Xenon Academy
Omaha NE

Annual Security Report 2025

Report prepared by Vice President Ryan Moss

September 9, 2026

Security period covered:
2025

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 office 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
   Michaela Hampton-Client Services
   Ryan Moss-Vice President

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.

6. 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

7. 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.

8. 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.

9. 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.

10. The School does not recognize any off-campus student organizations.

Information and Education

Drug and alcohol abuse education is disbursed during new student/staff orientation. Xenon Academy will provide information on prevention and awareness of sexual assault, domestic violence, dating violence, stalking and drugs & alcohol abuse prevention annually. Safe options for bystander intervention will also be addressed.

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

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	2023	2024	2025
a. Murder/Non-negligent manslaughter	0	0	0
b. Manslaughter by Negligence	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 2023	2024	2025
a. Murder/Non-negligent manslaughter	0	0	0
b. Manslaughter by Negligence	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	2	0
k. Arson	0	0	0

Hate Crimes-On campus

Occurrences of Hate crimes
Category of Bias for crimes reported in 2025

Criminal offense	2025 Total	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
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 2024

Criminal offense	2024 Total	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
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 2023

Criminal offense	2023 Total	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
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	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

Hate Crimes-Public Property

Occurrences of Hate crimes
Category of Bias for crimes reported in 2025

Criminal offense	2025 Total	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
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 2024

Criminal offense	2024 Total	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
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 2023

Criminal offense	2023 Total	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
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	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

VAWA-On Campus

Crime	Total occurrences On campus 2023	2024	2025
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 2023	2024	2025
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0

Arrests-On campus

Crime	Number of Arrests 2023	2024	2025
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 2023	2024	2025
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 2023	2024	2025
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 2023	2024	2025
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 2023	2024	2025
a. Total unfounded crimes	0	0	0

Hazing On-Campus

2025
0

Hazing Public Property

2025
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.
Manslaughter by Negligence: 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: *A*n 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.

Hazing
"The term 'hazing', for purposes of reporting statistics on hazing incidents…means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including
- whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;

- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances; causing, coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct; any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
- any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law."

A student organization: Is defined as "an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution".

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, Benzedrine).

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. (Drunkenness 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

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

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

Addiction Research and Treatment Services
Addition Treatment Hotline
Omaha, NE
866-675-4912

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

Sexual Harassment/Misconduct: Know the Options
Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity;
- An employee of the school conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct; or
- Sexual assault, as defined in the Clery Act, or dating violence, domestic violence, or stalking as defined in VAWA.
- (these definitions are listed in your Xenon Academy School Catalog and Handbook and later in this form)

Responding to Sexual Harassment
An institution must respond to sexual harassment, with or without a formal complaint, when:

- The school as actual knowledge of the alleged sexual harassment;
- The alleged sexual harassment occurred in an education program or activity of the school; and
- The alleged sexual harassment was against a person physically located in the United States.

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a school's Title IX Coordinator or any official of the school who has authority to institute corrective measures on behalf of the institution.
Officials with Authority
Have the authority to institute corrective action as it pertains to allegation of Sexual Harassment.
The following employees are the Academy's Officials with Authority:
Linda Pochop-Director of Education: Linda@xenonacademy.net
Title IX Coordinator

- Oversees the school's response to Title IX reports and complaints.
- Must be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with an Official with Authority.
- Conducts Title IX investigations and determines appropriate sanctions against the respondent and remedies for the complainant if necessary. The following employee is the Academy's Title IX Coordinator:

Lori Overgaard-Director of Corporate Business Office: Lori@xenonacademy.net

Adjudicator
Is the party that has the task of making an official decision about something, especially about who is right in a disagreement. The adjudicator determines relevance of questions and evidence, including when questions and evidence about complainant's sexual history are not relevant. The Adjudicator is also responsible for ensuing the there is an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

Ryan Moss-Vice President: ryan@xenonacademy.net

Non-Discrimination Statement
Xenon Academy does not discriminate on the base of race, color, ethnic origin, sex, age, religion or handicap/disability in its educational programs or activities. Inquiries concerning Xenon Academy compliance with Title IX contact the schools designated Title IX coordinator: Lori Overgaard, 8456 Park Drive, Omaha, NE 68127 (402) 697-2398 ext #102 lori@xenonacademy.net. Inquiries concerning Title IV or Section 504, Americans with Disabilities Act, and the Age Discrimination Act may contact the Campus Director.

Any person wishing to file a Formal Complaint concerning discrimination on the base of race, color, ethnic origin, sex, sexual orientation, age, religion, citizenship status, Veteran status, handicap/disability or other protected groups defined by law, will follow the guidelines of the following Formal Complaint policy.
 The Formal Complaint procedure is available to any student who believes that a school decision or action has adversely affected his/her status, rights or privileges. The purpose of the procedure is to provide a prompt and equitable process of resolving student grievances.
~A grievance must be submitted in writing to the Title IX Coordinator outlining the nature of the complaint.
~The coordinator will meet with the complainant after investigating and gathering pertinent information no later than 10 days after receipt of written grievance. The coordinators goal is to find a positive resolution for the complainant. The coordinator has 15 days from meeting with complainant to act on the allegations and respond in writing to the complainant. If the complainant is not satisfied with the resolution and wishes to pursue the matter further, after above required steps have been taken, further correspondence should be made to:

Office for Civil Rights, Kansas City Office
U.S. Department of Health & Human Services
601 East 12th Street-Room 248
Kansas City, MO 64106
Voice Phone- (816) 426-7278
Fax- (816) 426-3686
TDD- (816) 426-7065

The Title IX Coordinator will inform a complainant of supportive measures with or without the filing of a formal complaint. The Title IX Coordinator will explain to the complainant the process for filing a formal complaint.
Xenon will treat complainants and respondents equitable by offering supportive measures to a complainant, and by following our complaint grievance process before imposition of any disciplinary sanctions against a respondent.

Supportive measures- means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after filing of a formal complaint or where no formal complaint has been filed.
Such measures are designed to restore or preserve equal access to the school's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school's educational environment, or deter sexual harassment.
Xenon will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school to provide the supportive measures. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

Formal Complaint

A formal complaint of Title IX sexual harassment means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. The formal complaint can be a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

After receiving a formal complaint, the Title IX Coordinator will:

- Will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent. The remedies will be designed to restore or preserve equal access to the school's education program or activity.
- Will perform an objective evaluation of all evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The objective evaluation will have 1) impartial consideration of available evidence 2) No prejudgment of parties, witnesses, facts at issue, or how facts at issue are presented 3) will have no deference to recommendations of an investigator.
- Xenon will ensure that all parties involved in the process (Coordinators, Investigators and Adjudicators) will be free from conflict of interest. Xenon will ensure that all parties involved in the process be trained on conducting an investigation and grievance process including hearings, appeals, and informal resolutions. They will be trained on serving impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- Xenon's formal complaint process includes the presumption of innocence of the respondent. The Title IX Coordinator will interact with both the complainant and respondent in an impartial manner throughout the grievance process without prejudgment of the facts at issue, and without drawing inferences about credibility based on a party's status as a complainant or respondent.
- The process will have reasonably prompt timeframes for resolution.
- Sanctions and Remedies will be designed to restore or preserve equal access to the school's education program or activity when possible.
- The standard of evidence Xenon will use on all formal complaints is preponderance of the evidence.
- Appeals may be granted on the following bases 1) a procedural irregularity that affected the outcome 2) new evidence that was not reasonably available a the time the determination or dismissal was made and could affect the outcome 3) the Title IX Coordinator, investigator, or adjudicator had a conflict of interest or bias that affected the outcome of the matter.
- Xenon will have supportive measures available as applicable. They may include but not limited to: 1) extensions of deadlines or other course-related adjustments 2) modifications of class schedules 3) mutual restrictions on contact between the parties 4) Leaves of absence 5) list of professional counseling services (list included in this packet).
- We will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information projected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Examples include: Attorney-Client; Priest-Penitent; Doctor-Patient; Spousal.

Notice of Allegations

Upon receipt of a formal complaint, Xenon will provide written notice to both parties that includes:

- Discussion of the formal complaint process, including any informal resolution option.
- Sufficiently detailed statement of allegations-this will identify both parties, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- Statement that the respondent is presumed innocent and that a determination of responsibility is made at the conclusion of the process.

Confidentiality

Xenon will keep confidential the identity of any individual who has made a report or complaint of any form of prohibited sex discrimination, including any reporter, complainant, respondent, or witness, except:

- As may be permitted by FERPA
- Or as required by law

- To carry out the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Access to Evidence

Throughout the investigation Xenon will afford both parties equal opportunity to review and inspect any evidence that 1) was obtained ad part of the investigation 2) is directly related to the allegations.

Prior to issuing an investigative report Xenon will send both parties all evidence subject to inspection and review and afford at least 10 days to submit a written response.

10 days prior to hearing or other determination Xenon will send investigative report to parties for review and written response. Xenon will make all evidence available to parties and afford equal opportunity to review, including for purposes of cross-examination.

Informal Resolution

Xenon cannot require a student or employee to waive the right to an investigation and adjudication of formal complaints under Title IX. However, at any time prior to reaching a final determination, Xenon may facilitate an informal resolution that does not involve a full investigation and adjudication, provided that the school:

- Provides the parties a written notice disclosing 1) the allegations, 2) the requirements of the informal resolution process 3) the circumstances under which if precludes the parties form resuming a formal complaint arising from the same facts, and 3) any other consequences of participating in the informal resolution process 4) the records that will be maintained or could be shared
- Obtains the parties' voluntary, written consent to the informal resolution.
- An informal resolution is not available to resolve allegations that an employee sexually harassed a student.
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution and resume the formal complaint process.

Dismissal of Formal Complaint

A formal complaint of sexual harassment under Title IX will be dismissed if:

- Would not constitute sexual harassment even if proved
- Did not occur in the school's education program or activity
- Did not occur against a person in the United States

A formal complaint of sexual harassment under Title IX may be dismissed if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw
- The respondent is no longer enrolled or employed by the school
- Specific circumstances prevent the school from gathering sufficient evidence to reach a determination

In the event of a required or optional dismissal, Xenon will promptly and simultaneously send written notice to both parties.

Title IX Hearings

In the event that an informal resolution cannot be made, a live hearing will be held. During any aspect of the formal complaint process, each party may have an advisor of their choice present. This advisor may or may not be an attorney. During the live hearing, each party's advisor is permitted to cross-examine the other party and any witnesses. The complainant or the respondent are not allowed to cross-examine the other party or their witnesses. The adjudicator must determine whether the cross-examination questions are relevant, and explain any decision to exclude a question as not relevant.

Title IX Determinations

At the conclusion of the hearing and after deliberation, Xenon will simultaneously notify each party in writing of the outcome of the hearing. This will include any action taken by the school for either party. It will include how Xenon came to the conclusion.

A determination becomes final either:

1) On the date on which an appeal would no longer be considered timely; or
2) If an appeal is filed, on the date that the school provides the parties with written appeal determination.

Appealing a Title IX Determination

Appeals may be granted on the following bases 1) a procedural irregularity that affected the outcome 2) new evidence that was not reasonably available a the time the determination or dismissal was made and could affect the outcome 3) the Title IX Coordinator, investigator, or adjudicator had a conflict of interest or bias that affected the outcome of the matter.

- Appeals must be submitted in writing to the Title IX Coordinator within 10 days of the Determination. The appeal can be submitted by either party.
- Xenon will appoint an appeal officer if either party decided to appeal the Determination.

Other definitions

- **Consent/without consent**

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 express 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 victims' 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 of physically where it would be useless or futile to do so; and
(d) Force or threat of force means (a) the use of physical force which overcomes the victims' resistance or (b) the threat of physical force, expressed 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.

- **Domestic Violence**

(i) A felony or misdemeanor crime of violence committed:
(A) By a current or former spouse or intimate partner of the victim;
(B) By a person with whom the victim shares a child on common;
(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
(E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws other jurisdiction in which the crim of violence occurred.

- **Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.
(ii) For the purposes of this definition-
(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
(B) Dating violence does not include acts covered under the definition of domestic violence.

- **Stalking**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-
(A) Fear for the person's safety or the safety of others; or
(B) 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 any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
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.
All complainants 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 complainant to abide by any restraining orders, orders for protection or no contact orders. The administration will meet with the complainant & 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 complainant to assure all accommodations within our authority have been made.

Xenon Academy policy prohibits retaliation against any person making a complaint of sexual harassment or 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.

List of professional services:

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