Annual Security and Fire Safety Report

Fall 2017
Campus Safety and Security

This Creighton University Annual Security and Fire Safety Report is published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and Violence Against Women Act. This report includes statistics for the previous three years concerning reported crimes, as well as institutional policies concerning alcohol and drug use, crime prevention, the reporting of crimes and other matters. This legislation seeks to make college campuses safer through the disclosure of such information, and to assist applicants in making enrollment or employment decisions based upon that criteria.

On behalf of the men and women of the Creighton University Department of Public Safety, I am pleased to present this year’s report. I am proud to lead this group of dedicated professionals who are committed to providing a safe and secure environment for our students, faculty, staff, and visitors. Although reported crime is low on the Creighton campus, we must remember that we are located in an urban setting and contend with many of the same crime and safety issues that exist in any city. We realize that college campuses are not isolated from criminal activity or fire safety hazards, and we recognize the need to share that information with all members of the campus community.

Our department views our role as public-safety service providers and the members of the Creighton community are our valued customers. We encourage all members of this community to develop their own personal safety plans and we strive to partner with Creighton students, faculty, and staff members to assist us in providing the highest level of safety and security. Please read this brochure carefully and use the information to help us to maintain a safe and secure environment for yourself and others on campus.

General Information

Creighton University is one of 28 Jesuit universities in the U.S. devoted to educating the whole person, with a spirit of service and leadership, academic excellence, and community. With more than 8,600 undergraduate, graduate and professional students, Creighton offers a complex and sophisticated educational experience at a personalized level.

Our solid liberal arts core and Jesuit tradition mean our strong academic focus is designed to prepare students for meaningful lives. Our 99 percent success rate after graduation is a testament that goal-driven Jesuit values not only encourage a success-driven mindset, but a service one as well.

Creighton has been ranked No. 1 in the Midwest for 2018 by U.S. News & World Report for 15 consecutive years. U.S. News & World Report also lists us among the Top 10 Midwest Best Value schools and is ranked as one of only 42 schools nationally for undergraduate research.

Creighton is where students, faculty and staff thrive in a supportive community committed to Jesuit, Catholic values and traditions. And, it’s where students learn to become leaders through service to others.

The picturesque campus covers approximately 140 acres along the northwest edge of downtown Omaha, Nebraska. Founded in 1854, the city of Omaha has always been a dynamic, energetic city continually transforming itself. Currently the 42nd largest city in the United States, the metropolitan area is home to over 900,000 people who welcome visitors with open arms and authentic Midwestern hospitality.

Resources

Creighton Public Safety: 402.280.2104
Emergency on campus: 402.280.2911
To report an offense: 402.280.2104

CUAlert: Creighton’s emergency notification system. To enroll, visit creighton.edu/cualert
The Department of Public Safety

The Department of Public Safety, which reports to the Office of the Vice President for Administration, is responsible for campus safety and security at Creighton. The department operates 24 hours a day, seven days a week from its headquarters facility at 2222 Burt Street. Public Safety is a private security force, with three shifts of officers who receive a variety of specialized training that includes first-aid, CPR and the use of firearms. The staff includes the director, an assistant director, a crime prevention officer, three supervisors, 20 patrol officers, three full-time dispatchers, three part-time dispatchers, and a parking attendant. The department is service-oriented and maintains a close working relationship with municipal, state, and federal law enforcement agencies.

Crime Prevention

Public Safety maintains that the more effective strategy is to prevent rather than solve crimes. To that end, the department devotes a significant portion of its resources to crime prevention:

- Officers patrol the campus on foot, on bicycles and in vehicles 24 hours a day. Always on the alert for potential problems, officers provide a first line of defense with an intercept capability and a visible deterrence.
- A campus shuttle service provides students and University employees with safe and convenient transportation to most sites on campus up to 20 hours a day. Two buses, the east shuttle and the west shuttle, run concurrently to link all corners of the campus with most destinations in between. A third shuttle provides service to commuters parking along the Burt Street Corridor. A free campus taxi service (JayRide) also operates between 9 p.m. and 2 a.m. Shuttle drivers remain in contact with Public Safety personnel to provide extra eyes and ears while they are on their routes, reporting any suspicious activity. Riders are also able to track the location of shuttle vehicles via the web and smartphone apps.
- A pedestrian escort service is available to all campus members upon request. Public Safety Officers will accompany pedestrians to their residence halls, parked cars, or other campus destinations. Officers will respond to escort requests any time someone is apprehensive about walking alone.
- Blue light emergency phones are located strategically throughout the campus, particularly in parking lots. They enable one to activate a single emergency button on the phone panel to be in instant contact with the Public Safety dispatcher. Many of these phones also feature a standard keypad that allows them to be used for routine campus phone calls.
- A full-time Crime Prevention Officer makes presentations and develops programs designed to inform campus members about the threat of crime and the prevention resources available to them. These efforts are intended to encourage students and employees to think and act in terms of crime prevention and assume an appropriate degree of responsibility for personal safety and property security. Educational programs include new student and employee orientation, crime prevention presentations, active shooter and self defense training. Programs and presentations are scheduled annually and are also available upon request.
- Violence Intervention and Prevention Center (VIP Center) is part of the Office of Equity and Inclusion and provides confidential advocacy, violence prevention, and education for Creighton’s campus. This includes primary prevention programs, ongoing prevention and awareness campaigns, bystander intervention programming through the Green Dot program, and other risk reduction strategies.
- Electronic card access systems are employed in a number of buildings on campus: Brandeis, Creighton Hall, Dowling, Hitchcock, Lied Center, Ahmanson Law Center, Eppeley, Rigge, Hixson-Lied Science, Reinert Library, Boyne, Criss II and III, the Cardiac Center, Harper Center, the Old Gym, the Ryan Athletic Center, the Rasmussen Center, the Championship Center, and the Center for Health Policy and Ethics. Kenefick, Heider, McGloin, Davis Square, Opus, Deglman, Swanson, Kiewit, and Gallagher residence halls and the 20th and 24th Street parking garages also utilize card access. These electronic access systems afford an extra measure of security in their flexibility and control.
- The maintenance of campus facilities and infrastructure plays a complementary role in the campus security plan. The maintenance staff attends to University buildings and grounds with a concern for safety and security. Shrubbery, trees, and other vegetation on campus are trimmed on a routine basis. Upon the discovery of irregular conditions such as broken windows, faulty locks, burned-out lights or other hazards, Public Safety officers, Student Life staff or any other members of the University may notify the Maintenance Department. The staff responds promptly to make repairs affecting safety and security.
- Over 300 surveillance cameras monitor and record activity across the campus and serve as visible deterrents to crime. For the Fall Semester of 2017, an upgrade to the Public Safety dispatch center increased the number of monitors by 700 percent, dramatically increasing the Department’s ability to proactively monitor activity across the campus.
- For the fall semester of 2017, the University also launched an important initiative to offer faculty, staff and students with a personal mobile safety device as an enhancement to our campus safety environment. This Bluetooth-enabled device pairs with a smartphone app to allow any user on campus to immediately summon assistance to an exact geographic location. When activated, the device places an emergency phone call to either the campus Public Safety dispatcher or to the local 911 dispatcher. It also transmits the user’s exact geolocation and personal profile to the campus Public Safety dispatcher. Activated with 3 clicks of a button, this device eliminates the need to carry a phone in hand, to remove gloves, or to unlock the phone to make a call. Learn more at creighton.edu/admin/publicsafety/pom
Emergency Response and Evacuation

The Creighton University Crisis Committee has developed the University’s Crisis Response Plan to better safeguard members of the campus community. Information on the University’s emergency preparedness can be accessed at: creighton.edu/emergencypreparedness

Campus Emergency Procedures provide specific, concise guidance to community members for a variety of events including bomb threats, chemical spills, crimes, fire, medical, and weather emergencies. This information is available in decal form at Public Safety and is also accessible and can be downloaded at: creighton.edu/emergencyprocedures

One element of the University’s Crisis Response Plan involves emergency response and evacuation which outlines the steps which will be taken to alert community members to active threats so they may take immediate measures to mitigate their exposure to such events.

CUAlert is the University’s multimodal emergency notification system which allows the University to contact faculty, staff, and students with time-sensitive information during an ongoing crisis or emergency situation using voice, email, and text messaging. More detailed information is available about this system, and community members are urged to enroll in CUAAlert at: creighton.edu/cualert

Public Safety personnel are typically the initial emergency responders on campus. Upon the report of a possible emergency or potentially dangerous situation, Creighton University Public Safety Officers and, depending on the nature of the incident, the Omaha Police, Omaha Fire and Rescue, or other external agencies will be dispatched to the scene to investigate. When sufficient details surrounding the event become known, Public Safety personnel will determine if the event being investigated is ongoing and poses an immediate, active threat to the community. If so, the decision to activate the University’s CUAAlert system will typically be made by the Director of Public Safety or his designee, which includes Public Safety supervisors, officers, and dispatchers.

Upon confirmation that a significant emergency or dangerous situation threatens the well-being of community members, a campus-wide CUAAlert will be issued without delay to make all campus members aware of the nature and location of the event. Public Safety dispatchers are prepared to send out one of 15 pre-recorded messages that have been stored for this purpose in order to facilitate a rapid distribution of the communication. The messages involve a tornado warning alert, a hazardous material spill alert, a bomb threat alert, a structure fire alert, a dangerous person alert, a shooting alert, an assault alert, a robbery alert, a general non-specific disturbance alert, university closing notifications due to inclement weather, and finally, a test, an all-clear, and a disregard message alert.

Currently, CUAAlert reaches each and every faculty, staff, and student email account. Community members are also encouraged to opt in to receive these emergency communiqués by voice or text message on their cell phones or land lines.

Public Safety will issue CUAAlerts as quickly as possible once the facts surrounding an event have been determined taking into account considerations involving the safety of the community at large and also the potentially negative impact of false reports. Campus-wide emergency alerts of this nature need to be issued quickly, but information also needs to be accurate. There may also be occasions when a CUAAlert emergency notification may not be issued if, in the professional judgment of Public Safety authorities, it would compromise efforts to assist a victim, contain, respond to, or otherwise mitigate the emergency at hand.

It is important to note that multimodal emergency notification (i.e., CUAAlert) is rapid, but not immediate. During major disturbances, cell phone towers and campus phone switches can be overloaded and disrupted, causing notification delays.

CUAlerts are, by design and necessity, brief and to the point. After the emergency situation or crisis has passed, the Department of Public Safety or Public Relations will typically provide follow-up communication with more detail in the form of a CUOfficial, the University’s campus-wide email system.

Campus Crime Bulletins are timely warnings issued by the Public Safety Department to make community members aware of more serious crimes that have occurred on campus. These are typically crimes against persons such as robbery, aggravated assault, sexual assault and carjackings. If these events are considered to pose a continuing (but not necessarily immediate) threat to the welfare of the community population, a Campus Crime Bulletin will be distributed. The primary mechanism for distributing a Campus Crime Bulletin is via CUOfficial, the University’s campus-wide email. In special circumstances, however, that information may also be disseminated by other mechanisms.

Information that would warrant an emergency notification or a timely warning to the community should be reported to Public Safety at 402.280.2911.

The University will conduct at least one announced campus-wide emergency response/evacuation drill each year. Prior to the drill specific details about the drill and general information on Campus Emergency Procedures will be distributed throughout the campus. Typically the event will be held during the spring semester in conjunction with Douglas County and the National Weather Service's mock tornado drill. This campus-wide event will interrupt classes and other normally scheduled activities. When county civil defense sirens in the area are activated, the University’s CUAAlert notification system will also be initiated and community members will be expected to evacuate to designated tornado shelter areas. Crisis Committee members assist with and monitor the response to the drills. They also analyze the delivery results of the CUAAlert messages sent via email, voice, and text.
Residential Facilities and Policies

At Creighton University, the Division of Student Life houses 2,450 students in nine residence halls: Deglman, Swanson, Kiewit, Gallagher, Heider, McGloin, Opus, Davis, and Kenefick. Student Life offers a wide variety of programs and services to enhance the quality of campus life and promote safe and secure on-campus accommodations. Residence halls are staffed by professional, live-in resident directors (RDs). Each facility is also served by a number of live-in resident advisors (RAs). At least one professional staff member is on duty at all times. The president of the University resides in one of the residence halls, and each hall, except Opus and Davis, is served by a live-in Jesuit chaplain.

Individual security measures for the nine residence halls differ slightly, but most utilize RAs or trained desk workers at the main entrance to monitor access and provide assistance 24 hours per day. All residence halls utilize electronic card access systems. Residence hall rooms are keyed with a high security lock system using keys that cannot be easily duplicated. Tight key control procedures enhance the integrity of this system.

For additional, detailed information on visitation and other residential policies, please refer to the Residence Life Handbook.

Notification of Missing Students

If a member of the University community has reason to believe that a student who resides in on-campus housing has been missing for 24 hours, he or she should immediately notify Public Safety at 402.280.2104 or 402.280.2911. Reports can also be made to the Office of Residence Life at 402.280.2717, or to the Division of Student Life at 402.280.2775. Students may also notify their resident director or resident advisor. Public Safety will generate a missing person report and, with Residence Life officials, initiate an investigation. If a determination is made that the student is missing, the Omaha Police and the student’s emergency contact will be notified within 24 hours of the determination that the student is missing.

Residence hall students have the option during each academic year to designate an individual who will be contacted in the event that the student is missing for more than 24 hours. The information about the contact person will be registered confidentially. It will be accessible only to authorized campus officials and will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

The contact person does not have to be a parent or guardian. The student has the option of changing the designated contact person at any time by contacting his or her resident advisor and completing another form. If a student is under the age of 18 and is not emancipated, the parents or legal guardians of the student will be contacted in addition to any designated contact person. If a student is a dependent of his or her parents, for tax purposes, or in the event of a health or safety emergency, Creighton may contact the student’s parents, even if someone else has been designated as the contact person.

Creighton University will also notify law enforcement within 24 hours of a determination that a student is missing, unless law enforcement was the entity that determined the student was missing.

Alcohol and the Creighton Student

Creighton University recognizes that alcohol is a major influence on today’s college campus and that it has a responsibility to educate students and their families on University expectations regarding alcohol. Furthermore, Creighton recognizes that it must go beyond simply informing students and their families about the legal consequences resulting from alcohol use, as Creighton’s response must also address the social realities of our students while continuing to promote and educate students about the benefits of living a healthy lifestyle. The following details Creighton’s approach to alcohol education, the effects of alcohol on the human body, and the University’s alcohol policies.

Creighton’s Approach to Alcohol Education

Creighton’s alcohol policies are straightforward and enforce state and federal law. The University’s educational position, however, calls for a response to alcohol education that goes beyond legal consequences. At Creighton, we believe the response to alcohol education must also meet the health and well-being needs of our students, while also considering the decisions they may choose to make because of their need to socialize.

Creighton University expects its students to abandon high-risk drinking. “To avoid binge drinking and its consequences, college students (and all people who drink) are advised to track the number of drinks they consume over a given period of time. That is why it is important to know exactly what counts as a drink.”

In the United States, a standard drink is one that contains about 14 grams of pure alcohol, which is found in:

- 12 ounces of beer with 5 percent alcohol content
- 5 ounces of wine with 12 percent alcohol content
- 1.5 ounces of distilled spirits with 40 percent alcohol content

Many college alcohol problems are related to binge drinking. Binge drinking is a pattern of drinking that brings blood alcohol concentration (BAC) levels to 0.08 g/dL. This typically occurs after 4 drinks for women and 5 drinks for men—in about 2 hours.

Drinking this way can pose serious health and safety risks, including car crashes, drunk-driving arrests, sexual assaults, and injuries. Over the long term, frequent binge drinking can damage the liver and other organs.”

Alcohol and the Body

Every person reacts differently to alcohol; some people are affected only slightly and others severely. Alcohol is a central nervous system depressant, which means the brain and spinal cord are affected and react more slowly when there is alcohol in a person’s system. The more alcohol in the system, the more depressed is the central nervous system, and the greater effect. There are increased incidences of falls, accidents, vandalism, destruction of property, arguments, fights, sexual assault, other violence, and risk-taking behavior when a person is under the influence of alcohol. There is diminished performance for
24-72 hours after having had too much to drink because of the by-products produced from the metabolism of alcohol. Some people are more susceptible to becoming addicted to alcohol than others. This addiction is more likely to occur if a person drinks alcohol regularly at a young age (before 18) and/or if a parent, grandparent, aunt, uncle, brother or sister has a history of alcohol abuse. There is, as yet, no way to know who is most susceptible to developing alcoholism or any other adverse health effects from alcohol.

**Creighton University’s Alcohol Policies**

Creighton University defines misuse or abuse of alcohol as:

“Any alcohol or drug-related behavior that adversely affects or strains a person’s life in regard to: physical health; feelings of self-esteem; personal or family relationships; the campus community and its members; educational and occupational goals; or standing in regard to local, state or federal laws. Students regardless of age are held accountable to this policy if they come to the attention of University officials.”

The National Institute on Alcohol Abuse and Alcoholism defines binge drinking as: “A pattern of drinking that brings a person’s blood alcohol concentration (BAC) to 0.08 grams percent or above. This typically happens when men consume 5 or more drinks, and when women consume 4 or more drinks, in about 2 hours.

Most people who binge drink are not alcohol dependent.

The University is committed to developing and sustaining University-wide health norms to facilitate preventing problems related to drinking, providing resources for intervention and assistance, and maintaining a safe environment free of coercion for those who choose not to drink.

Thus, it is the position of Creighton University to promote informed choices about the responsible use of alcohol on its campus by all members of the community. Since it is important that people be aware of their responsibilities and University expectations, the following guidelines are set forth.

**Track to Recovery from Alcohol Abuse at Creighton (TRAAC)**

Creighton has developed TRAAC to care for intoxicated students who could be in danger. TRAAC provides students with proper University support and, in cases where students are reasonably at risk, the appropriate medical attention from the University Campus Emergency Department (UCED).

**TRAAC standard procedures:**

A student is identified as potentially being intoxicated by demonstrating one or more of the following: impaired judgment, impaired reactions, decreased coordination, or unresponsiveness.

An assessment by Student Health Services (SHS) and field sobriety tests by Public Safety (PS) are administered. The student is transported by PS to UCED if determined appropriate by the SHS assessment.

1. A student with a blood alcohol content (BAC) equal to or above 0.15 will be transported to the UCED.

2. A student with a BAC below the 0.15 threshold may also be transported to the UCED because of other medical findings.
   a. Parents are notified.
   b. Student is seen in the UCED to determine if further medical care is needed.
   c. If requested, PS will transport the discharged student from the UCED to their residence hall at Creighton University. PS will not transport the student to any other location.
   d. If the student fails to comply with the TRAAC standard protocol the student may be immediately suspended or expelled from the University.
   e. The incident is documented and referred for a Community Standards meeting (non-academic misconduct), which normally results in a student status of disciplinary probation; $100 alcohol intoxication fine; and additional educational sanctions.

**Opportunities: The TRAAC Alternative Course**—In response to concerns that students who have been to the TRAAC face severe and long-lasting disciplinary consequences, the Office of Community Standards and Wellbeing has developed **Opportunities: The TRAAC Alternative Course.** This program is an option for students who are compliant with University officials during the documentation of their TRAAC incident. Any student who is in failure to comply during an incident is not eligible for the program. Any student who has previously been to TRAAC is not eligible for the program. For more information, contact the Office of Community Standards and Wellbeing (OCSW).

**Good Samaritan Provision**

As a part of this responsibility to others, students are expected to immediately report conduct or activity which poses a danger to the community or its members. This is most important in medical emergencies due to alcohol use. Students should not hesitate to seek help because of fear of disciplinary action. The welfare of everyone in this community is paramount, and Creighton University encourages students to offer healing and assistance to others in need even under the effects of alcohol. In most cases, the help seeker will not be held responsible with a policy violation under Creighton’s Code of Conduct. The help seeker must actively seek medical assistance, give their name to the University official, and must remain cooperative at the scene.

In such cases where a help seeker would be present, the following actions will take place:

The help seeker will be documented and titled with the term “help seeker” next to their name in the report (as reported by RA, RD, Public safety, or other University officials to whom the help seeker sought out).

The help seeker will meet with Office of Community Standards and Wellbeing to discuss the situation that occurred. At this point, the Office of Community Standards and Wellbeing staff member will determine the severity of the incident that took place. In most cases the help seeker will not be held responsible, however, in the case of other policy violations.
On-Campus Alcohol Use

The risks of being a help seeker include:

- Potential for documentation of policy violation.
- Potential to go through the TRAAC program.
- Potential for other repercussions as deemed appropriate by OCSW when outside the scope of this policy.

The risks of NOT being a help seeker include:

- Lack of adequate medical assistance when needed.
- Risk for medical emergencies.
- Potential for University violations and documentation.
- Potential for many other risks in relation to severe alcohol intoxication incidents.

Off-Campus Alcohol Use

a. Student organizations holding off-campus events where alcohol is present are responsible for full compliance with the appropriate state law. In those rare cases where a student organization would fail to accept or assume responsibility, the officers of the organization will be held accountable for behavior of their members and their invited guests.

b. Fraternity/Sorority organizations governed by Interfraternity and Panhellenic Councils have implemented specific alcohol guidelines that must be adhered to by all fraternity and sorority organizations.

d. Alcohol use of any kind may not be used in the hallways, stairwells, general lounges, lobbies, study rooms, and all public areas.

Violations

a. Violations of the Alcohol Policy will be referred to the Office of Community Standards and Wellbeing for the appropriate action.

b. Violations of the policy will be subject but not limited to:
   i. suspension of "alcohol use" privileges.
   ii. fines
   iii. referral for evaluation (in case of individuals) of possible drinking related problems.
   iv. suspension of University approval for the sponsoring organization or group.
   v. other University disciplinary action.

Douglas County (Omaha) and Nebraska State Laws Regarding Alcohol

a. No person shall sell, give away, dispose of, exchange, or deliver, or permit that sale, gift, or procuring of any alcoholic liquors, to any person under the age of twenty-one. Any person violating this law is guilty of a Class I misdemeanor.
b. No one under the age of 21 shall obtain, or attempt to obtain, alcoholic liquor by misrepresentation of age. Any person violating this law is guilty of a Class III misdemeanor.

c. No one under the age of 21 may sell or dispense or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place including public streets, alleys, roads, highways, or inside any vehicle. Any person violating this law is guilty of a Class III misdemeanor.

d. Any person who knowingly manufactures, creates, alters any form of identification for the purpose of sale or delivery of such form of identification to a person under the age of 21 shall be guilty of a Class I misdemeanor. Forms of identification are defined as any card, paper, or legal document that may be used to establish the age of the person named thereon for the purpose of purchasing alcoholic liquors.

e. Good Samaritan Provision of Nebraska Underage Drinking Law: Subsection of this 53-180.02 shall apply if the person; Requested emergency medical assistance in response to the possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent after such violation of section 53-180.02 was the first person to make a request for medical assistance under subdivision (b)(i) of this subsection as soon as the emergency situation is apparent after such violation of section 53-180.02; and when emergency medical assistance was requested for the possible alcohol overdose of another person:
   (A) Remained on the scene until the medical assistance arrived; and
   (B) Cooperated with medical assistance and law enforcement personnel.
   (C) A person shall not initiate or maintain an action against a peace officer or the employing state agency or political subdivision based on the officer’s compliance with subdivision (b) of this subsection.

Guidelines for the Promotion of Events Where Alcohol Will be Served

a. Marketing programs specifically targeted for students on campus must conform to the Creighton University code of student conduct and must avoid demeaning sexual, racial, or other discriminatory references.

b. Promotion materials must neither encourage any form of alcohol abuse nor make reference to the amount of alcoholic beverage (such as the number of beer kegs available or expressions like “all you can drink.”)

c. Alcoholic beverages (such as kegs or cases of beer) must not be provided as free awards to individual students or campus organizations.

d. No uncontrolled sampling as part of campus marketing programs shall be permitted and no sampling, or other promotional activities, shall include “drinking contests.”

e. Where controlled sampling is allowed by law and institutional policy, it must be limited as to time and quantity. Principles of good hosting must be observed including availability of alternative beverages, food, and planned programs. The consumption of alcohol must not be the sole purpose of any promotional activity.

f. Promotional activities must not be associated with otherwise existing campus events or programs without the prior knowledge and consent of the Associate Vice Provost of Student Life Office.

g. Display or availability of promotional materials must follow the poster policy developed by Creighton University. All marketing programs must have educational value and subscribe to the philosophy of responsible and legal use of the products represented. All promotional materials will include the following language “Alcohol will only be available to those of age and with proper photo identification.”

h. Alcohol advertising on campus or institutional media, including that which promotes events as well as product advertising, must not portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual, or academic success.

i. Advertising and other promotional campus activities must not associate the consumption of alcohol with the performance of tasks that require skilled reactions such as the operation of motor vehicles or machinery.

j. Local off-campus promotional activities, primarily directed to students, must be developed in cooperation with the Associate Vice Provost for Student Life.

Drug Use – Health Effects

Every person reacts differently to drugs; some people are affected only slightly and others are severely affected. There is no completely safe drug. Illicit drugs can be harmful to health for two reasons: the effect of the drug itself and the effect of by-products, which result from processing the illicit drug. Almost all illicit drugs are used to change a person’s mood, or the way s/he feels. Any drug that changes mood does so by affecting the central nervous system and changing its ability to react normally. For example, stimulants make the central nervous system overactive while narcotics and depressants decrease its ability to react.

Illicit drugs also carry a high risk of psychological or physical dependence, i.e., the user starts to count on the drug to regulate his/her mood, and is unable to perform routine activities without using the drug. When the body develops tolerance for and dependence on a drug, then physical dependence (addiction) is the result. The body is unable to function without an adequate supply of the drug, and will have withdrawal symptoms when the supply is not adequate. Withdrawal may be as minor as discomfort (headache, restlessness and irritability) or result in major symptoms such as grand mal seizures, coma, and death.

There is no certain way to know who is most likely to develop dependence, but it is known that people who have developed dependence on alcohol or have family members who are dependent on alcohol or drugs are at greater risk. Those who are frequently depressed have suicidal thoughts, have had hallucinations or delusions should avoid street drugs because using them could make the illness worse, or cause a relapse.
Creighton Policy

As an academic institution, Creighton University's goal is to alleviate the problem of illegal drug use, preferably in a manner that educates rather than one that punishes. However, Creighton community members are subject to the same local, state and federal laws that govern all citizens, including those laws that concern the use, sale and possession of drugs. Therefore, persons engaging in such illegal actions will be subject to disciplinary procedure up to and including suspension and expulsion. Individuals cannot be protected by the University from the possible additional legal consequences of their acts.

The University policy concerning illegal drugs is as follows:

Creighton University considers the use, possession, cultivation, sale, distribution or transfer of any unlawful drug, including marijuana, unacceptable behavior that is incompatible with the educational goals of the University.

Students are considered to be responsible adult citizens, and as such, are subject to civil law. In accordance with federal as well as state and local laws, the illegal use, possession, cultivation, sale, distribution or transfer of any drug, narcotic, or hallucinogenic substance including marijuana is strictly prohibited on University property.

Knowledgeable association in an environment where illegal substances are being used constitutes grounds for disciplinary action.

Misconduct resulting from the illegal possession, consumption, sale or transfer of drugs or narcotics renders the person subject to action ranging from rehabilitation, probation, dismissal from the residence halls, up to and including suspension or dismissal from the University.

The University's disposition of individual cases does not preclude criminal prosecution in accordance with federal and/or state laws. Due process guaranteeing fundamental fairness, as determined by the University community, shall be adhered to in the treatment of these matters.

See also: Creighton University Policy 2.2.15 on Drug and Alcohol Use which complies with the Drug-Free Schools and Communities Act.

Marijuana 101: Drug Use/Possession Course—In response to concerns that students who have been through the Community Standards process for drug use multiple times without effective sanctioning, the Office of Community Standards and Wellbeing has researched and found a course to continue the education of students and foster critical thinking skills. In alignment with the Jesuit values and tenants of cura personalis, magis, and the Creighton Student Credo, this program was researched with the intent of growth of the whole person. After an incident involving the possession/use of illegal substances, it is important to see the students as individuals, and this process aims to lead all its members in discovering and embracing the challenging responsibilities of their intelligence, choices and future. We believe this program is a valuable tool to combat attitudes and choices concerning drug use, and more specifically marijuana use.

Douglas County (Omaha) and Nebraska State Laws Regarding Controlled Substances

a. It is unlawful to knowingly or intentionally:
   i. Manufacture distribute, deliver, dispense or possess with intent to manufacture, distribute, deliver or dispense a controlled substance; or
   ii. To create, distribute, or possess with intent to distribute a counterfeit controlled substance.

b. Any person who violates subsection (1) with respect to cocaine or any mixture or substance containing a detectable amount of cocaine in a quantity of:
   i. At least 28 grams but less than 140 grams shall be guilty of a Class I C felony;
   ii. At least 10 grams but less than 28 grams shall be guilty of a Class I D felony.

c. Any person knowingly or intentionally possessing marijuana weighing more than one ounce but not more than one pound shall be guilty of a Class III misdemeanor.

d. Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.

e. Any person knowingly or intentionally possessing marijuana weighing one ounce or less shall:
   i. For the first offense, be guilty of an infraction, receive a citation, be fined $300, and may be assigned to a drug abuse course;
   ii. For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined $400 and may be imprisoned not to exceed 5 days;
   iii. For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined $500, and be imprisoned for not more than 7 days.

It is unlawful for any person to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings. In a prosecution under Nebraska's controlled substance laws, it is not necessary for the state to prove that the respondent was under the influence of any specific controlled substance, but it shall be sufficient for a conviction for the state to prove that the respondent was under the influence of some controlled substance by proving that the respondent manifested physical and physiological symptoms or reactions caused by the use of any controlled substance.

Any person who violates this section shall be guilty of a Class III misdemeanor.
### Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Substance/Quantity</th>
<th>Penalty</th>
<th>Substance/Quantity</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>II</td>
<td>Cocaine 500-4999 grams mixture</td>
<td></td>
<td>Cocaine 5 kilograms or more mixture</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Cocaine Base 28-279 grams mixture</td>
<td></td>
<td>Cocaine Base 280 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>Fentanyl 40-399 grams mixture</td>
<td>First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. Or more than life. Fine of not more than $5 million if an individual, $25 million if not an individual</td>
<td>Fentanyl 400 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>Fentanyl Analogue 10-99 grams mixture</td>
<td></td>
<td>Fentanyl Analogue 100 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>Heroin 100-999 grams mixture</td>
<td>Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than $8 million if an individual, $50 million if not an individual</td>
<td>Heroin 1 kilogram or more mixture</td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>LSD 1-9 grams mixture</td>
<td></td>
<td>LSD 10 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Methamphetamine 5-49 grams pure or 50-499 grams mixture</td>
<td></td>
<td>Methamphetamine 50 grams or more pure or 500 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>PCP 10-99 grams pure or 100-999 grams mixture</td>
<td></td>
<td>PCP 100 grams or more pure or 1 kilogram or more mixture</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any Amount Of Other Schedule I &amp; II Substances</td>
<td>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. Or more than Life. Fine $1 million if an individual, $5 million if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any Drug Product Containing Gamma Hydroxybutyric Acid</td>
<td>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine $2 million if an individual, $10 million if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Flunitrazepam (Schedule IV) 1 Gram</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any Amount Of Other Schedule III Drugs</td>
<td>First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than $500,000 if an individual, $2.5 million if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than $1 million if an individual, $5 million if not an individual.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any Amount Of Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)</td>
<td>First Offense: Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Second Offense: Not more than 10 yrs. Fine not more than $500,000 if an individual, $2 million if other than an individual.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any Amount Of All Schedule V Drugs</td>
<td>First Offense: Not more than 1 yr. Fine not more than $100,000 if an individual, $250,000 if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Second Offense: Not more than 4 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Weapons Possession

The possession or use of firearms, fireworks, explosives, or any lethal weapon on campus is strictly forbidden and subject to University discipline as well as criminal sanctions. Public Safety maintains a locker for the safe storage of hunting equipment and firearms.

To Report a Crime

A crime can be reported by contacting the Public Safety Dispatcher at 402.280.2911 (emergencies) or 402.280.2104 (non-emergencies). Many campus phones have decals affixed with the Public Safety phone numbers on them. The Public Safety phone numbers are also listed in all campus directories, and the emergency phones on campus use an autodialer to reach the Public Safety office. Campus Emergency Procedures with appropriate phone numbers and emergency instructions have been distributed throughout the University and are available upon request.

Victims are encouraged to promptly report all incidents to Public Safety, regardless of how minor the crime might seem. Officers respond quickly any time of the day or night to meet the victim, take a report, investigate the incident, and provide assistance. Although there is no formal agreement or written memoranda of understanding between Creighton and governmental law enforcement agencies on the investigation of alleged criminal offenses, the appropriate municipal, county, state or federal agency will typically be contacted for crimes of a more serious nature. In most cases, the agency contacted will be the Omaha Police Department. A significant network of University and external support services is available to all victims.

Although there is no formal policy governing the anonymous reporting of crimes for inclusion in the annual disclosure of campus crime statistics, every effort will be made to protect the confidentiality of victims and witnesses should they so desire. Similarly, there is no formal policy for pastoral or professional counselors to inform the people they are counseling of the existence of such procedures.

Annual Security and Fire Safety Report

The Department of Public Safety is charged to prepare and disseminate the University’s Annual Security & Fire Safety Report (ASR) by October 1 each year. Preparation of the ASR requires multiple ongoing and annual efforts involving DPS, other university departments, and outside law enforcement agencies. This effort includes gathering of crime statistics concerning reports of crimes prepared by those identified in the law as campus security authorities and local law enforcement agencies, and reconciling those statistics with DPS statistics to avoid duplicate reporting. Preparation of the ASR also requires a review of University policies and procedures concerning campus safety and disclosure of those policies and procedures in this report.
**Campus Crime Statistics**

<table>
<thead>
<tr>
<th>Crime Category</th>
<th>Subsets of On Campus Property Totals</th>
<th>Number of Incidents Reported</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>On Campus Residence Halls</td>
<td></td>
</tr>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>0 0 0 1 0 0 1 0 0</td>
<td>0 0 0 0 0 0 0 0 0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0 0 0 0 0 0</td>
<td>0 0 0 0 0 0 0 0 0</td>
</tr>
<tr>
<td>Sex Offense</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rape**</td>
<td>3 4 8 0 0 1 3 4 9</td>
<td>0 0 0 0 0 0 3 4 9</td>
</tr>
<tr>
<td>Fondling</td>
<td>0 0 4 0 0 1</td>
<td>0 0 5 0 0 0 0 0 5</td>
</tr>
<tr>
<td>Incest</td>
<td>0 0 0 0 0 0</td>
<td>0 0 0 0 0 0 0 0 0</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>0 0 0 0 0 0</td>
<td>0 0 0 0 0 0 0 0 0</td>
</tr>
<tr>
<td>Robbery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completed</td>
<td>0 0 0 0 0 0 0 0 0</td>
<td>1 0 1 1 0 1 1 0 1</td>
</tr>
<tr>
<td>Attempted</td>
<td>0 0 0 0 0 0 0 0 0</td>
<td>0 0 0 0 0 0 0 0 0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
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<td>3 1 0 0 0 0 0 0 0</td>
</tr>
<tr>
<td>Burglary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forcible Entry</td>
<td>0 2 0 2 2 0</td>
<td>2 4 0 0 0 2 0 4 2</td>
</tr>
<tr>
<td>Non-Forcible Entry</td>
<td>3 6 9 1 2 4</td>
<td>4 8 13 0 0 0 4 8 13</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completed</td>
<td>0 0 0 1 1 0</td>
<td>0 1 1 0 0 3 0 1 5</td>
</tr>
<tr>
<td>Attempted</td>
<td>0 0 0 1 0 0</td>
<td>1 0 0 0 0 0 1 0 0</td>
</tr>
<tr>
<td>Arson</td>
<td>0 0 0 0 0 0</td>
<td>0 0 0 0 0 0 0 0 0</td>
</tr>
</tbody>
</table>

* This 2014 incident involved non-affiliates associated with a neighboring high school. An after school fist fight in a University-owned parking lot resulted in one of the participants striking his head on the pavement. He later died of those injuries.

** Three of the rapes reported in the category of 2016 On-Campus Residence Halls were incidents from 2013, 2014 and 2015, which were not reported until 2016.

*** All incidents reported in the category of Non-Campus Property occurred at hotels where students were lodged on University-sponsored travel, but did not involve Creighton students.

**Arrests**

The table below lists the number of arrests over the past three years for three categories of Part II Uniform Crime Reporting (UCR) Offenses. The 12-month reporting periods begin January 1 and end December 31.

<table>
<thead>
<tr>
<th>Crime Category</th>
<th>Subsets of On Campus Property Totals</th>
<th>Number of Incidents Reported</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>On Campus Residence Halls</td>
<td></td>
</tr>
<tr>
<td>Liquor Law Violations</td>
<td>0 0 0 0 0 0</td>
<td>0 0 0 0 0 0 0 0 2</td>
</tr>
<tr>
<td>Drug Abuse Violations</td>
<td>0 0 0 0 0 2</td>
<td>0 0 2 0 0 2 0 0 4</td>
</tr>
<tr>
<td>Weapons Law Violations</td>
<td>0 0 0 0 1 1</td>
<td>0 1 1 0 0 0 0 0 1</td>
</tr>
</tbody>
</table>

**Disciplinary Referrals**

The following table lists the number of disciplinary referrals over the past three years for three categories of Part II Uniform Crime Reporting (UCR) Offenses. Campus disciplinary actions are defined as any student referred to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction. The 12-month periods begin January 1 and end December 31.

<table>
<thead>
<tr>
<th>Crime Category</th>
<th>Subsets of On Campus Property Totals</th>
<th>Number of Incidents Reported</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>On Campus Residence Halls</td>
<td></td>
</tr>
<tr>
<td>Liquor Law Violations</td>
<td>352 403 258</td>
<td>352 419 264</td>
</tr>
<tr>
<td>Drug Abuse Violations</td>
<td>51 94 108</td>
<td>51 95 113</td>
</tr>
<tr>
<td>Weapons Law Violations</td>
<td>0 0 0 0 0 0</td>
<td>0 0 0 0 0 0 0 0 0</td>
</tr>
</tbody>
</table>
Campus Crime Classifications
The crime table lists the number of crimes reported over the past three years to the Department of Public Safety and other campus authorities for eight categories of Part I offenses. Crimes are classified according to the Uniform Crime Reporting (UCR) format, with the exception of fondling, incest and statutory rape, which are classified according to the National Incident Based Reporting System (NIBRS). Property categories and crime definitions are defined below. The 12-month reporting periods begin on January 1 and end on December 31. In addition to campus security authorities, crime statistics for the Creighton University campus were received from the Omaha Police Department. For properties where students were lodged for more than one night on University-sponsored travel, crime statistics were requested from the local law enforcement agency responsible for that jurisdiction.

Hate Crimes
Hate or bias-related crimes are not separate and distinct from crimes already reported in the overall campus crime statistics. Rather, they reflect only those criminal offenses which were determined through investigation to be motivated by the bias of the offender. If the facts of the case indicated that the victim was intentionally selected because of the victim's actual or perceived race, gender, gender identity, religion, sexual orientation, disability, national origin or ethnicity, the incident is then also classified as a hate crime. Hate crime statistics will be maintained under UCR guidelines and have been expanded to include additional criminal offenses not reflected in the overall campus crime statistics. The 12-month reporting periods begin on January 1 and end on December 31. No hate crimes were reported in 2014, 2015, or 2016.

Uniform Crime Reporting (UCR) Crime Definitions
Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.
Manslaughter by Negligence: The killing of another person through gross negligence.
Sexual Assault (Sex Offenses): Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
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.
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 by law.
Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
Burglary: The unlawful entry of a structure to commit a felony or a theft.
Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.
Arson: Willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Clery Geography Property Definitions
The following definitions apply to the geographic locations of incidents disclosed in the crime statistics contained in this report:

On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the property described above in this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-Campus Residence Halls: An institution that has on-campus student housing facilities must separately disclose two sets of on-campus statistics: the total number of crimes that occurred on campus, including crimes that occurred in student housing facilities, and the number of crimes that occurred in on-campus student housing facilities as a subset of the total.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Non-Campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
Arrests and Referrals for Disciplinary Action

Under the Clery Act, institutions must also report arrests and referrals for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence or drunkenness. This also includes maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intermarried person; underage possession; using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance; and attempts to commit any of the above.

Drug Law Violations: The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Illegal Weapons Possession: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Sexual Violence

SEX OFFENSES–FORCIBLE

The Violence Against Women Reauthorization Act of 2013 (VAWA) requires that institutions report incidents of sexual assault, domestic and dating violence (also known as ‘intimate partner violence) and stalking in its annual security report. The following federal law definitions apply to this reporting requirement. In addition, VAWA requires that institutions publish state law jurisdictions of the same crimes.

DEFINITIONS UNDER FEDERAL LAW

Domestic Violence is defined as a felony or misdemeanor crime of violence committed:

By a current or former spouse or intimate partner of the victim;

By a person with whom the victim shares a child in common;

By a person who is cohabiting with, or has cohabitated with, the victim as a spouse or intimate partner;

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;

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 of the jurisdiction in which the crime of violence occurred.

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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 interaction between the persons involved in the relationship. For the purposes 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.

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress. “Course of conduct” means behavior composed of 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, engages in any of the following: monitoring, following, observing, threatening, surveilling, or communicating to or about a person, or interfering with a person’s property. “Substantial emotional distress” means significant mental suffering or anguish.

DEFINITIONS UNDER NEBRASKA LAW

SEXUAL ASSAULT–DEFINITION 1

1. Any person who subjects another person to sexual penetration:
   a. without the consent of the victim
   b. who knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or
   c. when the actor is 19 years of age or older and the victim is at least 12 but less than 16 years of age is guilty of sexual assault in the first degree.

2. Sexual assault in the first degree is a Class II felony. The sentencing judge shall consider whether the actor caused serious personal injury to the victim in reaching a decision on the sentence.

3. Any person who is found guilty of sexual assault in the first degree for a second time when the first conviction was pursuant to this section or any other state or federal law with essentially the same elements as this section shall be sentenced to a mandatory minimum term of 25 years in prison.

SEXUAL ASSAULT–DEFINITION 2

1. Any person who subjects another person to sexual contact
   a. without consent of the victim, or
   b. who knew or should have known that the victim was physically or mentally incapable of resisting or appraising the nature of his or her conduct is guilty of sexual assault in either the second degree or third degree.

2. Sexual assault shall be in the second degree and is a Class III felony if the actor shall have caused serious personal injury to the victim.

3. Sexual assault shall be in the third degree and is a Class I misdemeanor if the actor shall not have caused serious personal injury to the victim.
DOMESTIC VIOLENCE

1. A person commits the offense of domestic assault in the third degree if he or she:
   a. Intentionally and knowingly causes bodily injury to his or her intimate partner;
   b. Threatens an intimate partner with imminent bodily injury;
   c. Threatens an intimate partner in a menacing manner.

2. A person commits the offense of domestic assault in the second degree if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument.

3. A person commits the offense of domestic assault in the first degree if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.

4. Violation of subdivision (1) (a) or (b) of this section is a Class I misdemeanor, except that for any subsequent violation of subdivision (1) (a) or (b) of this section, any person so offending is guilty of a Class IV felony.

5. Violation of subdivision (1) (c) of this section is a Class I misdemeanor.

6. Violation of subsection (2) of this section is a Class III A felony, except that for any second or subsequent violation of such subsection, any person so offending is guilty of a Class III felony.

7. Violation of subsection (3) of this section is a Class III felony, except that for any second or subsequent violation under such subsection, any person so offending is guilty of a Class II felony.

8. For purposes of this section, intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this subsection, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

DATING VIOLENCE

There is not a specific statute on dating violence. However, it would be included in 28-323 (referenced above). The statute referenced below (42-903) defines “dating relationship.”

Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

STALKING

Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.

SOURCES


NEBRASKA DEFINITION OF CONSENT, SECTION 28-318

As used in sections 28-317 to 28-322.04, unless the context otherwise requires:

1. Actor means a person accused of sexual assault;

2. Intimate parts means the genital area, groin, inner thighs, buttocks, or breasts;

3. Past sexual behavior means sexual behavior other than the sexual behavior upon which the sexual assault is alleged;

4. Serious personal injury means great bodily injury or disfigurement, extreme mental anguish or mental trauma, pregnancy, disease, or loss or impairment of a sexual or reproductive organ;
5. Sexual contact means the intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact shall also mean the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Sexual contact shall also include the touching of a child with the actor's sexual or intimate parts on any part of the child's body for purposes of sexual assault of a child under sections 28-319.01 and 28-320.01;

6. Sexual penetration means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's or victim's body or any object manipulated by the actor into the genital or anal openings of the victim's body which can be reasonably construed as being for non-medical or non-health purposes. Sexual penetration shall not require emission of semen;

7. Victim means the person alleging to have been sexually assaulted;

8. Without consent means:
   (a)(i) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor;
   (b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and
   (c) A victim need not resist verbally or physically where it would be useless or futile to do so; and

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

**Sources**

awareness month programming, information tables, poster campaigns, social media campaigns, guest speakers, educational lunch and learns, and consent programming.

**Bystander Intervention**

Bystander intervention is a strategy to reduce incidents of sexual and relationship misconduct through action on the part of someone who witnesses or has knowledge of these incidents. At Creighton University, the Green Dot program is the campus primary prevention strategy. This program encourages members of the community to intervene in situations that have the potential to be high-risk. A “Green Dot” is a moment in time when someone uses their words, actions, or behaviors to help make the community safer. This can be through proactive measures, such as knowing campus resources or reactive measures, such as sharing reporting options or stepping in to help a friend in need. Creighton's Violence Intervention and Prevention (VIP) Center offers presentations, trainings, and programs on Green Dot throughout the year.

**Preservation of Evidence and Medical Care**

If an individual has experienced an incident of sexual assault, dating violence, domestic violence, or stalking, Creighton encourages the preservation of evidence in order to maintain options of reporting the incident or obtaining a protection order if and when an individual chooses to do so. Note: Individuals are not required to make a report to local authorities to receive medical care and assistance. Creighton offers the following items for consideration.

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

**Confidential Advocacy and Medical Care**

- Students, faculty, and staff may contact Creighton’s Violence Intervention and Prevention (VIP) Center to speak with a confidential advocate at 402.280.3794 or vipcenter@creighton.edu. The VIP Center can assist in reviewing medical options and the confidential advocates are able to accompany individuals to medical exams if individuals would like assistance and/or support.
- Individuals may contact the Women’s Center for Advancement (WCA) 24-hour Crisis Hotline at 402.345.7273 (off-campus resource) to speak with an advocate. The WCA will also send an advocate to area hospitals if an individual discloses that an incident of sexual assault has occurred.
- An advocate is able to explain hospital procedures, reporting procedures, and provide information on follow-up and recovery after an act of sexual assault. An advocate can also sit with the individual and be present during an exam if an individual would like the advocate present.
- Individuals may choose to visit an Emergency Department (ED) at an area hospital for medical treatment or evidence preservation. The VIP Center staff recommends Methodist Hospital or Methodist Women’s Hospital for medical exams.
- The ED staff will notify Omaha Police Department when an act of sexual assault is reported. The individual reporting the act of sexual assault is not required to make a report with police. If is a victim’s decision whether or not to report an incident to the authorities.
- While in the ED, the individual will be examined by a physician to evaluate any injuries and receive appropriate treatment. The individual will also receive a sexual assault examination by a nurse who is trained as a Sexual Assault Nurse Examiner (SANE). The exam may involve taking pictures of injuries, swabbing for evidence collection.

### Violence Against Women Act (VAWA) Offenses

The following table lists the number of campus VAWA offenses reported during the 12-month periods beginning January 1 and ending December 31.

<table>
<thead>
<tr>
<th>Crime Category</th>
<th>Subsets of On Campus Property Totals</th>
<th>Number of Incidents Reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Violence</td>
<td>0 0 0 0 0 0 0 0 0 0 0 0 1 0</td>
<td></td>
</tr>
<tr>
<td>Dating Violence</td>
<td>1 6 4 2 1 1 3 7 5 0 0 0 0 0 3 7 5</td>
<td></td>
</tr>
<tr>
<td>Stalking</td>
<td>0 2 2 2 1 4 2 3 6 0 0 0 0 0 2 3 6</td>
<td></td>
</tr>
</tbody>
</table>

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ADVOCACY OPTIONS

Creighton’s Violence Intervention and Prevention Center (VIP Center) can provide confidential advocacy to first- and second-hand survivors (students, faculty and staff) of sexual and relationship misconduct, harassment, and discrimination. This includes safety planning, assistance with protective measures, information and referrals for counseling and medical services, assistance with housing, academic extensions and absences, information on legal options, assistance in reporting to the University and/or local law enforcement. For more information, contact the VIP Center at 402.280.3794 or vipcenter@creighton.edu.

Individuals have the right to assistance regardless of their decision to report to the University or local law enforcement. The Office of Equity and Inclusion will assist students in their reasonable request for assistance with housing, transportation, work environment, academic situation, or protective measures following an alleged incident of sexual or relationship misconduct. Students may request assistance from the Office of Equity Inclusion by calling 402.280.3189 or emailing titleIX@creighton.edu. For more information on protective measures, please see Investigative Procedures, Section III, Protections for Parties.

REPORTING AN INCIDENT OF SEXUAL AND/OR RELATIONSHIP MISCONDUCT

Creighton University prohibits and condemns incidents of sexual and/or relationship misconduct. Individuals who wish to report an incident to the University should contact the Office of Equity and Inclusion. The Executive Director, who also serves as the University’s Title IX Coordinator, can be reached at 402.280.3189, titleix@creighton.edu or in Creighton Hall, Room 340. All faculty and all staff with supervisory or leadership responsibilities or responsibilities related to student welfare are mandatory reporters of sexual and relationship misconduct. All other individuals are strongly encouraged to report.

An individual who is accused of an incident of sexual and/or relationship misconduct is subject to institutional action as listed in the University’s Harassment, Discrimination, Sexual and Relationship Misconduct Policy (2.1.25). This policy outlines the University’s disciplinary proceedings for incidents of sexual and/or relationship misconduct.

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.

Additionally, individuals have the right to seek a civil order of protection. The VIP Center can assist students in obtaining an order of protection from Douglas County, the local authority. Individuals who have been granted an order of protection are encouraged to share this information with the Department of Public Safety, who will assist with campus enforcement.

Harassment, Discrimination, Sexual and Relationship Misconduct

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:

1. 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;

2. 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;

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

4. 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;

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

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

7. 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 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.

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. Prostitution 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 12, but less than 16.

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 were 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 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.

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.

b. **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 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 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.

   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 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 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 toward 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 a.m.-4:30 p.m.; 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 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: 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 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 School of Law 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
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 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 in 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.

   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.

Sex Offenders

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Creighton University is providing a link to the Nebraska State Sex Offender Registry. All sex offenders are required to register in the state of Nebraska and to provide notice of each institution of higher education in Nebraska at which the person is employed, carries a vocation or is a student.

In addition to the above notice to the State of Nebraska, all sex offenders are required to deliver written notice of their status as a sex offender to Creighton University’s Director of Public Safety no later than three (3) business days prior to their enrollment in, employment with, volunteering at or residence in Creighton University. Such notification may be disseminated by Creighton University to, and for the safety and well-being of, the Creighton community, and may be considered by Creighton for enrollment and discipline purposes.
Fire Safety

The Public Safety Department maintains a campus fire log available for review by the public. In the event of a fire on campus, this log contains information on the nature, date, time, and location of the event. For purposes of The Higher Education Opportunity Act, a fire is defined as “any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.”

All residence halls have building fire alarm systems that report to a central alarm monitoring station in Public Safety. Campus Emergency Procedures direct anyone who detects smoke or flame to activate a fire alarm pull station, evacuate the building and contact the Public Safety emergency number at 402.280.2911. The Public Safety dispatcher would then receive a fire alarm signal from the residence hall fire alarm system, summon the fire department, and dispatch Public Safety officers to the scene. Information received by the Public Safety dispatcher over the phone from witnesses would also be relayed to emergency responders. Reports of a fire would typically be reported to the Public Safety dispatcher.

Creighton is a tobacco-free campus; smoking is not allowed in the residence halls or on the property. Candles, other items with an open flame, flammable materials (incense, potpourri pots, live Christmas trees and wreaths, lighters, open-coiled appliances, and halogen lamps) are all banned from use in the residence halls due to their potential risk.

At the beginning of the semester, resident advisors explain emergency procedures and provide information to residents on the location of exit stairwells, fire extinguishers, and alarm pull stations. Residents are directed to evacuate the residence hall any time the building fire alarm sounds. Announced and unannounced fire drills are held in each hall during the year with the assistance of the Omaha Fire Department. Students who are or become mobility impaired are asked to notify their resident director so they can receive additional emergency procedure information and instructions. A list of mobility-impaired residents is kept at the front desk of each residence hall for use by emergency responders in the event of an evacuation. Campus Emergency Procedures provide specific, concise guidance to faculty, staff, and students for fire and other emergency events. Campus Emergency Procedures are available in decal form at Public Safety and accessible for download at: creighton.edu/emergencyprocedures

Opportunities for improvements in building fire alarm systems and fire safety improvements are routinely considered for new construction and existing structures.

2014 Statistics and Information Regarding Fires and Fire Safety in Creighton University Residence Halls

<table>
<thead>
<tr>
<th>Residence Hall</th>
<th>Total # of Fires</th>
<th>Date</th>
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## 2015 Statistics and Information Regarding Fires and Fire Safety in Creighton University Residence Halls

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### Creighton University Resource Guide

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<tr>
<th>Problem</th>
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<tr>
<td><strong>Alcohol and Drug Information</strong></td>
<td>Division of Student Life&lt;br&gt;Center for Health and Counseling</td>
<td>402.280.2775&lt;br&gt;402.280.2735</td>
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<tr>
<td><strong>Crime Prevention Programs</strong></td>
<td>Public Safety Crime Prevention Officer</td>
<td>402.280.1805</td>
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<td><strong>Crisis Counseling</strong></td>
<td>Center for Health and Counseling</td>
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<td><strong>Emergencies</strong></td>
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<td>402.280.2911&lt;br&gt;911&lt;br&gt;911&lt;br&gt;911 (Iowa)</td>
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<td><strong>Health Needs</strong></td>
<td>Center for Health and Counseling&lt;br&gt;Concerta Health Services</td>
<td>402.280.2735&lt;br&gt;402.731.7990</td>
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<td><strong>Maintenance Needs</strong></td>
<td>Facilities Management</td>
<td>402.280.2780</td>
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<td><strong>Personal Counseling</strong></td>
<td>Center for Health and Counseling&lt;br&gt;Campus Ministry&lt;br&gt;Employee Assistance Program</td>
<td>402.280.2735&lt;br&gt;402.280.2779&lt;br&gt;800.424.4831</td>
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<td><strong>Report a Crime</strong></td>
<td>Creighton University Department of Public Safety&lt;br&gt;Omaha Police and Fire&lt;br&gt;Douglas County Sheriff&lt;br&gt;Pottawattamie County Sheriff</td>
<td>402.280.2911&lt;br&gt;911&lt;br&gt;911&lt;br&gt;911 (Iowa)</td>
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<tr>
<td><strong>Sexual Assault Reporting</strong></td>
<td>Creighton University Department of Public Safety&lt;br&gt;Office of Equity and Inclusion&lt;br&gt;Omaha Police</td>
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<td><strong>Sexual Assault Advocacy</strong></td>
<td>Violence Intervention and Prevention Center&lt;br&gt;Women’s Center for Advancement (24-Hour Victim Hotline)&lt;br&gt;Methodist Hospital</td>
<td>402.280.3794&lt;br&gt;402.345.7273&lt;br&gt;402.354.4424</td>
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<td><strong>Sex Offender List</strong></td>
<td>Information on Registered Sex Offenders maintained by the Nebraska State Patrol can be accessed via a link on their website at sor.nebraska.gov</td>
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<td><strong>Shuttle Bus Information</strong></td>
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<td><strong>Student Affairs and Conduct</strong></td>
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**NOTE:** The Annual Security and Fire Safety Report is prepared by the Director of Public Safety with input from the Senior Director of the Office of Community Standards and Wellbeing; the Executive Director for the Office of Equity and Inclusion; the Director of Environmental Health and Safety; and other campus authorities. If you have any questions concerning this report or the safety conditions at Creighton University, you are encouraged to contact the Public Safety Department for additional details.