an individual by accessing public records, using internet search services, hiring private investigators, going through an individual's garbage, following an individual, contacting an individual's friends, family, work, or neighbors, etc.

## Consent

Consent is a willing agreement and permission to engage in specific forms of sexual activity with other persons. It is the responsibility of each person to ensure they have the consent of others to engage in the sexual activity. Consent is always freely given and all people in a sexual situation must feel that they are able to say "yes" or "no" or stop the sexual activity at any point. When consent is withdrawn, sexual activity must cease.

*Consent is:*

- A. Informed: having knowledge of the sexual activity to which you are agreeing;
- B. Voluntary: acting of one's own free will;
- C. Mutual: all parties involved are in agreement;
- D. Ongoing: if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the others' willingness to continue;
- E. Checking in with your partner(s) throughout the course of progressive sexual activity;
- F. Expressed outwardly through mutually understandable words or actions;
- G. Doane describes consent briefly as: Clear, Coherent, Willing and Ongoing.

*Consent cannot be obtained when there is force, expressed or implied, when coercion or threats are used, or when a party is incapacitated.*

- A. **Force:** Expressed or implied physical violence, or force, means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
- B. **Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.
- C. **Coercion** is the use of an unreasonable amount of pressure and/or persistence to gain sexual access. It is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear their decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider:
  - the frequency of the application of the pressure,
  - the intensity of the pressure,
  - the degree of isolation of the person being pressured, and

- the duration of the pressure.
- D. **Incapacitation** means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity. Consent cannot be gained by taking advantage of the incapacitation of another.

A person who is incapacitated is unable, temporarily or permanently, to give consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. Mental helplessness means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act.

A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. When alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs; the level of impairment must be significant enough to render the person unable to give consent. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment based on objectivity and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

One must look for the common and obvious warning signs that show that a person may be incapacitated due to drugs or alcohol. Typical signs often include slurred or incomprehensible speech, unsteady manner of walking or difficulty maintaining balance, inability to focus eyes, disorientation, combativeness, emotional volatility, vomiting, incontinence, or unresponsiveness. Engaging in sexual activity with a person when you know - or reasonably should know - that the person is incapacitated is a violation of University policy.

*Consent cannot be obtained if a person is incapable of giving consent based on:*

- A. Mental incapacitation: a person impaired so that such person cannot understand the fact, nature, or extent of the sexual situation;
- B. Age of consent: Nebraska age of consent is 17 years old. However, a 16 year old can, in some cases, consent to sexual activity with someone who is no more than two years their senior.

*Consent should not be assumed through:*

- A. **Body language, appearance, or non-verbal communication:** One should never assume by the way a person dresses, smiles, looks or acts, that they want to have sex with you.
- B. **Dating relationships or previous sexual activity:** The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).
- C. **Marriage:** Even in marriage, a person should not assume they have consent for sexual activity.
- D. **Previous activity:** Past consent to sexual activity does not imply ongoing consent or consent to that same sexual activity with another person. Consent to engage in one sexual activity at one time is not consent to engage in a different sexual activity or to engage in the same sexual activity on a later occasion.

- E. **Silence, passivity, lack of resistance, or immobility:** Silence or absence of resistance or protest does not imply consent.
- F. **Incapacitation:** If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes:
  - impairment or incapacitation due to alcohol or drug consumption that meets this standard. Alcohol is often used as a weapon to target individuals and is used to excuse a Respondent's own actions. **Students who are assaulted while intoxicated will not face judicial consequences for drinking.** We encourage people to report.
  - being asleep or unconscious.
- G. **Sexual orientation or gender identification:** How someone identifies or expresses their gender or sexuality does not imply consent.

## WHAT TO DO IF AN INCIDENT OCCURS

### Sexual Harassment

- A. Document the harassment. You should:
  - Keep a journal with detailed information: dates, time, witnesses, conversation, frequency, etc.
  - Photograph or keep copies of any offensive material at the workplace. Save emails and other documents to a dedicated file that you have access to outside of work.
  - Tell trusted people, including personal friends and co-workers if possible.
- B. Seek out support. Our Counseling Center is available for Crete students ([myron.parsley@doane.edu](mailto:myron.parsley@doane.edu); [darcy.dawson@doane.edu](mailto:darcy.dawson@doane.edu), [mindy.parker@doane.edu](mailto:mindy.parker@doane.edu)). Counseling services are available through [Continuum EAP](#) for Lincoln, and Omaha undergraduate students and all staff and faculty. These services are confidential and only meant for support, not for creating a report.
- C. Make a formal complaint to the Equity Compliance Officer (Title IX Coordinator) ([titleix@doane.edu](mailto:titleix@doane.edu)).

### Sexual Assault

- A. Get to a safe place. The most important thing after an incident of sexual assault is your safety.
 

**Note:** It is important to preserve evidence as it may be needed to get a protection order with the local police department or for a criminal investigation (i.e. avoid showering, bathing, washing clothing, deleting electronic communications, etc.).
- B. Know your options:
  - You can report the incident to local law enforcement, a Residential Life Staff member, the Equity Compliance Officer (Title IX Coordinator), or any Doane employee designated as a Responsible Employee.

**Note:** You have the right to decline involving the police.

  1. Crete Police Department 402.826.4311
  2. Residential Life Emergency Line 402.418.1575

3. Doane Safety Office 402.826.8669
  4. Equity Compliance Officer 402.826.8118
  5. Omaha Police Department 402.444.5600
  6. Lincoln Police Department 402.441.6000
- C. You can seek medical care. Call 911 or go to your nearest hospital emergency room to be examined and treated for injuries. The doctor or nurse may give you medicine to reduce the likelihood of HIV and some other [sexually transmitted infections \(STIs\)](#) and [emergency contraception](#) to prevent pregnancy.
- Note:** You have the right to request the presence of a victim advocate during your medical examination. Ask the police or nurse to request an advocate from a local crisis center on your behalf.
- D. You can seek confidential resources and guidance from the Counseling Center or a local victim services agency:
- Crete
  - Lincoln
  - Omaha
- E. If you want to report to the police, any of the offices listed above or personnel at the hospital can help you contact the local police. If you are in immediate danger, call 911.
- Note:** Doane University will provide assistance if you choose to report to the local police department.
- F. If you want to talk to someone first about reporting the assault, you can call the [National Sexual Assault Hotline](#) at 800.656.HOPE (4673). An advocate or counselor can help you understand how to report the crime.
- G. If possible write down as many details as you can remember about the person and what happened. This will help you provide information in the event that you want to report the incident. With good information, police, medical examiners, and/or the Equity Compliance Officer (Title IX Coordinator) will be better able to assist you.
- H. You may also report any sexual assault incident that happened in the past to any of the offices below.
- Police Department
    1. Crete: 402.826.4311
    2. Lincoln: 402.441.6000
    3. Omaha: 402.444.5600
  - Equity Compliance Officer (Title IX Coordinator) 402.826.8118
  - Doane Safety Office 402.826.8669
  - Residential Life Emergency Line 402.418.1575

If you choose to report, avoid these things:

- A. Washing or cleaning your body. If you shower, bathe, or wash after an assault, you might wash away important evidence.

- B. Brushing, combing, or cleaning any part of your body, including your teeth. Don't change clothes, if possible. If not, bag the clothing you were wearing during the assault.
- C. Touching or changing anything at the scene of the assault. That way, the local police will have physical evidence from the person who assaulted you.

Useful information to be aware of:

- A. The [National Sexual Assault Hotline](#) at 800.656.HOPE (4673) can help you find a hospital with staff members who are trained to collect evidence of sexual assault. Ask for a [sexual assault forensic examiner \(SAFE\)](#) or a [sexual assault nurse examiner \(SANE\)](#).
- B. A doctor or nurse will use a rape kit to collect evidence. This might be fibers, hairs, saliva, semen, or clothing left behind by the Respondent. You do not have to decide whether to press charges while at the hospital. You do not need to press charges in order to have evidence collected with a rape kit.
- C. If you think you were drugged, talk to the hospital staff about testing for [date rape drugs](#), such as Rohypnol and GHB (gamma-hydroxybutyric acid). Date rape drugs pass through the body quickly and may not be detectable by the time you get tested.
- D. Reach out for help. The hospital staff can connect you with the local rape crisis center. Staff there can help you make choices about reporting the sexual assault and getting help through counseling and support groups. You can also call a friend or family member you trust to call a crisis center or hotline for you. Crisis centers and hotlines have trained volunteers and other professionals (such as mental health professionals) who can help you find support and resources near you. One hotline is the [National Sexual Assault Hotline](#) at 800.656.HOPE (4673). If you are in the military, you may also call the [Department of Defense Safe Helpline](#) at 877.995.5247.

## **Intimate Partner Violence**

*It can take someone who has experienced intimate partner violence multiple times to leave an abusive relationship. We are here to help you stay safe.*

Below are recommendations. By no means must you follow all of the below.

- A. If you are in immediate danger, call 911. Get to a place of safety.
- B. If you are injured, go to a doctor or an emergency room and report what happened to you. Ask that they document your visit.
- C. Contact a crisis hotline, victim services agency, local police department, or counselor.
- D. Create a safety plan with help from local victim services agency advocates. They can give you information about local laws, refer you to other services, and weigh options such as seeking a protection order.
- E. Keep a record of significant information:
  - Date, time, place, and event
  - Threatening messages, notes, letters, emails, or texts
  - Pictures of injuries
- F. Decide in advance what to do if your partner shows up at your home, work, school, or somewhere else. Tell people how they can help you.
- G. Contact the police.
- H. If comfortable, tell family, friends, roommates, and co-workers and seek their support.

- I. If comfortable, tell the Doane Safety Office. Ask them to work with you to create a safety plan.

## **Stalking**

- A. If you are in immediate danger, call 911. Get to a place of safety.
- B. You can contact a crisis hotline, victim services agency, local police department, or counselor.
- C. Create a safety plan with help from local victim services agency advocates. They can give you information about local laws, refer you to additional services, and weigh options such as seeking a protection order.
- D. Keep a record of any significant events/people
  - Date, time, and place
  - Phone calls (save any voicemails)
  - Gifts, letters, notes, texts, or emails
  - Photograph anything the stalker damages and any injuries the stalker causes
  - Vehicles parked outside your home, class, or workplace (take a photo if possible, note the registration, make, and color)
  - People you told of an incident or who were witnesses (ask witnesses to write down what they saw)
- E. Decide in advance what to do if the stalker shows up at your home, work, school, or somewhere else. Tell people how they can help you.
- F. Don't communicate with the stalker or respond to attempts to contact you.
- G. Contact the police. Consider getting a court order that tells the stalker to stay away from you.
  - Tell the police the nature of your relationship with the stalker, if any.
  - Tell the police if there is a current protection or restraining order in place. Take a copy of this order with you.
- H. Tell family, friends, roommates, and co-workers about the stalking and seek their support.
- I. Tell the Doane Safety Office. Ask them to work with you to create a safety plan.

## **GRIEVANCE PROCEDURES**

In the event that the University has actual knowledge of the occurrence of Prohibited Conduct as defined within this policy, the Equity Compliance Officer (Title IX Coordinator) will schedule an initial meeting with the Complainant. During this meeting, supportive measures will be offered to restore the Complainant's equal access to education.

If and when a Formal Complaint is filed by the Complainant, the University will provide a prompt and equitable resolution of complaints of Prohibited Conduct. The University will ensure the procedures listed in this policy are followed providing for equal protection to both the Complainant and Respondent - including the assumption that the Respondent is not responsible for the Prohibited Conduct until the hearing reaches a conclusion.

If an individual chooses not to file a Formal Complaint initially, they may do so at any point in the future. There is no statute of limitations on the filing of a complaint for Title IX purposes.

## Time Frame of a Title IX Investigation

Upon receipt, the University will act promptly to address the complaint. A Title IX Investigation and Grievance Process should normally be completed within 75 calendar days after the University has notice of an allegation of Prohibited Conduct. The Equity Compliance Officer (Title IX Coordinator) or their designee may extend or delay this time frame for good cause, including University breaks and delays caused by a concurrent law enforcement investigation.

## Supportive Measures

Supportive measures are non-punitive measures that are taken to ensure the Complainant maintains access to the University's education programs and activities. A comprehensive list can be found in [Section 8.06](#). Upon first meeting, the Equity Compliance Officer (Title IX Coordinator) will provide supportive measures for the Complainant.

## Reporting Options

### Filing a Complaint

- A. Person(s) wishing to bring a complaint of Prohibited Conduct through the campus formal complaint process should contact the Equity Compliance Officer (Title IX Coordinator) [titleix@doane.edu](mailto:titleix@doane.edu), 402.826.8118. The Equity Compliance Officer will apprise the Complainant of the University's policies and grievance procedures, including the procedures for the live hearing, and possible outcomes.

**Note:** any person can file a report of Prohibited Conduct, whether or not the person reporting is the alleged victim.

- B. If the Complainant wishes to proceed with a Formal Complaint, they must submit a formal complaint against the Respondent. The formal complaint may be filed via handwritten submission, email, mail, or phone. The complaint shall include a statement of the situation, date(s) of occurrence, and all parties related to the complaint.
- C. As a result of the initial discussions between the Complainant and the Equity Compliance Officer (Title IX Coordinator), the University will conduct a prompt, thorough, and equitable investigation into the matter, and will take any steps it deems appropriate to provide for the safety and security of all involved parties.
- D. An investigation will take place regardless of whether the Complainant chooses to file a formal written complaint to determine if an ongoing threat to the campus environment exists. By signing a formal complaint, the Equity Compliance Officer (Title IX Coordinator) can begin the formal complaint process on their own, even at times against the wishes of the Complainant, if there is an ongoing threat to the campus environment.
- E. The University will attempt to honor a Complainant's request for confidentiality unless an effective investigation cannot be conducted without disclosure of the Complainant's identity. In which case the University will provide as much privacy for those involved as possible
- F. Direct additional questions to the Equity Compliance Officer (Title IX Coordinator),: [titleix@doane.edu](mailto:titleix@doane.edu), 1014 Boswell Ave., Crete, NE 68333; or 402.826.8118.



## **University Dismissal of a Formal Complaint**

At any time during the investigation, a Complainant may withdraw their complaint. This must be made in writing and submitted to the Equity Compliance Officer (Title IX Coordinator).

Additionally, the University must dismiss a complaint if:

- A. the alleged Prohibited Conduct falls outside the definition listed within this Policy;
- B. the alleged Prohibited Conduct did not occur within the University's education programs or activities; and/or
- C. the alleged Prohibited Conduct occurred or the allegations are against a person outside of the United States.

In the event that the University dismisses a Formal Complaint for the aforementioned reasons, the University must provide written notification of the dismissal to all parties that includes the reasons why the complaint was dismissed.

If you feel your allegations do not meet the standards outlined within this policy, please see our [non-discrimination policy](#). If the event that the University dismisses your Formal Complaint for the aforementioned reasons, you may have recourse through our non-discrimination policy.

## **File a Complaint with the local Law Enforcement Agency**

In addition to, and separate from, seeking redress through the University, the Complainant is encouraged to report criminal concerns to local law enforcement. Local law enforcement agencies do not notify the University when a crime has occurred in their jurisdiction, so the University will not have notice of an incident unless a report is also made to the University Equity Compliance Officer (Title IX Coordinator). A criminal investigation is separate from a University process and will not impact the investigative and adjudication process by the University.

While the University will never file a criminal complaint on behalf of a Complainant, we will provide support to someone who is wishing to speak with and file a complaint with a law enforcement agency.

**Note:** reports to the police are not a requirement under this policy.

## **Choose not to file a formal complaint**

A person may choose not to file a formal complaint with the Equity Compliance Officer (Title IX Coordinator). In such cases, the Equity Compliance Officer will evaluate whether there is an ongoing threat of prohibited conduct within the community. If there is an ongoing threat, the Equity Compliance Officer is obligated to continue an investigation with the information received. However, if it is determined that an ongoing threat does not exist, the Equity Compliance Officer will not proceed with an investigation, but will provide supportive measures. If an individual chooses not to file a Formal Complaint initially, they may do so at any point in the future. There is no statute of limitations on the filing of a complaint for Title IX purposes.

## **Investigation**

All interviews and meetings conducted in the course of a campus investigation will be video-taped. In addition to the below outlined requirements of written notice, all parties will be informed at each step of the Grievance Process.

## **Requirements of Written Notice**

The University is required to send simultaneous, written notification (email or letter) to both the Complainant and Respondent:

- A. Prior to any meeting, interview, or hearing throughout the investigation or hearing process.
- B. If a Formal Complaint is dismissed as outlined in the “University Dismissal of a Formal Complaint” section.
- C. At the conclusion of the hearing process.
- D. If an appeal is filed, at the conclusion of the appeal hearing.

## **Investigator Training**

Training for the Equity Compliance Officer (Title IX Coordinator) and Investigators will be consistent with Title IX and will include:

- A. The definition and scope of the Prohibited Conduct;
- B. How to conduct an investigation into an alleged occurrence of sexual misconduct;
- C. How to serve impartially, including training on how to avoid prejudgment determinations, conflicts of interest, and bias;
- D. The full grievance process; and
- E. Issues of relevance, primarily regarding application of Privacy Protections.

## **Investigation Process**

The University assumes the responsibility for the burden of proof and for gathering evidence during the Investigation Process.

## **Overview of Grievance Process**

- A. File a report/initial meeting of Complainant and Equity Compliance Officer (Title IX Coordinator)
- B. Supportive measures provided and next steps in the Grievance Process discussed
- C. File a formal complaint, if desired
- D. Investigation:
  - Meeting between Complainant and Title IX Investigator
  - Meeting between Respondent and Title IX Investigator
  - Meetings with witnesses and Title IX Investigator
  - Review of the evidence by all parties involved
  - Investigator submits evidence to Special Hearing Board
  - Special Hearing Board hears the case with guidance from General Counsel
    - 1. Mandatory live hearing with cross examination
  - The Special Hearing Board makes a decision of responsible or not responsible and provides sanction recommendations to the Senior Judicial Officer.
  - The Senior Judicial Officer determines sanction
- E. Both parties notified simultaneously of the outcome in writing
- F. Both parties may appeal to the President
- G. Sanctions administered by the Equity Compliance Officer (Title IX Coordinator)

## Detail Procedure

- A. After the determination is made to proceed with a Title IX Investigation, the Equity Compliance Officer (Title IX Coordinator) will assign an investigator(s).
  - The Equity Compliance Officer has the authority to consolidate formal complaints where allegations arise out of the same facts.
- B. The Equity Compliance Officer will meet with the Complainant to collect all information related to the alleged incident, including evidence and witness information.
- C. The Complainant may have one advisor of their choice present at this or any other investigatory meetings where the substance of the complaint is discussed.
  - If the Complainant fails to choose an Advisor, the University will appoint an Advisor for the live hearing.
  - The role of the Advisor is to support the Complainant and provide advice to the Complainant in a manner that does not disrupt the meeting. The Advisor may not question the investigator or attempt to influence the substance of the information being provided. If the Advisor fails to act in accordance with these guidelines, they may be barred from further participation in the meeting. During the live hearing, the Advisor will perform the cross-examination for the Complainant.
- D. A written summary of this discussion, video, and all other evidence will be included in the investigation file.
- E. Following receipt of the formal complaint, the Equity Compliance Officer (Title IX Coordinator) will inform the Respondent of the complaint by the end of the next business day if the whereabouts of the Respondent are known. If the whereabouts of the Respondent are not known, the University will inform the Respondent of the complaint as soon as the Respondent is located.
- F. The Equity Compliance Officer (Title IX Coordinator) will assign an Investigator.
- G. The Respondent will have 24 hours from the time the Investigator contacts the Respondent to arrange for an investigative meeting to provide a statement about the allegation and to answer questions from the investigator.
  - The Respondent is not required to provide a statement, witnesses, or evidence on their own behalf. However, choosing not to provide information to the investigator will not impede the investigation and hearing from moving forward; rather, the case will proceed with only statements, witnesses, and evidence provided by others during the investigation.
- H. The Equity Compliance Officer (Title IX Investigator) will meet with the Respondent to obtain a statement regarding the allegation, collect all information related to the alleged incident, including evidence and witness information.
- I. The Respondent may have one Advisor of their choice present for this or any other investigatory meetings where the substance of the complaint is discussed.
  - If the Respondent fails to choose an Advisor, the University will appoint an Advisor for the live hearing.
  - The role of the Advisor is to support the Respondent and provide advice to the Respondent in a manner that does not disrupt the meeting. The Advisor may not question the investigator or attempt to influence the substance of the information being provided. If the Advisor fails to act in accordance with these guidelines, they may be barred from further participation in the meeting. During the live hearing, the Advisor will perform the cross-examination for the Respondent.

- J. A written summary of this discussion, video, and all other evidence will be included in the investigation file.
- K. The Investigator will meet with any witnesses identified by the Complainant or Respondent.
  - All Doane University faculty, staff, students and community members are expected to cooperate in the investigation process, although the Respondent has the right not to incriminate themselves.
- L. A written summary of these discussions, video, and all other evidence collected will be included in the investigation file.
- M. In addition to meeting with witnesses, the Complainant and Respondent have the opportunity to present evidence and other inculpatory and exculpatory evidence following certain Privacy Protections.
- N. Throughout the course of the investigation, it may be necessary to recall the Complainant, Respondent, or witnesses to clarify information or ask questions as new information becomes available. Those who are recalled during the course of the investigation must respond to requests from the Equity Compliance Officer (Title IX Investigator) within 24 hours.
- O. At the completion of the investigation, the Investigator will create an impartial, fairly written summary of the relevant evidence.
- P. The Equity Compliance Officer will provide both parties, and their advisors, access to all evidence directly relating to the allegations as well as the impartial summary of the relevant evidence.
  - Parties must be given 10 days to review this evidence before they can be expected to respond.
  - Their responses must be completed prior to the finalization of the investigative report or convening of the Special Hearing Board.
- Q. After approval from both parties, the Equity Compliance Officer (Title IX Coordinator) will convene the Special Hearing Board and provide the evidence.

## **Hearing Process**

### **Standard of Proof**

The standard of proof for complaints heard by the Special Hearing Board will be preponderance of the evidence or “more likely than not that the prohibited conduct occurred”.

### **Privacy Protections**

**Limitation on Evidence.** The University must not use, rely on, or seek disclosure of information protected under a legally recognized privilege (e.g. medical or psychological information). A party may waive this privilege allowing the University to use this information.

**Rape Shield Protections.** All cross-examination must exclude evidence of the Complainant’s previous sexual behavior or history. Questions that seek this information will be deemed irrelevant by the Hearing Officer. Exceptions to this protection involve evidence:

- A. offered to prove that someone other than the respondent committed the conduct alleged by the Complainant; or
- B. presented to prove consent.

## The Special Hearing Board

- A. All incidents of alleged Sexual Misconduct (8.02) involving members of the University community will be adjudicated by a Special Hearing Board consisting of five members selected on a rotating basis from a pool of trained individuals.
- B. The Equity Compliance Officer (Title IX Coordinator), in consultation with the Division of Student Affairs, will coordinate the management of the pool of individuals for the Special Hearing Board. This includes periodic recruitment and training of individuals.
- C. Training of all Special Hearing Board members will be the responsibility of the Equity Compliance Officer (Title IX Coordinator). The Equity Compliance Officer and each member of the pool will come to an agreement as to their readiness to hear the case.
- D. Training for the board will be consistent with Title IX and shall include:
  - The definition and scope of the Prohibited Conduct;
  - How to serve impartially, including how to avoid pre-judgment determinations on issues of fact or credibility of the parties;
  - Issues of relevance, primarily regarding application of Privacy Protections; and
  - Technology used for Live Hearings.
- E. The pool of Special Hearing Board members shall consist of individuals drawn from the campus community (Doane faculty and staff). An attempt will be made to maintain gender-balanced representation for all areas of the campus community.
  - The Special Hearing Board members will be free from conflicts of interest according to Adjudication of the Complaint 1a.

**Note:** In accordance with the recommendations from the Office of Civil Rights (OCR), students are not permitted to serve on the Special Hearing Board for alleged incidents of sexual misconduct.

- F. The Equity Compliance Officer (Title IX Coordinator), convening the board, will appoint one member of the board as chairperson for the case.
- G. Legal Counsel for the University will act as the Hearing Officer. They will provide technical and legal advice to the Special Hearing Board and assist with the conduct of the hearing, including determination of cross-examination question relevance, but legal counsel is not a voting member of the board.
- H. The investigation and deliberations will be conducted to insure interests of both parties are carefully protected. All matters before the Special Hearing Board are closed to the public.
- I. The hearing conducted by the board will be videotaped. The investigation and hearing tapes, transcripts, documents and all evidence will be sealed in a locked file for seven (7) years and will not be published or released to anyone unless the University, in the context of legal proceedings, deems that publication necessary or required by court order.

## Adjudication of the Complaint

- A. Select the members of the Special Hearing Board:
  - An initial slate of individuals from the pool will be proposed to the Complainant and Respondent who, for good cause, can challenge any individuals proposed. This process will be continued (as quickly as possible) until a complete Special Hearing Board of five (5) is assembled.

- B. The process will consist of a Mandatory Live-Hearing.
- This hearing can be conducted with all parties physically present at the same location or virtually.
  - Either party may request the use of technology to provide separate rooms for the parties. This decision may also be made by the University.
  - The parties must be able to see and hear the other party.
- C. This process begins with the presentation of a summary of the videotaped statements and other evidence collected by the Investigator.
- D. Following review of the Investigator's report and the evidence collected in the course of the investigation, the Special Hearing Board or legal counsel may choose to ask questions of any party appearing before the board.
- E. Both parties are permitted, through their advisor, to cross-examine the other party and all witnesses. This must occur at the live hearing and must be conducted directly, orally, and in real-time by the party's advisor.
- The advisor can ask questions and follow-up questions, including those that challenge credibility.
  - The Complainant and Respondent are not permitted to personally cross-examine the other party.
  - In the event that one party does not have an advisor, the University will provide one.
  - Only relevant questions may be asked. After a question is asked, the Hearing Officer will determine if the question is relevant before the other party answers. The Hearing Officer will provide an explanation for the irrelevance of the question. A party is not required to answer a question deemed irrelevant.
  - The Special Hearing Board must refrain from drawing any inference of a party's potential responsibility (or lack thereof) based solely on a party or witness denying to participate in the cross-examination.
- F. After the live hearing, the Special Hearing Board will decide whether the Respondent is responsible or not responsible for violation of the University Policy on Sexual Harassment, Sexual Assault, Dating/Domestic Violence, and Stalking or associated conduct codes. The board will meet off the record in closed session to deliberate and prepare a written report of its findings and determinations. The board may also make recommendations regarding disciplinary sanctions in the event the individual is found responsible.
- G. If the board finds that the Respondent is responsible for violation of University policy:
- Students/Third-Party Visitors: the Senior Judicial Officer will determine appropriate disciplinary sanctions after consideration of the Special Hearing Board's findings and recommendations.
  - Faculty/Staff/Third-Party Vendors: the Equity Compliance Officer or Director of Human Resources will determine appropriate disciplinary sanctions after consideration of the Special Hearing Board's findings and recommendations.
- Sanctions will not be imposed until after the Appeal Process is complete. Supportive measures will continue to be offered to the Complainant to ensure their equal access to education.

## **Investigation Outcome**

Within two business days of receiving the final determination from the Special Hearing Board, the decision-maker or their designee will notify, simultaneously and in writing, the Complainant and the Respondent of:

- A. The determination of responsibility - the investigative outcome;
- B. Findings of fact;
- C. Conclusions of whether the alleged conduct was found to have occurred;
- D. Rationale for the result as to each allegation;
- E. If applicable, any actions the University will take to provide remedies to the Complainant, or safety measures for the University community;
- F. Any disciplinary sanctions imposed on the Respondent; and
- G. Information needed to file an appeal.

All parties involved are responsible for providing the Equity Compliance Officer (Title IX Coordinator, [titleix@doane.edu](mailto:titleix@doane.edu) ) and/or Human Resources appropriate contact information for receipt of such notice.

If the Respondent is staff or faculty, Human Resources will issue each party a written Outcome Letter. The letter may also describe whether any systemic remedies are being considered or implemented. Additionally, the letter may include a recommendation that the matter be referred for disciplinary review by another University process, such as the Judicial Affairs Office (for students) or the Employee Discipline Process (for faculty and staff). An Outcome Letter will be provided to both parties, although the contents of each letter may be modified subject to the limitations of FERPA and other relevant federal or state privacy laws. Where Prohibited Conduct has been found to have occurred by the Respondent, the Outcome Letter will be provided to the Respondent's supervisor, HR manager or Dean, as appropriate under the circumstances.

## **Appeal Process**

Either the Respondent or Complainant has the right to appeal the decision of the Special Hearing Board, the imposed sanctions, the dismissal of the Formal Complaint, or the dismissal of any allegations therein. Merely disagreeing with the outcome is not grounds for appeal. An appeal is not a rehearing of the case, but a review of the process and procedure. One of the following criteria must be met in order to have an appeal heard:

- A. Failure to follow procedural standards in the hearing that affected the outcome of the matter;
- B. The emergence of new evidence that was not presented in the original hearing and could affect the outcome;
- C. Equity Compliance Officer, Investigators, or Special Hearing Board members having a conflict of interest that could affect the outcome; and/or
- D. Substantial reason to believe the sanction is either too severe or lenient for the violation.

## **Appeal Timeline**

- A. Such an appeal must be made in writing via mail or email to the University president or their designee within two (2) business days of the notification of the Special Hearing

Board decision. The appeal must state the specific basis of the appeal based on the above criteria.

- B. The President, or their designee, will notify the other party in writing that an appeal has been filed and act upon a written appeal within a reasonable time, normally five (5) business days after receipt of the appeal.
- C. The President, or their designee, shall convene a Committee to hear the appeal.
  - The Committee shall consist of three (3) members selected from the Doane community who have been trained to hear cases as a Special Hearing Board member.
    - 1. These members are required to be different from the previous Special Hearing Board members.
  - The Committee will have access to all documents relating to the decision and any video tape or written transcript of the hearing.
  - The Committee may call witnesses and receive as evidence the information it deems necessary to assist it in reaching a determination of the merits of the allegation.
- D. A majority vote of the committee members is required to uphold or overturn the decision and any recommendation of sanctions.
- E. The Committee shall forward its decision and recommendations for sanctions directly to the University President and Equity Compliance Officer (Title IX Coordinator), or their designees, in the matter.
- F. The Equity Compliance Officer shall promptly act in response to the recommendations of the Committee.
- G. The President, or their designee, will then simultaneously notify both the Complainant and Respondent of the decision in writing. The decision of the President, or their designee, is final.

## **Remedies**

If the Respondent is found responsible for violating University policy, possible discipline includes, but is not necessarily limited to, one or all of the following:

- A. Restorative Sanctions
  - Academic Reassignment
  - Assignment of Community Service or Constructive Task
  - Athletic Reassignment
  - Disciplinary probation
  - Educational Bulletin Board/Program
  - Educational Paper
  - Educational Workshop
  - Evaluation and Counseling
  - Housing Reassignment
  - Letter of apology
  - Mediation
  - No Contact Order
- B. Monetary Sanctions
  - Monetary Fine
  - Restitution
- C. Notification Sanctions



- Dean of Students Hold on Record
  - Notification of Academics
  - Notification of Athletics
  - Notification of Financial Aid
  - Notification of Parent or Legal Guardian
  - Notification of Student Affairs
- D. Employment Related
- Educational/Training requirement
  - Verbal warning
  - Written warning
  - Job suspension (with or without pay)
  - Job transfer or reassignment
  - Termination of employment
- E. Suspension/Restriction/Ban/Expulsion
- Ban From University campus(es)
  - Ban From University Residence Halls
  - Denial of on-campus use of automobile
  - Expulsion from the University
  - Hold on forwarding personal records to external institutions or individuals until satisfactory completion of disciplinary sanctions.
  - Revocation of admission and/or degree
  - Revocation of housing accommodation
  - Revocation of registered student organization
  - Suspension from extracurricular activities
  - Suspension of Residential Life Privileges
  - Suspension from University Housing
  - Suspension from the University
  - Withholding degree

**Note:** Typically, sanctions are not executed until the appeals process is concluded.

### **Retaliation**

Retaliation means any adverse action taken against an individual, including through third parties and/or legal counsel, because the individual has made a good faith report of Prohibited Conduct or is participating in the investigation or disciplinary processes in this Policy. This includes threats, intimidation, harassment, coercion, reprisals, and/or adverse employment or educational actions that would discourage a reasonable person from engaging in activity protected under this policy, such as seeking services, receiving protective measures and accommodations, and/or reporting Prohibited Conduct.

Retaliation also includes charging an individual with Student Code of Conduct violations that do not involve Prohibited Conduct under this policy, but arise from the same facts or circumstances as a report or formal complaint of Prohibited Conduct, for the purpose of interfering with any right or privilege secured by Title IX. However, the exercise of rights protected under the First Amendment does not constitute retaliation.

Student Code of Conduct violations for materially false statements, made in bad faith during the Title IX Grievance Process, do not constitute retaliation.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved. Retaliation may be present even where there is a finding of “not responsible” on the allegations of Prohibited Conduct.

## **PROCEDURAL DEFINITIONS**

**Actual Knowledge:** Notice of allegations of Prohibited Conduct made to the Equity Compliance Officer (Title IX Coordinator) or any official who has authority to institute corrective measures on behalf of the recipient.

**Advisor:** A person of choice that can accompany a Complainant or a Respondent during investigative and hearing proceedings. The role of the advisor is to support, provide advice, and conduct the cross-examination for the Complainant or Respondent. In the event that a party fails to choose an advisor, the University will appoint one for the live hearing.

**Appeal:** Apply for a review of the decision made at the conclusion of an investigation. Both the Complainant and Respondent have equal opportunity and grounds for appeal. Both parties will receive simultaneous notification with a decision.

**Appeal Officer:** Individual assigned to review appeals from the Complainant or Respondent. Typically the President or their designee.

**Complainant:** The individual alleged to be the victim of conduct that could constitute sexual harassment.

**Confidentiality:** A state of keeping information about an alleged misconduct that limits others ability to access or share that information.

**Deliberate Indifference:** The response of the University must not be clearly unreasonable with regard to known information.

**Education Program or Activity:** Programs or activities in which the University maintains substantial control of the context, circumstances, and the alleged Respondent.

**Formal Complaint:** A document filed by the complainant, or signed by the Equity Compliance Officer (Title IX Coordinator), alleging sexual harassment against a respondent and requesting the school to investigate the allegation.

The University asks that this is a written statement of the allegation with detailed description of what occurred, including date and time of occurrence, name(s) of the accused and names of all parties related to the complaint.

**Grievance Process:** Procedure that outlines how the University responds to and addresses conduct or behavior that violates University policy. The process is designed to provide procedural fairness to all parties involved, and an educational and developmental approach. The standard of proof is preponderance of the evidence or “more likely than not”.

### **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act:**

The Clery Act is a federal law that requires Universities to provide crime statistics and policies for responding to emergency situations and sexual assaults that have occurred on campus, in off-campus buildings or property owned or controlled by the school and on public property. If there is an incident in Clery Act designated geography that is an ongoing threat, the University

must communicate that to the campus. All precautions will be taken to maintain the privacy of the Complainant.

**Not Responsible:** Determination of not in violation of this policy reached using a preponderance of the evidence standard (that means whether it is more likely than not that Prohibited Conduct occurred).

**Privacy:** A state in which information alleging misconduct is not shared with the general public but on a “need to know” basis. It will only be shared internally with other University employees who need to know (like the Equity Compliance Officer (Title IX Coordinator) or a crisis advocate) and generally would not be shared externally.

**Remedies:** Disciplinary consequences imposed if the Respondent is found responsible.

**Respondent:** An individual alleged to be the perpetrator of the reported misconduct that could constitute sexual harassment.

**Responsible:** Determination of in violation of this policy reached using a preponderance of the evidence standard (that means whether it is more likely than not that Prohibited Conduct occurred).

**Retaliation:** Retaliation means any adverse action taken against an individual, including through third parties and/or legal counsel, because the individual has made a good faith report of Prohibited Conduct or is participating in the investigation or disciplinary processes in this Policy. This includes threats, intimidation, harassment, coercion, reprisals, and/or adverse employment or educational actions that would discourage a reasonable person from engaging in activity protected under this policy, such as seeking services, receiving protective measures and accommodations, and/or reporting Prohibited Conduct.

Retaliation also includes charging an individual with Student Code of Conduct violations that do not involve Prohibited Conduct under this policy, but arise from the same facts or circumstances as a report or formal complaint of Prohibited Conduct, for the purpose of interfering with any right or privilege secured by Title IX. However, the exercise of rights protected under the First Amendment does not constitute retaliation.

Student Code of Conduct violations for materially false statements, made in bad faith during the Title IX Grievance Process, do not constitute retaliation.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved. Retaliation may be present even where there is a finding of “not responsible” on the allegations of Prohibited Conduct.

**Special Hearing Board:** Board consisting of five members (Faculty and Staff) selected on a rotating basis from a pool of trained individuals that assist with resolving complaints of sexual misconduct.

**Standard of Proof:** Level of certainty and the degree of evidence necessary to establish whether or not a policy violation occurred. The University uses a standard of proof that is preponderance of the evidence or “more likely than not that the Prohibited Conduct occurred”. This means, the evidence gathered by the University, during its investigation, must illustrate that it is more likely than not that the misconduct occurred.

**Supportive Measures:** Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to either party. These measures help to ensure equal educational access and safety are protected, as well as to mitigate further Prohibited Conduct.

**Title IX:** Title IX prohibits discrimination on the basis of sex in all educational programs and activities (including academics, employment, athletics, and other extracurricular activities) that receive federal assistance.

**Title IX Coordinator, renamed to Equity Compliance Officer:** The Title IX Coordinator's primary responsibility is to coordinate the University's compliance with Title IX, including the University's grievance procedures for resolving Title IX complaints. The Equity Compliance Officer (Title IX Coordinator) is also responsible for imposing and/or enforcing possible sanctions.

**Title IX Investigator:** A neutral party that conducts a prompt and thorough investigation of complaints and provides a detailed, unbiased report regarding the findings of the investigations. The Equity Compliance Officer (Title IX Coordinator) cannot serve as the Investigator.

**Violence Against Women Reauthorization Act of 2013 (VAWA):** The Violence Against Women Reauthorization Act of 2013 (VAWA) section 304 requires that universities have procedures in place to respond to matters of sexual assault, domestic violence, dating violence, and stalking (collectively referred to as interpersonal violence in this policy).

**Witness:** A person who may have knowledge of prohibited conduct under this policy.

## **SUPPORTIVE MEASURES**

Each case will be treated with sensitivity and privacy. In order for staff to respond effectively to an incident, it should be reported as soon as possible. The Equity Compliance Officer (Title IX Coordinator) [titleix@doane.edu](mailto:titleix@doane.edu); 1014 Boswell Ave, Crete, NE 68333; or 402.826.8118 will promptly determine the need or options for modifying living arrangements or other accommodations. All steps taken for supportive measures should be non-punitive to both parties.

- A. **Accommodations and Safety Measures:** The University will take steps to prevent the recurrence of Prohibited Conduct through safety measures, and will redress its effects through appropriate accommodations. To the extent reasonable and feasible, the University will consult with the Complainant and Respondent in determining accommodations and safety measures. During this process, we will maintain the privacy of the parties involved.
- B. **Appropriate actions may include:**
  - Class reassignments
  - Housing reassignments
  - Limitation on extracurricular or athletic activities
  - No contact directives
  - Review or possible revision of University policies or practices
  - Additional training
  - Transportation to and from healthcare or court appointments

- Other appropriate actions as necessary to stop the Prohibited Conduct, prevent its recurrence, remedy its effect on the Complainant or improve University policies or practices.
  - Removal from the University community may occur on an emergency basis if the Respondent (student, staff, or faculty) has been deemed an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct. The University must provide the respondent with notice and an opportunity to challenge the decision immediately after removal.
- C. **Interim Measures:** When the University has notice of an allegation of Prohibited Conduct, the Equity Compliance Officer (Title IX Coordinator) may impose interim accommodations or safety measures, which will remain in effect throughout the duration of the Title IX Investigation and appeals process, if an appeal is filed. When a qualified University staff member imposes interim measures, a report of the actions taken should be reported to the Equity Compliance Officer (Title IX Coordinator) as soon as possible. Interim Measures may include the same accommodations provided above.
- D. **Potential Accommodations in the Event of No Investigation:** Even if the University decides not to confront the Respondent because of the Complainant's request for confidentiality, the University may pursue other reasonable steps to limit the effects of the alleged harassment and prevent its recurrence as reasonable in light of the Complainant's request for confidentiality.

## RESOURCES

Whether or not a Complainant chooses to make an official report of Prohibited Conduct, they are urged to seek appropriate help and services. There are numerous resources for students, faculty, and staff. Specific resources, either on or off campus, for medical treatment, obtaining information, support and counseling, and officially reporting violations of the Sexual Harassment, Sexual Assault, Intimate Partner Violence, and Stalking Policy are listed below. Each resource can assist a person to access the full range of services available.

### Crete

#### Confidential Resources

##### *Local Crisis Centers and Counseling*

- A. Counseling Center
- [myron.parsley@doane.edu](mailto:myron.parsley@doane.edu)
  - [darcy.dawson@doane.edu](mailto:darcy.dawson@doane.edu)
  - [mindy.parker@doane.edu](mailto:mindy.parker@doane.edu)
- B. Health and Wellness
- [studenthealth@doane.edu](mailto:studenthealth@doane.edu)
  - 402.826.8265
- C. Hope Crisis Center
- 1.877.388.HOPE (4673)

## Formal Reporting Options

- A. Equity Compliance Officer (Title IX Coordinator):: [titleix@doane.edu](mailto:titleix@doane.edu), 1014 Boswell Ave., Crete, NE 68333; or 402.826.8118
- B. Doane Safety Office: [doanesafetyoffice@doane.edu](mailto:doanesafetyoffice@doane.edu); 402.826.8669
- C. Crete Police Department: Non-emergency: 402.826.4311

## Other Resources

- A. CAPE Project: [capeproject@doane.edu](mailto:capeproject@doane.edu); 402.826.8117
- B. Vice President, Diversity, Equity and Inclusion: [luis.sotelo@doane.edu](mailto:luis.sotelo@doane.edu); 402.826.8116
  - Equity Compliance Officer: [leah.cech@doane.edu](mailto:leah.cech@doane.edu); 402.826.8118
- C. Human Resources: [humanresources@doane.edu](mailto:humanresources@doane.edu) ; 402.826.6795
- D. Vice President for Student Affairs: [studentaffairs@doane.edu](mailto:studentaffairs@doane.edu); 402.826.8111

## Services Available 24 Hours a Day

- A. For Crete campus undergraduate students, contact the Community Assistant on duty and request that the on-call Community Director be called.
  - Hansen, Sheldon, Frees, Smith 402.418.1575
- B. For emergency medical and police services, call 911. Individuals may also go to the nearest hospital emergency department.
  - Crete Area Medical Center (open until 7pm)
    1. 402.826.2102
    2. 2910 Betten Dr. Crete, NE 68333
  - Bryan Medical Center West Campus
    1. 402.481.1111
    2. 2300 S 16th St. Lincoln, NE 68502
- C. Crete Police Department
  - Non-emergency: 402.826.4311
- D. Confidential Crisis Line
  - Hope Crisis Center
    1. Crisis line: 1.877.388.HOPE (4673)
    2. <http://hopecrisiscenter.org/>
    3. [support@hopecrisiscenter.org](mailto:support@hopecrisiscenter.org)

**Medical Treatment** - An individual who has been sexually assaulted is urged to seek appropriate medical evaluation as promptly as possible. Preserve evidence using a paper bag (rather than plastic).

- A. For life-threatening conditions, go to the closest medical center, call 911, or seek a Blue Emergency Phone Box on the Crete campus.
  - Butler Gymnasium
  - Frees Hall
  - Hansen Hall
  - Lied Science and Mathematics Building
  - Memorial Stadium
  - Padour Walker
  - Smith Hall

- Sheldon Hall
- B. For treatment of less serious injuries: students on the Crete campus can visit Health and Wellness in the Perry Campus Center ([studenthealth@doane.edu](mailto:studenthealth@doane.edu); 402.826.8265).
- C. For evaluation of sexually transmitted infections or pregnancy, please visit the closest medical center.

**Medical/Legal Evidence Collection** - An individual who has been sexually assaulted is encouraged to request collection of medical/legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action.

**Note:** Once in a safe place, preserve evidence in a brown paper bag. Do not shower or bathe, douche, or change clothes.

**Federal law provides free medical/legal exams to victims of sexual assault.** For assistance in seeking such an exam, contact:

- Hope Crisis Center at 1.877.388.HOPE (4673)

**Obtaining Information, Support and Counseling** - Regardless of filing an official report, the University encourages the Complainant(s) to seek out information, support, and counseling.

These services are available to anyone in the Doane Crete community who wishes to discuss issues related to any Prohibited Conduct outlined in this policy, whether such conduct has actually occurred, and whether the person seeking information has been subject to Prohibited Conduct, has been accused of Prohibited Conduct, or is a third party.

The degree to which confidentiality can be protected depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed.

## Lincoln

### **Confidential Resources**

- A. Voices of Hope
  - 402.475.7273
- B. Employee Assistance Program (for undergraduate students and employees):
- C. 402.476.0186
- D. Toll-free: 800.755.7636

### **Formal Reporting Options**

- A. Equity Compliance Officer (Title IX Coordinator): Leah Cech: [titleix@doane.edu](mailto:titleix@doane.edu), 1014 Boswell Ave., Crete, NE 68333; or 402.826.8118
- B. Doane Safety Office: [doanesafetyoffice@doane.edu](mailto:doanesafetyoffice@doane.edu); 402.826.8669
- C. Lincoln Police Department: Non-emergency: 402.441.6000

### **Other Resources**

- A. CAPE Project: [capeproject@doane.edu](mailto:capeproject@doane.edu); 402.826.8117
- B. Vice President, Diversity, Equity and Inclusion: [luis.sotelo@doane.edu](mailto:luis.sotelo@doane.edu); 402.826.8116

- C. Chief Academic Officer: [lorie.cookbenjamin@doane.edu](mailto:lorie.cookbenjamin@doane.edu); 402.466.4774
- D. Human Resources: [humanresources@doane.edu](mailto:humanresources@doane.edu); 402.826.6795

### **Services Available 24 Hours a Day**

- A. For emergency medical and police services, call 911. Individuals may also go to the nearest hospital emergency department.
  - Bryan Medical Center West Campus
    1. 402.481.1111
    2. 2300 S 16th St. Lincoln, NE 68502
- B. Lincoln Police Department
  - Non-emergency: 402.441.6000
- C. Confidential Crisis Line
  - Voices of Hope
    1. Crisis line: 402.475.7273
    2. <http://www.voicesofhopelincoln.org/>

**Medical Treatment** - An individual who has been sexually assaulted is urged to seek appropriate medical evaluation as promptly as possible. Preserve evidence using a paper bag (rather than plastic).

- A. For life-threatening conditions: call 911 or go to the closest medical center.
- B. For evaluation for sexually transmitted infections or pregnancy: please visit the closest medical center.

**Medical/Legal Evidence Collection** - An individual who has been sexually assaulted is encouraged to request collection of medical/legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action.

**Note:** Once in a safe place, preserve evidence in a brown paper bag. Do not shower or bathe, douche, or change clothes.

**Federal law provides free medical-legal exams to victims of sexual assault.** For assistance in seeking such an exam, contact:

- Voices of Hope at 402.475.7273

**Obtaining Information, Support and Counseling** - Regardless of filing an official report, the University encourages the Complainant(s) to seek out information, support, and counseling.

These services are available to anyone in the Doane Crete community who wishes to discuss issues related to any Prohibited Conduct outlined in this policy, whether such conduct has actually occurred, and whether the person seeking information has been subject to Prohibited Conduct, has been accused of Prohibited Conduct, or is a third party.

The degree to which confidentiality can be protected depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed.



## Omaha

### Confidential Resources

- A. WCA Omaha
  - 402.345.7273
- B. Employee Assistance Program (for undergraduate students and employees):
  - 402.476.0186
  - Toll-free: 800.755.7636

### Formal Reporting Options

- A. Equity Compliance Officer (Title IX Coordinator): Leah Cech: [titleix@doane.edu](mailto:titleix@doane.edu), 1014 Boswell Ave., Crete, NE 68333; or 402.826.8118
- B. Doane Safety Office: [doanesafetyoffice@doane.edu](mailto:doanesafetyoffice@doane.edu); 402.826.8669
- C. Omaha Police Department: Non-emergency: 402.444.5600

### Other Resources

- A. CAPE Project: [capeproject@doane.edu](mailto:capeproject@doane.edu); 402.826.8117
- B. Vice President, Diversity, Equity and Inclusion: [luis.sotelo@doane.edu](mailto:luis.sotelo@doane.edu); 402.826.8116
- C. Director of Omaha Location: [chris.brady@doane.edu](mailto:chris.brady@doane.edu); 402.891.6600
- D. Human Resources: [humanresources@doane.edu](mailto:humanresources@doane.edu); 402.826.6795

### Services Available 24 Hours a Day

- A. For emergency medical and police services, call 911. Individuals may also go to the nearest hospital emergency department.
  - CHI Health Lakeside Hospital
    1. 402.717.8000
    2. 16901 Lakeside Hills Ct. Omaha, NE 68130
- B. Omaha Police Department
  - Non-emergency: 402.444.5600
- C. Confidential Crisis Line
  - WCA Omaha
  - Crisis line: 402.345.7273
  - [wcaomaha.org/](http://wcaomaha.org/)

**Medical Treatment** - An individual who has been sexually assaulted is urged to seek appropriate medical evaluation as promptly as possible. Preserve evidence using a paper bag (rather than plastic).

- A. For life-threatening conditions: call 911 or go to the closest medical center.
- B. For evaluation of sexually transmitted infections or pregnancy, please visit the closest medical center.

**Medical/Legal Evidence Collection** - An individual who has been sexually assaulted is encouraged to request collection of medical/legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action.

**Note:** Once in a safe place, preserve evidence in a brown paper bag. Do not shower or bathe, douche, or change clothes.

**Federal law provides free medical-legal exams to victims of sexual assault.** For assistance in seeking such an exam, contact:

- WCA Omaha at 402.345.7273

**Obtaining Information, Support and Counseling** - Regardless of filing an official report, the University encourages the Complainant(s) to seek out information, support, and counseling.

These services are available to anyone in the Doane Crete community who wishes to discuss issues related to any Prohibited Conduct outlined in this policy, whether such conduct has actually occurred, and whether the person seeking information has been subject to Prohibited Conduct, has been accused of Prohibited Conduct, or is a third party.

The degree to which confidentiality can be protected depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed.

*Policy update and attorney review August 2020*

### **Section 8.03 Bias/Hate Incident Policy**

Members of the Doane University community are expected to demonstrate individual responsibility in showing consideration for the beliefs and feelings of others, abiding by federal, state and local laws, and demonstrating exemplary conduct. When a student's behavior has direct implications for others and/or the well-being of the campus community, there is cause for community involvement, regardless of where the situation occurs (e.g. home or abroad).

Doane University creates a social and academic environment where students develop awareness of diversity and multiculturalism and how to function in a pluralistic and global society. Any behavior that threatens this environment will not be tolerated. Any such reports will be made to the Senior Judicial Officer, [brian.stutz@doane.edu](mailto:brian.stutz@doane.edu); 402.826.8546. The actions/incidents outlined in the report will constitute a possible violation of the Student Conduct Code. Sanctions will be determined based upon information gathered from investigations.

Bias/hate incidents include, but are not limited to, attempted or actual harassment or violence based wholly or in part on the victim's membership in a legally protected class, or based on the victim's sexual orientation or gender identity. See also Anti-Harassment Policy, Section 8.04, and Violence and Unacceptable Behavior Policy, Section 8.01. Bias/hate incidents are prohibited both on campus and off campus during normal work or school hours and outside the normal work or school hours. Off campus conduct constituting a violation of this policy is subject to disciplinary consequences up to and including expulsion from school and/or termination of employment when said off campus conduct is determined by the University to affect the normal working or student/faculty/staff relationships and/ or has negative effects on or interferes with Doane University's educational programs, educational purpose, students, faculty or school sponsored activities and/or is so severe, pervasive or objectively offensive that it interferes with any student's academic performance or student ability to fully participate in Doane College's educational programs or activities.

## Section 8.04 Non-Discrimination Policy: Preventing and Addressing Discrimination, Harassment, and Retaliation & Reporting Procedures

### Policy Purpose

Doane University (the “University”) believes that diversity is our strength and is committed to an inclusive community that values all community members so all may live, learn, and work in a safe environment, free from illegal discrimination and illegal harassment.

### Policy Statement

The University prohibits discrimination and harassment on the basis of age, color, (dis)ability, gender identity, gender expression, marital status, national or ethnic origin, race, religion, sex (including pregnancy), sexual orientation, veteran status, genetic information or any other protected class recognized by state or federal law in University academics, employment, or in its programs or activities. Retaliation against any individuals who, in good faith, report illegal discrimination and/or harassment will not be tolerated.

### Scope

Any student, staff, faculty, or third party member (e.g. contractors, vendors, those contractually obligated to the University, in addition to visitors and guests of the University) has the option to file an informal and/or formal report (outlined below) against a member of the community who is believed to have violated the policy. To the extent possible, both informal and formal procedures will seek to maintain confidentiality.

The report can be filed with:

- A. Luis Sotelo, Vice President for Diversity, Equity and Inclusion at [luis.sotelo@doane.edu](mailto:luis.sotelo@doane.edu), 402.826.8116, 1014 Boswell Ave. Crete, NE 68333 (Lower Level Perry Campus Center),
- B. Director of Human Resources at [humanresources@doane.edu](mailto:humanresources@doane.edu), 402.826.6795, 1014 Boswell Ave. Crete, NE 68333 (Chab Weyers Education & Art Building), or
- C. Brian Stutz, Director of Residential Life and Education and Senior Judicial Officer at [brian.stutz@doane.edu](mailto:brian.stutz@doane.edu), 402.826.8546, 1014 Boswell Ave. Crete, NE (Lower Level Perry Campus Center).
- D. Leah Cech, Equity Compliance Officer at [leah.cech@doane.edu](mailto:leah.cech@doane.edu), 402.826.8118, 1014 Boswell Ave., Crete, NE 68333 (Lower Level Perry Campus Center).

The following internal reporting procedures govern the reports of illegal conduct, such as discrimination, harassment, or retaliation, and outline reporting and resolution options. The procedure applies to employees, students, and third parties.

### Definition of Terms

*Discrimination:* Inequitable treatment of a person based on one or more of that person’s protected characteristics or statuses, excepting any treatment permitted or required by law.

*Protected Characteristics/Statuses:* Age, color, disability, gender identity, gender expression, marital status, national or ethnic origin, race, religion, sex (including pregnancy), sexual orientation, veteran status, genetic information or any other protected class recognized by state or federal law.

*Harassment:* Unwelcome conduct directed against a person based on one or more of that person's protected characteristics or statuses, which conduct is so severe or pervasive that it interferes with an individual's employment, academic performance or participation in University programs or activities, and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive.

*Report:* Allegation(s) of discrimination, harassment and/or retaliation, filed in good faith (holding a genuine belief in the truth of one's allegations).

*Reporting Party:* The person who has filed a report of a violation of this policy, which may or may not be the victim of the prohibited conduct.

*Responding Party:* The person who is accused of engaging in prohibited conduct.

*Retaliation:* Any adverse action taken or threatened against an employee or student because the individual has, in good faith, engaged in protected activity, such as alleging the violation of state or federal law, University policy, rule or regulation, or has participated in any manner with an investigation of such allegation.

### **Informal Procedures**

An informal report aims to reach a resolution between the Reporting Party and Responding Party without any formal filing and/or fact-finding investigation by following any of the three options below. Employees, students, and third parties are encouraged to start with informal procedures, when appropriate and safe to do so. However, some reports of illegal discrimination, harassment, and/or retaliation may be too severe to proceed under informal procedures and may require a formal investigation. Informal procedures may resolve concerns through educational programming or tailored training (but not limited to) for involved parties, if warranted, to achieve the goals of this policy. The Reporting Party may file a formal report if informal procedures fail to resolve concerns.

- A. **Direct Communication with Responding Party:** If the Reporting Party reasonably believes that the Responding Party will be receptive to one-on-one communication, does not feel threatened or at risk of physical harm, they may communicate directly with the Responding Party to reach a resolution.
- B. **Third Party Assistance:** Reporting Party has the option to seek third party assistance to informally serve as mediator of the report of discrimination, harassment, and/or retaliation from (a) the Division of Diversity, Equity and Inclusion's designee, (b) Human Resources or their designee, or (c) Director of Residential Life and Education. No party shall be represented by legal counsel
- C. **Consulting:** The Reporting Party may choose to consult with (a) the Vice President for Diversity, Equity and Inclusion or designee, (b) Human Resources or their designee, or (c) Director of Residential Life and Education to receive resources to informally address concern with the Responding Party. In this case, the Responding Party would not be notified without the consent of the Reporting Party.

The Responding Party is encouraged to use one or all of the informal procedures outlined above in whichever order is appropriate. If a resolution is reached using any of the above informal procedures, the report of discrimination, harassment, and/or retaliation will be

considered closed. If involved parties fail to follow an agreed-upon resolution, formal procedures may be filed. The University holds the right to initiate a formal investigation at any time.

## Procedures

A formal report aims to reach a resolution between the Reporting Party and the Responding Party through a fact-finding investigation.

- A. Filing a Report: Provide the name and address of the Reporting Party and address the Complainant, using a description of the facts that support the alleged prohibited discrimination or retaliation.

Reports may be submitted, in writing or verbally, in any of the following ways.

- Email to Vice President for Diversity, Equity and Inclusion [luis.sotelo@doane.edu](mailto:luis.sotelo@doane.edu), to Human Resources Director [anne.ziola@doane.edu](mailto:anne.ziola@doane.edu), to Equity Compliance Officer Leah Cech at [leah.cech@doane.edu](mailto:leah.cech@doane.edu), or Director of Residential Life and Education Brian Stutz at [brian.stutz@doane.edu](mailto:brian.stutz@doane.edu).
- Mail to 1014 Boswell Avenue, Crete, NE 68333, to the attention of Vice President for Diversity, Equity and Inclusion, Luis Sotelo; Human Resources Director, Anne Ziola; Leah Cech, Equity Compliance Officer, or Director of Residential Life and Education, Brian Stutz.
- Hand-deliver to the Division of Diversity, Equity and Inclusion (Padour Walker Administration Building), Office of Human Resources (Chab Weyers Education & Art Building), Equity Compliance Officer (Perry Campus Center) or Office of Residential Life and Education (Perry Campus Center). All offices are located in buildings in the Crete Campus, 1014 Boswell Ave.

Reasonable accommodations may be available to assist the Reporting Party with filing a written report.

- B. Evaluation of Report:

- Once the report is received, an Investigator will be appointed by the Division of Diversity, Equity and Inclusion. The University may take interim measures to address safety and well-being concerns and to allow the Reporting Party continued access to education, employment, or other University activities. Possible interim measures may include, but not limited to, change in course/work schedule, housing arrangement, safety plan or other reasonable measures available to the University. Title IX does not place a time limit on supportive measures, Title IX Policy does state that for interim measures (meaning those that are in effect for purposes of a case/investigation, “will remain in effect throughout the duration of the Title IX Investigation and appeals process,” if an appeal is filed.
- The Investigator will decide if the report states a potential violation of the Preventing and Addressing Discrimination, Harassment, and Retaliation Policy (“Policy”). The Reporting Party may be contacted during this process to obtain necessary information not provided in the initial report.
  1. If the allegations support a potential violation of the Policy, the Investigator will meet with the Reporting Party to gain additional information, confirm allegations, discuss procedures, and-when appropriate-offer resolution without formal findings (explained later in procedures). If the allegations do not fall under this

policy, the Reporting Party may be referred to other campus policies or resources.

2. If the allegations do not support a potential violation of Policy, the Investigator will issue a written notice to the Reporting Party explaining why the report does not violate the policy and may inform the Reporting Party of other resolution pathways.
- Resolution without Formal Findings: A resolution without formal findings seeks to resolve a report equitably, quickly, and to the satisfaction of all involved parties without conducting a formal investigation, but does include a written resolution signed by both parties outlining agreed-upon terms. Generally, a resolution without formal findings does not require a facilitated meeting between the Reporting Party and Responding Party, unless both parties agree to do so. This process will only involve the Reporting Party, Responding Party, and other University officials to consult on University policies and procedures or available resolutions.
    1. If a resolution without a formal findings option is provided to the Reporting Party during initial evaluation of the report, they will be given five (5) business days to decide whether to pursue that option.
    2. If the Reporting Party agrees to resolution without formal findings, the Investigator will notify the Responding Party that they have been named in a report and will be provided with the allegation(s). This notification will also include information regarding procedure and the option to follow the resolution without a formal findings option. The Responding Party has five (5) business days after notification to decide whether to exercise this option.
    3. The resolution without formal findings process may be terminated at any point and the investigation will begin, at the discretion of the University.
    4. If the report is successfully resolved, the parties will sign a formal resolution.
  - Investigation: If either party declines to exercise resolution without a formal findings option or if the Investigator does not find this option suitable for the report, the Investigator will conduct an investigation by following the steps outlined below. The investigation will typically be completed within seventy-five calendar days of the receipt of the report, unless circumstances prevent meeting that deadline. In such cases, both parties will be notified of any extensions.
    1. The Reporting Party and Responding Party will be notified in writing and at the same time when the investigation begins. Communication to the parties will (a) name the Reporting Party and the Responding Party, (b) detail the allegations, (c) provide the policy & procedures, and (d) identify the Investigator.
    2. The Investigator will conduct formal interviews with the Reporting Party and the Responding Party, with equal opportunity to be heard. During this phase of the investigation, both parties may submit evidence and identify witnesses who may have relevant information.
    3. The Investigator will meet with third party witnesses. Witnesses do not have to or have been identified by the Reporting Party or Responding Party to be interviewed.
    4. The Investigator will gather other relevant and available evidence and information not provided by the Reporting Party and Responding Party.
    5. Upon completion of the investigation, the Investigator will issue a written report that will include a recommendation as to whether there is sufficient information,

by a preponderance of the evidence, to support a finding that the Responding Party engaged in illegal discrimination, harassment, and/or retaliation. The report will be delivered at the same time to the Reporting Party, Responding Party, and the administrative official(s) responsible for the area in which the Reporting and Respondent Parties are involved in (College Dean for faculty, Dean of Students for students, Vice President for staff member's division, President for those directly reporting to President, Vice President of Division most closely connected to the third party member or the Vice President of Finance and Administration, as applicable).

6. If the investigation finds that the report of discrimination is founded, the Responding Party's administrative official, in consultation with the Senior Judicial Officer (if the Responding Party is a student), or with the Director of Human Resources (if the Responding Party is an employee or third party member), is responsible for making the decision on appropriate sanctions, including but not limited to suspension, expulsion, reassignment, termination, delivered to Responding Party. The Division of Diversity, Equity and Inclusion will also provide support in making decisions about appropriate sanctions.

## **APPEALS PROCEDURE**

Either the Reporting Party or Responding Party has the right to appeal the Investigator's written report. Merely disagreeing with the assessed sanction or outcome of the investigation is not grounds for appeal.

- A. Criteria for Appeal: One of the following criteria must be met in order to file an appeal: (a) Failure of investigation to follow procedural standards of the policy, (b) The emergence of new evidence that was not presented in the original investigation, or (c) Substantial reason to believe the sanction is too severe for the violation and/or does not fall within the range of penalties imposed for similar misconduct.
- B. Appeal: The appeal must be made in writing to the Chief Academic Officer or their designee for faculty, the Vice President for Student Affairs or their designee for students, or the Vice President for Finance and Administration or their designee for staff members, and the Chair of the Board of Trustees for direct reports to the President within five (5) business days of the notification of the investigation or sanction (whichever is delivered last). The appeal shall consist of a concise and complete written statement outlining the criteria for appeal and all supporting information to substantiate the grounds for the appeal.
  - The aforementioned person receiving the appeal, or their designee, will act upon a written appeal within a reasonable time, normally five (5) business days after receipt of the appeal. Deadlines may be modified depending on the complexity of the case and/or if the severity of the allegations warrant variation from the normal appeal process timeline.
  - The person receiving the appeal, or their designee, will have access to all documents relating to the investigation and sanction decisions, if sanction is applicable to a specific case.
  - The person receiving the appeal, or their designee, will issue a written decision on the appeal. The written decision of the person receiving the appeal, or their designee, shall constitute the University's final decision.

## Section 8.05 ADA Grievance Procedure

Doane University wants to ensure prompt and equitable resolution of complaints alleging any discrimination or other conduct prohibited by the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act of 1973, as amended (20 U.S.C. 794.) If at any point a student, faculty or staff member believes that there has been a violation of ADA or Section 504, he or she should follow these steps:

- A. To file a grievance, the student, faculty or staff member must contact the University's Section 504 Coordinator within 30 working days of the alleged discrimination or other conduct. (In special circumstances an extension may be granted for filing a grievance.) All grievances should be filed with Anne Ziola, Director of Human Resources and the University's designated Section 504 Coordinator. She may be contacted at 402.826.6795 or via email at [anne.ziola@doane.edu](mailto:anne.ziola@doane.edu).
- B. The 504 Coordinator will make contact with the student or employee filing the grievance within two business days. The 504 Coordinator will make a record of the meeting and may request the person filing the complaint to present the grievance in writing.
- C. Upon review of the documentation and information gathering, the 504 Coordinator will render a findings report to Doane University, the student bringing forth the grievance and the parents or guardian of the student if FERPA (Family Educational Rights and Privacy Act) permits or employee within 30 days after its filing.
- D. The person filing the complaint may request reconsideration of the report determination and findings if he or she is dissatisfied with the resolution. This request should be made to the Section 504 Coordinator within 10 working days. With such a request, the findings report will be provided to the appropriate Vice President (e.g., Student Affairs, Financial Affairs, or Academic Affairs). The designated Vice President will be responsible for reviewing the report findings and resolution and making a determination. A copy of their written determination will be provided to the person filing the grievance within 10 working days of the request. The written determination will also be filed with the 504 Coordinator.



## Article IX. Crime on the Campus

### Section 9.01 Student Right to Know: Campus Security Act

The Student Right-to-Know and Campus Security Act, as amended, and signed into law on November 8, 1990, contains several requirements that affect Doane University's continued participation in the Title IV Student Financial Assistance (SFA) programs authorized by the Higher Education Act of 1965, as amended.

As amended, Title II of Public Law 101-542 is the Crime Awareness and Campus Security Act of 1990. This Act requires Doane University to collect certain information commencing August 1, 1991. It also requires that Doane University prepare, publish, and distribute this information to all current students and employees and to any applicant for enrollment or employment upon request beginning September 1, 1992, and each year thereafter.

Information specific to this section can be found in the University Annual Security Report at this [Link](#).

### Section 9.02 Security and Access to Campus Facilities Policies

Information on campus access policies can be found in the University Annual Security Report at this [Link](#).