



Title IX Resource Guide

Creighton
UNIVERSITY

Non-Discrimination Statement

Creighton University is committed to providing a safe and non-discriminatory educational and employment environment. The University admits qualified students, hires qualified employees, and accepts patients for treatment without regard to race, color, religion, sex, marital status, national origin, age, disability, citizenship, sexual orientation, gender identity, gender expression, veteran status, or other status protected by law. Its education and employment policies, scholarship and loan programs, and other programs and activities are administered without unlawful discrimination.

Sexual harassment, including sexual and relationship misconduct, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. The University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment.

It is the policy of the University to make all programs and services available to individuals with disabilities. Inquiries concerning rights and responsibilities under Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 should be directed to the Executive Director for the Office of Title IX and Civil Rights Compliance (see below). To obtain information on accessibility of buildings and programs or to report problems of accessibility, employees should contact Human Resources at 402.280.2709 or HumanResources@creighton.edu. Students should contact Student Accessibility Services at 402.280.2195 or SAS@creighton.edu.

The following person has been designated to monitor compliance and to answer any questions regarding the University's non-discrimination policies:

Allison Taylor, *Executive Director*
Title IX Coordinator, Section 504 Coordinator
Creighton University
Office of Title IX and Civil Rights Compliance
Creighton Hall, Suite 340, Omaha, NE 68178
402.280.3189 | titleix@creighton.edu

The United States Department of Education's Office for Civil Rights (OCR) enforces Title IX. Information regarding OCR may be found at ed.gov/about/offices/list/ocr/index.html

For more information, visit creighton.edu/titleix

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Need Immediate Assistance?

| | |
|-------------------------|--------------|
| Emergency | 911 |
| Creighton Public Safety | 402.280.2911 |

The Violence Intervention and Prevention (VIP) Center
offers confidential advocacy to faculty, staff, and students.
402.280.3794 | vipcenter@creighton.edu

Office of Title IX and Civil Rights Compliance (T9-CRC)
can provide information about resources and supports
at the University, or take reports of alleged misconduct.
402.280.3189 | titleix@creighton.edu

DISCLAIMER

References to the “University policies,” “the policies,” or “policies” refer to the Title IX Sexual Harassment Policy (2.1.35) and the Non-Discrimination Policy (2.1.25) unless otherwise noted. These policies provide definitions and procedural guidelines the University utilizes when resolving alleged incidents of Sexual Harassment, involving faculty, staff, and students.

This resource guide includes a summary of information related to the policies. It does not contain either policy in its entirety. T9-CRC encourages all faculty, staff, and students to review the policies in order to fully understand what constitutes misconduct and what the University can do to promote a safe and welcoming campus environment.

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Policy Definitions

Creighton University condemns and prohibits sexual harassment.

Sexual Harassment

Hostile Environment: Unwelcome conduct, determined by a reasonable person, to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Creighton's Educational Programs or Activities.

Quid Pro Quo: An Employee of Creighton University conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual contact.

Sexual Assault: Includes the offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.

Rape: Carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Sexual Assault with an Object: Using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.

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.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Nebraska and/or Arizona law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent as defined by Nebraska and/or Arizona law. In Nebraska, the age of consent is 16 years of age. In Arizona, the age of consent is 18 years of age.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim

Domestic Violence: Felony or misdemeanor crimes 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 cohabitating 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 Nebraska and/or Arizona, or 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 Nebraska and/or Arizona.

Stalking: Engaging in a pattern 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.

Sexual Exploitation: Taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under the policy.

Title IX

Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded educational programs and activities. Creighton's Title IX Sexual Harassment Policy addresses sex discrimination and harassment in compliance with Title IX.

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. Consent is words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. It is the responsibility of all persons wishing to engage in sexual activity with another person to determine the capacity of that potential sexual partner to provide consent.

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 silence, passivity, lack of resistance, or lack of an active response (e.g., “freezing” or being physically unable to communicate).

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 informed when a sexual partner misrepresents or materially omits information about him or herself or the situation to gain sexual access. Being informed includes an awareness of whether pictures and/or video are being taken and a knowledge of a partner's sexual health status (e.g., sexually transmitted infections).

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

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.

Incapacitation: A state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, when, where, or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated and therefore unable to give consent when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Options

If you have experienced sexual harassment, you have options.

You may proceed in whatever way you choose. Creighton University strongly encourages all members of its community to report incidents of sexual harassment; however, students are not required to do so. Creighton will always provide support regardless of how you choose to move forward.

- Seek medical attention to address injuries and evaluate your health and well-being. Medical exams may also test for sexually transmitted infections, provide emergency medication if needed, and/or preserve evidence. Seeking medical attention and preserving evidence may be important in case you decide to report the incident to Creighton University or law enforcement. *Contact information for medical resources can be found on page 7.*
- Access confidential resources both on and off campus. *Contact information for confidential resources can be found on page 14.*
- Contact the Title IX Coordinator in the Office of Title IX and Civil Rights Compliance to report the incident to Creighton University. *Contact information can be found on page 15.*
- Contact law enforcement to make a report. *Contact information can be found on page 14.*
- Request supportive measures be put in place by the University to protect you and/or the campus community after you've experienced sexual harassment.

Supportive Measures

The University will offer and make available appropriate and reasonable Supportive Measures to protect and ensure the safety and well-being of the Complainant, Respondent, and the campus community upon receiving notices of the alleged misconduct pursuant to the Policies. These measures depend largely on the incident at issue and are determined by the University on a case by case basis. The Title IX Coordinator may work with other departments at the University to identify, coordinate, or implement Supportive Measures.

Creighton University will maintain the confidentiality of Supportive Measures to the extent that maintaining such confidentiality does not impair T9-CRC's ability to provide the Supportive Measures. The Title IX Coordinator or their designee will notify Complainants before personally identifying information that the University believes is necessary to provide a Supportive Measure, including what information will be shared, with whom, and for what reason.

Supportive Measures may be implemented regardless of whether a Formal Complaint is filed. Some examples of Supportive Measures are listed below:

- Academic support, extensions of deadlines or other course-related adjustments
- Class schedule modifications, withdrawals, or leaves of absence
- Providing campus safety escorts
- Implementing contact limitations (contact restrictions) between the parties
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety Planning

For additional examples of Supportive Measures, please visit the website: creighton.edu/titleix

Preserving Evidence

If you have experienced Sexual Assault, Dating Violence, or Domestic Violence, the number one priority is your safety. Once you have reached a place where you feel safe, Creighton encourages you to preserve evidence to the extent of your ability for all Sexual Harassment violations. Relevant evidence may include:

- 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. 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 and/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).

Medical Resources

If you have experienced sexual assault, dating or domestic violence and would like to receive medical care and/or document evidence of the incident, the following resources are available to you. Confidential advocates from the VIP Center (Omaha) or the Family Advocacy Center (Phoenix) may accompany you as you access these medical resources if you would like additional support. For immediate medical assistance contact Public Safety at 402.280.2911 (on-campus Omaha), 911 for off-campus locations, or visit an area hospital.

OMAHA RESOURCES

CHI Health Student Care Clinic
(on-campus, appointments and walk-ins)
2412 Cuming St.
402.280.2735

Methodist Hospital
8303 Dodge St.
707 N. 190th Plaza
24-hour Help Line: 402.354.4424

PHOENIX RESOURCES

Family Advocacy Center
2120 N. Central Ave., 2nd floor
Phoenix, AZ 85004
M–F, 8 a.m.—5 p.m.: 602.534.2120

Honor Health *(multiple locations)*
General Info (M–F, 8 a.m.—5 p.m.):
480.312.6340
24-hour assistance: 480.312.6339

Reporting

You can report to the University, law enforcement, both, or neither. It's up to you.

Creighton can respond to and investigate reports of Sexual Harassment at the same time as law enforcement (with some reasonable exceptions). Creighton's process deals only with violations of University policy, not the law. The University can assist you in filing a report with law enforcement.

Creighton University encourages the reporting of Sexual Harassment by victims and witnesses. In promoting the best interests of the campus community and encouraging individuals to report to T9-CRC, the University offers parties and witnesses amnesty from minor policy and/or code of conduct violations related to the incident.

You may report an incident of Sexual Harassment at any time. The University does not have a time limit for when incidents must be reported. Please note, however, that Creighton's ability to investigate and gather information about a reported incident may be limited in cases of delayed reporting. If the Respondent is no longer affiliated with Creighton University, the University may be unable to conduct a Formal Investigation.

Privacy

Creighton University will make every effort to preserve the privacy of reports. T9-CRC will not share the identity of an individual making a report or the identity of a Complainant, Respondent, or Witness involved in a matter outside of a need to know or to satisfy its duty to respond to ongoing issues of Sexual Harassment in the community. Also, the University may reveal a person's identity or private information when required to do so under law.

The University does not limit the ability of the parties to discuss their matters and experiences. However, Parties are advised that how they communicate about or discuss a particular case may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to the processes specified in the policies.

Mandatory Reporting

Creighton University requires faculty and staff to report incidents of sexual harassment to T9-CRC. Please review the Required Reporting of Abuse, Title IX, and Other Crimes Policy (2.1.26) for additional information regarding reporting obligations.

If someone experiences sexual harassment and wishes to speak to a confidential employee who is not a mandatory reporter, they can contact the Violence Intervention and Prevention (VIP) Center or Student Counseling Services to speak with a confidential advocate or counselor. *Contact information can be found on page 14.*

Reporting Options

The University encourages the reporting of all incidents of Sexual Harassment. Deciding whether to report an incident is a personal and often difficult decision. There are options available to you in this decision process.

OFFICE OF TITLE IX AND CIVIL RIGHTS COMPLIANCE

If you would like to formally or informally report an incident to the University, the the Office of Title IX and Civil Rights Compliance oversees and responds to all reports of Sexual Harassment at Creighton University. The office can provide individuals with Supportive Measures, regardless of an individual's decision to file a complaint.

Creighton Hall 340 | titleix@creighton.edu | 402.280.3189



To submit a report online, scan the QR code
or visit creighton.edu/safety/tell-someone

LAW ENFORCEMENT

All individuals have the right to report an incident to law enforcement. If you would like University assistance in filing a report with local authorities, please contact the VIP Center.

A full list of resources is available on pages 14-15 of this resource guide.

Anonymous Reporting

While anonymous reports are accepted and will be reviewed by the University, Creighton's ability to address alleged Sexual Harassment reported by anonymous sources may be significantly limited.

In cases where an individual reporting Sexual Harassment requests anonymity or does not wish to proceed with an investigation, the University will attempt to honor that request but, in some cases, may determine that the University needs to proceed with an investigation based on concern for the safety or well-being of the broader University community.

Under limited circumstances, the Title IX Coordinator may bring initiate an Investigation as the Complainant. For more information on those circumstances, please review the Policies.

Confidential Advocacy

To speak with a confidential advocate who will provide you with options and resources, the Violence Intervention and Prevention (VIP) Center provides free, confidential advocacy for students, faculty, and staff. VIP Center personnel will not share your information with anyone unless you ask them to do so.

Lower Brandeis Hall, B04 | vipcenter@creighton.edu | 402.280.3794

Obtaining a Protection Order

A protection order is from a judge to protect people from abuse, sexual assault, or harassment. *For assistance in applying for a protection order, please contact the VIP Center or the community resources listed on page 14 of this guide.*

If a court authorized protection order is issued, Creighton University will, to every extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order.

Nebraska

- **Domestic Abuse Protection Order:** For people who have been in close relationships (relatives, spouses or former spouses, people who have lived or are living together, etc.). It is granted because someone attempted, threatened, caused bodily injury or intimidated the other person by credible threat, or engaged in sexual contact or sexual penetration without consent.
- **Harassment Protection Order:** Does not depend upon relationships but requires a number of telephone or personal contacts that seriously terrify, threaten or intimidate the victim and serve no legitimate purpose.
- **Sexual Assault Protection Order:** Does not depend upon relationships and is granted because someone subjected or attempted to subject the other person to sexual contact or sexual penetration without consent.

To submit a protection order in Omaha, visit the Douglas County Courthouse, room 300. You will need a valid government issued ID that contains a picture and signature. To access the forms online, please visit supremecourt.nebraska.gov/self-help/protection-abuse/form-guide.

Every protection order is served by the Sheriff's department. The order is not in effect until it is personally served. Once the protection order is served, the Respondent has 10 business days to notify the Court if they wish to contest the Protection Order. You will receive notification of any court date and time that you may need to attend. At court, the judge decides if the protection order will be canceled or continued for one year. If the other party never asks for a hearing, then the protection order remains in effect for a year. A Sexual Assault or Domestic Abuse Protection Order may be renewed for 1 year, and yearly thereafter. The petitioner will need to file the Petition and Affidavit to Renew that states the reason(s) the renewal is being requested.

For more information on frequently asked questions regarding Nebraska protection orders: supremecourt.nebraska.gov/selfhelp/protection-abuse/faq

Arizona

- **Order of Protection** (A.R.S. 13-3602) is a court order to seek protection from a person you live with, now or in the past, or is an immediate family member.
- **Injunction Against Harassment** (A.R.S. 12-1809) is a court order to seek protection from a person other than someone you live with, a person with whom you have no relationship, or a current or former non-family member. Injunctions Against Harassment can be issued for individuals and workplaces.

To have an injunction granted or issued:

- The defendant must have committed acts of harassment in the last year.
- There must be at least two specific acts of harassment committed.

The Process of Obtaining a Protective Order

1. Go to Protective Orders office on the 6th floor (Room 608) at the Phoenix Municipal Court.
2. Court staff will help you determine the correct Court action for your situation.
3. Complete the paperwork for the judge to review.
4. Once completed, you will meet with a judge to discuss your request.

Information Needed:

- Name, date of birth and address of the person you are seeking protection from
- Past or present court proceedings involving yourself and the person from whom you seek protection
- Address and phone number of the person where the Protective Order can be served

The Protective Order is valid for 1 year from the date of service or if the Protective Order is not served within one year, it automatically expires.

For more information regarding AZ protection orders:
phoenix.gov/court/protection-orders

Investigations

All investigations into alleged violations of policy will be prompt, thorough, reliable, equitable, fair, and impartial.

Creighton University has tasked the Office of Title IX and Civil Rights Compliance with investigating Formal complaints of Sexual Harassment.

The Title IX Coordinator will select investigator(s) to gather facts about alleged violation of the Sexual Harassment Policy. Investigators will gather relevant facts, assess the credibility of evidence, and synthesize the information gathered into an investigative report.

Supportive measures may be provided during the course of the investigation in order to remedy the impact of what has been reported and to prevent future recurrence.

| STANDARD OF PROOF | SANCTIONS |
|---|---|
| Creighton utilizes the preponderance of the evidence standard to determine responsibility for alleged violations. This means that if the evidence shows that it is more likely than not that the alleged misconduct occurred, the Respondent will be found responsible for violating University policy. | Violations of the Non-Discrimination or Title IX Sexual Harassment Policies may result in sanctions and/or corrective action for the Respondent. Information regarding possible sanction can be found in the policies and the T9-CRC website. |
| TIMELINE | |

T9-CRC strives to conclude the investigative process within a reasonable timeframe of 30–45 days following transmittal of the written Notice of Investigation. This timeframe includes the investigator(s) conducting interviews, gathering evidence, affording the Complainant and Respondent the opportunity to respond to the evidence, completing The investigative report, and determination of responsibility by the appropriate process.

Investigations *continued*

Advisor of Choice

During a formal investigation, Complaints and Respondents have the right to consult with an advisor of their choice. Any person may serve as an advisor, including an attorney. If requested, the University may appoint an advisor. A Party must notify the identity of their Advisor of Choice to Investigators or Title IX Coordinator at least two (2) business days before the date of their first meeting with Investigators.

An Advisor is optional during the investigative process, but if the matter proceeds to a Hearing Board under the Title IX Policy, an Advisor is required to be present at the Hearing.

Retaliation

Creighton encourages the reporting of all incidents of Sexual Harassment. In order to reduce barriers for reporting or sharing information about such misconduct, the University strictly prohibits retaliation against those involved in any investigation.

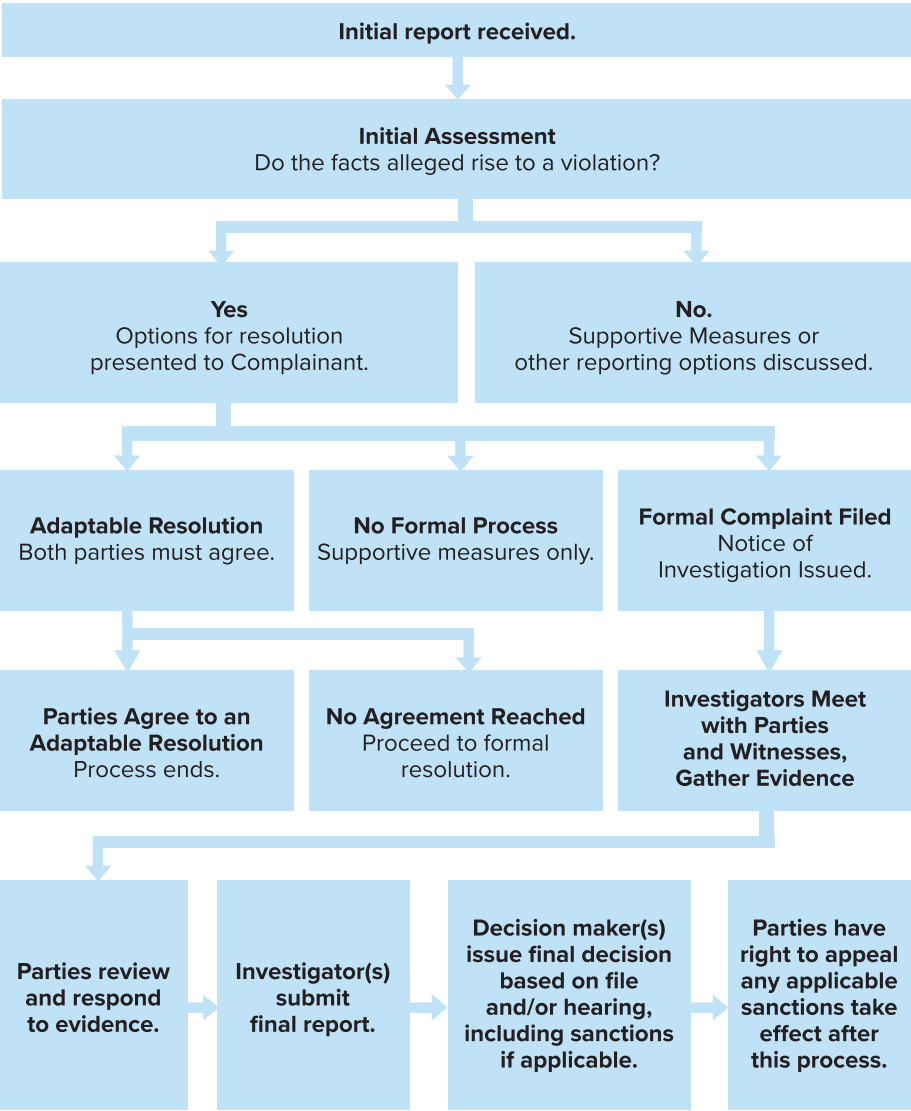
Retaliation is an intentional, adverse action taken against a person for making a report of alleged policy violations or for participating in any proceeding under the Policies. Adverse action is any conduct that seeks to discourage, threaten, intimidate, harass, or coerce an individual from engaging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

Appeals

Either the Complainant or Respondent may file an Appeal to any Final Determination made by the Hearing Board (Title IX Policy) or the Executive Director (Non-Discrimination policy.) The grounds for appeal are Significant Procedural Error, New Information, or Bias or Conflict of Interest. Please visit creighton.edu/titleix to view the appeal procedures, timelines, and instructions listed in the applicable policy.

Investigation and Resolution Process

The following flow chart is meant to provide a general overview of how the resolution process typically proceeds. For more detailed information about the process and the rights of the reporting and responding parties at each step, please visit creighton.edu/titleix.



Resources

Confidential Resources*

CAMPUS RESOURCES

Violence Intervention and Prevention (VIP) Center

Lower Brandeis Hall, B04 | 402.280.3794

vipcenter@creighton.edu

creighton.edu/vip

Student Counseling Services

Markoe Hall | 402.280.2256

Employee Assistance Program (faculty and staff)

800.424.4831

COMMUNITY RESOURCES

Women's Center for Advancement

3801 Harney St., Omaha, NE 68131

Monday–Friday, 8 a.m.—5 p.m.

24/7 Crisis Hotline: 402.345.7273

Business Line: 402.345.6555

Family Advocacy Center

2120 N. Central Ave., 2nd Floor, Phoenix, AZ 85004

602.534.2120

Hours: 8 a.m.—5 p.m.

Law Enforcement and Safety Resources

Local Law Enforcement

Emergency/requiring immediate police response: 911

Omaha Police non-emergency: 402.444.5600

Phoenix Police non-emergency: 602.262.6151

Creighton University Public Safety (Omaha Campus)

Schneider Building, 2222 Burt St.

Public Safety emergency: 402.280.2911

Non-emergency escort: 402.280.2104

Phoenix Health Sciences Building

Building Security: 602.812.4990 (24hrs)

Building Security non-emergency: 602.812.7300

**Jesuits on campus are confidential only during the Rite of Confession, otherwise they are considered to be mandatory reporters.*

Off-Campus & Informational Resources

Office of Civil Rights (U.S. Department of Education)

The Office of Civil Rights within the U.S. Department of Education oversees and responds to all complaints of harassment or discrimination under Title IX.
OCR@ed.gov | 800.421.3481 | ocrcas.ed.gov

Know Your IX

knowyourix.org

RAINN (Rape Abuse and Incest National Network)

rainn.org

National Sexual Assault Hotline

800.656.HOPE (4673)

National Human Trafficking Hotline

humantraffickinghotline.org | Call: 888.373.7888 | Text: 233733

National Teen Dating Abuse Hotline

866.331.9474

National Domestic Violence Hotline

800.799.SAFE (7233)

Individuals have the right to file a complaint with outside enforcement agencies. For more information about filing complaints outside of Creighton, please see the Investigative Procedures and Resolution Process portion of the Non-Discrimination Policy.

Title IX and Civil Rights Compliance

To contact the office, please call 402.280.3189 (Omaha)
or 602.812.4590 (Phoenix) or email titleix@creighton.edu
or titleixphx@creighton.edu

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