

2015

UNO Website: UNO Student Code of Conduct

University of Nebraska at Omaha

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UNIVERSITY OF NEBRASKA AT OMAHA STUDENT CODE OF CONDUCT

PREAMBLE

The community of scholars at the University of Nebraska at Omaha is dedicated to providing a safe and positive learning experience that is student-centered and focused on academic excellence and engagement with urban, rural, national, and global communities. By choosing to join the community, each member agrees to comply with certain standards of civilized behavior; and therefore, the University of Nebraska at Omaha adopts this Student Code of Conduct, in order that it might:

1. Reflect the values of UNO and promote a campus environment that supports its educational, research, and outreach missions;
2. Protect the members of the community and its resources from disruption and harm;
3. Provide a guide to appropriate individual and group behavior; and
4. Foster ethical standards and civic virtues.

SEXUAL MISCONDUCT

All allegations of sexual misconduct, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed in accordance with Board of Regents Policy 2.1.8 and following the procedures set forth in the “University of Nebraska at Omaha Response to Allegations of Student Sexual Misconduct”, adopted pursuant to Board of Regents Policy 5.3.3, attached to this Student Code as Appendix “A,” or as Appendix “A” may be hereafter amended.

ARTICLE I: DEFINITIONS

1. The terms “University” and “UNO” mean the University of Nebraska at Omaha.
2. The term “student” includes all persons enrolled at the University, either as a resident student or an on-line student, whether full-time or part-time. The term “student” also includes:
 - a. A person who withdraws from enrollment at the University after allegedly violating the Student Code, but before the offense is adjudicated;
 - b. A person once enrolled as a student, not officially enrolled for a particular term in which an offense is committed, but who has a continuing relationship with the University;
 - c. A person living in any University residence hall, although not enrolled at the University; and
 - d. A person participating as a learner in a program sponsored by the University, even if such program is conducted away from University premises, in any location, including other states and countries.
3. The term “faculty member” means any person hired by the University to conduct classroom, research, or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term “University Official” includes any person employed by the University, performing assigned administrative or professional responsibilities.
5. The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed by the University or any firm or corporation acting on behalf of the University. A person’s status in a particular situation shall be determined by the Director of Student Conduct and Community Standards.
6. The term “University premises” includes any building, facility or grounds owned or leased by the University and any building, facility or grounds located on real property owned by the University and leased or licensed to any person, firm or corporation for University use, including, but not limited to, student housing facilities and business and technology development facilities.
7. The term “RSO” means any recognized student organization with any number of persons who have complied with the formal requirements for University recognition.

8. The term “shall” is used in the imperative sense.
9. The term “may” is used in the permissive sense.
10. The term “school day(s)” refers to those days during the Fall, Spring and Summer terms when classes are in session.
11. The term “working day(s)” refers to those days when University offices are open for normal business.
12. The term “policy” means the written regulations of the University and the University of Nebraska as found in, but not limited to, the Student Code, Residence Life Handbook, the University of Nebraska and the University of Nebraska at Omaha web pages, computer use policy (Executive Memorandum No. 16), and Graduate/Undergraduate Catalogs.
13. The term “Complainant” means any person who submits a charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the Complainant, even if another member of the University community also submitted the charge.
14. The term “Respondent” means any student or RSO accused of violating this Student Code.
15. The term “Senior Student Affairs Officer” shall mean the Vice Chancellor for Student Affairs and Enrollment Management or successor to that title.
16. The term “Conduct Officer” shall mean the Director of Student Conduct and Community Standards or a University official authorized by the Senior Student Affairs Officer to impose sanctions upon students or RSOs found to have violated the Student Code of Conduct or other published University policies and regulations prescribing standards of student conduct.
17. The terms “Disciplinary Procedures” or “University Disciplinary Procedures” refers to the provisions which comprise the hearing process described in Article IV of this Student Code.
18. The terms “Conduct Board” and “University Conduct Board” refer to that body of students, faculty and staff selected pursuant to the provisions of Article IV, paragraph J.1, which presides over hearings conducted as part of the Disciplinary Procedures.
19. The terms “Appeals Board” and “University Appeals Board” refer to that body of students, faculty, and staff selected pursuant to the provisions of Article IV, paragraph L.1, which hears appeals of the decisions made by the Conduct Board.

ARTICLE II: STUDENT CODE AUTHORITY

1. The Director of Student Conduct and Community Standards is the person designated by the University to be responsible for the administration of the Student Code and is authorized by the Senior Student Affairs Officer to impose sanctions upon students or RSOs found to have violated the Student Code or other published University policies and regulations prescribing standards of student conduct.
2. Decisions made by the University Conduct Board, or if appealed, then by the University Appeals Board, shall be final. No other UNO or University of Nebraska appeal is available.

ARTICLE III: PROSCRIBED CONDUCT

A. JURISDICTION OF THE UNIVERSITY STUDENT CODE

1. The Student Code shall apply to conduct that occurs:

- a. On University premises, including all University of Nebraska locations, physical campuses and any University affiliated programs, events or activities, including those located in other states or countries.
- b. Off University premises, if the conduct is determined by the Director of Student Conduct and Community Standards to adversely affect a substantial University interest. A substantial University interest is defined to include:
 - i. Any situation where it appears that a student's or student organization's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
 - ii. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
 - iii. Any situation that is detrimental to the educational mission and/or interests of the University.
2. The Student Code applies to student conduct which occurs from the time of enrollment through the actual awarding of a degree, even if the conduct occurs prior to the start of classes or is discovered after a degree is awarded.
3. An RSO is responsible for a member's conduct from the time the student officially affiliates with the RSO until the student is permanently terminated from membership or is awarded a degree.
4. All allegations of sexual misconduct, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed in accordance with Board of Regents Policy 2.1.8 and following the procedures set forth in the "University of Nebraska at Omaha Response to Allegations of Student Sexual Misconduct", adopted pursuant to Board of Regents Policy 5.3.3, attached to this Student Code as Appendix "A," or as Appendix "A" may be hereafter amended.

B. CONDUCT – RULES AND REGULATIONS

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

1. Acts of academic dishonesty, including but not limited to the following:
 - a. Cheating: Copying or attempting to copy from an academic test or examination of another student; using or attempting to use unauthorized materials, information, notes, study aids or other devices for an academic test, examination or exercise; engaging or attempting to engage the assistance of another individual in misrepresenting the academic performance of a student; or communicating information in an unauthorized manner to another person for an academic test, examination or exercise.
 - b. Fabrication or Falsification: Falsifying or fabricating any information or citation in any academic exercise, work, speech, research, test or examination. Falsification is the alteration of information, while fabrication is the invention or counterfeiting of information.
 - c. Plagiarism: Presenting the work of another as one's own (i.e., without proper acknowledgment of the source) and submitting examinations, theses, reports, speeches, drawings, laboratory notes or other academic work in whole or in part as one's own when such work has been prepared by another person or copied from another person. Materials covered by this prohibition include, but are not limited to, text, video, audio, images, photographs, websites, electronic and online materials, and other intellectual property.
 - d. Abuse of Academic Materials: Destroying, defacing, stealing, or making inaccessible library or other academic resource material.
 - e. Complicity in Academic Dishonesty: Helping or attempting to help another student to commit an act of academic dishonesty.
 - f. Falsifying Grade Reports: Changing or destroying grades, scores or markings on an examination or in a faculty member's records.

- g. Impermissible Collaboration: Collaborating on any academic exercise, work, speech, test or examination unless expressly authorized by the faculty member. It is the obligation of the student to know whether collaboration is permitted.
- h. Misrepresentation to Avoid Academic Work: Misrepresentation by fabricating an otherwise justifiable excuse such as illness, injury, accident, etc., in order to avoid or delay timely submission of academic work or to avoid or delay the taking of a test or examination.
- i. Other: Academic units and members of the faculty may prescribe and give students prior notice of additional standards of conduct for academic honesty in a particular course, and violation of any such standard of conduct shall constitute misconduct under this Student Code and the University Disciplinary Procedures.

Any student found responsible for academic dishonesty may be subject to both academic and disciplinary sanctions. Academic sanctions are issued in accordance with the Undergraduate Academic Integrity Policy or the Graduate Academic Integrity Policy.

- 2. Furnishing false information to any University official, faculty member, or office.
- 3. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
- 4. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, and other University activities on or off-campus, including its public service functions on or off-campus, or of other authorized non-University activities.
- 5. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct that threatens or unreasonably endangers the mental or physical health or safety of any person or oneself, including any such conduct achieved through means of social media or any other means of electronic communication.
- 6. Attempted or actual theft of and/or damage to property of the University or property of a member of the University community on or off campus.
- 7. Hazing, defined as 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 student organization, sports team or other organized group. Such hazing activity shall include, but not be limited to, whipping, beating, branding, 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 of the performance of any act which endangers the physical or mental health or safety of any person.
- 8. Improper initiation rituals, more specifically described as, intentionally adopting or implementing a practice of activity for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or RSO that requires exertion or deprivation or embarrassment over a sustained period of time that can reasonably be expected to interfere with a student's academic performance, whether within or outside of the University. The express or implied consent of the victim will not be a defense.
- 9. Failure to comply with directions of University officials or law enforcement officers acting in the course and scope of their University job duties and/or failure to identify oneself to these persons when requested to do so.
- 10. Unauthorized possession, duplication or use of keys and/or keycards to any University premises or unauthorized entry to or use of University premises.
- 11. Violation of any UNO or University of Nebraska policy, rule, or regulation published in hard copy or available electronically on the UNO or University of Nebraska websites. Electronic copy published on the UNO or University of Nebraska websites shall supersede hard copy.
- 12. Violation of any federal, state or local law.
- 13. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances, or drug paraphernalia, except as expressly permitted by law.
- 14. Use, possession, manufacturing, or distribution of alcoholic beverages on University premises (except as expressly permitted by the University), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age in the State of Nebraska.

- a. University Student Diversion Policy (seeking emergency treatment for alcohol poisoning or drug reactions)
 - i. Students acting in the best interest of themselves or others by calling Campus Security or 911 (or similar police/emergency medical services) to assist another person experiencing adverse drug reactions, acute alcohol poisoning or other serious alcohol-related injury are eligible to participate in an alternative Student Code procedure. Students seeking to participate in this alternative must meet with a designated Conduct Officer to honestly and openly discuss the circumstances surrounding the incident and the decision to call Campus Security or 911/seek emergency medical services.
 - ii. Students who receive emergency medical assistance for acute alcohol poisoning or a serious alcohol-related injury are eligible for an alternative to the normal Student Code procedure. In lieu of discipline, the student must complete the Brief Alcohol Screening and Intervention for College Students (BASICS) program or such other similar program designated by the University.
 - iii. Students who qualify for and complete these alternative requirements will have their Student Code charges set aside and the incident will not be recorded in the behavioral conduct record of the student, provided the student commits no additional major violations of the Student Code within a twelve month period.
 - b. Procedure
 - i. In order for this policy to be in effect, emergency medical services must be summoned and must respond directly to the situation.
 - ii. Students will receive a letter from the Director of Student Conduct and Community Standards or appropriate Residence Hall Director informing them of misconduct charges. Upon meeting with the designated Conduct Officer, it will be determined if the student may be eligible for the UNO Student Diversion Policy/Program.
 - iii. If the student is deemed eligible for the UNO Student Diversion Policy/Program by the Conduct Officer, then upon the student fulfilling the requirements of the policy, the student's record will indicate no violation of the Student Code.
 - c. While the policy diverts sanctions within the Disciplinary Procedures, students may still be charged by law enforcement officials with violations of federal, state or local laws. Additionally, this policy is not a means to excuse students from egregious Student Code violations.
15. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises or, the use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
 16. Participating in an on-campus demonstration, riot or activity that infringes, or incites others to infringe, on the rights of other members of the University community and impacts the educational environment or blocks access to or from educational services, including, but not limited to, the ability to legally express oneself, to attend classes or other University activities and programs, or to engage in one's University job duties.
 17. Obstruction of the free flow of pedestrian or vehicular traffic on University Premises or at University sponsored or supervised functions.
 18. Conduct that is disorderly or indecent, including public urination; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University or members of the University community.
 19. Theft or other misuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file, to copy, use, read, or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another individual's identification and/or password.

- d. Use of computing facilities and resources to interfere with the work of another student, faculty member or University Official.
 - e. Use of computing facilities and resources to send obscene or abusive messages.
 - f. Use of computing facilities and resources to interfere with normal operation of the University computing system.
 - g. Any violation of the University Computer Use Policy (Executive Memorandum No. 16).
- 20. Smoking in any University facility or vehicle. (The Smoking Policy is found at www.unomaha.edu).
- 21. Turning in false fire alarm or bomb threat or misusing fire safety equipment on University Premises, including any student-housing unit.
- 22. Failing to report a fire or any other extremely dangerous condition when known or recognized on the campus.
- 23. Violation of any student housing unit policy or regulation. (The Housing Handbooks are found at housing.unomaha.edu.)
- 24. Sexual assault or any other uninvited behavior of a sexually explicit nature including but not limited to sexual harassment, dating or domestic violence, and stalking. All allegations of sexual misconduct, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed in accordance with Board of Regents Policy 2.1.8 and following the procedures set forth in the "University of Nebraska at Omaha Response to Allegations of Student Sexual Misconduct", adopted pursuant to Board of Regents Policy 5.3.3, attached to this Student Code as Appendix "A," or as Appendix "A" may be hereafter amended.
- 25. Abuse of the University Disciplinary Proceedings, including but not limited to:
 - a. Failure to comply with the notice from a Conduct Board or University official to appear for a meeting or hearing as part of the Disciplinary Proceedings.
 - b. Falsification, distortion, or misrepresentation of information before a Conduct Board.
 - c. Disruption or interference with the orderly conduct of a Conduct Board proceeding.
 - d. Filing a malicious or frivolous complaint.
 - e. Attempting to discourage an individual's desire or efforts to engage in a permitted participation or use of the Disciplinary Procedures.
 - f. Attempting to influence the impartiality of a member of a Conduct Board prior to, and/or during the course of, the Conduct Board proceeding.
 - g. Harassment (verbal or physical) and/or intimidation of a member of a Conduct Board prior to, during, and/or after a disciplinary proceeding for purposes of disruption of the conduct process.
 - h. Failure to comply with the sanction(s) imposed under the Student Code.

C. VIOLATION OF LAW AND UNIVERSITY DISCIPLINE

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 Code, the University may advise off-campus authorities of the existence of the Student 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. Individual students and other members of the University community remain free to interact with governmental representatives, as they deem appropriate.

ARTICLE IV: STUDENT CODE OF CONDUCT DISCIPLINARY PROCEDURES

A. GENERAL

1. Right to Disciplinary Proceeding. Except in cases of interim suspension or other interim action ordered by the Senior Student Affairs Officer as hereafter provided, suspension, expulsion or other disciplinary sanction for misconduct may not be imposed without a disciplinary proceeding in accordance with these Disciplinary Procedures.
2. Student Court Jurisdiction. Nothing in these Disciplinary Procedures shall affect the jurisdiction of the Student Court of the Student Government of the University of Nebraska at Omaha (SG-UNO) with respect to SG-UNO constitutional matters, RSOs and other non-disciplinary student matters.
3. Disciplinary Procedures of Related Conduct Boards. All Related Conduct Boards shall model their disciplinary procedures insofar as possible after these Disciplinary Procedures. See Section M relating to Related Conduct Boards.
4. Conduct Officer. The Conduct Officer shall mean the Director of Student Conduct and Community Standards or a University official authorized by the Senior Student Affairs Officer to impose sanctions upon students or RSOs found to have violated the Student Code or other published University policies and regulations prescribing standards of student conduct.

B. RIGHTS OF THE COMPLAINANT AND THE RESPONDENT

1. Complaint. Any member of the University community, visitor or guest may file a written misconduct complaint against a student or RSO alleging misconduct under the Student Code or other policy. Misconduct complaints shall be filed with the Office of Student Conduct and Community Standards.
2. Responsibility of the Conduct Officer. If the Conduct Officer determines that the misconduct alleged in a complaint warrants the institution of disciplinary proceedings, he or she shall insure compliance with these Disciplinary Procedures.
3. Disqualification of Conduct Officer. In the event the Conduct Officer may be a material witness in any disciplinary proceeding or for any reason cannot perform his or her duties under these Disciplinary Procedures, or has any conflicts of interest with a particular case, the Senior Student Affairs Officer shall appoint an acting Conduct Officer to perform such duties.
4. Review of Complaint. The Conduct Officer shall make a preliminary investigation of each complaint to determine whether it may be disposed of without implementation of disciplinary proceedings. Within 20 school days after receipt of a written misconduct complaint against a student or RSO, the Conduct Officer must decide on one of three courses of action: (a) dismiss the complaint, (b) propose an administrative disposition to the student or RSO, or (c) initiate a disciplinary proceeding before the University Conduct Board or a related conduct board.
5. Informal Meeting. The Conduct Officer may conduct an informal meeting with a student or RSO accused of misconduct to discuss the alleged misconduct. Prior to any such informal meeting the student or RSO accused of misconduct shall be apprised in writing of the following:
 - a. The source and nature of the misconduct complaint which has been filed.
 - b. That the student or RSO is entitled to be accompanied by legal counsel or an adviser at the expense of the student or RSO at any meeting or hearing relevant to the misconduct alleged in the complaint.
 - c. That the student or RSO is under no obligation at any time to make any statement at any meeting or hearing relevant to the misconduct alleged.

- d. That all information obtained in the course of the investigation will be relevant to a final decision under these Disciplinary Procedures.

During any such informal meeting, the Conduct Officer may proceed with administrative disposition of a complaint pursuant to Section D.2 of these Disciplinary Procedures if the Conduct Officer determines that administrative disposition is appropriate and if the same is accepted by the student or RSO as provided in Section D.2.

6. Failure to Appear. If a student or RSO accused of misconduct fails to appear at an informal meeting requested by the Conduct Officer, the Conduct Officer may initiate disciplinary proceedings before the University Conduct Board or a related conduct board.

C. INTERIM ACTION

Pending initiation of disciplinary proceedings by the Conduct Officer, the Senior Student Affairs Officer may at any time impose restrictions and/or temporarily suspend a student from the University or deny a student readmission when the Senior Student Affairs Officer finds and believes from information coming to his or her attention that the presence of the student on the University campus would seriously disrupt the University or constitute a danger to the health, safety or welfare of other persons, the student, or property of the University or members of the University community.

Restrictions imposed may include denial of access to University housing, other specified University facilities or events, one or more classes, and/or University activities or privileges for which the student might otherwise be eligible. If a student is placed on interim suspension or has restrictions imposed by the Senior Student Affairs Officer, the Senior Student Affairs Officer shall promptly instruct the Conduct Officer to initiate appropriate disciplinary proceedings against the student within two (2) working days after the interim suspension or restriction is imposed. If a student is placed on interim suspension or has restrictions imposed and is ultimately found not responsible for misconduct, such student shall be allowed, if at all possible, to make up academic work missed while on interim suspension or restriction.

D. ADMINISTRATIVE AND CONDUCT BOARD DISCIPLINARY PROCEEDINGS.

1. General. If the Conduct Officer determines that the institution of a University disciplinary proceeding for alleged misconduct is in the best interests of the University and/or the University community, such proceeding shall be instituted and the individual or RSO alleged to have violated the Student Code of Conduct will be notified in accordance with the procedures for administrative disposition or the procedures for Conduct Board disposition provided below.
2. Administrative Disposition. The Conduct Officer, in the exercise of his or her reasonable judgment and when agreed to in writing by the student or RSO, shall have authority by administrative disposition of a disciplinary proceeding to impose any of the disciplinary sanctions provided in Section G. The proposed administrative disposition shall list all Student Code violations which the student or RSO is accused of violating as a result of the alleged misconduct. Where an administrative disposition proposed by the Conduct Officer is not accepted in writing by the student or RSO, the student or RSO shall have the right to have the matter of the alleged misconduct referred to the University Conduct Board. The student or RSO shall have three (3) school days within which to accept or reject an administrative disposition proposed by the Conduct Officer. If the student or RSO fails to accept or reject the proposed administrative disposition within such three school day period, rejection will be presumed and the matter shall be referred to the University Conduct Board or a related conduct board for resolution, as provided in Section D.3.

3. Conduct Board Disposition. If a student or RSO rejects administrative disposition of a disciplinary proceeding proposed by the Conduct Officer, the Conduct Officer shall institute a disciplinary proceeding before the University Conduct Board or before a related conduct board for the misconduct alleged in the complaint. The disciplinary proceeding instituted shall be limited to those Student Code violations listed in the rejected administrative disposition, unless new information becomes available after the administrative disposition was rejected. Further, the Conduct Officer may institute a disciplinary proceeding for alleged misconduct directly before the University Conduct Board or a related conduct board without first offering administrative disposition to a student or RSO accused of misconduct.
4. Jurisdiction. The University Conduct Board shall have general original jurisdiction under these Disciplinary Procedures to hear and decide any disciplinary proceeding against a student or RSO accused of misconduct. Related Conduct Boards shall have limited original jurisdiction to hear and decide disciplinary proceedings according to their respective disciplinary procedures. (See Section M.5 relating to jurisdiction of Related Conduct Boards.)

E. UNIVERSITY CONDUCT BOARD PROCEDURE

1. Notice. All disciplinary proceedings before the University Conduct Board shall be instituted by written notice delivered to the student accused of misconduct or delivered to an officer of the RSO accused of misconduct. Such written notice shall contain the following information:
 - a. Source of the misconduct complaint.
 - b. Statement of alleged facts constituting misconduct under the Student Code or other policy.
 - c. Citation of the specific provision(s) of the Student Code of Conduct or other policy alleged to have been violated.
 - d. Description of the pertinent information (e.g. records, statements, images or other information) to be presented.
 - e. Date, time and place of the hearing before the Conduct Board. Each hearing shall be scheduled at least three (3) school days after the date of receipt of the written notice.
 - f. A statement that the student or RSO accused of misconduct may be accompanied by legal counsel or other adviser at the hearing before the Conduct Board, to be provided at the expense of the student or RSO, and that such legal counsel or adviser may advise the student or RSO, but may not directly participate in the hearing.
 - g. That the student or RSO accused of misconduct is under no obligation to make any statement at the hearing relevant to the alleged misconduct, and that refusal to make a statement will not be considered as an indication of responsibility.
 - h. That the student or RSO accused of misconduct has the right to inspect any pertinent information the Conduct Officer intends to present at the hearing prior to the hearing in the Office of Student Conduct and Community Standards and that the student or RSO will be advised in writing prior to the hearing of any pertinent information subsequently discovered, which the Conduct Officer intends to present at the hearing and given an opportunity to inspect such information.
2. Failure to Appear. The student accused of misconduct or a student officer of the RSO accused of misconduct will be expected to be present at the hearing before the Conduct Board. If the student or a student officer of the RSO fails to appear at the time and place designated for the hearing, the Conduct Board shall proceed with the hearing provided a majority of the Conduct Board members present are satisfied that the student or RSO has received written notice as required by Section E.1. The Conduct Board will then proceed in the absence of the student or RSO and render a decision, based upon the information presented at the hearing.

3. Quorum. Every student or RSO accused of misconduct in disciplinary proceedings before the Conduct Board is entitled to a hearing by a quorum of the Conduct Board. A quorum will consist of two faculty members, one staff member and four student members of the Conduct Board. If a quorum is not present, the student or student officer of the RSO, as the case may be, and the Conduct Officer may stipulate and agree in writing that the Conduct Board hearing may be conducted and the case may be decided by those Conduct Board members present even though a quorum has not been established. If there is no such stipulation, the hearing shall be rescheduled as soon as is reasonably possible.
4. Status Pending Conduct Board Proceedings. The status of a student accused of misconduct shall not be altered and the right of a student to be present on campus and to attend classes shall not be suspended during the time of any pending disciplinary proceeding against the student unless the Senior Student Affairs Officer determine that administrative withdrawal of the student is required for compelling reasons, including but not limited to the protection of the health, safety or welfare of the student, other persons, or the property of the University and/or the members of the University community. The status of an RSO accused of misconduct shall not be altered pending any disciplinary proceeding, unless the Senior Student Affairs Officer determines that suspension of the RSO from the University is required for compelling reasons in order to protect the health, safety or welfare of the members of the University community, their property or that of the University.
5. Disqualification of a Conduct Board Member.
 - a. If any member of the Conduct Board believes that associations, relationships, or other circumstances exist such that he or she is unable, or is perceived to be unable, to render a fully fair and impartial decision, such Conduct Board member shall disqualify himself or herself from participation in the proceeding. Additionally, a member may elect not to serve on the Conduct Board for a particular proceeding if the member, in the exercise of reasonable discretion, believes there may be an appearance of impropriety by serving as a member of the Conduct Board for that proceeding. The foregoing shall not relieve the Conduct Board from the requirement of maintaining a quorum as required by Section E.3 above.
 - b. At the beginning of any hearing before the Conduct Board, prior to any presentation of pertinent information related to the alleged misconduct, each member of the Conduct Board shall state and affirm on the record that to the best of their knowledge and belief, he or she is able, and knows of no reason why, he or she would be unable, or would be perceived as unable, to render a fully fair and impartial decision for the matter before the Conduct Board.
6. Conduct Board Hearings Closed. All hearings of the Conduct Board shall be private and closed to the public; provided that the Complainant, the Respondent and their advisors, if any, shall be allowed to attend the entire portion of the hearing at which information is presented. Admission of any other person to the hearing shall be at the discretion of the Conduct Board in consultation with the Conduct Officer. Neither the Complainant, nor the Respondent, nor their advisors, if any, shall be allowed to attend the deliberations of the Conduct Board.
7. Right to Separate Hearing. In any proceeding involving more than one Respondent, any Respondent may request and the Conduct Board, at its discretion may grant, a separate disciplinary proceeding before the Conduct Board.
8. Hearings During 15th Week, Finals Week and Summer Sessions. Conduct Board hearings may not be available during the last two weeks of each semester (15th Week and Finals Weeks) and during summer school sessions. During these time periods the Senior Student Affairs Officer may designate one or more hearing officers who shall be authorized to serve as the Conduct Board, to conduct hearings and render decisions in disciplinary proceedings in accordance with the procedures governing the Conduct Board to the extent reasonably applicable.
9. Decisions. The Conduct Board shall render a written decision in each proceeding in accordance with the requirements of Sections G.1 and G.2 of these Disciplinary Procedures.

F. RULES APPLICABLE TO THE CONDUCT BOARD HEARING

1. Board Proceeding: The Conduct Officer shall present the report of his or her investigation of the alleged misconduct, followed by the opportunity for the student or RSO accused of misconduct to present information. The Conduct Board may ask questions during or following each presentation of information.
2. Witnesses. The Conduct Board, the Complainant and the Respondent may arrange for witnesses to present pertinent information to the Conduct Board. Witnesses will provide information to and answer questions from the Conduct Board. Questions may be suggested by the Complainant or the Respondent to be answered by each other or by other witnesses. This will be conducted by the Conduct Board with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Conduct Board.
3. Attorney or Adviser Not Allowed to Participate in Hearing. An attorney or other adviser for a Complainant or a Respondent may be present at the hearing solely to advise, and may not directly participate in the hearing. Without limiting the generality of the foregoing sentence, an attorney or other adviser shall not be permitted to make oral presentations or arguments, ask questions of the Conduct Board examine or cross-examine a witness, or object to testimony of a witness or to introduction of other information. Anyone creating a disruption to the hearing process, including an attorney or adviser, will be removed at the discretion of the Board chair. Each of the Complainants and Respondents are expected to present their own pertinent information and, therefore, advisers are not permitted to speak or to participate directly in any hearing before the Conduct Board.
4. Evidentiary Rules. Formal rules of process, procedure, and technical rules of evidence, like those applied in criminal or civil court, are not used, nor are they applicable, in proceedings before the Conduct Board. Incompetent, irrelevant, immaterial and unduly repetitious information may be excluded at the discretion of the Board Chair.
5. Verbatim Record. The Conduct Board shall make a confidential verbatim record of each hearing. Such verbatim record shall be made by such method of recording or recording device as the University deems suitable. The recording shall be the property of the University. Copies of such record may be obtained by a Respondent upon payment of the cost of duplication and used only for the purpose of an appeal under these Disciplinary Procedures or as otherwise required by law. In no event shall the record of a Conduct Board hearing be used in a manner which violates the privacy or other rights of any student, University employee or other person, whether such rights are set forth in law or the policies of the University/University of Nebraska. Any form of distribution of the recording, other than as permitted above, shall constitute a separate and actionable violation of the Student Code, including, but not limited to, Article III, B3.

G. CONDUCT BOARD DECISIONS

1. After hearing and considering the pertinent information presented, the Conduct Board shall, by a majority vote, render a decision as follows:
 - a. Not In Violation. Misconduct has not been proved; or
 - b. In Violation. Misconduct has been proved.

Misconduct shall be deemed proved if the information presented to the Conduct Board supports a finding that it is more likely than not that the alleged violation occurred. This is commonly referred to as a preponderance of the evidence standard.

The Conduct Board may decide not to impose a disciplinary sanction, if mitigating circumstances warrant that no sanction be imposed, or it may decide to impose one or more, or any combination, of the disciplinary sanctions as follows:

- a. Warning: A notice in writing to the Respondent that the Respondent is violating or has violated specific designated sections of the Student Code.
 - b. Probation: A written reprimand for violation of specific designated sections of the Student Code. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the Respondent is found to violate the terms of the probation or any provision of the Student Code during the probationary period.
 - c. Loss of Privileges: Denial of specified privileges for a designated period of time.
 - d. Fines: Previously established and published fines may be imposed.
 - e. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - f. Discretionary Sanctions: Work assignments, essays, presentations, programs, service to the University, or other related discretionary assignments.
 - g. Residence Hall Suspension: Separation of the Respondent from the residence halls for a specific period of time, after which the Respondent is eligible to return. Conditions for return to the residence hall may be imposed at the time of the sanctioning.
 - h. Residence Hall Expulsion: Permanent separation of the Respondent from the residence halls.
 - i. University Suspension: Separation of the Respondent from the University for a specific period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.
 - j. University Expulsion: Permanent separation of the Respondent from the University.
 - k. 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 that may have resulted in suspension or expulsion.
 - l. Withholding Degree: The University may permanently withhold awarding of a degree or withhold the award of a degree pending the completion of the Disciplinary Procedures, including the completion of all sanctions imposed.
2. Written Decisions; Delivery. The Conduct Board shall render its decisions in writing within ten (10) school days after the conclusion of a hearing. Each decision shall contain findings of fact as well as the Conduct Board's disposition of the proceeding and shall be delivered to the Office of Student Conduct and Community Standards together with the verbatim record of the Conduct Board hearing. Within one school day of rendering the decision, a copy of the decision shall be mailed to the Respondent by U.S. post at the address of record as verified at the hearing, or e-mailed to an address designated by the Respondent at the hearing.

In disciplinary proceedings involving crimes of violence, the Conduct Officer will, if, requested by the alleged victim(s), disclose to the alleged victim(s) whether the Respondent was found in violation of the Student Code. The disciplinary sanctions imposed on any Respondent may be disclosed to the victim(s) at the discretion of the Conduct Officer. Violations of the Student Code which may be considered crimes of violence include, but are not limited to, physical abuse, sexual assault, and hazing.

H. PROCEDURAL INTERPRETATION; SUPPLEMENTAL RULES

Questions of interpretation arising with respect to the Student Code and its Disciplinary Procedures shall be determined in the discretion of the Conduct Officer. The Conduct Board may adopt supplemental rules and regulations, not in conflict with the provisions of these Disciplinary Procedures, which the Board shall determine to be necessary for the fair and impartial conduct of its proceedings.

I. REHEARING

1. Timeline for petition. A student or RSO found in violation of the Student Code by the Conduct Board may petition the Conduct Board to rehear the proceedings upon the discovery of new and pertinent information that may substantially alter the outcome of the original decision as follows:
 - a. In cases of suspension, a petition for rehearing request may be filed anytime during the term of suspension.
 - b. In cases of expulsion, there shall be no time limit on the filing of a petition for rehearing.
 - c. In all other cases, a petition for rehearing may be filed within 90 calendar days from the date of the decision of the Conduct Board.
2. No appeal available. The Conduct Board will judge the sufficiency of the new information, and no appeal may be taken from its decision to either grant or deny the request to rehear the disciplinary proceedings.
3. Admissibility of verbatim record. If a rehearing is granted, the verbatim record of the original hearing shall be fully admissible and considered by the Conduct Board.
4. Burden required to prevail. In order to prevail, the Respondent must demonstrate that, based upon the new information, the original decision is wrong and should be modified or rescinded.

J. CONDUCT BOARD COMPOSITION AND TERM OF OFFICE

1. Membership. The members of each University Conduct Board shall be selected by lot from the Judicial Committee by the Vice Chancellor for Academic and Student Affairs or his or her designee, with four (4) students, two (2) faculty members and one (1) staff member being selected. This Committee shall be established by July 1 for each year, and shall be composed of the following:
 - a. Fifteen (15) students appointed by Student Government with the advice and consent of the Student Senate;
 - b. Eleven (11) faculty members appointed by the Faculty Senate President and with the consent of the Faculty Senate;
 - c. Seven (7) staff members with four (4) appointed by the Staff Advisory Council from employees in the Managerial/Professional and Office/Service categories and three (3) appointed by the Chancellor from administrators in the Academic/Administrative category.All members shall attend a Conduct Board training session prior to serving on the Conduct Board.
2. Vacancies. If it is not possible to construct a full board, additional persons in the category with insufficient members available to serve may be selected by the same process as stated above. Should the Faculty Senate, the Staff Advisory Council or the UNO Student Government Senate refuse or for any reason fail to submit any of the above-mentioned lists when requested, the Vice Chancellor for Academic and Student Affairs shall directly make any appointment required to fill a vacancy on the Judicial Committee.
3. Term of Office. Student members of the University Conduct Board shall be appointed for a term of one academic year from the first day of Fall term classes extending through the last day of Spring term classes. Faculty members shall be appointed for a term of three academic years, with at least three new three-year terms commencing each year. Staff members shall be appointed for a term of three academic years, with at least two new three-year terms commencing each year. Members may be reappointed provided their names are included on the lists submitted to the Vice Chancellor for Academic and Student Affairs pursuant to Section J.1 Members may not serve more than two consecutive terms.
4. Chairperson. Each Conduct Board shall select a chairperson who shall preside over the Conduct Board hearing.
5. Removal from the Conduct Board. If any of the following situations occur, a member may be removed from the Judicial Committee by the Senior Student Affairs Officer:

- a. A member fails to respond to meeting notices more than twice in a single semester.
- b. A student member is found to be in violation of the Student Code.
- c. A member is found to be in violation of the privacy or other rights of any member of the University community who is involved in a disciplinary proceeding, whether such rights are set forth in law or the policies of the University/University of Nebraska.
- d. The Senior Student Affairs Officer determines, in his or her discretion, that a member has engaged in conduct that so adversely impacts and reflects upon the member's honesty, integrity, or moral values, so as to render him or her unable to meaningfully and credibly participate in the hearing, deliberations, or decision of the Conduct Board.

K. APPEALS AND UNIVERSITY APPEALS BOARD PROCEDURE

1. Right of Appeal. A student or RSO found in violation of the Student Code by the University Conduct Board or any related Conduct Board shall have the right to appeal to the University Appeals Board which has exclusive appellate jurisdiction in all disciplinary proceedings.
2. Timeliness. Any appeal must be submitted in writing to the University Appeals Board and received in the Office of the Senior Student Affairs Officer within five (5) calendar days after the date of mailing or e-mailing the Conduct Board decision to the Respondent.
3. Issues to be Considered on Appeal. The Appeals Board will consider only the following issues on appeal:

- a. That the information presented to and received by the Conduct Board was not sufficient to support its decision.
- b. That sanctions imposed by the Conduct Board were excessive and not in keeping with the gravity of the misconduct.
- c. That the Conduct Board failed to follow the Disciplinary Procedures and that as a result of such failure the student or RSO did not receive a fair and impartial hearing.

An appeal which does not clearly raise in writing one or more of the three issues listed above shall be dismissed without further consideration. The Appeals Board shall limit its review to the issue or issues raised in the written appeal and no others. The Appeals Board shall complete its review of the written appeal within 10 school days after its receipt, and shall promptly issue written notice of its decision to the student or student RSO.

4. Oral Presentations. In considering an appeal, the Appeals Board may ask either the student or RSO making the appeal and the Conduct Officer to make an oral presentation. In this case the student or RSO making the appeal shall first make an oral presentation followed by an oral presentation by the Conduct Officer. The Appeals Board may ask questions of all parties.
5. Record of Proceedings Before the Conduct Board. Upon request by the Appeals Board, the Conduct Officer shall deliver to the Appeals Board the record of the Conduct Board proceedings, including the recording of the Conduct Board hearing.
6. Disposition by Appeals Board. After reviewing an appeal complying with the requirements of Section K.3 the Appeals Board may decide as follows:
 - a. Affirm the Conduct Board decision, or
 - b. Modify or rescind any sanction imposed by a Conduct Board if the Appeals Board finds that good cause exists for the modification or rescission.

7. Status Pending Appeals Board Proceedings. Any sanctions imposed by a Conduct Board shall be suspended until an appeal is decided by the University Appeals Board. The status of a student shall not be altered and the right of a student to be present on campus and to attend classes shall not be suspended during the time of any appeal proceeding, unless the Senior Student Affairs Officer determines that interim suspension of the student or other interim action is required for compelling reasons, including but not limited to the protection of the health or safety or welfare of the student, other persons, or property of the University and/or the members of the University community. The status of an RSO shall not be altered pending any appeal proceedings, unless the Senior Student Affairs Officer determine that suspension of the RSO from the University or other interim action is required for compelling reasons in order to protect the health, safety or welfare of the members of the University community, their property, or that of the University.
8. Quorum. A quorum will consist of two faculty members, one staff member and four student members. If a quorum is not present, the student or student officer of the RSO, as the case may be, and the Conduct Officer may stipulate and agree in writing that the appeal may be heard by those Appeals Board members present even though a quorum has not been established. If there is no such stipulation, the proceeding shall be rescheduled as soon as is reasonably possible.
9. Disqualification of an Appeals Board Member. If any member of the Appeals Board believes that associations, relationships, or other circumstances exist such that he or she is unable, or is perceived to be unable, to render a fully fair and impartial decision, such Appeals Board member shall disqualify himself or herself from participation in the proceeding. Additionally, a member may elect not to serve on the Appeals Board for a particular appeal proceeding if the member in the exercise of reasonable discretion believes there may be an appearance of impropriety by serving as a member of the Appeals Board for that appeal proceeding. The foregoing shall not relieve the Appeals Board from the requirement of maintaining a quorum as required by Section K.8 above.
10. Attorney or Adviser Not Allowed to Participate. An attorney or other adviser for a Complainant or Respondent may be present at any proceedings of the Appeals Board solely to advise, but may not directly participate in the proceedings. Without limiting the generality of the foregoing sentence, an attorney or other adviser shall not be permitted to make oral presentations, arguments, or ask questions of the Appeals Board. The Respondents are expected to present their own appeal and, therefore, advisors are not permitted to speak or to participate directly in any proceeding before the Appeals Board.
11. Verbatim Record. The Appeals Board shall make a confidential verbatim record of its proceedings. Such verbatim record shall be made by such method of recording or recording device as the University deems suitable. The recording shall be the property of the University.
12. Appeals During 15th Week, Finals Week and Summer Sessions. Appeals Board hearings may not be available during the last two weeks of each semester (15th Week and Finals Week) and during summer school sessions. During these time periods the Senior Student Affairs Officer may designate one or more hearing officers who shall be authorized to hear appeals and render decisions in accordance with the procedures governing the Appeals Board to the extent such procedures are reasonably applicable.
13. Appeals Board Proceedings Closed. All proceedings of the Appeals Board shall be private and closed to the public; provided that the Complainant, the Respondent and their advisors, if any, shall be allowed to attend the entire appeal hearing.
14. Appeals Board Decision. The decisions of the Appeals Board shall be final and may not be further appealed within UNO or the University of Nebraska.

L. APPEALS AND BOARD COMPOSITION AND TERM OF OFFICE

1. Membership. The members of each University Appeals Board shall be selected by lot from the Judicial Committee by the Vice Chancellor for Academic and Student Affairs or his or his or her designee, with four (4) students, two (2) faculty members and one (1) staff member being selected. Members shall attend an Appeals Board training session prior to serving on the Board.
2. Term of Office. Members of the University Appeals Board shall be appointed for a term of office as described in Section J.3
3. Chairperson. Each Appeals Board shall select a chairperson who shall preside over the Appeals Board hearing.
4. Removal from the Appeals Board. If any of the following situations occur, a member may be removed from the Appeals Board by the Senior Student Affairs Officer:
 - a. A member fails to respond to meetings notices more than twice in a single semester.
 - b. A student member is found to be in violation of the Student Code.
 - c. A member is found to be in violation of the privacy or other rights of any member of the University community who is involved in a disciplinary proceeding, whether such rights are set forth in law or the policies of the University/University of Nebraska.

M. RELATED CONDUCT BOARD STRUCTURE

Related Conduct Boards. The Senior Student Affairs Officer may require that Related Conduct Boards be established by the Director of University Housing in conjunction with the Residence Hall Association, and by the Assistant Director of Fraternity & Sorority Life in conjunction with the Interfraternity Council, Collegiate Panhellenic Council, Multicultural Greek Council, and the National Pan-Hellenic Council. The disciplinary procedures under which a Related Conduct Board will function as and must be in conformity with these Disciplinary Procedures and shall not become effective until approved by the Senior Student Affairs Officer. All Related Conduct Boards shall be established in accordance with the following requirements:

1. Composition. Student members of a related conduct board shall be nominated by members of the cognizant student governing or coordinating body and appointed by the Senior Student Affairs Officer. Faculty and staff members of a Related Conduct Board shall be nominated by the cognizant director (University Housing or Greek Affairs) and appointed by the Senior Student Affairs Officer.
2. Term of Office. Members of the related conduct board shall be appointed for a term of one academic year beginning the first day of Fall term classes and extending through the last day of Spring term classes. Each member has the obligation to attend an orientation session to be held before the first case may be heard.
3. Quorum. Each Related conduct board will establish its own rules with respect to the quorum required to conduct a hearing.
4. Staff Adviser. Related Conduct Boards will have staff advisers from the appropriate departments within the Office of Student Affairs.
5. Jurisdiction. Each Related conduct board will have limited original jurisdiction as provided in its disciplinary procedures over alleged violations of the Student Code, University policies and rules of specific student groups, e.g. Residence Halls or Greek sororities and fraternities. The specific jurisdiction and issues relating to interpretation of jurisdiction, of any related conduct board shall be decided by the Senior Student Affairs Officer.
6. Decision. After hearing a case, using the same standard of proof as that used by the Conduct Board, a related conduct board may decide as follows:
 - a. Not Responsible. Misconduct has not been proved; or
 - b. Responsible. Misconduct has been proved. In this case a related conduct board may decide not to impose a disciplinary sanction, if mitigating circumstances warrant that no sanction be imposed, or it may decide to impose one or more of the following disciplinary sanctions:

- i. Warning: A notice in writing to the Respondent that the Respondent is violating or has violated specific designated sections of the Student Code or other applicable rules.
 - ii. Fines: Previously established and published fines may be imposed.
 - iii. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - iv. Conduct Probation: A written reprimand for violation of specific designated sections of the Student Code or other applicable rules. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions, if the Respondent is found to violate the terms of the probation or any provision of the Student Code or applicable rule, during the probationary period.
 - v. Behavioral Requirement: A directive to engage in a certain behavior, such as service or denial of privileges, provided that the sanction does not violate a student's rights, including but not limited to the Americans with Disabilities Act (e.g. required mental health counseling).
7. Appeals. Appeals from decisions of a related conduct board may be made to the University Appeals Board in accordance with Section K of these Disciplinary Procedures.

N. DISCIPLINARY RECORDS

Transcripts of University academic records will not include information concerning disciplinary action, except in cases of expulsion. Information from disciplinary and counseling files will not be made available to unauthorized persons without the express written consent of the person involved, or as otherwise authorized, or required by law. Disciplinary records shall be destroyed seven years after the last sanction was imposed, except in the case of expulsion, where disciplinary records shall be permanently maintained.

O. READMISSION AFTER EXPULSION

Any student who has been expelled from the University under these Disciplinary Procedures may at any time, after seven (7) years from the date of expulsion, request readmission to the University by written petition to the Senior Student Affairs Officer, who will use a reasonable process to make an informed decision.

ARTICLE V: INTERPRETATION AND REVISION

Any question of interpretation or application of the Student Code shall be referred to the Director of Student Conduct and Community Standards or his or her designee for final determination.

Approved by University of Nebraska Board of Regents on June 12, 2015

Response to Allegations of Student Sexual Misconduct

1. Introduction

- a. Beginning with the University of Nebraska charter in 1869, Nebraska law has provided that no person shall be deprived of the privileges of this institution because of sex. Discrimination on the basis of sex is also prohibited by Federal law.
- b. Sexual misconduct is conduct in violation of University policy and state and federal law that the University will take action to eliminate, prevent, and redress once the University has notice that sexual misconduct has occurred. "Sexual misconduct" includes dating violence, domestic assault, domestic violence, rape, sexual assault, sexual harassment (whether sexual violence is involved or not), and stalking. This policy applies to all University of Nebraska students regardless of sexual orientation or gender identity, and to all programs and activities under the jurisdiction of the University of Nebraska. All students are protected against sexual misconduct under this policy, whether the alleged sexual misconduct is committed by another University student, University employee, or third party. Persons who have been subjected to sexual misconduct may be able to receive assistance from the University regardless of whether a charge or report of any kind is filed.
- c. The University will investigate reported allegations of sexual misconduct and may take appropriate remedial action even if the person allegedly subject to misconduct or the Complainant does not wish to pursue formal charges. Any response by the University may be hindered by a person's or the Complainant's desire for anonymity and/or inaction.
- d. Sexual misconduct by or against a student may be investigated by the University whether it is alleged to have been committed on or off campus.
- e. Any person can complain of sexual misconduct against or by a student. Complaints of sexual misconduct may be made using the University's internal processes at the same time that criminal complaints or charges are pursued with the appropriate law enforcement or external agencies. University internal investigation and disciplinary proceedings are independent of any criminal or external proceedings.
- f. The University may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if the criminal prosecution is pending, or has been dismissed, or the charges have been reduced.

- g. Complaints regarding sexual misconduct *against a student by a student* can be made to:

UNO Student Affairs Officer

Phil Covington

Director Student Conduct & Community Standards

209 Welcome Center

402-554-3537

Title IX Coordinator

Charlotte Russell

207 Eppley Building

402-554-3490

Sexual misconduct complaints *by or against employees* should be made to:

Human Resources

Cecil Hicks

Human Resources Director

205 Eppley Building

402-554-3664

Title IX Coordinator

Charlotte Russell

207 Eppley Building

402-554-3490

UNO Student Affairs Officer

Phil Covington

Director, Student Conduct
& Community Standards

209 Welcome Center

402-554-3537

- h. University policy prohibits retaliation against any person making a complaint of sexual misconduct or against any person cooperating in the investigation, including but not limited to witnesses. The prohibition of actual or threatened retaliation applies to employees and third parties as well as students.

2. Investigations of Alleged Sexual Misconduct; Disciplinary Complaints

- a. Upon receipt of a sexual misconduct complaint or report, the University will provide the Complainant a written notice describing the options of pursuing a criminal complaint with a law enforcement agency, filing an administrative charge with an external agency, and/or using the University's investigation and disciplinary processes. The Complainant may go forward with one or more options at the same time, but the University's investigation may need to be delayed temporarily by, or scheduled around, an ongoing criminal or external administrative investigation.
- b. Any member of the University community may submit allegations of sexual misconduct against a student. Allegations shall be prepared in writing and directed to the Student Affairs Officer or designee. The Student Affairs Officer shall then direct the allegation(s) to a Conduct Officer for investigation. Any allegation should be submitted as soon as possible after the alleged misconduct takes place, preferably within, but not limited to, seven (7) University business days after the misconduct occurred.
- c. The Complainant must state, in writing, if he or she wishes to pursue a complaint. If he or she does not wish to pursue the complaint and/or requests that his or her identity remain anonymous, the Student Affairs Officer will make note of that wish in the report. Regardless of the Complainant's choice, the University is still required to investigate reports of sexual misconduct. The Complainant must be informed if the University cannot ensure anonymity.

- d. The Conduct Officer and/or Title IX Coordinator shall conduct an investigation to determine if the allegation(s) have merit. Investigations of the allegations should be concluded within sixty (60) calendar days of receipt of a report, and may be permitted a longer completion period under extraordinary circumstances, but both parties must be informed in writing of the extension of the timeline. If the investigator determines by the greater weight of the evidence that a violation occurred, a recommended disposition should be included in the investigator's report. If the investigation determines it is more likely than not that the Respondent did not violate the Student Code, the complaint may be dismissed without further proceedings. If both the Complainant and the Respondent agree to the dismissal, the complaint is resolved without any further rights of appeal by either party. If the Complainant objects, he or she may appeal the dismissal decision administratively to the Student Affairs Officer within seven (7) University business days. The Student Affairs Officer will either affirm the investigative determination, or refer the complaint for further proceedings. The Student Affairs Officer's decision of the dismissal appeal will be final.
- i. If the Complainant wishes to pursue an Administrative Resolution, the Conduct Officer will determine the Respondent's position and take actions as necessary.
 - ii. If the Complainant wishes to pursue a disciplinary hearing, a formal hearing will be held by a Conduct Officer, or in cases where University Suspension or University Expulsion is sought, a hearing before a Conduct Board must be held.
 - iii. After the fact-finding investigation the Complainant, the Respondent, and appropriate university officials shall be given timely access to any information that will be used during Administrative Resolution and/or Formal Hearing proceedings.

3. Interim Protective Measures

- a. "No contact" directives are to be issued in writing to persons involved in any alleged sexual misconduct promptly after the University receives notice of a complaint. Respondents and the Complainant will both be expected to abide by the terms of no contact directives and may go through disciplinary proceedings should they violate the directives.
- b. Students who have been subjected to sexual misconduct or Complainants have access to other available University assistance in changing academic and living situations after an alleged incident, if so requested by the student or Complainant and if such changes are reasonably available. Accommodations to minimize the burden on the student or Complainant may include but are not limited to:
- i. Change of an on-campus student's housing to a different on-campus location;
 - ii. Assistance from the University in completing the relocation;
 - iii. Arranging to end a University housing contract and/or adjusting a student account balance for refund;

- iv. Rescheduling an exam, paper, or assignment;
 - v. Taking an incomplete in a class;
 - vi. Transferring between class sections;
 - vii. Temporary withdrawal;
 - viii. Alternative course completion options;
 - ix. Arranging to complete a course or lectures via distance education methods with the assistance of technology;
 - x. Providing increased security at locations or activities.
- c. Any student charged with sexual misconduct has the right to maintain status as a student and attend classes while the case is pending final resolution within the University Conduct process, unless it is determined by the Student Affairs Officer or his/her designee that the student's continued participation as a student, whether inside or outside of the classroom, would seriously disrupt normal operation of the University or constitute an immediate harm, threat of harm, hostile environment and/or danger to the health, safety, or welfare of the Respondent, the Complainant, any person allegedly subject to sexual misconduct, or any member of the University community.
- d. Pending completion of an investigation or University Conduct Proceedings, the Student Affairs Officer may at any time temporarily suspend a student when the Student Affairs Officer finds and believes from information coming to his or her attention that the presence of the Respondent on the University premises would seriously disrupt normal operation of the University or constitute an immediate harm, threat of harm, hostile environment and/or danger to the health, safety, or welfare of the Respondent, the Complainant, any person allegedly subject to sexual misconduct, or any member of the University community. The Student Affairs Officer should work with the appropriate academic Dean in making the decision to discontinue the Respondent's continued participation as a student prior to the completion of the formal proceedings.
- e. During the suspension described in this section, the Respondent may be denied access to any University premises, including classes, residence hall access, sporting events, and/or all other University programs, activities or privileges for which the student might otherwise be eligible, as the Student Affairs Officer may determine to be appropriate.
- f. If a student placed on interim suspension is ultimately found "not in violation" of the Code, such student shall be allowed, at the reasonable discretion of the appropriate faculty, to make up academic work missed while on suspension.

4. General Provisions Applicable in Cases of Alleged Sexual Misconduct

- a. The Conduct Officer and Conduct Board can hear any allegations of any other violations of the Student Code of Conduct in addition to allegations of sexual misconduct that are directly related to the alleged sexual misconduct. If the Conduct Officer or Conduct Board determines other provisions of the Student Code of Conduct were violated, they may impose proper sanctions.
- b. Any student involved in a Conduct proceeding has the right to confidentiality as mandated by the Family Educational Rights and Privacy Act of 1974 (FERPA) and implementing regulations.
- c. No process implemented under this Sexual Misconduct Procedure shall be open to the public. The complaining party and the Respondent are entitled to the same opportunities to have others present during a disciplinary proceeding subject to conditions established by the Conduct Officer or Conduct Board. Witnesses may be sequestered and attendance at hearings may be restricted to the Complainant, Respondent and advisors.
- d. In such cases when a student fails to appear before the Conduct Officer or Conduct Board, a plea of “not in violation” shall be entered on the Respondent’s behalf and the hearing may proceed as scheduled.
- e. In all cases, whether the Respondent is present or not, the evidence in support of the allegations shall be presented and considered.
- f. The determination of the merits of each case shall be made using a greater weight of the evidence standard, meaning it is more likely than not that a proposition (such as violation of the Code) was proven.
- g. The burden of proof shall rest upon the Conduct Officer or Complainant bringing the misconduct charge. A Respondent is presumed not to be in violation of the Code until proven otherwise.

5. Rights of the Complainant and the Respondent in Sexual Misconduct Proceedings

- a. Sexual misconduct proceedings will be conducted by trained University officials to provide a prompt, fair, and impartial process from initial investigation to the final result.
- b. Both a Respondent and the Complainant have the right to see sexual misconduct charges in written form.
- c. Both the Respondent and the Complainant have a right to confidentiality during sexual misconduct proceedings to the extent possible. However, the duty of confidentiality does not preclude the University from conducting a meaningful investigation or reporting such incidents as required. The duty of confidentiality shall also extend to all persons involved in processing the complaint and the investigation. The Complainant has a right to anonymity only to the extent that the Complainant does not wish to file an official complaint with the University or does not wish the University to take any action against the Respondent in regard to the complaint.

- d. All charges shall be presented to the Respondent and the Complainant in written form by a University official or the Conduct Officer within seven (7) University business days after the investigation is complete.
- e. Both a Respondent and the Complainant have a right to prepare a written statement in advance of a formal hearing. Both parties will have the right to view each other's statement.
- f. The Complainant and the Respondent have the right to be assisted by any advisor they choose, including legal counsel, at their own expense.
 - i. The role of the advisor is limited to providing advice to the party who has requested his/her presence in a manner, which does not disturb Conduct proceedings. If an advisor fails to act in accordance with these guidelines, he/she may be barred from participation in the Conduct proceedings.
- g. A Respondent and the Complainant have the right to hear all evidence, present evidence, testify, and to hear and submit questions for witnesses during formal hearings.
 - i. Direct questioning of the witnesses by the Respondent and Complainant may be limited. The Conduct Officer presiding at the hearing or Chair of the Conduct Board may control questioning by requiring the Respondent and Complainant to submit questions in writing to determine if the questions are appropriate, and then the presiding Conduct Officer or Chair may pose questions to the witness.
- h. A Respondent and the Complainant have the right to inspect all documents used as evidence and a list of all witnesses for the formal hearing in advance of the hearing.
- i. The Respondent may not be found to have committed sexual misconduct solely because the respondent failed to appear for a conduct hearing.
- j. Sexual misconduct proceedings should be completed in a reasonably prompt time frame.
- k. A Respondent and the Complainant have the right to be notified of the decision rendered. Any initial, interim, and final decision to resolve disciplinary matters must include a statement of any University sanctions imposed together with the rationale for the decision.

6. Administrative Resolution Procedures in Cases of Alleged Sexual Misconduct

- a. Both the Complainant and the Respondent may elect to dispose of the claim administratively. This conference will be scheduled not less than three (3), nor more than fourteen (14), University business days after the Conduct Officer's investigation is complete. The Respondent may elect to acknowledge his or her actions and take responsibility. If the Respondent denies responsibility but the investigation determines that it was more likely than not the Respondent violated the Code, the Conduct Officer could propose a resolution and an appropriate sanction. If both the Complainant and the Respondent agree to the proposed sanction, the complaint is resolved without a formal hearing. Mediation shall not be used to resolve sexual assault complaints.

- b. Administrative Resolution procedures may be discontinued at the request of any participant, or terminated by the Conduct Officer. When Administrative Resolution fails, a formal hearing by a Conduct Officer or Conduct Board must be held.
- c. If University Suspension or University Expulsion is sought and the Complainant or the Respondent cannot agree to the proposed sanction, a hearing must be held before the Conduct Board to determine the proper sanction.
- d. When University Suspension or University Expulsion is not sought, a formal hearing will be held before a Conduct Officer. Unless the parties agree, the Conduct Officer who was responsible for investigation of sexual misconduct allegations and/or who attempted an unsuccessful Administrative Resolution will not preside over the formal hearing.

7. Formal Hearings in Cases of Alleged Sexual Misconduct

- a. Both a Respondent and the Complainant shall have the right to attend a pre-hearing conference to discuss the issues and facts that will be presented at the hearing, to exchange information about witnesses likely to be called, answer procedural questions, and settle those matters which may be agreeably concluded. The conference will not be used to settle the issue of whether or not the violation was committed or to challenge any recommended sanctions. This conference shall be held at least two (2) days prior to the scheduled hearing.
 - i. Students will be instructed about the use of past sexual behavior of the Complainant or past sexual assault by the Respondent as evidence at the hearing. In most situations, evidence of the past sexual history of either the Respondent or the Complainant will not be admitted at the hearing except in very limited situations.
- b. A time shall be set for a hearing, not less than three (3), nor more than fourteen (14), University business days after the Respondent and the Complainant have been notified that the complaint was referred to the hearing. Maximum time limits for scheduling of hearings may be extended at the discretion of the Conduct Officer or Conduct Board chair.
- c. Hearings shall conform to the following guidelines:
 - i. In cases where the case is referred to a Conduct Board, the Conduct Board shall be composed of at least 3 members of the University community.
 - ii. Any real or perceived conflict of interest or bias between the Conduct Officer presiding at a hearing or a member of the Conduct Board and the Respondent or the Complainant must be brought to the attention of the Conduct Officer or Conduct Board no less than two (2) University business days in advance of the hearing.

- iii. The Respondent(s) and the Complainant and/or the Conduct Officer are responsible for presenting their respective cases to the Conduct Officer presiding at the hearing or the Conduct Board.
 - iv. The Conduct Board shall select its own Chair with all members possessing voting privileges.
 - v. In hearings involving more than one Respondent, the presiding Conduct Officer or Chair of the Conduct Board, in his or her discretion, may permit the hearings concerning each student to be conducted separately.
 - vi. The Respondent(s), the Complainant, and the Conduct Officer shall have the right to hear all evidence, present evidence, testify, and to hear and question witnesses.
 - vii. The Respondent, the Complainant, and the Conduct Officer shall have an opportunity in advance to inspect documents and a list of witnesses for the hearing no less than two (2) University business days in advance of the hearing.
 - viii. Pertinent records, facts, reports, and statements may be accepted as evidence for consideration by a presiding Conduct Officer or Conduct Board. Evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs may be admitted and given probative effect. Incompetent, irrelevant, immaterial, and unduly repetitious evidence should be excluded. The rules of privilege recognized by law shall be given effect. Evidence that would not be admissible in a State Court criminal proceeding by reason of the method or manner in which it was acquired shall not be admitted.
 - ix. All procedural and evidentiary questions are subject to the final decision of the presiding Conduct Officer or Chair of the Conduct Board.
- d. After the hearing, the Conduct Board shall determine by simple majority vote whether or not the University Suspension or University Expulsion is warranted. The decision of a presiding Conduct Officer or Conduct Board shall be based solely upon evidence introduced and received at the hearing. There shall be a verbatim record made, such as by sound recording, of all formal hearings. The formal hearing record shall be the property of the University.
 - e. Within seven (7) University business days following the conclusion of formal hearing proceedings, the presiding Conduct Officer or the Conduct Board Chair shall inform the Respondent, the Complainant, and the Title IX Coordinator in writing, of its findings and of the sanction(s) imposed, if any.
 - f. The presiding Conduct Officer and the Conduct Board may seek advice from the University's Counsel throughout the hearing process on questions of law and procedure. However, the presiding Conduct Officer and Conduct Board are responsible for making their own factual conclusions.

8. Conduct Sanctions Against Individual Student For Sexual Misconduct

a. The following sanction(s) may be imposed upon any individual student found to be “in violation” of the Code.

- i. **Warning:** A formal, written notice that the student is violating, or has violated, one or more University Conduct Rules and Regulations and that a continuance of the misconduct may lead to additional disciplinary action. Also, that the incident has been documented and shall remain in the student’s Conduct file for the remainder of their University career.
- ii. **Probation:** A formal, written reprimand for a student’s violation(s) of specified University Conduct Rules and Regulations. This probation, including strict campus conduct guidelines, is for a designated period of time and may remain in effect for the remainder of a student’s University career. It includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any University Conduct Rules and Regulations during the probationary period.
- iii. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
- iv. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary, and/or material replacement.
- v. **Discretionary Sanctions:** In accordance with the goal of education and assisting students with conduct problems, this may include work assignments, educational requirements, service to the University or local community, parental notification, or other related discretionary assignments (such assignments must have the prior approval of the Conduct Officer). Any costs associated with the assignment are the responsibility of the student.
- vi. **Residence Hall Relocation:** Moving a student from one room to another and/or one residence hall to another.
- vii. **Residence Hall Suspension:** Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- viii. **Residence Hall Expulsion:** Permanent removal of the student from any and all of the residence halls. The student may not re-enter the residence halls, under any conditions, even as a visitor. Students expelled from the residence halls remain liable for all Residential and Greek Life costs and meal plan fees and may not be eligible for refunds for the full occupancy period of the students’ housing contracts.
- ix. **University Suspension:** Separation of the student from the University for a definite period of time, after which the student may be eligible for return, contingent upon meeting specified conditions for re-admittance. The student must satisfactorily demonstrate to the Student Affairs Officer that all conditions for re-admittance

have been met before the student will be allowed to matriculate.

- x. University Expulsion: Permanent separation of the student from the University, without the possibility of re-admission.
- b. More than one of the sanctions listed above may be imposed for any single violation.
- c. If a student fails to abide by one or more of the sanctions imposed, a hold may be placed on his/her registration account until satisfactory progress is made towards completion.
- d. Other than University Expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential disciplinary record.
 - i. After graduation, and upon application to the Conduct Officer, the student's confidential disciplinary record may be expunged of disciplinary actions other than University Suspension or University Expulsion.
 - ii. Cases involving the imposition of sanctions other than University Suspension or University Expulsion shall be expunged from the student's confidential record seven (7) years after graduation, final disposition of the case, or as otherwise authorized or required by law.

9. Appeals

- a. A decision reached after a formal hearing may be appealed by the Respondent, the Complainant, or the Conduct Officer within seven (7) University business days of delivery of the decision to the parties involved in the formal hearing.
- b. Appeals shall be in writing and shall be delivered to the Appeals Officer appointed by the Chancellor.
- c. Appeals may be filed for one or more of the following purposes:
 - i. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Code was violated, and giving the Respondent a reasonable opportunity to prepare and to present a rebuttal of those allegations.
 - ii. To determine whether the sanction(s) imposed were appropriate.
- d. An appeal that does not clearly raise one or more of the issues listed above shall be dismissed without further consideration.
- e. An appeal shall be limited to review of the record of the initial hearing and supporting documents unless the Appeals Officer, after notice to the Complainant and Respondent, requests additional information from the presiding Conduct Officer, Chair of the Conduct Board, Complainant or Respondent.

- f. The Appeals Officer shall complete review of the appeal normally within fourteen (14) University business days after receipt of the record and any additional information, and shall promptly issue a written decision to the Respondent, the Complainant and the Conduct Officer.

10. Definitions

- a. “Actor” means a person accused of sexual misconduct.
- b. “Administrative Resolution” is at least one conference between the Conduct Officer and a Respondent and the Complainant to determine whether a student has violated the Code and to impose sanction(s), if warranted.
- c. The term “advisor” means any person, including legal counsel, who assists the Respondent, Complainant or Conduct Officer during a Conduct proceeding.
- d. The term “Appeals Officer” means the person authorized by the Chancellor to determine on appeal whether the result of a formal hearing should be affirmed or modified.
- e. “Bodily injury” shall mean physical pain, illness, or any impairment of physical condition.
- f. The term “Code” means the UNO Student Code of Conduct.
- g. The term “Complainant” means any individual who comes forward to the Student Affairs Officer, Title IX Coordinator or Human Resource Officer to complain of sexual misconduct by a student, member of the University community or a third party.
- h. The term “Conduct Board” means persons authorized by the Student Affairs Officer to determine whether a student has violated the Code and to impose sanction(s), if warranted. The Conduct Board must include one or more student members when sanctions of suspension or expulsion are involved.
- i. The term “Conduct Officer” means a University official authorized by the Student Affairs Officer to investigate and determine whether or not the Code has been violated. The Conduct Officer may also engage in attempts at administrative resolution or preside at a formal hearing when University Suspension or Expulsion is not sought as a sanction against a student.
- j. “Confidentiality” means that the University will not disclose the names of individuals involved in a sexual misconduct case to others except on a need to know basis or as required by law. The University will instruct employees and students about the requirement not to disclose confidential information. Confidentiality is not the same as anonymity, where an individual is not named or personally identified.
- k. “Consent” means agreement, approval, or permission as to some act or purpose, given voluntarily by a competent person. “Without consent” means:

- i. (i) The person was compelled to submit due to the use of force or threat of force or coercion, or (ii) the person expressed a lack of consent through words, or (iii) the person expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor;
- ii. The person need only resist, either verbally or physically, so as to make the person's refusal to consent genuine and real and so as to reasonably make known to the actor the person's refusal to consent; and
- iii. A person need not resist verbally or physically where it would be useless or futile to do so.
- iv. In the above text, the word "person" means the individual against whom a wrongful act was allegedly committed, and the word "actor" is the individual alleged to have committed a wrongful act. When the actor knew or should have known that a person was mentally or physically incapable of resisting or understanding the nature of his or her conduct, there is no consent. A person may be incapacitated due to intoxication, mental illness or deficiency or by physical illness or disability to the extent that personal decision-making is impossible. Surprise may also prevent resistance, as where a person is grabbed from behind.

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

- l. "Dating violence" is included within the definition of "domestic assault."
- m. "Domestic assault" has three definitions which depend on the harm threatened or inflicted by an actor on a person. An actor commits domestic assault if he or she (i) intentionally and knowingly causes bodily injury to his or her intimate partner; (ii) threatens an intimate partner with imminent bodily injury; or (iii) threatens an intimate partner in a menacing manner. An actor commits a more severe form of domestic assault if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument. An actor commits the worst form of domestic assault if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.
- n. "Domestic violence" is included within the definition of "domestic assault."
- o. "Force or threat of force" means (a) the use of physical force which overcomes the person's resistance or (b) the threat of physical force, express or implied, against the person or a third party that places the person in fear of death or in fear of serious personal injury to the person or a third party where the person reasonably believes that the actor has the present or future ability to execute the threat.

- p. "Intimate partner" means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this definition, dating relationship means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.
- q. "Intimate parts" means the genital area, groin, inner thighs, buttocks or breasts.
- r. The term "in violation" means that it is more likely than not that a student committed one or more violations of the Code.
- s. The term "may" is used in the permissive sense.
- t. The term "member of the University community" includes any individual who is a student, staff, faculty member, University official, or any other individual employed by, or acting on behalf of the University. An individual's status in a particular situation shall be determined by the investigating Conduct Officer or Title IX Coordinator.
- u. The term "not in violation" means that it is more likely than not that a student did not commit one or more violations of the Code.
- v. "Past sexual behavior" means a person's sexual behavior other than when the sexual misconduct is alleged to have occurred.
- w. "Person" means the individual who allegedly was, or was determined to have been, subjected to sexual misconduct.
- x. "Rape" is included under the definition of sexual assault by an actor's sexual penetration of the person without consent.
- y. "Respondent" is any student who is charged with having violated one or more provisions of the code.
- z. "Retaliation" includes intimidation, threats, harassment, and other adverse action threatened or taken against the Complainant or a third party in an attempt to prevent or otherwise obstruct the reporting of sexual misconduct.
- aa. "Serious bodily injury" shall mean bodily injury which involves a substantial risk of death, or which involves substantial risk of serious physical disfigurement, or protracted loss or impairment of the function of any part or organ of the body.
- ab. "Serious personal injury" means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.

- ac. "Sexual assault" is committed when an actor subjects a person to sexual penetration (i) without the consent of the person, (ii) when the actor knew or should have known that the person was mentally or physically incapable of resisting or appreciating the nature of the person's own conduct, or (iii) when the actor is nineteen years of age or older and the person is at least twelve but less than sixteen years of age.

Sexual assault is also committed when an actor subjects a person to sexual contact (a) without consent of the person, or (b) when the actor knew or should have known that the person was physically or mentally incapable of resisting or appraising the nature of the person's own conduct. Sexual assault by contact should be punished more severely if the actor causes serious personal injury to a person, than if the actor shall not have caused serious personal injury.

- ad. "Sexual contact" means the intentional touching of a person's intimate parts or the intentional touching of a person's clothing covering the immediate area of the person's intimate parts. Sexual contact also means the touching by the person of the actor's intimate parts or the clothing covering the immediate area of the actor's intimate parts when such touching is intentionally caused by the actor. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.
- ae. "Sexual harassment" is unwelcome conduct or behavior of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature. Conduct that is sufficiently serious to limit or deny student's ability to participate in or benefit from the University's educational program creates a hostile environment, and is prohibited. Examples of sexual harassment include, but are not limited to: (1) an exposure of an actor's genitals done with the intent to affront or alarm any person, and (2) viewing a person in state of undress without his or her consent or knowledge.
- af. "Sexual misconduct" includes dating violence, domestic assault, domestic violence, rape, sexual assault, sexual harassment, and stalking.
- ag. "Sexual penetration" means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, of any part of the actor's or person's body or any object manipulated by the actor into the genital or anal openings of the person's body which can be reasonably construed as being for nonmedical or nonhealth purposes. Sexual penetration does not require emission of semen.
- ah. The term "shall" is used in the imperative sense.
- ai. "Stalking" means to engage in a knowing and willful course of conduct directed at a specific person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate.

- aj. The term “student” includes all individuals taking courses at the University, whether full-time or part-time, pursuing undergraduate, graduate, or professional studies, whether or not they reside in the University residence halls. Individuals who withdraw after having allegedly committed sexual misconduct, or who are not officially enrolled for a particular term, but who have an expected continued academic relationship with the University, may be considered “students.”
- ak. The “Student Affairs Officer” is the individual authorized by the University and the University Chancellor to be responsible for the administration of the Code, and in certain circumstances includes his or her designee.
- al. The “Title IX Coordinator” is the individual designated by UNO to respond to allegations of sexual misconduct by students, and in some circumstances can include his or her designee.
- am. The term “University” means University of Nebraska.
- an. The term “University business day” means any calendar day where the UNO offices are open for business and classes are in session, excluding weekends and national holidays.
- ao. The term “University official” includes any individual employed by, associated with, or performing assigned administrative or professional responsibilities in the interests of the University. Counselors and Healthcare Professionals are bound by professional rules that may preclude their reporting violations of University rules.
- ap. The term “University premises” includes all land, buildings, facilities, University approved housing and other property in the possession of, or owned, used, or controlled by the University, including adjacent streets and sidewalks.

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The University of Nebraska at Omaha shall not discriminate based upon age, race, ethnicity, color, national origin, gender-identity, sex, pregnancy, disability, sexual orientation, genetic information, veteran's status, marital status, religion, or political affiliation.