

Nebraska Indian Community College

Annual Security Report

2016



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INTRODUCTION TO THE ANNUAL SECURITY REPORT

HISTORY AND GEOGRAPHY OF THE COLLEGE

The Nebraska Indian Community College was founded in 1973 as the American Indian Satellite Community College under a grant from the Fund for the Improvement of Post-Secondary Education. The grant was administered through Northeast Technical Community College in Norfolk, Nebraska, to provide post-secondary education on the Omaha, Santee Dakota, and the Winnebago reservations.

The American Indian Satellite Community College established classrooms and administrative offices in communities on each reservation, with the central office located in Winnebago. In 1979, the schools of the American Indian Higher Education Consortium, of which the Nebraska Indian Community College is a member, succeeded in persuading Congress to pass and fund Public Law 95-471, the Tribally Controlled Community College Act. Nebraska Indian Community College and other tribally controlled community colleges thus became eligible for direct funding from the federal government. With this newly available financial resource, the institution established itself as a fully independent two-year college. NICC was granted a charter by the governments of each of the Nebraska Indian tribes.

In serving its clientele, Nebraska Indian Community College has had a substantial impact by making a variety of cultural, educational, and social resources available in isolated and economically underdeveloped areas. The college libraries at each campus are developing collections of resources important to the history and culture of each tribe, and the nation.

In June of 1981, the North Central Association of Colleges and Schools (NCA) approved the college for accreditation at the associate degree granting level. The institution was granted a charter by each of the three Nebraska Indian Tribes. A Board of Trustees comprised of three members from each tribe was appointed by the individual Tribal Councils to govern the college. To reflect its independent status, the Board renamed the institution the Nebraska Indian Community College. In 1994, NICC was designated by federal legislation as a land grant institution.

Today, NICC serves the Omaha Tribe of Nebraska, at the Macy Campus, and the Santee Dakota Nation, at the Santee Campus, and maintains a campus site in downtown South Sioux City, Nebraska.



Macy Campus Geography – The gray area is part of the institutions property but is leased by a private person.



Santee Campus Geography



South Sioux City Campus Geography

MISSION

The Nebraska Indian Community College provides quality higher education and lifelong educational opportunities for Umo^{ho} (Omaha), Isanti (Santee Dakota) and other learners.

VISION

Nebraska Indian Community College is envisioned as a comprehensive Tribal College which values service through high quality education. The college is distinctive in serving the diverse people of the Umo^{ho} (Omaha) and Isanti (Santee Dakota) Nations. It features an enriched living and learning environment and year-round operation. The identity of the college is framed by a substantive commitment to multicultural learning.

Institutional programs value and cultivate the creative and productive talents of learners, faculty, and staff, and seek ways to contribute to the self-sufficiency of the Nations served, the well-being of our communities, and the quality of life and development of its learners, faculty, and service areas.

CORE VALUES

The College is also committed to the following beliefs and core values:

- Cultural preservation, continuity, and revitalization consistent with the Umo^{ho} (Omaha) and Isanti (Santee Dakota) peoples' needs, including languages and Tribal knowledge, are key elements of the college.
- Learning is a life-long process and that the learner centered atmosphere is of the utmost importance.
- Safe and healthy working and learning environment promotes free expression and the exchange of ideas so learners will be challenged to think holistically, and to live responsibly and productively in a Tribal and global society.

WHAT IS THE CLERY ACT

The "Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act" was established in 1965, and was amended in 2013 to add additional reporting items as referenced in the VAWA "Violence Against Women Reauthorization Act of 2013."

Nebraska Indian Community College is mandated to report the following information in compliance with this Act.

1. Publish an Annual Report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements.
2. Disclose and report crime statistics as requested from the Local Law enforcement as they have been released to NICC.
3. Provide "timely warning" notices of those crimes that have occurred and pose an ongoing "threat to students and employees."
4. Implement and Emergency Notification procedure if there is an immediate threat to the health or safety of students or employees on campus.

Additions from VAWA Act 2013

5. Report domestic violence, dating violence, and stalking, beyond crime categories the Cleary Act already mandates
6. Adopt certain student discipline procedures, such as for notifying purported victims of their rights.
7. Adopt certain Institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.

AUTHORITY AND JURISDICTION

Two of the Nebraska Indian Community College (NICC) campuses are located within the Umo^{ho} and Isanti Tribal Boundaries and are policed by the Tribal law enforcement. Both Knox County and Thurston county Sheriffs may also be called as dispatch for 911 is designated to these locations. NICC works diligently to maintain good communications with these departments. NICC's third campus is urbanely located on Dakota Avenue in down town South Sioux City, Nebraska. The local authority, South Sioux City Police Department is called as security whenever a crime or suspicion of a crime exists at this location.

The administration, staff, and faculty of the Nebraska Indian Community College (NICC) are committed to a program of equal opportunity for education, employment, and participation in college activities without regard to race, color, sex, age, religious creed, political ideals, marital status, physical or mental handicap, national origin or ancestry.

The Nebraska Indian Community College complies with Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as well as applicable federal, state, tribal, and local laws. The person charged with monitoring and coordinating Equal Opportunity and Affirmative Action matters, as well as compliance with the aforementioned laws is the Business Office Director.

The College retains the right to follow a policy of Indian preference in employment in line with the Title VI and Title VII of the Civil Rights Act of 1964, the Title IX of the Education Amendments of 1972 and any other applicable federal, state and tribal laws.

CAMPUS SAFETY SERVICES

NICC makes every attempt to make sure that all campuses are monitored by a college employee or volunteer that will follow reporting guidelines and the rules of the college. The college has established cameras at all locations that show the outside and the inside of the common areas of each campus to monitor and verify any activity that is against school policy.

The campuses have overhead lighting in all parking areas. Campuses with more than one building have these same precautionary devices on each building. NICC staff check and lock all structures each night at closing time. Each campus has an Administrator of the College with whom reports can be filed:

Santee Campus
Mary Johnson, Academic Dean
402-241-5945

South Sioux City Campus
Justin Kocian, Chief Information Officer
402-241-5981

Macy Campus
Dawne Price, Dean of Student Services
402-241-5908

All Administration has been instructed to report any incidents to the President as soon as an alleged crime is reported. Most of the NICC employees have completed VAWA, Cleary Act, and Harassment online training through SafeColleges. Annually NICC makes a good-faith effort to collect crime statistics from our local law enforcement and this is documented in the form of written letters mailed to the local authorities. NICC is not required to keep a daily crime log since we do not have any on-campus housing.

CRIME/EMERGENCY REPORTING

Students, faculty and staff are strongly encouraged to report all crimes, emergencies and safety issues to NICC Administration immediately. In the event of an immediate danger of a person 911 should be called for local authorities. Each NICC Campus has a weather alert radio that alerts NICC campus communities of threats of tornado or storms. Administration notifies all building occupants and gives instructions for them to follow. Every campus has a storm shelter area and fire alarms. When you are reporting an emergency you should be prepared to give your location, name, and telephone number to the operator. In the event of unsafe roads, or unsafe services i.e. water outage, NICC has agreed with KCAU Channel 9 out of South Sioux City to post all school closings. NICC has posted at each campus location storm shelter information.

DRUG-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 Communities Act (Public Law 101-226) and Drug-Free Workplace Act of 1988 (Public Law 101-690) 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, consumed, manufactured or distributed at NICC college events, or on NICC premises. *In the college curriculum, health and social risks of alcohol and drugs are addressed in the required courses of Health Education and Wellness. (Remove this sentence and replace with following paragraph.)*

The use of illicit drugs and the abuse of alcohol carry significant social, physical, and emotional health risks. Users may suffer damage to key body organs such as the heart, liver, kidneys, and central nervous system. Drugs can kill the user, and the use of drugs and alcohol during pregnancy may cause birth defects or death of unborn babies. Drugs and alcohol abuse may cause difficulties with concentration and memory that impairs learning. Drugs and alcohol abuse can be instrumental in the deterioration of family units and the breakdown of friendships and other support systems.

College Sanctions

The exhibition of intoxication or drug impairment on Campus locations will result in the student being escorted out of the campus facilities. If the student does not have a ride the authorities should be called. Repeated offenses will result in expulsion from school.

Any alcohol or drug related incident that involves harassing or threatening statements that potentially endangers any student, staff, Faculty or Administrator will automatically result in the college calling the authorities and will result in expulsion from school.

Offenses that are managed internally may result in the loss of travel privileges and/or loss of Institutionally managed scholarships.

If a student under the age of 21 is involved in any of the above actions their parent or guardian will be notified. Any expulsion or termination related to alcohol abuse or drug use will result in the student or employee being required to complete a licensed treatment program and show proof prior to their review for reinstatement.

The drug penalty schedule is as follows:

POSSIBLE DRUG PENALTIES UNDER TRIBAL, STATE AND FEDERAL LAW*

(*not a comprehensive list)

Schedules-Drugs and other substances that are considered controlled substances under the Controlled Substances Act are divided into five schedules. For the most up to date and complete schedules, which are published annually see Title 21 Code of Federal Regulations (C.F.R.) §§1308.11 through 1308.15. Substances are placed in their respective schedules based on whether they have a currently accepted medical use in treatment in the United States, the relative abuse potential, and likelihood of causing dependence when abused. Some examples are listed below:

Schedule I Controlled Substances

Substances in this schedule have no currently accepted medical use in the United States, a lack of accepted safety for use under medical supervision, and a high potential for abuse. Examples of Schedule I substances are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), peyote, methaqualone and 3,4-methylenedioxymethamphetamine (Ecstasy).

Schedule II/IIIN Controlled Substances (2/2N)

Substances in this schedule have a high potential for abuse which may lead to severe psychological or physical dependence. Examples include: hydromorphone, methadone (Dolophine®), meperidine (Demerol®), oxycodone and fentanyl. Other Schedule II narcotics include: morphine, opium, codeine and hydrocodone. Schedule II stimulants include: amphetamine (Adderall®), methamphetamine, and methylephenidate (Ritalin®).

Schedule III/IIIN Controlled Substances (3/3N)

Substances in this schedule have a potential for abuse less than substances in Schedules I or II and abuse may lead to moderate or low physical dependence or high psychological dependence. Examples include: Narcotics products including not more than 90 milligrams of codeine per dosage unit and buprenorphine, and non-narcotics such as ketamine and anabolic steroids.

Schedule IV Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances in Schedule III. Examples are: alprazolam (Xanax®), clonazepam (Klonopin®), diazepam (Valium®), lorazepam (Ativan®), and triazolam (Halcion®).

Schedule V Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances listed in Schedule IV and consist primarily of preparations containing limited quantities of certain narcotics. Examples include: cough preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams (Robitussin AC®, Phenergan with Codeine®), and ezogabine.

Drug Trafficking is defined as the selling, manufacturing, growing, delivering, or possessing more than a certain amount of a controlled substance. The amount of the substance that needs to be involved in order to label it a trafficking charge depends on the substance. Below are the federal penalties for certain trafficking crimes (excluding marijuana):

FEDERAL TRAFFICKING PENALTIES FOR SCHEDULES I, II, III, IV AND V (EXCEPT MARIJUANA)

The following Substances and amounts are subject to a **first offense penalty** of not less than 5 years and not more than 40 years in prison. If death or serious bodily injury, not less than 20 years or more than life imprisonment and/or a fine of not more than \$5 million if an individual and not more than \$25 million if not an individual. They are subject to **second offense penalties** of not less than 10 years and no more than life. If death or serious bodily injury then life imprisonment. A second offense may have a fine of not more than \$8 million if an individual and not more than \$50 million if not an individual.

Schedule I: Fentanyl Analogue 10-99 grams mixture, Heroin (100-999 grams mixture), LSD (1-9 grams mixture); **Schedule II:** Cocaine (500-4999 grams mixture), Cocaine Base (28-279 grams mixture), Methamphetamine 5-49 grams pure or 50-499 grams mixture), PCP (10-99 grams pure or 100-999 grams mixture); **Schedule IV:** Fentanyl (40-399 grams mixture).

The following Substances and amount are subject to a **first offense penalty** of not less than 10 years and not more than life imprisonment. If there is death or serious bodily injury, not less than 20 years or more than life imprisonment. First offense penalty is also subject to a fine of not more than \$10 million if an individual and not more than \$50 million if not an individual. A second offense is subject to a penalty of not less than 20 years and not more than life imprisonment. If death or serious bodily injury the penalty is life imprisonment. A **second offense penalty** is subject to a fine of not more than \$20 million in and individual and not more than \$75 million if not an individual. If there **are two or more prior offenses** the penalty will be life imprisonment and a fine of not more than \$20 million if an individual and not more than \$75 million if not an individual:

Schedule I: Fentanyl Analogue (100 grams or more mixture), Heroin (1 kilogram or more mixture), and LSD (10 grams or more mixture); **Schedule II:** Cocaine (5 kilograms or more mixture), Cocaine Base (280 grams or more mixture), Methamphetamine (50 grams or more pure or 500 grams or more mixture), PCP (100 grams or more pure or 1 kilogram or more mixture); **Schedule IV:** Fentanyl (400 grams or more mixture).

OTHER DRUG TRAFFICKING PENALTIES FOR SCHEDULES I, II, III, IV AND V (EXCEPT MARIJUANA)

Any amount of other Schedule I & II Substances, Any Drug Product Containing Gamma Hydroxybutyric Acid, and Flunitrazepam (Schedule IV-1 gram). First Offense: Not more than 20 years imprisonment. If death or serious bodily injury, not less than 20 years or more than life imprisonment and/or a fine not less than \$1 million for an individual and not more than \$5 million if not an individual. **Second Offense:** Not more than 30 years imprisonment. If death or serious bodily injury, life imprisonment. Second offense is also subject to a fine of no more than \$2 million if an individual or no more than \$10 million if not an individual.

Any amount of Other Schedule III Drugs. First Offense: Not more than 10 years imprisonment. If death or serious bodily injury, not more than 15 years imprisonment. A first offense may also have a fine of no more than \$500,000 if an individual and no more than \$2.5 million if not an individual. **Second Offense:** Not more than 20 years imprisonment. If death or serious injury, not more than 30 years imprisonment. Second offense is also subject to a fine of not more than \$1 million in an individual and not more than \$5 million if not an individual.

Any Amount of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam). First Offense: Not more than 5 years imprisonment and/or a fine of not more than \$250,000 if an individual and not more than \$1 million if not an

individual. **Second Offense:** Not more than 10 years imprisonment and /or a fine of not more than \$500,000 if an individual nor more than \$2 million if other than an individual.

Any Amount of All Schedule V Drugs. First Offense: Note more than 1 year imprisonment and/or a fine of not more than \$100,000 if an individual and not more than \$250,000 if other than an individual. **Second Offense:** Not more than 4 years imprisonment and/or a fine of not more than \$200,000 if an individual and not more than \$500,000 if not an individual.

FEDERAL TRAFFICKING PENALTIES FOR MARIJUANA, HASHISH AND HASHISH OIL, SCHEDULE I SUBSTANCES

Marijuana (1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants). First Offense: Not less than 10 years or more than life imprisonment. If death or serious bodily injury, not less than 20 years or more than life imprisonment. First offense is also subject to a fine of not more than \$10 million if an individual nor more than \$50 million if other than an individual. **Second Offense:** Not less than 20 years nor more than life imprisonment. If death or serious bodily injury than no more than life imprisonment. Second offense is also subject to a fine of not more than \$20 million if an individual or more than \$75 million if other than an individual.

Marijuana (100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants). First Offense: Not less than 5 years or more than 40 years imprisonment. If death or serious bodily injury, not less than 20 years or more than life imprisonment. First offense is also subject to a fine of not more than \$5 million if an individual nor more than \$25 million if other than an individual. **Second Offense:** Not less than 10 year nor more than life imprisonment. If death or serious bodily injury, not more than life imprisonment. Second offense is also subject to a fine of not more than \$8 million if an individual or more than \$50 million if other than an individual.

Marijuana (50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants), Hashish (more than 10 kilograms), and Hashish Oil (more than 1 kilogram). First Offense: Not more than 20 years imprisonment. If death or serious bodily injury, not less than 20 years nor more than life imprisonment. First offense is subject to a fine of no more than \$1 million if an individual and no more than \$5 million if other than an individual. **Second Offense:** Not more than 30 years imprisonment. If death or serious bodily injury no more than life imprisonment. Second offense is also subject to a fine of not more than \$2 million if an individual and not more than \$10 million if other than an individual.

Marijuana (less than 50 kilograms, 1 to 49 marijuana plants), Hashish (10 kilograms or less), and Hashish Oil (1 kilogram or less). First Offense: Not more than 5 years imprisonment and/ or a fine of not more than \$250,000 if an individual and not more than \$1 million if other than an individual. **Second Offense:** Not more than 10 years imprisonment and/or a fine not more than \$500,000 for an individual nor more than \$2 million if other than an individual.

**Santee Tribal Code Provision
(The Santee Dakota Nation of Nebraska has adopted the criminal laws of the State of Nebraska)
Nebraska**

(NE uses the federal schedule for classifying drugs)

Neb. Stat. 28-416. Except as authorized by the Uniform Controlled Substances Act (21 U.S.C. Chapter 13), is shall be unlawful for any person knowingly or intentionally: (a) To manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance; or (b) to create, distribute or possess with intent to distribute a counterfeit controlled substance.

Anybody who violates the section above with respect to a controlled substance classified in Schedule I, II or III (except for cocaine, heroin and amphetamine) is guilty of a Class II felony. The penalty for a Class II Felony is between 1 and 50 years imprisonment.

Anybody who violates the section above with respect to a controlled substance classified in Schedules IV or V is guilty of a Class IIIA felony. The penalty for a Class IIIA felony is up to 5 years imprisonment or a fine of up to \$10,000 or both.

Anybody who violates the section above with respect to cocaine or any mixture or substance containing a detectable amount of cocaine a quantity of:

- (a) 140 grams or more shall be guilty of a Class IB felony punishable from 20 year to life imprisonment.
- (b) At least 28 grams but less than 140 grams shall be guilty of a Class IC felony which is punishable between 5 to 50 years imprisonment.
- (c) At least 10 but less than 28 grams shall be guilty of a Class ID felony which is punishable between 3 to 30 years imprisonment.

Anybody who violates the section above with respect to base cocaine (crack) or any mixture or substance containing a detectable amount of base cocaine in a quantity of:

- (a) 140 grams or more shall be guilty of a Class IB felony punishable from 20 year to life imprisonment.
- (b) At least 28 grams but less than 140 grams shall be guilty of a Class IC felony which is punishable between 5 to 50 years imprisonment.
- (c) At least 10 but less than 28 grams shall be guilty of a Class ID felony which is punishable between 3 to 30 years imprisonment.

Anybody who violates the section above with respect to heroin or any mixture or substance containing a detectable amount of heroin in a quantity of:

- (a) 140 grams or more shall be guilty of a Class IB felony punishable from 20 year to life imprisonment.
- (b) At least 28 grams but less than 140 grams shall be guilty of a Class IC felony which is punishable between 5 to 50 years imprisonment.
- (c) At least 10 but less than 28 grams shall be guilty of a Class ID felony which is punishable between 3 to 30 years imprisonment.

Anybody who violates the section above with respect to amphetamine, its salts, optical isomers, and salts of its isomers or with respect to methamphetamine, its salts, optical isomers, and salts of its isomers, in a quantity of:

- (a) 140 grams or more shall be guilty of a Class IB felony punishable from 20 year to life imprisonment.
- (b) At least 28 grams but less than 140 grams shall be guilty of a Class IC felony which is punishable between 5 to 50 years imprisonment.
- (c) At least 10 but less than 28 grams shall be guilty of a Class ID felony which is punishable between 3 to 30 years imprisonment.

Marijuana

Any person knowingly or intentionally possessing marijuana weighing more than one ounce but not more than one pound shall be guilty of a Class III misdemeanor which is punishable by up to three months in jail or a fine up to \$500 or both.

Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony punishable by up to 5 years in prison or a fine of up to \$10,000 or both.

Any person knowingly or intentionally possessing marijuana weighing one ounce or less or any substance containing a quantifiable amount of the substances, chemicals, or compounds of Schedule I shall:

- (a) For the first offense, be guilty of an infraction, receive a citation, be fined three hundred dollars, and be assigned to attend a course if the judge determines that attending such course is in the best interest of the individual defendant.
- (b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined \$400 dollars and may be imprisoned not to exceed five days.
- (c) For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined five hundred dollars, and be imprisoned not to exceed seven days.

**Omaha Tribal Code Provision
Possession**

SECTION 5-3-6

Unlawful Manufacture or Delivery of a Controlled Substance is a Class A offense.

Unlawful Possession of a Controlled Substance is a Class A Offense.

Class A offenses may be sentenced as follows: a term of imprisonment not to exceed one (1) year and a fine not to exceed \$5,000.

SECTION 5-4-124

Possession of Marijuana can be a Class A, B, or C offense and is dependent of the amount possessed.

Class A possession under this section is subject to a fine of not less than \$1500 or a term of imprisonment not to exceed 12 months, or both.

Class B possession under this section is subject to a fine of not less than \$500 or a term of imprisonment not to exceed 90 days, or both.

Class C possession under this section is subject to a fine of not less than \$300.

Referrals to community treatment agencies/centers may be made by college staff. Suggested agencies available in the area:

<p>Jackson Recovery Centers (several locations in the same area) https://www.jacksonrecovery.com/ 800 5th St., Sioux City, IA. 51101 (main office) 712-234-2300 Substance Abuse, Mental Health</p>	<p>Ponca Tribe of Nebraska Behavioral Health Services http://www.poncatribene.org/Offices 125 6th St., Sioux City, IA 51101 712-258-0500 Behavioral Health</p>
<p>Transitional Services of Iowa http://www.transitionalservicesofiowa.org/contact_us.html 1221 Pierce St., Sioux City, IA 51105 712-255-0204 Mental Health, Behavioral Health</p>	<p>Winnebago Tribe Behavioral Health http://www.winnebagoohhs.com/services/behavioral_health.html 225 Bluff St., Winnebago, NE 68071 402-878-2911 Behavioral Health</p>
<p>Chee Woy Na Zhee Halfway House 203 Maple St., Winnebago, NE 68071 402-878-2480 Substance Abuse</p>	<p>Omaha Suicide Prevention Resource Center http://www.sprc.org/grantees/omaha-tribe-nebraska 312 Main St., Macy, NE 86039 402-846-5280 Mental Health</p>

<p>Chee Ponca Tribe Health/Wellness http://www.poncatrbe-ne.org/ 249 Spruce Ave., Niobrara, NE 68760 402-857-3341 Substance Abuse</p>	<p>LIMPH System of Care Indian Center www.societyofcare.org Niobrara, NE (402) 857-2508 x304 Mental Health</p>
<p>H. E.A.R.T. Santee Clinic Rez.sez.cl@gmail.com 110 South Visiting Eagle St. Niobrara, NE 402-857-2508</p>	<p>ONCRT- Walthill http://www.omahanationcrt.org 312 Main St. Fl. 2 Walthill, NE 402-846-5280</p>

Violence Prevention

VIOLENCE-FREE INSTITUTION

The Nebraska Indian Community College has zero tolerance for physical or verbal violence of any kind. Anyone causing a situation which threatens the physical or emotional well-being of any NICC student, staff, faculty, administrator, or visitor will be removed, barred or dismissed from enrollment or employment from the campus. Any situation involving violence could also result in criminal prosecution. Local law enforcement 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. Campus Crime and Security Report will be compiled and distributed annually.

RIOTS AND CIVIL DISTURBANCES

- A. Procedures:** In the event of a riot or civil disturbance remove all students and visitors from the area most immediate to the disturbance. The Person in Charge or representative will notify the following:
- a. Police at 911
 - b. The Federal Bureau of Investigation at the Sioux City Office (712) 258-1920 or at the Omaha Office (402) 493-8688
 - c. The Tribal Business Manager, if on Tribal land.
 - d. Any Member of the Tribal Council, if on Tribal land.

The Person in Charge or representative are to act in the best interest of all concerned and solve the problem at its lowest level. For the safety of all concerned the NICC employees are not to attempt to mediate.

- A. Report:** Only those reports specifically required will be authorized as indicated
- a. The Person in Charge will (verbally report the results of the incident to the College President.
 - b. The Person in Charge will prepare a written report to the College President, the NICC Board of Director Chair, and the Tribal Councils if applicable. The report will outline the incident as follows: how the emergency was received, action taken, authorities contacted and response. Findings and decisions made conjointly between the Person in Charge and the assisting agencies should be part of this report.

SEXUAL AND GENDER HARASSMENT

NICC is pledged to maintain an environment that is conducive to work and study for staff and students. That environment must be free of sexual and gender harassment and all forms of sexual intimidation and exploitation. Such behavior includes but is not limited to suggestions that academic reprisals or rewards will follow refusal or granting of sexual favors or behavior which creates an intimidating or a hostile academic environment. This constitutes gross misconduct and will not be tolerated. Complaints regarding sexual and gender harassment will be directed to the Human Resource Manager or Academic Dean. The Human Resource Manager is the designated Title IX Coordinator.

DISCRIMINATION

Fair, prompt, and impartial consideration of complaints involving discrimination on the grounds of race, religion, sex, age, national origin, Tribal affiliation, or disability will be provided to students and staff without fear of reprisal. Full cooperation will be provided to an individual who files a complaint

of discrimination. Matters of discrimination can be directed to the Human Resources Manager or Academic Dean.

DEFINITIONS

Word	Definition
College, NICC	Means Nebraska Indian Community College
Student	Means a student actively enrolled in classes at NICC
Faculty member	Means any person assigned by the College to conduct classroom activities
Administrator or Administration	Means a person in the Executive level of NICC
Bomb	Means a danger of an explosive or incendiary device.
Person in Charge	The person who is in charge of a campus site according to the organizational structure or administrative decision, that is an employee of NICC.
Law Enforcement Agencies	Agencies that handle criminal matters. These agencies are defined as city, county, tribal, state, and federal agencies.
College premises	Includes all land, buildings, facilities and other property in the ownership of NICC including adjacent streets and sidewalks.
Consent	Effective consent is informed, freely and actively given, in mutually understandable words or actions, by each participant, which indicates a willingness to participate in mutually agreed upon sexual activity
Incapacitated	Incapacitated means being in a state where a person lacks the mental or physical capacity to appreciate the fact that they are in a sexual situation
Sexual harassment	Means unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that if unreasonably interferes with, denies, or limits someone's ability to participate win or benefit from programs.
Sexual intimidation or exploitation	Means non-consensual or abusive sexual advantage of another for his/her own advantage or benefit.
Complaint	Means a written accusation that has been filed with a Person-in-charge.
Natural Disaster	A natural disaster is defined as a tornado (see definition), earthquake (see definition), flood (see definition), Thunderstorm (see definition), Lightning Strike (see definition)
Tornado	A rotating column of air ranging in width from a few yards to more than a mile and whirling at destructively high speeds, usually accompanied by a funnel-shaped downward extension of a cumulonimbus cloud.

Earthquake	A sudden movement of the earth's crust caused by the release of stress accumulated along geologic faults or by volcanic activity.
Flood	An overflowing of water onto land that is normally dry.
Thunderstorm	A transient, sometimes violent storm of thunder and lightning, often accompanied by rain and sometimes hail.
Lightning Strike	An abrupt, discontinuous natural electric discharge in the atmosphere.
Blizzard	A violent snowstorm with winds blowing at a minimum speed of 35 miles (56 kilometers) per hour and visibility of less than one-quarter mile (400 meters) for three hours.
Riot	A wild or turbulent disturbance created by a large number of people.

DATING, DOMESTIC, SEXUAL ASSAULT AND STALKING.

Sexual misconduct, in reference to this policy, shall be defined by Title IX of the Education Amendments of 1972 and the Violence Against Women Reauthorization Act of 2013. Sexual Misconduct against any member of the Nebraska Indian Community College will be turned over to local authorities for investigation since NICC does not have any on campus housing or will be handled through the NICC grievance policy as stated below. Reporting persons are the Administrative Personnel listed in the Introduction and the Title IX Coordinator, HR Manager as previously stated. NICC is continuing to develop our educational plans for students and is currently in the process of establishing an outside entity for online education for NICC students.

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 in conjunction with the grievance committee. Possible disciplinary actions can be found in the Student Rights section of this catalog. Students dissatisfied with findings of the Academic Dean should follow the Grievance Procedure.

PROCEDURES AND POLICIES OF NICC

STUDENT RIGHTS

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

- The right to pursue educational, recreational, social, religious, and cultural activities.
- The right to maintenance of a campus environment characterized by safety and good order.
- 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.
- The right to appropriate available services of the faculty, administrative offices, and support services of the College.
- The right to fair and impartial evaluation of the student's academic work.
- The right to have complete and accurate records maintained by the College of the student's academic performance and the right to review them.
- 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.
- The right to have the College maintain and protect 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 Admissions/Advising/Records Office and can be viewed under Consumer Information at www.thenicc.edu. The student has the right to provide a written request for the disclosure of their records. If the student requests a copy of the records, a charge of \$.10 per page will be assessed to the student's account. See also Release of student information for more information.

STUDENT RESPONSIBILITIES

Students are bound by all rules, regulations, and processes of the College Catalog effective during their term of enrollment. **Students should read the NICC College Catalog 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 College Catalog should be retained as a permanent record for reference, transfer, and graduation information.

- 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.
- 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.
- Students should assume responsibility for their own verbal and non-verbal communications, writings, and behavior.
- Students shall maintain confidentiality when appropriate and indicated.
- Students are responsible for appropriate use of services provided by the College.
- Students are responsible to uphold the College's academic honesty policy.
- Nebraska Indian Community College students are expected to abide by local, tribal, and applicable state and federal laws, as well as college regulations.

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:

STUDENT CODE OF CONDUCT

NICC expects its students to abide by local, tribal, state, federal laws, and college regulations. The college will not tolerate unlawful behavior, which infringes upon or denies the rights and freedoms of others, or disruptive acts, which affect either the academic or the civil operation of the college. NICC standards of conduct clearly prohibit the unlawful possession, use, or distribution of illicit drugs and the possession, use or sale of alcohol by students on its property or as part of any of its officially recognized activities. If a student becomes disruptive and refuses to leave when asked, law enforcement officials will be contacted. Any student who fails to observe these laws and regulations may be denied the services of the college through due process.

INCIDENT REPORTS

Students who are observed violating college policies and regulations by a college employee will receive an incident report. The student will be told verbally at the time of the observed violation that an Incident Report will be issued. The report will be signed by the witnessing college employee. The signed Incident Report will be turned in to the Academic Dean within one business day of the alleged violation for review. The Academic Dean will take actions deemed appropriate to the incident, which may include academic probation or suspension. These incident reports will be kept in the student's permanent file.

GRIEVANCES

Nebraska Indian Community College students, staff, faculty, and administration have certain rights that must be respected. If any party feels that their rights have been violated, a process has been established by which the alleged wrongful act be addressed.

GRIEVANCE PROCEDURE

Informal Resolution: Any dispute, disagreement regarding a student's rights, sexual discrimination, or decisions made regarding student's conduct is eligible for the grievance procedure. Any academic concerns need to follow the academic appeals process as later described in this catalog. Often these disputes are simple misunderstandings that can be cleared up with an informal meeting. If any party involved is not satisfied with the resolution reached at this meeting or feels too uncomfortable to meet with the other party, a grievance form should be filed.

Formal Grievance Protocol:

1. **Grievance Action:** Every feasible informal means of resolution should be attempted prior to the filing of a grievance form. The grievance form can be acquired from the Advisor, Academic Dean or online at www.thenicc.edu under "Student" tab and "student forms" and should be submitted to the Academic Dean.
2. **Academic Dean Review:** The completed grievance form should be filed with the Academic Dean within ten (10) calendar days after meeting with the instructor or Academic Dean in the informal resolution step. The appeal must include the following items:
 - Name, address, email, and phone number of the person filing the grievance.
 - Explanation of the efforts the student has made to resolve the appeal informally.
 - Nature of the grievance in full detail.
 - Place, date, and time of alleged incident.
 - Name of the person(s) accused of the violation.
 - Requested remedy.
 - Any background information or documentation the student filing the grievances believes to be relevant.

The Academic Dean will provide written response to the applicant within ten (10) working days of the date of submission. If the Academic Dean is unable to obtain a resolution of the grievance, it proceeds to step 3.

