

Campus Crime and Security Report 2009



September 30, 2009

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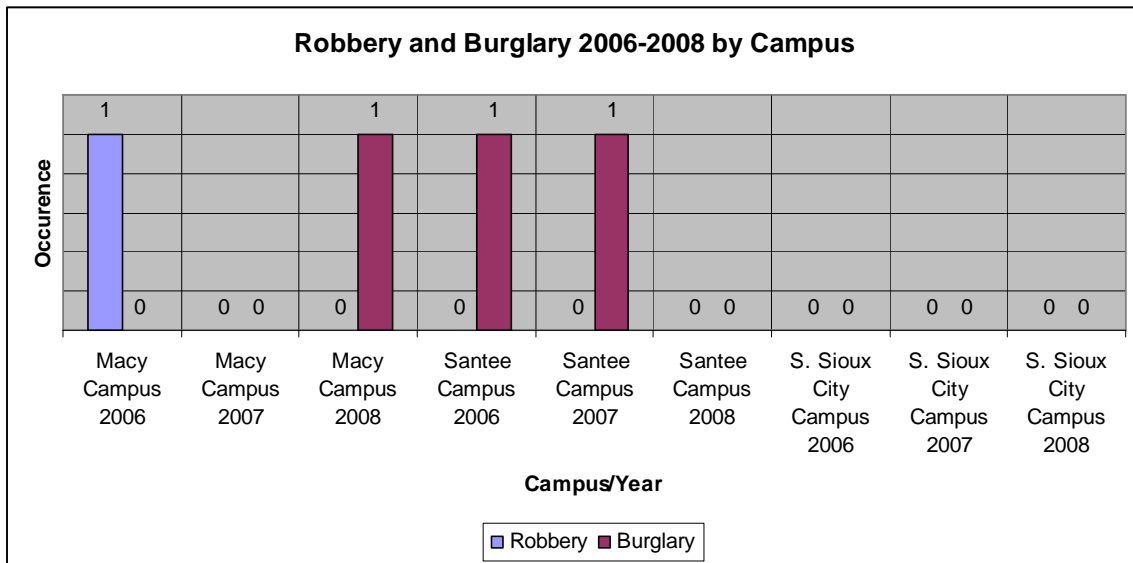
Basic Information: This report includes all of the data submitted to the institution either from institutional personnel or local law enforcement agencies for the 2006-2009.

CRIME STATISTICS

CRIMINAL OFFENCES

| Item | Number of occurrences between 2006-2008 on an NICC Campus |
|-----------------------------------|--|
| Murder/Non-negligent manslaughter | 0 |
| Negligent manslaughter | 0 |
| Sex offenses - Forcible | 0 |
| Sex offenses - Non-forcible | 0 |
| Aggravated assault | 0 |
| Motor vehicle theft | 0 |
| Arson | 0 |
| TOTAL | 0 |

Note: There have been no hate crimes, arrests, or disciplinary actions in the past three years that have occurred at an NICC campus.



DISCIPLINE

Students are to maintain orderly conduct that is consistent with an educational environment. An instructor may remove a student from the classroom for disciplinary reasons. The violation is then reported to the Academic Dean for review and action. Discipline is the responsibility of the Academic Dean who has the authority to act on any violation and take whatever action is deemed appropriate. The Academic Dean will review all complaints and

may dismiss the allegations, make an administrative disposition, or conduct a formal hearing. Possible disciplinary actions, as well as disciplinary due process, can be found in the student handbook.

DRUG/ALCOHOL FREE COLLEGE COMMUNITY

NICC is committed to providing a healthy, safe, and secure educational environment. It is policy that reasonable measures shall be taken to establish and maintain a drug-free college community as required by the Drug-Free Schools and Community Act/Amendment of 1988 (P.L. 101-226) and applicable state and tribal statutes. No person - student, faculty member, staff or visitor - shall be permitted on college premises in a state of intoxication, or under the influence of illegal substances. Neither alcohol nor controlled substances may be carried or consumed at NICC college events, or on NICC premises.

VIOLENCE-FREE INSTITUTION

The Nebraska Indian Community College has zero tolerance for physical or verbal violence of any kind. Anyone causing a situation which seriously threatens the physical or emotional well being of any NICC student, staff, faculty or administrator will be removed or barred from the campus. Local law enforcement personnel will be summoned if the problem becomes persistent or if there appears to be an immediate threat to a person's physical or emotional well-being.

STUDENT RIGHTS

The following rights of the student are recognized as among those that the College has the responsibility to foster and protect.

1. The right to pursue educational, recreational, social, religious, and cultural activities.
2. The right to maintenance of a campus environment characterized by safety and good order.
3. The right to organize, join, and maintain membership in associations to promote lawful interests the student holds in common with other students, subject to reasonable and non-discriminatory College regulations.
4. The right to appropriate available services of the faculty, administrative offices, and support services of the College.
5. The right to fair and impartial evaluation of the student's academic work.
6. The right to have complete and accurate records maintained by the College of the student's academic performance.
7. The right, through representatives of the student's choice, to voice his or her opinion and to participate in the formulation of regulations affecting student affairs.
8. The right to have the College maintain and protect the confidential status of the student's academic conduct, financial information, and counseling records, as required by the Family Educational Rights and Privacy Act (FERPA). A copy of the FERPA Act may be requested through the AAR Office.

STUDENT RESPONSIBILITIES

Members of the student body will engage in reasonable behavior that promotes unity and ensures quality education to be the final result. The following are among the responsibilities recognized as incumbent upon every student:

1. Students are responsible for their own learning and development by becoming active learners through attending class, completing class and laboratory assignments, and preparing in advance for their scheduled classes.
2. The final responsibility for planning courses, meeting requirements, and observing regulations lies with the student. It is the students' responsibility to know and observe all policies and procedures for their programs.
3. Students should assume responsibility for their own verbal and non-verbal communications, writings, and behavior.
4. Students shall maintain confidentiality when appropriate and indicated.
5. Students are responsible for appropriate use of services provided by the College.
6. Students are responsible to uphold the College's academic honesty policy.
7. Nebraska Indian Community College students are expected to abide by local, tribal, and applicable state and federal laws, as well as college regulations.

Students are bound by all rules, regulations, and processes of the Student Handbook effective during their term of enrollment. Students should read the NICC Student Handbook carefully, as it is their primary source of information on requirements and regulations. The College will not waive a regulation because a student pleads ignorance of it. This catalog and the Student Handbook should be retained as a permanent record for reference, transfer, and graduation information.

For more information regarding student rights and responsibilities, consult the NICC Student Handbook.

CRIMINAL ACTIVITY REPORTING PROCEDURES

If criminal activity or suspected criminal activity occurs on any NICC campus the action is to be reported to a member of the college's staff and then to the President. In cases of emergency, contacting local law enforcement agencies is acceptable.

These numbers are:

MACY
(East Campus)
P.O. Box 428
Macy, NE 68039
Phone 402-837-5078
Fax 402-837-4183

SANTEE
(West Campus)
425 Frazier Ave. North, Suite 1
Niobrara, NE 68760

Phone 402-857-2434
Fax 402-857-2543

SOUTH SIOUX CITY
(North Campus)
2605 1/2 Dakota Ave.
So. Sioux City, NE 68776
Phone 402-494-2311
Fax 402-494-6195

PRESIDENT'S CONTACT INFORMATION

Micheal Oltrogge
4028 Elm Road
Bancroft NE 68004
Campus: (402) 494-2311 ext 2568
Cell: (402) 960-5176
moltrogge@thenicc.edu

Note: You may voluntarily report a crime or criminal activity and have all of the results held confidential to a limited extent, even if you do not want to seek disciplinary action or criminal charges. In some instances the college officials will have a duty to report certain actions to law enforcement agencies.

BUILDING SECURITY

The NICC facilities always have a staff, faculty, employee or volunteer in charge of facility security.

PROGRAM DESIGNED TO INFORM AND PREVENT CRIME

A booklet will be created every year by October 1 and placed on display to discuss past criminal activity and the proper method to report suspected activity. Further, the college will have this information available publically on its website. The college does not employ campus police or security but does encourage the use of local law enforcement agencies. If you see a threat on campus and feel that it necessitates a phone call to the police department, please dial 911 and report the disturbance.

OFF CAMPUS ACTIVITIES

In the event that NICC sponsors an event and criminal activity occurs, local law enforcement agencies will be notified.

TIMELY WARNING POLICY

The general college community will be notified in a timely fashion of any and all situations that could affect the safety or well-being of the campus community. Generally,

an e-mail to all students and employees will be sent, a multiple warnings will be disseminated throughout the campus in which the situation affects, and a local staff member will be notified to inform all of the other staff and faculty members at the local campus, who will then in turn, notify any students on the campus of the emergency situation.

POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

An annual Campus Crime and Security will be completed on or before October 1 of every year. The annual campus report will be e-mailed to all students and employees on or before October 1 of every year. Additionally, copies of the report will be made publically available at all three NICC locations in hard copy for review.

SEXUAL HARASSMENT

Sexual harassment of any employee or student by an individual under the jurisdiction of the Nebraska Indian Community College is expressly prohibited as a violation of law and board policy. Persons determined to have engaged in sexual harassment shall be subject to disciplinary sanctions as set forth herein.

Employee Definition: Sexual harassment will be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature shall constitute harassment when:

- (a) Submission to sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Student Definition: Sexual harassment will be defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature shall constitute sexual harassment when:

- (d) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's enrollment, participation, or affiliation with a course, activity, or other college sanctioned program.
- (e) Such conduct has the purpose of effect of unreasonably interfering with an individual's educational performance or creating an intimidating, hostile or offensive environment.

Responsibility: All NICC staff and employees have the responsibility of keeping school officers informed, through the most confidential and direct means possible, of any alleged acts and/or complaints of sexual harassment. It is the responsibility of each administrative officer and supervisor to provide a working and academic environment free of sexual harassment or sexual intimidation. The College will take prompt action to investigate and act upon instances of alleged sexual harassment.

Procedures: Allegations of sexual harassment will be thoroughly investigated. A person who believes they have been sexually harassed, or persons having knowledge of incidents of alleged sexual harassment (hereinafter referred to as complainant), should notify a member of the Administration concerning the alleged action. Such notification shall be by the most direct means possible and shall be considered confidential. The complaint shall be made within thirty (30) days of the alleged incident.

- (f) Any employee contacted by a complainant shall advise the complainant to notify one of the administrative staff. The contacted employee shall not take any action with regard to this matter.
- (g) Upon notification of conduct that allegedly constitutes sexual harassment, the administrative staff will investigate the complaint and attempt to resolve the situation on an informal basis. Every effort shall be made to maintain full confidentiality throughout the investigation and implementation of these procedures.

Informal Procedures: Informal Procedures shall be taken before any formal action will occur. The person notified by the complainant shall:

- (h) Meet with the complainant to determine the nature and extent of the alleged incident. The accused shall be allowed to have a representative of their choice present. A record will be kept of the complaint, including names of the complainant and the person accused of sexual harassment, the date, the time, the location and description of the incident, witnesses and any redress sought by the complainant.
- (i) Meet with the person accused of sexual harassment and inform them that a complaint has been made against them. A record of information furnished by the person accused of sexual harassment will be made.
- (j) Meet with witnesses, if any, and record the information gathered.
- (k) Determine if the educational or work situation of the complainant is threatened and, if so, take appropriate corrective measures.
- (l) Conclude the informal investigation in a period, not to exceed thirty (30) days, with one of the following findings:
 - (i) resolve the matter to the satisfaction of both the complainant and person accused of sexual harassment.

- (ii) find that the parties are unable to resolve the matter informally in which case the complainant may file a formal complaint.

Formal Procedures: If the complainant of sexual harassment is not satisfied with the result of the informal procedure, they may file a formal written complaint with the President or their designee. The complaint must include information on the alleged incident such as name, date, time, location, description of the incident and redress requested. Upon filing of a formal complaint, the outcome of the informal procedure will be forwarded to the individual conducting the formal procedure. If no formal complaint is filed, the record of the informal investigation will be kept in a confidential locked file in the Business Office. The complaint must be filed within thirty (30) days of the final determination under the informal procedure. The report of the informal complaint investigation will become a part of the formal complaint. A record will be kept of all formal procedures.

- (m) The individual conducting the formal procedure will meet with all parties involved to review the complaint, the report of the informal investigation, and the academic or employment environment of the complainant.
- (n) If deemed necessary, the academic or employment situation of the complainant may be changed to provide for a non-intimidating or non-hostile atmosphere. These changes may include transfer of work situation, change of instructor, and, if pertinent, waiver of academic requirements. Decisions concerning such action must consider that the complainant is not to be inadvertently or otherwise punished because they have allegedly been sexually harassed.
- (o) The individual conducting the formal procedure will render a written decision concerning the validity of the formal complaint within fifteen (15) days after receiving the complaint.
 - (i) In determining whether conduct constitutes sexual harassment, the individual conducting the formal procedure will examine the record as a whole and the totality of the circumstances, such as the nature of the alleged sexual advances and the context in which the alleged incident occurred. The determination will be on a case-by-case basis.
 - (ii) Copies of the decision will be furnished to the complainant and the person accused. The record of the formal investigation will be kept in a confidential locked file in the Business Office.

- (iii) The complainant or accused person may appeal the decision at the conclusion of the formal procedure by filing a grievance through the appropriate channels.
- (iv) The complainant may withdraw a complaint and stop the proceedings at any time. In the event a complaint is withdrawn, all records of the proceedings will be expunged from the files of the individuals involved and complete confidentiality will be maintained.
- (v) Any person who is found to have engaged in sexual harassment of a subordinate, co-worker or student will be subject to disciplinary sanctions, which may include, but not be limited to, written reprimand, probation, demotion, transfer, required professional counseling or termination of employment. A student who is found to have engaged in sexual harassment against an employee or fellow student will be subject to disciplinary sanctions, which may include, but not be limited to, a written reprimand, disciplinary probation, suspension and/or expulsion.
- (vi) Bad faith allegations of sexual harassment or use of this policy for purposes unrelated to its clear intent are expressly prohibited.

Criminal Charges: If criminal charges for sexual assault have been formally filed against any employee, on the basis of alleged criminal conduct committed on the College premises or within the scope of college employment, the employee shall be suspended without pay without prejudice pending the outcome of the trial. No hearing or evaluation of, the alleged conduct shall be made until the criminal matter is dismissed or decided.