PURPOSE

In accordance with its history, mission, and credo, Creighton University believes that each individual should be treated with respect and dignity and that any form of harassment, discrimination, sexual and/or relationship misconduct is a violation of human dignity. The University condemns and prohibits all forms of harassment, discrimination, sexual and/or relationship misconduct and will take all reasonable efforts to prevent and promptly address conduct found to be in violation of this policy. The purpose of this policy is:

a. To communicate processes for investigating complaints in a manner that reasonably protects the privacy of individuals involved in situations of alleged harassment, discrimination, sexual and/or relationship misconduct;

b. To ensure the provision of equal employment and educational opportunities for faculty, staff, students, and applicants without regard to race, color, religion, sex, marital status, national origin, age, disability, citizenship, sexual orientation, gender identity, gender expression, veteran status, and any other groups protected by federal, state, or local statutes;

c. To protect those individuals who report or provide information related to alleged harassment, discrimination, sexual and/or relationship misconduct from retaliation of any kind;

d. To fulfill all obligations as required by law, including but not limited to Title IX, Campus SaVE Act, Title VII, and Section 504 of the Rehabilitation Act and Title III of the Americans with Disabilities Act;

e. To set forth guidance for preventing harassment, discrimination, sexual and/or relationship misconduct;

f. To take timely corrective action when harassment, discrimination, sexual and/or relationship misconduct is alleged to have occurred; and

g. To establish a consistent process for resolving complaints of harassment, discrimination, sexual and/or relationship misconduct in a fair and just manner.
**POLICY**

It is the policy of the University to provide equal employment and educational opportunities to faculty, staff, students, and applicants without regard to race, color, religion, sex, marital status, national origin, age, disability, citizenship, sexual orientation, gender identity, gender expression, veteran status, and any other groups protected by federal, state, or local statutes. In addition, it is the policy of the University to comply with applicable state statutes and local ordinances governing nondiscrimination in employment and educational activities. Upon notification, The Office of Equity and Inclusion will determine if an investigation of an alleged violation of this policy is warranted, enabling the office to investigate and to take corrective action where appropriate.

Acts of harassment, discrimination, sexual and/or relationship misconduct are considered serious violations of University policy. Due to the serious nature of these violations, all incidents of harassment, discrimination, sexual and/or relationship misconduct involving students, faculty, or staff are resolved under this policy and not through other disciplinary processes at the University (e.g. University Committee on Student Discipline, Faculty or Academic Council, Human Resources). Because of the seriousness of these actions, the full range of institutional action, including separation, termination, suspension, and expulsion may be imposed. For a complete list of potential institutional action, please reference Section IV, Sanctions.

The University requires all faculty and staff to report incidents of harassment, discrimination, sexual and/or relationship misconduct to the Office of Equity and Inclusion. Student employees, in the administration of their job duties, are also considered mandatory reporters. All individuals in the state of Nebraska are mandatory reporters of child abuse and neglect. Reports of suspected child abuse and neglect must be made to local authorities or the Nebraska child abuse hotline at 1-800-652-1999.

The University will broadly disseminate this policy and distribute a list of resources available to respond to concerns of harassment, discrimination, sexual and/or relationship misconduct. Additionally, the Violence Intervention and Prevention (VIP) Center and the Office of Equity and Inclusion will develop and present appropriate educational programs for students, faculty, and staff. Creighton University will make every effort to prevent harassment, discrimination, sexual misconduct, and/or relationship misconduct. Furthermore, the VIP Center employs two full-time confidential advocates to offer support and resources to primary and secondary survivors in the event an incident of violence occurs.
SCOPE/ELIGIBILITY

This policy applies to all faculty, staff, and students of the University community. Individuals with a faculty appointment, vendors, independent contractors, and other outside parties who conduct business with the University through affiliation and other agreements will be expected to comply with this policy as specified by the terms of any contract or agreement between the University and such third party.

Additionally, this policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, benefits, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

This policy applies to all incidents of alleged harassment, discrimination, sexual misconduct, and relationship misconduct, as defined by this policy, including incidents which occur off-campus or outside of normal work, class, or business hours. Any individual has the ability to make a report under this policy when the “accused” party is a member of the Creighton University community (e.g. supervisor, co-worker, faculty member, student) or a non-Creighton affiliate (e.g. visitors, guests, employees of a contracted service.) The University recognizes the limitations of investigating complaints where the responding party is not a member of the campus community, but will make every effort to investigate these complaints to the greatest extent possible. This includes working with other institutions or third party organizations.

I. Sexual and/or Relationship Misconduct

Human sexual expression has been understood to be one of the great gifts of God to bind persons together in a freely chosen, mutual, and permanent commitment of love, and to sustain the human race. In the Catholic Jesuit tradition at this University we most value sexual expression when it fulfills these purposes. We understand that contemporary Western culture has moved away from the exclusivity of sexual expression in relationships of permanent commitment. In spite of this cultural context, Creighton continues to teach and be witness to the Catholic values. At the same time, we respect the values and beliefs of all the members of our community trusting that each person has carefully reflected on their own values and commitments, considering the good of the whole community, as well as their own desires and welfare, as they make choices about sexual activity.
Creighton’s values forbid any member of our community to act in ways that actively harm anyone else’s ability to knowingly and freely choose to act on their own behalf. Thus, in keeping with the demands of our own Catholic Jesuit Mission, as well as laws and other societal structures, the University establishes specific policies, with clear consequences, regarding sexual behaviors that undermine another’s freedom and knowledge. It is the University’s intent here to outline these policies and commit the University community to implementing them with fairness and concern toward every person involved.

a. Sexual Misconduct Violations

i. Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic progress,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with (denying or limiting) an individual’s work or academic performance or creating a hostile educational or workplace environment.

ii. Non-Consensual Sexual Intercourse (i.e. rape). Any sexual intercourse, however slight, with any object or body part, that is without consent and/or by force or coercion.

1. Intercourse includes: vaginal and/or anal penetration by a penis, object, tongue, or finger; oral copulation (mouth to genital penetration or genital to mouth penetration.

iii. Non-Consensual Sexual Contact (i.e. fondling). Any sexual touching, however slight, with any object or body part, that is without consent and/or by force or coercion.
Policiés and Procedures

1. Sexual touching includes: intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts (includes direct skin to skin contact, contact with bodily fluids, or contact over clothing); making another touch you or themselves with or on any of these body parts (breasts, buttocks, groin, or genitals); any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

iv. Sexual Exploitation. Taking sexual advantage of another person for the benefit of oneself or a third party when consent is not present. This includes, but is not limited to the following actions (including when they are done via electronic means, methods, or devices):

1. Invasion of sexual privacy;
2. Prostitutioning another individual;
3. Non-consensual photos, videos or audio-recording of sexual activity;
4. Sharing or distributing sexual information, images, or recordings of another individual without permission;
5. Engaging in voyeurism or arranging voyeuristic opportunities for others;
6. Knowingly transmitting a sexually transmitted infection (STI) or human immunodeficiency virus (HIV) to another individual;
7. Exposing one’s genitals in non-consensual circumstances;
8. Inducing another to expose their genitals;
9. Sexually-based stalking and/or bullying.

v. Incest. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the state in which the incident occurred.

1. In Nebraska, this is set forth in Neb. Rev. Stat. § 28-702 and 703 (1).

vi. Statutory Rape. Sexual intercourse with a person who is under the statutory age of consent under the laws of the state in which the incident occurred.
1. In Nebraska, it is a first degree felony for an individual 19 years of age or older to subject another to sexual penetration if the victim is at least twelve, but less than sixteen.

b. Relationship Misconduct Violations

i. Dating Violence. A pattern of intimidation, physical assault, sexual assault, and/or other abusive behavior committed by one partner in a social relationship of a romantic or intimate nature (serious or casual, monogamous or not, short- or long-term) against the other current or former partner. Examples of dating violence include, but are not limited to:

1. Physical: Hitting, slapping, shoving, punching, grabbing, pinching, biting, hair pulling, strangling.
2. Sexual: Sexual assault, coercing or attempting to coerce any sexual act without consent, treating an individual in a sexually demeaning manner.
3. Emotional: Actions and/or words that diminish an individual’s self-worth or self-esteem.
4. Psychological: Threats of physical harm to self, partner, children, or partner’s family or friends, destruction or threats of destruction of pets or property, forced isolation from family, friends, school and/or work, or any behaviors that intimidate, manipulate, humiliate, isolate, frighten, coerce, threaten, blame, or injure someone.
5. Economic: Withholding an individual’s access to money, restricting access to an individual’s education or employment, maintain total control over an individual’s financial resources.

ii. Domestic Violence. A pattern of intimidation, physical assault, sexual assault, and/or other abusive behavior committed by one partner against the other partner where the individuals are current or former spouses, individuals who share a child in common, or individuals who are cohabitating or who have cohabitated. Examples of domestic violence include but are not limited to:

1. Physical: Hitting, slapping, shoving, punching, grabbing, pinching, biting, hair pulling, strangling.
2. Sexual: Sexual assault, coercing or attempting to coerce any sexual act without consent, treating an individual in a sexually demeaning manner.

3. Emotional: Actions and/or words that diminish an individual’s self-worth or self-esteem.

4. Psychological: Threats of physical harm to self, partner, children, or partner’s family or friends, destruction or threats of destructions of pets or property, forced isolation from family, friends, school and/or work, or any behaviors that intimidate, manipulate, humiliate, isolate, frighten, coerce, threaten, blame, or injure someone.

5. Economic: Withholding an individual’s access to money, restricting access to an individual’s education or employment, maintain total control over an individual’s financial resources.

iii. Stalking. A pattern of conduct directed at a specific person that would cause a reasonable person to fear for their safety, the safety of others, or to suffer substantial emotional distress.

c. Investigations into sexual and/or relationship misconduct allegations will, where applicable, include an evaluation of the following factors as they apply to the reported incident(s):

i. Did all parties involved consent to sexual activity?

1. Consent. Consent is affirmative by definition. Consent is an explicitly communicated mutual agreement in which all parties make an informed, voluntary, and active decision to engage in specific sexual activity. It is the responsibility of any person wishing to engage in sexual activity with another person to determine the capacity of that potential sexual partner to provide consent.

a. Explicitly communicated: Consent must be communicated clearly, either verbally or non-verbally, through an outward demonstration signifying a person has freely chosen to engage in specific sexual activity. Consent cannot be inferred from the absence of a “no” and may not be inferred from silence,
passivity, lack of resistance, or lack of an active response (e.g. freezing or being physically unable to communicate).

b. Informed: This means that all individuals understand, are aware of, and agree to the “who” (same partners), “what” (same acts), “where” (same location), “when” (same time), and “how” (same way and under the same conditions) of the sexual activity. A person is not deemed to be informed if a sexual partner misrepresents or materially omits information about themself or the situation to gain sexual access. Being informed includes, but is not limited to, an awareness of whether pictures and/or video are being taken and knowledge of a partner’s sexual health status (i.e. sexually transmitted infections). See also “sexual exploitation.”

c. Voluntary: This means that consent is freely given by all parties and cannot be the result of force, threats, intimidation, coercion, or fraud.

d. Active: Consent must be present and ongoing throughout every sexual interaction. Consent to one activity does not imply consent to other acts, nor does a previous intimate relationship indicate consent to other sexual acts. Consent can be revoked at any time. If there is confusion or ambiguity during a sexual interaction, it is essential that the participants stop the activity and clarify each party’s willingness to continue.

ii. Was the reporting party incapacitated?

1. Incapacitation: Incapacitation is defined as the inability, temporarily or permanently, to make a rational, reasonable decision. Incapacitated persons are considered incapable of giving consent because they lack the ability to appreciate that the situation is sexual (e.g. the who, what, when, where, why and how of the interaction.) Incapacitation can occur mentally or physically, from developmental disability, by alcohol or drug use, or blackout.

a. An individual engaging in sexual activity with a person they know or reasonably should know to be incapacitated constitutes sexual misconduct. The test for whether a person should know if another individual is
incapacitated is whether a reasonable person in the same position knew or should have known of the reporting party’s incapacitation.

b. A responding party cannot rebut an allegation of a policy violation merely by asserting that they were impaired, and therefore, did not know the other person was incapacitated. Alcohol, drugs, or other intoxicants do not negate or diminish the responsibility of an individual to obtain consent.

c. Indicators of incapacitation due to alcohol or drug use include, but are not limited to, the following:

i. Lack of control over physical movements; difficulty walking, stumbling, falling down; being unable to stand or walk without assistance;

ii. Slurred speech or inability to communicate clearly;

iii. Inability to focus or confusion about the circumstances;

iv. Vomiting;

v. Urinating and/or defecting on oneself, while sleeping, or in a public place;

vi. Unconsciousness or periods of unconsciousness; blackouts.

d. An individual does not have the capacity to give consent, voluntarily or involuntarily, if they are under the age of consent in the jurisdiction in which the sexual activity occurred.

iii. Did the conduct create a hostile environment?

1. A hostile environment exists when actions or behaviors are sufficiently severe, pervasive, or persistent and unreasonably alter the conditions of the employment
2. In determining whether a reasonable person in the reporting party's circumstances would find the work or educational environment to be hostile, the totality of the circumstances must be considered. A hostile environment is not determined solely on the number of offensive incidents. A single, isolated incident may create a hostile environment if the incident is sufficiently severe (e.g., a single, but extremely targeted, individualized and derogatory sexually charged statement.)

iv. **Was force or coercion present in the reported incident?**

1. **Force:** Use of physical violence and/or imposing on someone physically to gain sexual access.

2. **Coercion:** Use of pressure or oppressive behavior, explicit or implied threats of harm, and severe and/or pervasive emotional intimidation to gain sexual access. Such coercion may cause a person to fear immediate or future harm or physical injury, or to engage in unwelcome sexual activity.

   a. Words or conduct amount to coercion if a person wrongfully impairs another's freedom of will and ability to choose whether or not to engage in sexual activity. For example, when someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be coercive.

   b. Coercion also includes administering a drug, intoxicant, or similar substance that impairs a person's ability to consent.

   c. Coercion includes power differentials where one individual has a perceived or known level of power or authority over the other individual. For example, a professor would have a level of authority over a student in their class or a student leader may have perceived authority over another student.
II. Discrimination and Discriminatory Harassment

Because Creighton exists for students and learning, members of our community are challenged to reflect on transcendent values, including their relationship with God, in an atmosphere of freedom of inquiry, belief, and religious worship. The inalienable worth of each individual and appreciation of ethnic and cultural diversity are core values of Creighton. We seek to create and maintain an inclusive, welcoming environment by celebrating and protecting diversity.

Because we value Cura Personalis, “Care for the individual person,” all members of the Creighton community are expected to respect each person as a child of God and treat each individual with dignity. Students, faculty, and staff all have the right to work and learn in a respectful, non-discriminatory environment. Any form of discrimination or discriminatory harassment violates this principle and will not be tolerated by the University.

a. Definitions of Violations and Related Terms

i. Discrimination. Any unfair distinction, treatment, or detriment to an individual compared to others that is based upon an individual’s actual or perceived race, color, religion, sex, marital status, national origin, age, disability, citizenship, sexual orientation, gender identity, gender expression, veteran status, and any other groups protected by federal, state or local statutes. The conduct must be so objectively offensive as to alter the conditions of the individual’s employment or educational experience.

ii. Discriminatory Harassment. Detrimental action based on an individual’s actual or perceived race, color, religion, sex, marital status, national origin, age, disability, citizenship, sexual orientation, gender identity, gender expression, veteran status, and any other groups protected by federal, state, or local statutes that is so severe, persistent, or pervasive that it unreasonably interferes with or limits an individual’s ability to participate in or benefit from the work or educational environment. Examples of discriminatory harassment include, but are not limited to:

1. Intimidation and/or humiliation as expressed by communications, threats, hatred, abuse of authority, or ill-will that assault an individual’s self-worth.
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2. Acts of physical violence against another person based on their actual or perceived status within a protected class.

3. Slurs, comments, rumors, jokes, innuendoes, and/or frequent, derogatory remarks about an individual as it relates to their actual or perceived status within a protected class.

4. Cartoons, pranks, and/or other conduct or behavior deemed inappropriate by Creighton University.

b. Investigations into discrimination and discriminatory harassment allegations will include an evaluation of whether or not a hostile environment exists as a result of the reported incident(s):

i. Did the conduct create a hostile environment?

1. A hostile environment exists when actions or behaviors are sufficiently severe, pervasive or persistent and unreasonably alter the conditions of the employment or educational environment and deprive individuals from participating in or benefiting from the employment or educational environment.

2. In determining whether a reasonable person in the reporting party's circumstances would find the work or educational environment to be hostile, the totality of the circumstances must be considered. A hostile environment is not determined solely on the number of offensive incidents. A single, isolated incident may create a hostile environment if the incident is sufficiently severe (e.g., a single but extremely targeted, individualized and derogatory discriminatory statement.)

### III. Additional Policy Statements and Related Violations

This section details additional policy statements and related violations that apply to all investigations under this policy.
a. **Standard of Proof.** The Executive Director will make a determination of responsibility using the preponderance of evidence standard. This standard evaluates whether it is more likely than not that a violation occurred based on the evidence gathered during the course of an investigation.

b. **Amnesty for Reporting Parties and Witnesses.** Creighton University encourages the reporting of harassment, discrimination, sexual and/or relationship misconduct. Sometimes, individuals may be hesitant to report to university officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking, use of a fake ID, or violating a department policy at the time in which the incident occurred. In promoting the best interests of the campus community, and encouraging individuals to report to the Office of Equity and Inclusion, the University offers individuals who feel they have been the target of a policy violation and witnesses to such alleged violations amnesty from minor policy and/or code of conduct violations related to the incident, unless the University determines that the violation was serious and/or placed the health or safety of others at risk. The University may, however, initiate an educational discussion or pursue other educational interventions regarding alcohol or other drugs. Amnesty does not preclude or prevent action by police or other legal authorities.

c. **Mandatory Reporters.** The University requires all faculty and staff to report incidents of harassment, discrimination, sexual and/or relationship misconduct to the Office of Equity and Inclusion. Student employees, in the administration of their job duties, are also considered mandatory reporters. All individuals in the state of Nebraska are mandatory reporters of child abuse and neglect. Reports of suspected child abuse and neglect must be made to local authorities or the Nebraska child abuse hotline at 1-800-652-1999.

d. **Freedom of Expression and Academic Freedom.** Creighton University is firmly committed to the principles of free expression and academic freedom. As a Jesuit University, Creighton is equally committed to creating and maintaining an environment that is safe, healthy, harassment- and discrimination-free for all members of the campus community. Creighton affirms that these two legitimate interests can coexist. Discrimination, harassment, and retaliation against members of the University community are not protected expression or the proper exercise of academic freedom. The
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University will consider academic freedom in the investigation of reports of harassment, discrimination, sexual and/or relationship misconduct that involve an individual’s statements or speech.

e. **Retaliation.** Retaliation is an intentional, adverse action taken against a person for making a report of alleged policy violations or for participating in any proceeding under this policy. Adverse action is any conduct that seeks to discourage, threaten, intimidate, harass, or coerce an individual from engaging in activity protected under this policy. Retaliation can be committed by or directed towards any individual or group, not just the reporting and responding parties.

f. **Failure to Comply.** A failure to comply violation is committed by an individual who interferes with or fails to follow the directives of University officials acting in performance of their duties under this policy. Examples include but are not limited to failure to follow protective measures, failure to respond to emails or meeting requests from a University official, or failure to complete required sanctions.
Office of Equity and Inclusion

Harassment, Discrimination, Sexual and/or Relationship Misconduct

Investigative Procedures

Creighton University recognizes the importance of fair and just procedures for all members of the community involved in this process. Truth, integrity, and credibility are critical and distinctive principles of the University. Caring for the individual person can mean holding them accountable for their actions, if those actions are a violation of this policy. Adherence to these procedures is essential for the efficient progress and for the preservation of the trust of the community.

According to the Gospel, our goal is to work for the betterment of society as a whole. This is what “A Faith That Does Justice” actually means. We aim to form change agents - reflective practitioners who are able to take responsible action on moral and ethical issues and who will be change agents in society - “contemplatives in action.”

I. Reporting Incidents:

a. Reporting Incidents to the University. The University encourages the reporting of all incidents under the Harassment, Discrimination, Sexual and Relationship Misconduct Policy. For someone who feels the target of such behavior, deciding whether to report an incident is a personal and often difficult decision. There are options available in this decision process and individuals can choose any or all of the following options:

i. Confidential Advocacy. The Violence Intervention and Prevention (VIP) Center provides free, confidential advocacy for students, faculty, and staff. Confidential advocacy gives individuals a safe space to learn about all their options and resources so they can make fully informed choices about what to do next. The Center is open Monday-Friday 8:00am-4:30pm; appointments or walk-ins are welcome. To learn more, please call 402-280-3794 or email vipcenter@creighton.edu.

ii. Reporting an Incident to the University. The Office of Equity and Inclusion (OEI) oversees reports under the Harassment, Discrimination, Sexual and Relationship Misconduct Policy at Creighton University. Individuals have informal or formal options for reporting as outlined in section III, Investigative Process and Procedures. To make a report to OEI, please call 402-280-3189, email oei@creighton.edu, or make a report online at www.creighton.edu/oei.

b. Reporting Incidents Outside of the University. The University encourages any member of the University community who feels they have been subjected to harassment, discrimination, sexual or relationship misconduct to use the complaint procedure outlined in this policy. Additionally, an individual has the right to file a complaint with outside enforcement agencies:
i. **Reporting an Incident to Law Enforcement.** All individuals have the right to report an incident to law enforcement they feel may give rise to a crime and the University will assist in notifying law enforcement authorities if requested by a reporting party. A reporting party may also decline notifying law enforcement authorities if they so choose. Reporting an incident to law enforcement or filing a criminal complaint does not preclude an individual from filing a complaint with the Office of Equity and Inclusion and vice versa. Complaints can be filed simultaneously with the University and law enforcement. For assistance in filing a report with local authorities, please contact the VIP Center at 402-280-3794 or vipcenter@creighton.edu.

ii. **Filing a Complaint with an Outside Agency.** An individual has the right to file a complaint with outside enforcement agencies including:

1. United States Department of Education’s Office for Civil Rights (OCR);
2. Equal Employment Opportunity Commission (EEOC);
3. Nebraska Equal Opportunity Commission (NEOC);
4. Nebraska Department of Labor;
5. City of Omaha Office of Human Rights and Relations;
6. State or local law enforcement or prosecution authorities.

iii. Students located in Arizona may file a complaint with the Arizona State Board of Private Postsecondary Education. The student must contact the State Board for further details. The State Board address is 1400 W. Washington Street, Room 260, Phoenix, AZ 85007, phone 602-542-5709, website address: www.azppse.gov. Student located in a SARA or non SARA state may file a complaint by following the procedures which can be found on the Creighton website at www.creighton.edu/online-students.

iv. For additional information on resolution options outside of the University an individual may contact the Violence Intervention and Prevention (VIP) Center at 402-280-3794 or vipcenter@creighton.edu.

v. Additionally, individuals may file a civil lawsuit against the offending party.

II. **Key Terms and Information for the Investigative Process:**

a. **Change in Status.** A change in employment or student status of either party involved in a formal investigation does not suspend, terminate, or otherwise affect the University’s responsibility to investigate and determine if this policy was violated.

b. **Complaint Resolution.** The findings of the investigation of any complaint of harassment, discrimination, sexual and/or relationship misconduct will assist the Executive Director for the Office of Equity and Inclusion in determining if this policy was violated. Additionally, the investigative report may address other serious issues disclosed during the course of the investigation and the Executive Director may make recommendations to the appropriate University department or official for resolution.

c. **False Information/Report.** The University encourages anyone who believes that they have been the victim of harassment, discrimination, sexual and/or relationship misconduct to report
their concerns, but will not tolerate intentional false reporting of incidents. Anyone interviewed (e.g. reporting party, responding party, witnesses) as part of an investigation into a possible violation of this policy who intentionally furnishes false information may be subject to corrective/disciplinary action.

d. **Investigative Team.** The investigative team is assigned by the Executive Director of the Office of Equity and Inclusion. Investigators in the Office of Equity and Inclusion are trained to investigate incidents in a manner that protects the safety and rights of both reporting and responding parties, and promotes accountability for individuals in the campus community.

e. **Pattern of Conduct.** A series of acts over a period of time, however short, evidencing a continuity of purpose.

f. **Process Navigator.** Process navigators are trained members of the University community who have knowledge of the investigative process and who are available to either the reporting or responding party to offer support during an investigation.

g. **Preservation of Evidence.** If you have experienced sexual and/or relationship misconduct, Creighton encourages you to preserve evidence in order to maintain options for reporting the incident if and when you choose to do so.

i. Electronic communications such as text messages, videos, pictures, or social media content (or screenshots of such evidence if it is not directly connected to your device or accounts) may be important to preserve if you want to report the incident.

ii. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, showering, urinating, brushing teeth, changing clothes, etc., until after being examined by a medical professional or at the hospital, if possible. Because evidence of sexual or relationship misconduct can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an incident of sexual and/or relationship misconduct, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to receive medical attention, even if you are not trying to obtain evidence of sexual or relationship misconduct.

iii. If you suspect that you may have been drugged, inform medical personnel or law as soon as possible so they can attempt to collect potential evidence (e.g., from the drink, through urine or blood sample).

h. **Reporting Party.** An individual who alleges that they have been subjected to harassment, discrimination, sexual and/or relationship misconduct, retaliation, or unfair treatment regarding the interpretation or application of this policy.

i. **Responding Party.** An individual whose alleged conduct is the subject of a complaint.

j. **Witness.** An individual who may have information related to a complaint alleging harassment, discrimination, sexual or relationship misconduct. The reporting and responding parties are
permitted to provide names of potential witnesses to the investigative team. The investigative team will determine which of those potential witnesses, or other persons, may have relevant information about the complaint. Witnesses may include individuals outside the Creighton community. Additionally, the investigative team may interview individuals with an expertise specific to elements of the reported incident (e.g. alcohol-drug interactions).

III. Key Protections for Parties:

a. Advisor of Choice. Reporting and responding parties have the right to consult with an advisor of choice during the investigative process. Any person may serve as an advisor, including but not limited to, a faculty or staff member, a friend, a family member, an attorney, or a process navigator. The role of an advisor is to provide a comforting and familiar presence for a reporting or responding party and to assist in their understanding of the investigative process. The choice whether or not to invite an advisor is solely that of the individual(s) involved.

i. The role of the advisor is limited. The advisor may help a reporting or responding party prepare their position, but may not present it or speak for or on behalf of the party during the investigative interview or process. The advisor may consult with the reporting or responding party quietly or in writing, or outside the meeting during breaks. If the advisor is an attorney, a law student or a Law School faculty member, this must be disclosed to the Office of Equity and Inclusion, and the University reserves the right to have its own legal counsel present for the meeting.

ii. If any advisor conducts themselves in a manner inconsistent with these guidelines, or if the advisor attempts to obstruct or otherwise interfere with the investigative process, then the advisor will be warned by the investigative team and/or the Executive Director for the Office of Equity and Inclusion. If the advisor’s interfering behavior continues, the individual will no longer be considered an advisor and the investigative team may excuse the individual from the investigative process.

b. Privacy of Investigations. The investigation and resolution will be private to the greatest extent possible. Privacy of investigations helps enhance the integrity of the investigation, protects the interest of the parties, and protects participants from statements that could be interpreted to be retaliatory or defamatory. However, no student or member of the University’s staff or faculty, can be promised strict or absolute confidentiality. The University will protect the identity of persons involved in reports of harassment, discrimination, sexual and/or relationship misconduct to the best of its ability, and will only share personally identifiable information with persons with a need-to-know, in order to investigate and respond to a report, or to deliver resources or protective measures.

c. Conflict of Interest. If a member of the investigative team or the appropriate University authority is deemed to have an actual or perceived conflict of interest, the investigator or appropriate University authority may be asked to recuse themselves from the process, or the investigator or appropriate University authority may choose to recuse themselves from the process. The recused individual shall not have access to any of the case materials from which the individual is recused.
i. The Executive Director for Equity and Inclusion will evaluate any conflicts of interest prior to the assignment of the investigative team. This will be communicated in the notice letter to both the reporting and responding parties and if either party believes a conflict of interest may exist, they will be asked to contact the Executive Director.

ii. If a conflict of interest exists for the Executive Director for Equity and Inclusion, the Office of the General Counsel will evaluate the conflict and may engage a deputy Title IX coordinator or another trained investigator to assist in overseeing the investigation.

d. Protective Measures. The University will take immediate steps to protect and to ensure the safety and well-being of the reporting and responding party and the campus community. These measures depend largely on the incident at issue and are determined by the University on a case-by-case basis. The Executive Director for the Office of Equity and Inclusion may work with other departments at the University to identify, coordinate, or implement Protective Measures. This includes the Office of Community Standards and Wellbeing, Department of Residential Life, Department of Public Safety, Academic Deans’ Offices, Human Resources, and other departments within the University. Requests for Protective Measures should be directed to the Executive Director for the Office of Equity and Inclusion.

i. Protective measures may include, but are not limited to: contact restrictions; the provision of escorts; added Public Safety presence; adjustments to on-campus living arrangements: adjustments to class schedules or Creighton activities; and other protective measures deemed appropriate by the Executive Director for the Office of Equity and Inclusion.

ii. The Office of Equity and Inclusion reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus and community. This includes the right to take any action necessary with respect to a student, staff, or faculty member (including removal from campus) pending the outcome of a preliminary inquiry or formal investigative process. The Executive Director for the Office of Equity and Inclusion may consult with Human Resources, the Provost’s Office, and the Academic Dean’s office to implement any such interim measure impacting a faculty or staff member. The Executive Director may consult with the Vice Provost for Student Life to implement any such interim measure impacting a student.

iii. The University will maintain the confidentiality of protective measures to the extent that maintaining such confidentiality would not impair the ability of the University to provide the protective measure.

IV. Preliminary Inquiry:

a. Upon receipt of a report, the Office of Equity and Inclusion will conduct a preliminary inquiry to make a threshold assessment as to whether the report states allegations, that if substantiated, would violate the policy or a potential violation of federal and/or state laws has occurred. If the preliminary inquiry determines the allegations, if substantiated, the inquiry will continue with the resolution process. If the preliminary inquiry finds that the allegations are insufficient to rise to the level of a policy violation, the Office of Equity and Inclusion will notify the reporting party (and responding party, if applicable) of this result, and no further action will be taken at that time. In this case, the reporting party retains the ability to provide further
information and/or evidence regarding their complaint to the Office of Equity and Inclusion in the future. Should new information/evidence be provided to the Office of Equity and Inclusion after the threshold assessment process has been completed, the Office of Equity and Inclusion may revisit the original assessment to determine the impact the new information/evidence may have on the Executive Director’s original determination. A preliminary inquiry will be completed as soon as possible; the time required to complete a preliminary inquiry will depend on the nature and scope of the complaint. The Office of Equity and Inclusion will communicate progress and delays with the preliminary inquiry to the reporting party.

b. If the Preliminary Inquiry indicates that the allegations, if substantiated, would violate the policy, the reporting party has the right to request an informal or formal resolution process. A formal resolution may be required in situations where the responding party’s behavior has an impact on individuals other than the reporting party or in situations where the complaint indicates an escalating pattern of harassment, discrimination, or sexual misconduct.

V. Informal Resolution:

a. Informal resolution is an alternative to the formal complaint resolution process. The Office of Equity and Inclusion will determine if informal resolution is appropriate, based on the nature of the alleged conduct and the desire of the parties to reach a mutually agreeable resolution. Sanctions are generally not pursued as the result of an informal resolution process, although the parties may mutually agree to appropriate remedies (e.g. no contact restriction). The Office of Equity and Inclusion will keep records of any informal resolution that is reached, although the outcome of an informal resolution will not become part of a student, staff, or faculty member’s official disciplinary record with the University. The University reserves the right to cancel the informal resolution process if sufficient evidence suggests a formal investigation or other sanctions or remedies may be necessary and appropriate. It is not necessary to pursue an informal resolution in order to make a formal complaint. Anyone participating in informal resolution can choose to discontinue that process at any time and request the formal process.

i. One-on-One Communication.

1. If an individual seeking an informal resolution is comfortable dealing with the situation without direct involvement of a third party, the individual seeking an informal resolution may communicate directly with the person whose behavior is unwelcome.

2. It is appropriate to use face-to-face communication only when the individual seeking an informal resolution does not feel threatened, there is no risk of physical harm, and the individual seeking an informal resolution believes the other person will be receptive.

3. Email/written correspondence is the preferred method of communication. If the individual seeking an informal resolution chooses to communicate face-to-face, they should also send an email summarizing the face-to-face interaction. Keep copies of any written communication.

4. One-on-One Communication should include:
a. A factual description of the incident(s) including a description of the unwelcome behavior, date, time, place, and the names of any witnesses.

b. A description of any consequences that the individual seeking an informal resolution has experienced due to the unwelcome behavior.

c. A request for the unwelcome behavior to cease.

d. If the individual seeking an informal resolution does not feel comfortable with the one-on-one communication or if the individual seeking an informal resolution believes that the communication was not successful, the individual may consider other informal or formal procedures.

ii. **Third-Party Assistance.** If an individual seeking an informal resolution desires the assistance of a third party to attempt to resolve the situation informally, the individual seeking an informal resolution may approach any one of the following resources:

1. The Office of Equity and Inclusion
2. Office of Community Standards and Wellbeing (student)
3. Human Resources (faculty and staff)
4. The individual seeking an informal resolution’s supervisor or the supervisor’s supervisor (faculty, staff, and student employees).

If the situation is not able to be resolved informally or if the individual seeking an informal resolution chooses not to engage in an informal resolution, the reporting party may initiate a formal complaint using the procedures below.

**VI. Formal Resolution:**

In situations alleging harassment, discrimination, sexual and/or relationship misconduct, the individual(s) making such allegations has the right to bypass the informal resolution process and file a formal complaint. If an individual has completed the informal resolution process and the allegation of harassment, discrimination, sexual and/or relationship misconduct is not resolved to the satisfaction of the individual, they have the right to submit a formal complaint to the Office of Equity and Inclusion. Additionally, the Office of Equity and Inclusion has the authority to pursue a formal complaint with the Office serving as the reporting party (see *Administrative Review*, Section VI, General Procedures).

a. The complaint shall set forth in reasonably sufficient detail the nature of the alleged harassment, discrimination, sexual and/or relationship misconduct, the individual(s) against whom the complaint is made, the name(s) of any witnesses, and any available evidence or sources of evidence. See Online Reporting Form at www.creighton.edu/oei.

b. If there is the potential of a violation of the Harassment, Discrimination, Sexual and Relationship Misconduct Policy or violation of federal and state laws, the Office of Equity and Inclusion will assign an investigative team consisting of one or more trained investigators to
conduct a prompt, thorough, and impartial investigation. This process starts with a Preliminary Inquiry (see Investigative Procedures, letter e).

c. At the commencement of the formal investigation, the reporting party and responding party will receive concurrent written notification of the formal resolution process. This notification will include information on the investigative process, including but not limited to the rights of both parties and any protective measures that have been put into place.

d. If an investigative team is assigned, both the reporting party and responding party have the right to consult with an advisor of their choice throughout the investigative process (see Investigative Procedures, (d) for additional information on advisors.)

e. The investigative team will objectively gather and consider relevant facts. The investigative team will ensure that statements of the reporting party, the responding party, and all witnesses are documented and that the investigation is conducted in a thorough, objective, and timely manner and is respectful of all of the parties involved. The investigative team will also gather relevant evidence from the reporting party, responding party, and witnesses, as well as from other sources as necessary. Incidents reported to the Office of Equity and Inclusion under this policy that involve students may, at times, also involve allegations of Student Code of Conduct violations. To the extent that these alleged violations directly relate to the allegations under the Harassment, Discrimination, Sexual and Relationship Misconduct Policy, they may be evaluated as part of the Office of Equity and Inclusion investigation and addressed as a part of the investigation outcome. For more information on how Code of Conduct violations will be addressed in this process, see the Creighton University Student Handbook.

f. The Office of Equity and Inclusion strives to conclude the formal resolution process within 60 calendar days. This timeline includes the investigative team conducting interviews, gathering evidence, affording the reporting and responding parties the opportunity to respond to the evidence, and completing the investigative report. The reporting party and responding party will be notified in writing of any reasonable delays during this process.

g. In consultation with the appropriate University authority, the Executive Director for Equity and Inclusion will make a decision on the action, if any, to be taken.

i. The appropriate University authority in matters involving complaints where the responding party is a student is the Vice Provost for Student Life or designee

ii. The appropriate University authority in matters involving complaints where the responding party is a member of the faculty is the Dean of the College or School of the responding party or designee.

iii. The appropriate University authority in matters involving complaints where the responding party is a member of the staff is the Associate Vice President for Human Resources or designee.

iv. Additionally, the Executive Director for Equity and Inclusion may also consult other University officials in order to make a determination.
h. In all cases of formal investigations into allegations of harassment, discrimination, sexual and/or relationship misconduct, an investigative report summarizing the findings of the investigative team shall be available for review by the reporting party, the responding party, and to the appropriate University authorities. Copies of investigative reports are not provided to participants, but are available to view upon request to the Office of Equity and Inclusion.

i. The Executive Director for Equity and Inclusion will accept or reject the findings and/or recommendations of the investigative report using a preponderance of evidence standard.

j. The Executive Director for Equity and Inclusion will communicate notice of the findings and recommendations to the reporting party and the responding party at the same time. The University will take immediate and corrective action if appropriate.

VII. Sanctions:

In the event the Executive Director for the Office of Equity and Inclusion determines that an individual has violated this policy, the University reserves the right to impose differing sanctions, depending on the severity and/or pervasiveness of the violation. In determining appropriate sanction(s), the University will consider the concerns and rights of both the reporting party and the responding party and must examine and consider a number of factors, including, but not limited to: 1) level of risk or harm to the community; 2) the nature and seriousness of the offense; 3) apparent pattern of conduct including previous violations of this policy; 4) motivation underlying the responding party's behavior; and 5) cooperation with the investigation. A sanction, or a combination of sanctions, listed below, may be imposed upon any member of the University community found to have violated this policy. (Note: Sanctions will be implemented immediately following the decision of the Executive Director and will be in effect during the appeal period.)

a. Sanctions for Responding Party- Student:

i. Disciplinary Reprimand. The student receives a written warning that their conduct was in violation of University rules and regulations and that continued misconduct may be treated more severely.

ii. Disciplinary Probation. A formal disciplinary status notifying a student that their behavior was in violation of the Harassment, Discrimination, Sexual and/or Relationship Misconduct Policy and/or the Student Code of Conduct. The student may be barred from participation in all or designated extra-curricular activities and may be subject to other sanctions as a result of this status. The student will be notified that any continued violations of University rules and regulations will in all likelihood result in suspension or expulsion.

iii. Suspension. The separation of the student from the University for a specified period of time, measured in semesters. The student may not participate in or attend any University sponsored activity and may be barred from University premises. During the period of suspension from the University, a student normally may not advance toward a Creighton degree at another institution. Reinstatement after disciplinary suspension requires the approval of the Vice Provost for Student Life. Students who are suspended from Creighton University for non-academic misconduct will have "Disciplinary Suspension" appear as a
notation on their permanent academic record, including the official transcripts of the University.

iv. **Expulsion.** The permanent separation of the student from the University. The student will be barred from University premises. Students who are expelled from Creighton University for non-academic misconduct will have “Disciplinary Expulsion” appear as a notation on their permanent academic record, including the official transcripts of the University.

v. **Disciplinary Removal from University Residence Halls.** The student will be required to leave University residence halls and may forfeit any prepaid housing fees. The student will be barred from residence halls and will be notified that any further violations of University rules and regulations will, in all likelihood, result in suspension or expulsion.

vi. **Denial of Access or Restriction of Access to a University Building or Facility.** The student will be denied access or allowed only restricted access to a specific building or facility for a stated period of time.

vii. **Restitution.** The student may be required to make payment to the University, other persons, groups, or organizations for damages that result from violations of conduct regulations.

viii. **Service/Work Project.** The student may be assigned to complete a specified community service or work project as outlined in a community service/work agreement.

ix. **Fines.** The student will be required to pay a specified monetary fine to the University within a specified period of time.

x. **Organizational Sanctions.** When the responding party is a student club or organization, sanctions may be imposed on the entire club or organization. Sanctions include the above listed items and additional sanctions specific to a student organization. For a complete list of additional organizational sanctions, please see the Creighton Student Handbook.

xi. **Other Actions.** Other sanctions which are intended to engage the student in a positive learning experience related to the student’s behavior may be imposed by the Office of Equity and Inclusion. These sanctions may include, but are not limited to, engaging in a campus or community service project, attending or presenting a program related to implications of the student’s conduct, writing a paper, or engaging in some type of personal assessment or counseling.

b. **Sanctions for Responding Party-Faculty/Staff:**

i. **Verbal Warning.** A verbal warning is a written record of a discussion between the Office of Equity and Inclusion and an employee. A verbal warning includes a summary of the corrective action required by the Office of Equity and Inclusion and a copy of this warning will be shared with the employee and other relevant parties, including but not limited to Human Resources, Department Chair, Dean, and/or the employee’s supervisor.
ii. **Formal Written Warning.** A written warning is used to document corrective action when a verbal warning has not helped to remedy the actions of an employee or where a verbal warning is not sufficient. A copy of this written warning will be shared with the employee and other relevant parties, including but not limited to Human Resources, Department Chair, Dean, and/or the employee’s supervisor.

iii. **Performance Improvement Plan.** The Office of Equity and Inclusion may require an employee to participate in a Performance Improvement Plan (PIP) not to exceed 90 days. Within the PIP, the employee must demonstrate a willingness and ability to meet and maintain established work performance and/or conduct requirements. At the end of the PIP, the employee will either be returned to regular employment status or terminated. If at any time during the PIP, the employee does not demonstrate significant and consistent improvement, the employee may be terminated before the conclusion of the PIP at the discretion of the University.

iv. **Required Training or Education.** The employee may be required to complete trainings or participate in specific educational opportunities based on the findings of the resolution process. This includes in-person and online training and education.

v. **Loss of Merit Pay Increase.** The employee may be deemed ineligible for a merit pay increase for a period of time, as determined by the findings of the resolution process.

vi. **Loss of Supervisory Responsibilities.** The employee may lose the ability to supervise other employees or students based on the findings of the resolution process. Loss of supervisory responsibilities may have the effect of changing an employee’s job classification status.

vii. **Demotion.** An employee may be demoted to a job classification status lower than their status at the start of the resolution process.

viii. **Termination.** Termination is the permanent separation of the employee from the University.

ix. **Other Actions.** Other sanctions which are intended to engage the employee in a positive learning experience related to the employee’s behavior may be imposed by the Office of Equity and Inclusion. These sanctions may include, but are not limited to, engaging in a campus or community service project, attending or presenting a program related to implications of the employee’s conduct, or engaging in some type of personal assessment or counseling.

VIII. **Appeal:**

a. The reporting party and the responding party have a right to appeal the decision made by the Executive Director for Equity and Inclusion. Appeals are not intended to be a full rehearing of the investigation. Appeals are limited to a review of relevant appeal materials based upon the grounds stated below. A party wishing to seek an appeal must submit their written appeal with the Appeal Officer within five (5) working days of the decision. The deadline by which an
appeal must be filed will be communicated in the decision letter. Failure to file an appeal by the deadline means the decision of the Executive Director becomes final.

i. The party who submits the written appeal will be the "Appealing party."

ii. In cases where the responding party is a student or faculty member, the Appeal Officer is the Provost or designee. The email address and mailing address of the Provost or designee will be communicated in the decision letter.

iii. In cases where the responding party is a staff member, the Appeal Officer is the Senior Vice President for Operations or their designee. The email address and mailing address of the Senior Vice President or their designee will be communicated in the decision letter.

b. The Appealing party's written appeal must be based on one or more of the following three grounds:

i. Significant Procedural Error: A procedural error occurred during the investigation that significantly impacted the outcome of the investigation as it applies to the Appealing party (e.g. substantiated bias, major deviation from established procedures). A description of the procedural error and its impact on the outcome of the case must be included in the written appeal.

ii. New Information: New information that becomes known or available that was not available or known to the Appealing party during the investigation and that could significantly impact the Executive Director’s findings. Information that was known to the Appealing party during the investigation but which the Appealing party chose not to present to the investigative team is not considered to be new information. A summary of the alleged new evidence and its potential impact on the investigation findings must be included in the written appeal.

iii. Disproportionate Sanction: The sanction imposed as a result of the outcome of the investigation is substantially disproportionate to the violation committed (i.e. unreasonably harsh or light based on the totality of the investigation). An explanation of how the sanction is substantially disproportionate to the violation committed must be included in the written appeal.

The Appealing party is responsible for demonstrating one or more of the three grounds for appeal.

c. Within three (3) working days, the Appeal Officer must send the other party notice that an appeal has been filed. This notice will inform the other party of their right to respond to the appeal.

d. The other party will have five (5) working days to submit a response to the appeal. The response is limited to addressing the appeal within the grounds stated above. The other party will receive access to a copy of the Appealing party’s written appeal in order to prepare a response.
e. Upon receipt of the Appeal response or at the conclusion of the five (5) working day response period, the Appeal Officer will review all relevant documents related to the investigation, including but not limited to, the investigative report, attachments to the report, the written appeal, and appeal response.

f. The Appealing party and the other party do not meet with the Appeal Officer, except at the request of the Appeal Officer if deemed necessary to obtain relevant information. In which case both parties will be given the opportunity to have separate meetings with the Appeal Officer.

g. The Appeal Officer will determine whether any grounds for the appeal are substantiated.

i. If the Appeal Officer determines that the Appeal does not meet the grounds as stated above, the Appeal Officer will notify both the Appealing party and the other party of that outcome within five (5) working days.

ii. If the Appeal Officer determines that the Appeal meets the grounds as stated above the Appeal Officer will choose from the following actions:

1. **Significant Procedural Error:** the Appeal Officer may return the complaint to the investigative team with instructions to correct the error, and to reconsider the findings as appropriate. The investigative team would resubmit their findings to the Executive Director for Equity and Inclusion and a final decision would be communicated to all parties. This decision is not subject to further appeal. In rare cases, where the procedural error cannot be corrected by the original investigative team, the Appeal Officer may order a new investigation with a new investigative team.

2. **New Information:** the Appeal Officer may return the complaint to the investigative team with instructions to reconsider the complaint in light of the new information only and to reconsider the original findings as may be appropriate in light of the new evidence. The investigative team will prepare an Addendum to the investigative report, and provide the reporting and responding parties with an opportunity to review and respond to the Addendum consistent with the opportunity to do so in the investigative process. The investigative team would resubmit their findings, including the Addendum, to the Executive Director for Equity and Inclusion. The Executive Director shall issue findings and a final decision would be communicated to all parties. This decision is not subject to further appeal.

3. **Disproportionate Sanction:** The Appeal Officer may return the complaint to the Executive Director for Equity and Inclusion with instructions to reconsider the sanctioning. The Executive Director may consult with relevant parties as listed in Section III, (g), *formal resolution*, to amend sanctioning. The Executive Director for Equity and Inclusion would issue findings and communicate the final decision to all parties. This decision is not subject to further appeal.

iii. The Appeal Officer will communicate notice of the appeal decision in writing to the Appealing party and the other party at the same time.
IX. Office of Equity and Inclusion General Procedures:

a. Administrative Review: In the absence of a complaint filed by a reporting party, the Office of Equity and Inclusion has the authority to initiate an administrative review of alleged violations at the request of a department, division, program, or area when requested by a manager, supervisor, director, department chair, dean, vice president, or provost or when in the judgment of the Office of Equity and Inclusion a review is necessary. This may occur, for instance, where the University determines a need to proceed with an investigation based on concern for the safety or well-being of the broader University community (e.g., risk of future acts of sexual violence or a pattern of sexual misconduct). As necessary, the University reserves the right to initiate an investigation without a formal complaint.

b. Annual Report. The Office of Equity and Inclusion shall maintain an annual report documenting the number of complaints received pursuant to this policy, the categories of those involved in the allegations, the number of violations found, and examples of sanctions/corrective actions imposed for policy violations.

c. Education. The University will broadly disseminate this policy and distribute a list of resources available to respond to concerns of harassment, discrimination, sexual and/or relationship misconduct based on race, color, religion, sex, marital status, national origin, age, disability, citizenship, sexual orientation, gender identity, gender expression, veteran status, and any other groups protected by federal, state or local statutes. Additionally, the Violence Intervention and Prevention (VIP) Center will develop and present appropriate educational programs for students, faculty, and staff. The University strives to ensure that such programming is developed to be culturally relevant; inclusive of diverse communities and identities; sustainable; responsive to community needs; is informed by research or assessed for value, effectiveness, or outcome; and considers environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

d. Prevention and Awareness Programs. The University offers ongoing prevention and awareness programming for the campus community. These programs focus on risk reduction, utilizing strategies that can decrease the likelihood that an incident of sexual and/or relationship misconduct can occur, and generally fall into two categories:

i. Awareness programs and campaigns: Active and passive programs that aim to educate the campus community on warning signs of harassment, discrimination, sexual and/or relationship misconduct. These programs are offered throughout the academic year.

ii. Primary prevention programs: Educational programs that have a goal of preventing incidents of sexual and/or relationship misconduct from occurring. This includes bystander intervention programming intended to reduce incidents of sexual and/or relationship misconduct through action on the part of someone who witnesses or has knowledge of these incidents.

e. Training for Office of Equity and Inclusion. The University provides annual training to investigators, and investigators, appeal officers, and adjudicators are trained on issues related to sexual misconduct, investigation, and resolution.
f. **Retention of Records.** All records and investigations will be private and confidential to the greatest extent possible and will not be publicly disclosed except to the extent required by law. However, no member of the University's staff or faculty, or any student is promised strict or absolute confidentiality. Additionally, all records will be retained for a minimum of seven years. When the responding party is a student, records will be retained according to the Retention of Disciplinary Record and Record Check Policy in *The Creighton University Student Handbook.*

g. **Inquiries.** For the purpose of obtaining information about reporting any instance of harassment, discrimination, sexual and/or relationship misconduct any individual may consult with the Office of Equity and Inclusion.

**AMENDMENTS OR TERMINATION OF THIS POLICY**

Because allegations of violations of this policy can sometimes raise challenging or novel issues, the University reserves discretion to take reasonable actions to address those issues in a manner consistent with the spirit of this policy, and which preserves fairness for both parties and maintains the integrity in the investigation and resolution processes.

Creighton University reserves the right to modify, amend, or terminate this policy at any time.