

Xenon Academy Omaha NE

Annual Security Report 2018

Report prepared by Director of Corporate Business Office Lori Overgaard

August 23, 2019

Security period covered:
2018

Geographic area covered by this report:

The strip center that Xenon Academy is located in, and the adjacent strip center, located to the east that we share a common parking lot with. "On campus" includes the main space at 8516 Park Drive & business offices at 8456 Park Drive. "Public property" includes adjacent business property and parking. This report also covers the parking area staff and students are allocated to park. This report does not cover criminal activity at off campus locations outside of this geographic area. Xenon Academy does not have any recognized student organizations.

Information for this report is gathered from the Omaha Police Department and from our campus security log using the address of 8516 Park Drive, Omaha, NE 68127. The Omaha Police Department does provide printed reports specific to an area or address. This information was confirmed by Omaha Police Department.

Victims and/or witnesses may report crimes to the Campus Director on a voluntary and confidential basis to be logged into the daily crime log, and inclusion in the annual security report. The daily log and annual report are available in the campus administrative office.

CRIME AWARENESS AND CAMPUS SECURITY

1. The school does not employ private security personal. Therefore, all incidents of a criminal or emergency nature are reported to local law enforcement. 911 should always be used in emergency situations.
2. Anyone witnessing any form of criminal action should report it to a Campus official on duty. Witnesses of crimes are encouraged to promptly report when the victim is unable to do so. The official on duty will assess the situation and contact the local authorities if necessary. The official will prepare a memorandum regarding the incident and submit it to the Campus Director to be recorded in the Crime Log.

REPORT CRIMES OF NON-SEXUAL NATURE TO:

Linda Pochop-Director

Carol Dawson-Director

Michaela Hampton-Client Services

Lori Overgaard-Director of Corporate Business Office-Title IX Coordinator

3. All facilities are locked during non-business hours. During non-business hours, only authorized personal are permitted on the premises.
4. During orientation, student gatherings and staff meetings, students and employees are reminded that they can assist in crime prevention by ensuring that all doors are locked; that they do not walk alone to automobiles or public transportation facilities and that they report any suspicious situations to the school official.
5. The sale/use or possession of alcohol/ illegal drugs is not permitted in the school or its parking facilities. Anyone observed using, selling or in possession of illegal drugs or illegal possession of prescription drugs will be referred to the local police authorities. The school has in place a Drug and Alcohol Abuse Prevention Program as required under Public Law 101-226.

- Students and faculty are encouraged to be knowledgeable about their surroundings. Information regarding registered sex offenders can be obtained at the following site.

<https://sor.nebraska.gov>

- Firearms of any kind are prohibited on campus property. Reports of individuals in possession of any type of dangerous weapon should be made to a campus official immediately.
- The campus will post Notices/Warnings on the student and faculty bulletin boards of circumstances that may affect campus security. Public announcements will be made within 1 hour of any situation that may cause danger to students or staff members. The campus will utilize; e-mail notifications (text message when available) and social media sites when information is made known to us, so they may take appropriate precautions.
- The campus has in place an *Evacuation* and a *Lock Down* procedure in the case of a threat to the safety of the campus attendees. The campus utilizes a texting service to directly notify all staff and students of any situations when taking immediate action to seek safety is necessary to eliminate danger or seek safety. The campus reviews these procedures during new student and staff orientation. An annual practice drill is performed each September.
- The School does not recognize any off-campus student organizations.

Information and Education

Annually Xenon Academy schedules guest speakers that educate the students and staff about crime prevention, self-defense and sexual assault prevention. Drug and alcohol abuse education is disbursed during new student/staff orientation. Xenon Academy has incorporated student projects and lectures in its freshman curriculum that focus on prevention and awareness of sexual assault, domestic violence, dating violence, stalking and drugs & alcohol abuse prevention. The academy has continuous enrollment, these projects and materials are then made available to all attending students and staff members. These projects assure the campus has ongoing prevention and awareness campaigns for current staff and students. Safe options for bystander intervention is also be addressed.

Printed educational materials are available in the administrative offices. Contact information for professional assistance is posted in the student and employee break.

CRIME STATISTICS

Whenever any of the following crimes occur on campus, the information is reported to local police agencies and recorded in a memorandum. These statistics are disclosed to students and employees annually, as well as new enrollments and employee applicant.

Criminal Offenses-On campus

Total occurrences On campus

Criminal offense	2016	2017	2018
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0
k. Arson	0	0	0

Criminal Offenses-Public Property

Criminal offense	Total occurrences on Public Property		
	2016	2017	2018
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0
k. Arson	0	0	0

Hate Crimes-On campus

Occurrences of Hate crimes

Category of Bias for crimes reported in 2018

Criminal offense	2018 Total		Sexual orientation	Gender	Gender		Disability	Ethnicity	National Origin
	Race	Religion			Identity				
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
o. Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

Occurrences of Hate crimes

Category of Bias for crimes reported in 2017

Criminal offense	2017 Total		Sexual orientation	Gender	Gender		Disability	Ethnicity	National Origin
	Race	Religion			Identity				
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
d. Negligent manslaughter	0	0	0	0	0	0	0	0	0
e. Fondling	0	0	0	0	0	0	0	0	0
g. Incest	0	0	0	0	0	0	0	0	0
h. Rape	0	0	0	0	0	0	0	0	0
i. Statutory rape	0	0	0	0	0	0	0	0	0
j. Robbery	0	0	0	0	0	0	0	0	0
k. Aggravated assault	0	0	0	0	0	0	0	0	0
l. Burglary	0	0	0	0	0	0	0	0	0
m. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0	0	0	0	0	0	0
n. Arson	0	0	0	0	0	0	0	0	0
o. Simple assault	0	0	0	0	0	0	0	0	0
p. Larceny-theft	0	0	0	0	0	0	0	0	0
q. Intimidation	0	0	0	0	0	0	0	0	0
r. Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

Occurrences of Hate crimes
Category of Bias for crimes reported in 2016

Criminal offense	2016		Religion	Sexual orientation	Gender	Gender			National Origin
	Total	Race				Identity	Disability	Ethnicity	
a. Murder/Non-negligent manslaughter	0		0	0	0	0	0	0	0
d. Negligent manslaughter	0		0	0	0	0	0	0	0
e. Fondling	0		0	0	0	0	0	0	0
g. Incest	0		0	0	0	0	0	0	0
h. Rape	0		0	0	0	0	0	0	0
i. Statutory rape	0		0	0	0	0	0	0	0
j. Robbery	0		0	0	0	0	0	0	0
k. Aggravated assault	0		0	0	0	0	0	0	0
l. Burglary	0		0	0	0	0	0	0	0
m. Motor vehicle theft (Do not include theft from a motor vehicle)	0		0	0	0	0	0	0	0
n. Arson	0		0	0	0	0	0	0	0
o. Simple assault	0		0	0	0	0	0	0	0
p. Larceny-theft	0		0	0	0	0	0	0	0
q. Intimidation	0		0	0	0	0	0	0	0
r. Destruction/damage/vandalism of property	0		0	0	0	0	0	0	0

Hate Crimes-Public Property

Occurrences of Hate crimes
Category of Bias for crimes reported in 2018

Criminal offense	2018 Total		Religion	Sexual orientation	Gender	Gender			National Origin
	Race					Identity	Disability	Ethnicity	
a. Murder/Non-negligent manslaughter	0		0	0	0	0	0	0	0
c. Rape	0		0	0	0	0	0	0	0
d. Fondling	0		0	0	0	0	0	0	0
e. Incest	0		0	0	0	0	0	0	0
f. Statutory rape	0		0	0	0	0	0	0	0
g. Robbery	0		0	0	0	0	0	0	0
h. Aggravated assault	0		0	0	0	0	0	0	0
i. Burglary	0		0	0	0	0	0	0	0
j. Motor vehicle theft (Do not include theft from a motor vehicle)	0		0	0	0	0	0	0	0
k. Arson	0		0	0	0	0	0	0	0
l. Simple assault	0		0	0	0	0	0	0	0
m. Larceny-theft	0		0	0	0	0	0	0	0
n. Intimidation	0		0	0	0	0	0	0	0
o. Destruction/damage/vandalism of property	0		0	0	0	0	0	0	0

Occurrences of Hate crimes
Category of Bias for crimes reported in 2017

Criminal offense	2017		Religion	Sexual orientation	Gender	Gender			National Origin
	Total	Race				Identity	Disability	Ethnicity	
a. Murder/Non-negligent manslaughter	0		0	0	0	0	0	0	0
d. Negligent manslaughter	0		0	0	0	0	0	0	0
e. Fondling	0		0	0	0	0	0	0	0
g. Incest	0		0	0	0	0	0	0	0
h. Rape	0		0	0	0	0	0	0	0
i. Statutory rape	0		0	0	0	0	0	0	0
j. Robbery	0		0	0	0	0	0	0	0
k. Aggravated assault	0		0	0	0	0	0	0	0
l. Burglary	0		0	0	0	0	0	0	0
m. Motor vehicle theft (Do not include theft from a motor vehicle)	0		0	0	0	0	0	0	0
n. Arson	0		0	0	0	0	0	0	0
o. Simple assault	0		0	0	0	0	0	0	0
p. Larceny-theft	0		0	0	0	0	0	0	0
q. Intimidation	0		0	0	0	0	0	0	0
r. Destruction/damage/vandalism of property	0		0	0	0	0	0	0	0

Occurrences of Hate crimes
Category of Bias for crimes reported in 2016

Criminal offense	2016		Sexual orientation	Gender	Gender		Disability	Ethnicity	National Origin
	Total	Race			Religion	Identity			
a. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
d. Negligent manslaughter	0	0	0	0	0	0	0	0	0
e. Fondling	0	0	0	0	0	0	0	0	0
g. Incest	0	0	0	0	0	0	0	0	0
h. Rape	0	0	0	0	0	0	0	0	0
i. Statutory rape	0	0	0	0	0	0	0	0	0
j. Robbery	0	0	0	0	0	0	0	0	0
k. Aggravated assault	0	0	0	0	0	0	0	0	0
l. Burglary	0	0	0	0	0	0	0	0	0
m. Motor vehicle theft (Do not include theft from a motor vehicle)	0	0	0	0	0	0	0	0	0
n. Arson	0	0	0	0	0	0	0	0	0
o. Simple assault	0	0	0	0	0	0	0	0	0
p. Larceny-theft	0	0	0	0	0	0	0	0	0
q. Intimidation	0	0	0	0	0	0	0	0	0
r. Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

VAWA Offenses-On Campus

Crime	Total occurrences On campus		
	2016	2017	2018
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0

VAWA Offenses-Public Property

Crime	Total occurrences on Public Property		
	2016	2017	2018
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0

Arrests-On campus

Crime	Number of Arrests		
	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

Arrests-Public Property

Crime	Number of Arrests		
	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

Disciplinary Actions-On Campus

Crime	Number of persons referred for Disciplinary Action		
	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

Disciplinary Actions-Public Property

Crime	Number of persons referred for Disciplinary Action		
	2016	2017	2018
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

Unfounded Crimes

Crime	Number 2016	2017	2018
a. Total unfounded crimes	0	0	0

Classification of Crime Statistics

The annual security report contains statistics reported by the year and geographic location for the following offenses:

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter: The killing of another person through gross negligence.

Sex Offenses-Forcible: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

Forcible Rape: The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

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

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

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

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

Arson: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

Hate Crimes

We are also required to report statistics for bias-related (hate) crimes by the type of bias as defined below for the following classifications: Murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, and arson

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

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

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

Arrest and referrals for disciplinary action

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzadrine).

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor

or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition.)

XI Violence Against Women Act (VAWA) Save Act

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill was the Campus Sexual Violence Elimination Act (Campus SaVE), which amends the Jeanne Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence and stalking. Query of VAWA volitions were asked of our Campus Security Authorities which include domestic violence, dating violence, and stalking defined as follows:

Domestic Violence: Includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse or intimate partner, current or former cohabitant, a person with whom the victim shares a child in common, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: Means violence by a person who is or has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be determined based on the reporting party's statement and with consideration of its length, type and frequency of interaction between the persons involved in the relationship.

For the purpose of this definition-Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Sexual Assault: An offense that meets the definition of rape, fondling, incest or statutory rape, as used in the FBI's Unified Crime Reporting program.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person *without the consent of the victim*.

Sex Offenses: Any sexual act directed against another person *without consent of the victim*, including instances where the victim is incapable of giving consent.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, *without the consent of the victim*, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

Statutory rape: Sexual intercourse with a person who is under the statutory age of consent.

Stalking: Means a course of conduct directed at a specific person that would cause a *reasonable person* to fear for her, his or others' safety, or to suffer substantial emotional distress.

Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by action method, device, or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.

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

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

Xenon Academy does not offer any on campus Drug or Alcohol Resources. Below are agencies that are available to the students and staff.

[Places for alcoholic and drug resources near Omaha, NE](#)

Valley of Hope Rehabilitation Center

7703 Serum Ave

Omaha, NE

402-991-8824

www.hopevalley.com

Adlerian Center

11911 Arbor St

Omaha, NE

402-334-3044

Center for Recovery

120 N 163rd St
Omaha, NE
402-510-1754

Alcoholics Anonymous

4901 Dodge St
Omaha, NE
402-556-1880
www.aa.org

Addiction Research and Treatment Services

Addiction Treatment Hotline
Omaha, NE
866-675-4912

Sexual Offenses

Xenon Academy prohibits crimes of dating violence, domestic violence, sexual assault and stalking.

911 should be called in the event of an emergency or when immediate medical attention is necessary.

If a sexual assault occurs, safety and medical assistance are the first considerations. Go to a safe place as soon as possible. Once you are in a safe location, you may consider and choose to access any of the options noted below.

All students/employees who report that they have been a victim of a sexual offence, on or off campus, will be provided with these written rights and options as well as written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, that is available at the Academy and/or community.

Student and Employee Rights and Options Available Whether Crime Took Place on or off Campus**Reporting and Confidentially Disclosing Sexual Violence/Misconduct: Know the Options**

The victim retains all rights on whether to notify and seek assistance from local law enforcement.

Preserving Evidence following an incident of sexual assault, domestic violence or stalking.

Procedure:

1) Preserve evidence.

a. Sexual Assault

1. Forensic evidence collection is best collected immediately following an assault. Technological advancements are making it more likely to collect evidence even after 72 hours; however, it is important to remember that the more time passes between the sexual assault and reporting it to the police, the less likely it will be to collect physical evidence that may be very important to the prosecution of a criminal case.

2. To preserve evidence in the case of sexual assault, it is recommended that you do not shower or bathe, wash your hands, use the toilet, douche, eat, drink, smoke, brush your teeth, change clothing, or wash clothing or bedding before a medical exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care.

3. If you wish to make a report to the police, or if you wish to have evidence collected so you can make this decision later, you may seek services by calling the local police dispatch number.

4. It is preferred that a police department facilitates the collection of forensic evidence. However, if you are not sure if you would like to report to the police or if it has been longer than 72 hours after the assault, you may wish to

gather all clothing and bedding that may be used for evidence and place them into a clean paper bag or clean sheet. Items should be stored at room temperature that will not damage evidence.

b. Dating or Domestic Violence

1. In the case of dating violence and domestic violence, the resource you choose to report the crime to (a doctor, the police, an advocate, etc.) may recommend ways to preserve evidence such as logging incidents, photographing injuries, seeking medical care, etc.

c. Stalking

1. Stalking is demonstrated through a pattern of unwanted contact. Information on how to document stalking can be found here: http://www.victimsofcrime.org/docs/src/stalking-incident-log_pdf.pdf?sfvrsn=4. In addition to logging unwanted contact, an advocate or police officer may recommend you save and photograph unwanted text messages, emails, letters and gifts and store them in a secure location.

2) Seek assistance.

National Domestic Violence Hotline

1-800-799-7233

www.ndvh.org

Rape, Abuse, & Incest National Network

1-800-656-4673

www.rainn.org

National Teen Dating Abuse Helpline

1-866-331-9474

www.Loveisrespect.org

National Suicide Prevention Lifeline

1-800-273-8255

www.Suicidepreventionlifeline.org

Nebraska Domestic Violence Sexual Assault Coalition

<http://ndvsac.org/get-informed/>

The Rape Assistance and Awareness Program

<http://www.raap.org/>

Women's Center for Advancement

222 S 29th St

Omaha, NE 68131

402-345-6555 (24/7 Crisis Hotline: 402-345-7273)

www.wcaomaha.org

Heartland Family Services

2101 S 42nd St

Omaha, NE 68105

402-553-3000

www.heartlandfamilyservice.org

Domestic Violence Services; The Shelter (Catholic Charities of Omaha)

24 hour crisis line: 402-558-5700

Counseling and Advocacy; Emergency Shelter and Temporary Housing

www.ccomaha.org

Catholic Charities of Omaha

Immigration Legal Assistance

5211 S 31st

Omaha, NE 68107

402-939-4615

www.ccomaha.org/what-we-go/immigration-legal-assistance.html

Legal Aid of Nebraska

209 S 19th St Suite 200

Omaha, NE 68102

402-348-1069

www.legalaidofnebraska.org

National Child Abuse Hotline

1-800-422-4453

www.childhelp.org

3) Report to campus or local authorities.**a. To Report to the Police**

You may report to the police directly or contact an advocate, responsible party, or the Title IX Coordinator to support you in making a report. To report to directly to the police, call 911 or the non-emergency dispatch number (402-444-5600).

b. Seeking Medical Care Outside of a Police Report

If you do not wish to complete a forensic examination and a formal report to the police, it is still important to seek immediate medical attention from a medical provider. Meeting with a medical provider within 72 hours also ensures adequate time to receive care for any injuries and to consider taking emergency contraception or prophylaxes for HIV or sexually transmitted infections.

c. To Report a Title IX Violation to Xenon

If the perpetrator is affiliated with Xenon, you may also notify the Title IX Coordinator and access the campus conduct process through the Coordinator. This resource is available to victims even if the assault happened off campus. Xenon does not require physical evidence to receive a complaint. Note: A criminal investigation may occur separate from a conduct proceeding on campus if the person who hurt you is a member of Xenon Academy.

Tips for Sexual Assault as a Bystander

1. Talk to your friends honestly and openly about sexual assault.
2. Don't just be a bystander-if you see something, intervene in any way you can.
3. Trust your gut. If something looks like it might be a bad situation, it probably is.
4. Be direct. Ask someone who looks like they may need help if they're okay.
5. Get someone to help you if you see something-enlist a friend, residential advisor, teacher, or parent to help step in.
6. Keep an eye on someone who has had too much to drink.
7. If you see someone who is too intoxicated to consent, enlist their friends to help them leave safely.
8. Recognize the potential danger of someone who talks about planning to target another person at a party.
9. Be aware if someone is deliberately trying to intoxicate, isolate, or corner someone else.
10. Create a distraction, draw attention to the situation, or separate the people you are concerned about.
11. Understand that if someone does not or cannot consent to sex, it is rape.
12. Never blame the victim.
13. Go to itsonus.org and pledge to help keep everyone safe from sexual assault.

It's on all of us to stop sexual assault.

Under Nebraska Law: Without consent means:

(a)(i) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim 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;

(b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and

(c) A victim need not resist verbally or physically where it would be useless or futile to do so; and

(9) Force or threat of force means (a) the use of physical force which overcomes the victim's resistance or (b) the threat of physical force, express or implied, against the victim or a third person that places the victim in fear of death or in fear of serious personal injury to the victim or a third person where the victim reasonably believes that the actor has the present or future ability to execute the threat.

Sexual assault: first degree,

Any person who subjects another person to sexual penetration (a) without the consent of the victim, (b) who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age is guilty of sexual assault in the first degree.

Xenon encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the academy can respond appropriately.

Different employees on campus have different abilities to maintain a victim's confidentiality.

- Some employees may talk to a victim in confidence, and generally only report to the Title IX Coordinator that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger an academy investigation into an incident against the victim's wishes.
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX coordinator. A report to these employees (called "responsible employees") constitutes a report to the Campus Director – and generally obligates the academy to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual violence/misconduct. Xenon encourages victims to talk to someone identified in one or more of these groups.

The Options

- **Non-professional Advocates**

Individuals who work at the campus including Admissions personnel, front desk staff and students, can generally talk to a victim without revealing any personally identifying information about an incident to the academy. A victim can seek assistance and support from these individuals without triggering an academy investigation that could reveal the victim's identity or that the victim has disclosed the incident.

While maintaining a victim's confidentiality, these individuals should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

The following employees are the Academy's non-professional advocates; below is their contact information:

Communications, Guest Services & Admissions personnel employees:
Use their first name@xenonacademy.net.
Sample:
"first name"@xenonacademy.net

For employees that don't have an email please call the school at 402-393-2933.

A victim who speaks to a non-professional advocate must understand that, if the victim wants to maintain confidentiality, Xenon Academy will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the academy or report the incident to local law enforcement, and thus have the incident fully investigated. These advocates will provide the victim with assistance if the victim wishes to do so.

NOTE: While these non-professional advocates may maintain a victim's confidentiality vis-à-vis the academy, they may have reporting or other obligations under state law. Under NE Law Section 43-4317 mandatory reporting is required if the victim is a minor; Section 28-372 mandatory reporting if the victim is a vulnerable adult.

ALSO NOTE: If Xenon Academy determines that the alleged perpetrator(s) pose a serious and immediate threat to the academy community the Campus Director may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

- **Reporting to "Responsible Employees."**

A "responsible employee" is an employee who has the authority to redress sexual violence/misconduct, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a victim tells a responsible employee about an incident of sexual violence/misconduct, the victim has the right to expect Xenon to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the academy will need to determine what happened—including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the Xenon's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

The following employees are the Academy's responsible employees; below is their contact information:

Brenda Knople-Human Resources: brenda@xenonacademy.net
Linda Pochop-Director: linda@xenonacademy.net
Carol Dawson-Director: carol@xenonacademy.net
Educational Staff:
Use their first name@xenonacademy.net.
Sample:
"first name"@xenonacademy.net with the exception of:

Lisa Novak: lisan@xenonacademy.net
For employees that don't have an email please call the school at 402-393-2933.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the academy will consider the request, but cannot guarantee that Xenon will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim's request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for Xenon to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

- **The Title IX Coordinator for this campus is:**

Lori Overgaard 402-697-2398 ext #102 lori@xenonacademy.net

When a victim makes a report to the Title IX Coordinator they will take immediate & appropriate steps to investigate the circumstances. The request for confidentiality will be honored unless the following circumstances occur.

Requesting Confidentiality: How Xenon will weigh the request and respond

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the academy must weigh that request against the Xenon's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If Xenon honors the request for confidentiality, a victim must understand that the academy's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when Xenon may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

Xenon has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

Jackie Hornig- Executive Director

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, Jackie Hornig, Executive Director, will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints about the same alleged perpetrator;
 - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
 - whether the sexual violence was committed by multiple perpetrators;
 - whether the sexual violence was perpetrated with a weapon;
 - whether the victim is a minor;
 - whether Xenon possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);

- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

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

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

Xenon will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or Xenon employees, will not be tolerated. Xenon will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance off campus keeping all accommodations confidential to the extent possible while providing the accommodations.
- provide other support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests keeping all accommodations confidential to the extent possible while providing the accommodations.
- inform the victim of the right to report a crime to local law enforcement – and provide the victim with assistance if the victim wishes to do so.
- These benefits are available even if the victim does not formally report.
- All crime log reporting and clergy act reporting will be completed using an assigned ID number instead of the victim's personally identifying information.

Xenon Academy will not require a victim to participate in any investigation or disciplinary proceeding.

If Xenon determines that it can respect a victim's request for confidentiality, it will also take immediate action as necessary to protect and assist the victim.

NOTE: While these off-campus counselors and advocates may maintain a victim's confidentiality vis-à-vis the academy, they may have reporting or other obligations under state law. Under NE Law Section 43-4317 mandatory reporting is required if the victim is a minor; Section 28-372 mandatory reporting if the victim is a vulnerable adult.

Disciplinary action procedures of an alleged sexual offense/sexual misconduct

Any member of the Academy community, employee or student, may submit allegations of sexual violence/misconduct against an employee or a student. Allegations shall be submitted in writing. These allegations should be submitted as soon as possible after the alleged misconduct, preferably within 7 academy business days.

The victim or responsible employee shall notify the Title IX Coordinator who shall conduct a prompt, fair and impartial investigation to determine if the allegations have merit. All meetings, investigations and proceedings involved with the disciplinary process will be conducted by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and how to conduct an investigation. The investigation should be completed within 30 days notwithstanding extraordinary circumstances. The standard of evidence will be a preponderance of evidence. 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. No process implemented under this investigation shall be open to the public.

The accuser and the accused are entitled to the same opportunities to have any advisors of their choice present during any disciplinary proceeding or related meeting. Both the accuser and the accused will be informed simultaneously in writing of the result of any institutional disciplinary proceeding brought alleging a sex offense. Both parties have the right to appeal the finding following the school's grievance policy. Both parties will be notified in writing of the outcome of the appeal before the results are final. Results will be final upon written notification.

The school may suspend and or terminate a student following a final determination of an institutional disciplinary proceeding regarding any sexual offence if it determines that the presence of the accused on Academy premises would seriously disrupt normal operation of the Academy or constitute a threat of harm or create a hostile environment to the respondent or the accuser. The schools proceeding will be independent of any outside investigation; all efforts will be made to assist local authorities if the victim has requested legal assistance.

All victims have the right to seek protection with judicial, no contact, restraining & protective orders. For information on & assistance with the process of obtaining/filing for an order of protection:

<http://clerk.dc4dc.com/family-and-juvenile/domestic-violence--protection-orders>

300 Hall of Justice
1701 Farnam St, 3rd floor
Omaha, NE 68183
(402)-444-7018

The Academy will work closely with a victim to abide by any restraining orders, orders for protection or no contact orders. The administration will meet with the victim & review the specifics of any order to put procedures in place & to enforce the guidelines set forth in the order. The educational team, as well as client services, will work closely with the victim to assure all accommodations within our authority have been made.

Xenon Academy 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.