



RESOURCE GUIDE FOR  
**Sexual and Relationship  
Misconduct**

**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 Equity and Inclusion (see below). To obtain information on accessibility of buildings and programs or to report problems of accessibility, please contact Human Resources (for employees) in the Cardiac Center (located on the Omaha campus) or by phone at **402.280.2709**, or the Office of Disability Accommodations (for students) in the Old Gym 437 (located on the Omaha campus) or by phone at **402.280.2166**.

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 Equity and Inclusion  
Creighton Hall, Suite 340, Omaha, NE 68178  
**402.280.3189** | [allisontaylor@creighton.edu](mailto:allisontaylor@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](https://ed.gov/about/offices/list/ocr/index.html)

For more information, visit [creighton.edu/oei](https://creighton.edu/oei)

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## Need Immediate Assistance?

Emergency 911  
Creighton Public Safety 402.280.2911

**The Violence Intervention and Prevention Center** offers confidential advocacy to faculty, staff, and students.

402.280.3794 | [vipcenter@creighton.edu](mailto:vipcenter@creighton.edu)

**The Office of Equity and Inclusion** can provide information about resources and supports at the University, or take reports of alleged misconduct.

402.280.3189 | [oei@creighton.edu](mailto:oei@creighton.edu)

## DISCLAIMER

References in this brochure to “University policy,” “the policy,” or “policy” refer to the Harassment, Discrimination, Sexual and Relationship Misconduct policy (University Policy 2.1.25) unless otherwise noted. This policy provides definitions and procedural guidelines the University utilizes when resolving alleged incidents of sexual or relationship misconduct involving faculty, staff, and students.

This resource guide includes a summary of information related to the policy. It does not contain the policy in its entirety. The Office of Equity and Inclusion encourages all faculty, staff, and students to read the complete policy in order to fully understand what constitutes misconduct and steps taken by the University to promote a safe and welcoming campus environment for all of its members.

# POLICY DEFINITIONS

Creighton University prohibits acts of sexual and relationship misconduct amongst its community members.

## Sexual Misconduct

**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. *(See policy for examples of “intercourse”)*

**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. *(See policy for examples of “sexual touching”)*

**Sexual Exploitation:** When a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. *(See policy for examples of “sexual exploitation”)*

**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.

**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.

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment where submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic progress; submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or 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.

## Relationship Misconduct

**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.

**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 against the other current or former partner. *(See policy for examples)*

**Domestic Violence:** A pattern of intimidation, physical assault, sexual assault, and/or other abusive behavior committed by one partner against the other partner where the individuals are current or former spouses, individuals who share a child in common, or individuals who are cohabitating or who have cohabitated. *(See policy for examples)*

## 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 Harassment, Discrimination, Sexual and Relationship Misconduct 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. 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; consent cannot be inferred from the absence of a “no.” Consent 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).

**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.

# OPTIONS

If you have experienced sexual and/or relationship misconduct, you have options.

You may choose to proceed in whatever way you are most comfortable. Creighton University strongly encourages you to report incidents of sexual and/or relationship misconduct, but you are not required to do so. Creighton will offer you support in however you choose to move forward after an incident.

- 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 Equity and Inclusion to report the incident to Creighton University. *Contact information for the Executive Director of OEI can be found on page 15.*
- Contact law enforcement to make a report. *Contact information can be found on page 14.*
- Request protective measures be put in place by the University to protect you and/or the campus community after you've experienced sexual or relationship misconduct.

## Protective Measures

The University will take immediate steps to protect you and to ensure your safety and well-being, as well as the safety and well-being of the campus community, if you request such measures and they are reasonably available. Protective measures may be requested by both reporting and responding parties during the course of an investigation. Protective measures may be offered regardless of whether you seek a formal resolution with the University or make a report to law enforcement. They are determined and implemented in an individualized manner. Protective measures may include, but are not limited to, the following:

- Contact restrictions
- Adjustments to on-campus living arrangements
- Adjustments to work environments and/or duties
- Adjustments to class schedules or Creighton activities
- Adjustments to academic requirements
- Campus escorts and/or transportation arrangements
- Administrative separation from the University
- Safety planning

## Preserving 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.

- 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 or relationship misconduct and would like to receive medical care and/or document evidence of the misconduct, the following resources are available to you. Confidential advocates from the Violence Intervention and Prevention (VIP) Center at Creighton University may accompany you as you access these medical resources if you'd like them to do so. You can connect with an advocate by going to the VIP Center or by emailing them at [vipcenter@creighton.edu](mailto:vipcenter@creighton.edu). For immediate medical assistance, contact Public Safety at 402.280.2911 or visit an area hospital.

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

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

**CHI Health Creighton University  
Medical Center – Bergan Mercy**  
7500 Mercy Road  
**Emergency Center: 402.398.6161**

**CHI Health Creighton University  
Medical Center – University Campus**  
(on-campus, emergency)  
2412 Cuming St.  
**402.449.4000**

# REPORTING

You can choose whether to report sexual and/or relationship misconduct to law enforcement, Creighton, both, or neither.

Creighton can respond to and investigate reports of sexual and/or relationship misconduct at the same time as law enforcement. 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 harassment, discrimination, sexual and/or relationship misconduct by victims and witnesses. In promoting the best interests of the campus community and encouraging individuals to report to the Office of Equity and Inclusion, the University offers victims and witnesses amnesty from minor policy and/or code of conduct violations related to the incident.

You may report an incident of sexual and/or relationship misconduct 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.

## Privacy

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.

## Mandatory Reporting

All Creighton University faculty and all staff with supervisory or leadership responsibilities or responsibilities related to student welfare are required to report harassment, discrimination, sexual and relationship misconduct to the University. Confidential options are available both on and off campus with whom you may speak if you do not want to speak to someone who is designated as a mandatory reporter. The Violence Intervention and Prevention (VIP) Center and Student Counseling Services both are confidential resources on campus.

## Reporting Options

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

### 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](mailto:vipcenter@creighton.edu) | 402.280.3794**

### OFFICE OF EQUITY AND INCLUSION

If you would like to formally or informally report an incident to the University, the Executive Director of the Office of Equity and Inclusion oversees and responds to all reports of sexual and relationship misconduct at Creighton University. The Office of Equity and Inclusion may be able to provide you with protective measures.

**Creighton Hall 340 | [titleix@creighton.edu](mailto:titleix@creighton.edu) | 402.280.3189**

### 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 OEI, Creighton's ability to address alleged sexual and/or relationship misconduct reported by anonymous sources may be significantly limited.

In cases where an individual reporting sexual misconduct 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.

# INVESTIGATIONS

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

Creighton will investigate reported incidents of sexual and/or relationship misconduct after the Office of Equity and Inclusion receives notice of a complaint. Investigations are conducted by the University's trained Title IX investigators.

An investigative team will conduct interviews with the reporting party (person making the allegation), the responding party (person alleged), and any relevant witnesses to the alleged misconduct. The investigative team will also review any relevant evidence that is made available to them by any person involved in the investigation or by other sources. The irrelevant prior sexual history of the parties will not be considered as evidence. The investigators will document their findings in an investigative report that is presented to the Title IX Coordinator once the investigation is completed. The Title IX Coordinator will determine responsibility and outcomes to the allegations based on the information gathered during the investigation.

Interim 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 reoccurrence.

## STANDARD OF PROOF

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 responding party will be found responsible for violating University policy.

## SANCTIONS

Violations of the Harassment, Discrimination, Sexual and Relationship Misconduct policy may result in sanctions and/or corrective action for the responding party. Information about possible sanctions can be found in the policy and on the OEI website.

## TIMELINE

The Office of Equity and Inclusion strives to conclude the formal resolution process within 60 calendar days. The reporting party and responding party will be notified in writing of any reasonable delays during this process.

## TRUTHFULNESS

All parties are expected to be truthful when sharing information at any stage in the investigative process. Knowingly providing false information may constitute a policy violation and result in disciplinary action.

## Advisor of Choice

Reporting and responding parties have the right to consult with an advisor of their 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.

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, 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.

## Retaliation

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

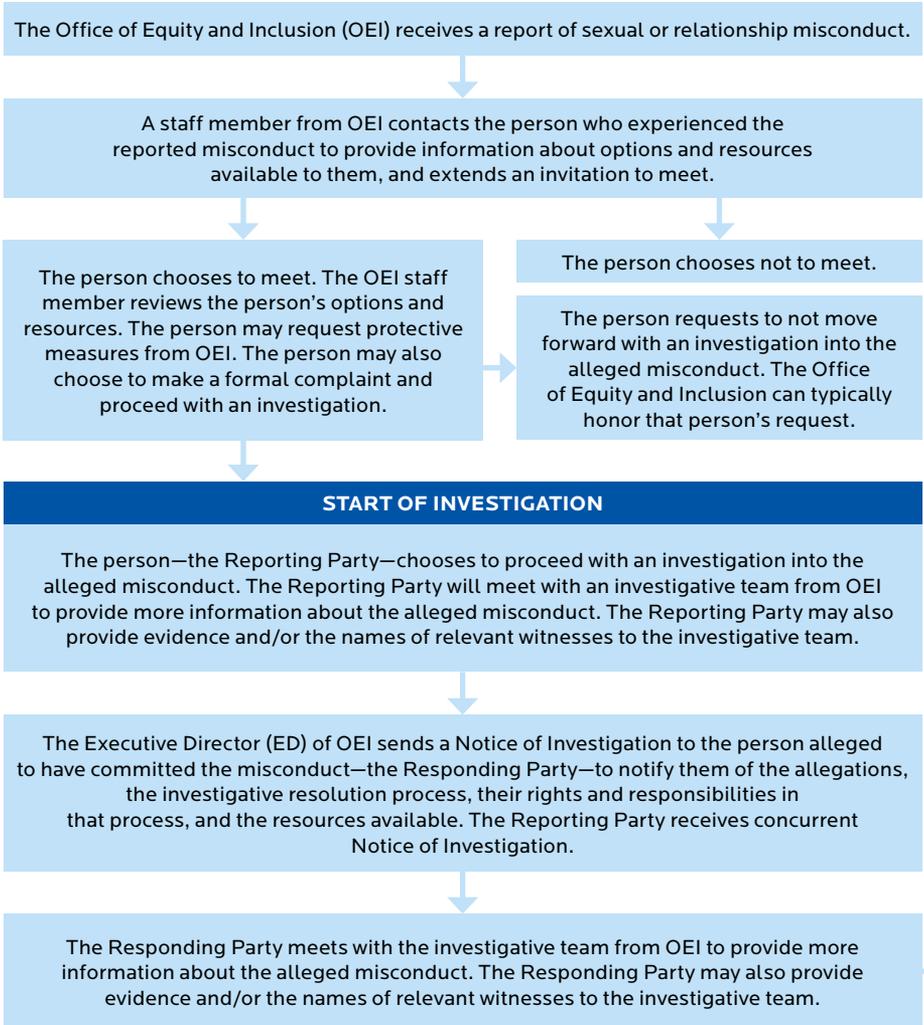
Retaliation is an intentional, adverse action taken against a person for making a report of alleged policy violations or for participating in any proceeding under this policy. Adverse action is any conduct that seeks to discourage, threaten, intimidate, harass, or coerce an individual from engaging in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

## Appeals

The reporting party and the responding party both have the right to appeal the decision made by the Executive Director for Equity and Inclusion. A written appeal must be filed within five (5) working days of the decision. Appeals must be based on one or more of the three following grounds: significant procedural error, new information, or disproportionate sanctioning. (*See policy for full explanation of the appeals process*)

# FORMAL 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 see the “Investigation and Resolutions” page at [creighton.edu/oei](http://creighton.edu/oei).



*Flow chart continues on the next page.*

The investigative team completes the investigation by conducting interviews with relevant witnesses, gathering evidence, conducting follow-up interviews if necessary, and writing an investigative report documenting its findings. Reporting and Responding Parties have the ability to review and respond to all evidence prior to the report being finalized.

The investigative report is submitted to the ED. The ED reviews the report and may consult with other appropriate University authorities about the report if necessary.

### NOTICE OF OUTCOME

The ED makes a determination about responsibility and sanctions (if applicable) pursuant to the alleged violations of policy. Responsibility is determined using the preponderance of the evidence (“more likely than not”) standard. The ED communicates the decision to the Reporting and Responding Parties concurrently.

### APPEALS PROCESS

The Reporting and Responding Parties both have five (5) business days to appeal the ED’s findings. Appeals must be based on the grounds listed in the policy. If one party appeals the decision, the other party is given the opportunity to respond to that appeal. This response must come within five (5) business days.

The Appeal Officer reviews all documents related to the investigation to determine if the appeal is substantiated under one of the appropriate grounds for appeal.

If the Appeal Officer determines that the appeal does not meet the grounds as stated above, the Appeal Officer will notify both parties of the outcome.

If the Appeal Officer determines that the appeal does meet the grounds as stated above, the Appeal Officer will take appropriate action as directed in the policy. The Appeal Officer will communicate a decision in writing to both parties at the same time.

# RESOURCES

## Confidential Resources

### CAMPUS RESOURCES

#### Violence Intervention and Prevention (VIP) Center

Meredith Lierk, *Associate Director for Violence Intervention and Prevention*  
Lower Brandeis Hall, B04 | [laurenward@creighton.edu](mailto:laurenward@creighton.edu) | 402.280.3794

Ellie Rohr, *Assistant Director for Violence Intervention and Prevention*  
Lower Brandeis Hall, B04 | [meredithlierk@creighton.edu](mailto:meredithlierk@creighton.edu) | 402.280.3794  
[creighton.edu/vip](http://creighton.edu/vip)

#### Student Counseling Services

Markoe Hall | 402.280.2735  
[creighton.edu/chc/studentcounselingservices](http://creighton.edu/chc/studentcounselingservices)

#### Employee Assistance Program (faculty and staff)

800.424.4831  
[magellanhealth.com/member](http://magellanhealth.com/member)

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

### 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

## Law Enforcement and Safety Resources

#### Omaha Police Department (Community)

Emergency/requiring immediate police response: 911  
Non-emergency: 402.444.5600

#### Creighton University Public Safety (Campus)

Schneider Building, 2222 Burt St.  
Public Safety emergency: 402.280.2911  
Non-emergency escort: 402.280.2104

## University Resources

### Office of Equity and Inclusion (OEI)

The Office of Equity and Inclusion oversees all reports and investigations of alleged sexual or relationship misconduct involving faculty, staff, or students.

Allison Taylor, *Executive Director and Title IX Coordinator*

Creighton Hall 340 | [allisontaylor@creighton.edu](mailto:allisontaylor@creighton.edu) | 402.280.3189

Marshall Kole, *Senior Investigator*

Creighton Hall 340 | [marshallkole@creighton.edu](mailto:marshallkole@creighton.edu) | 402.280.3189  
[creighton.edu/oei](http://creighton.edu/oei)

### Deputy Title IX Coordinators

Desiree Nownes, *Senior Director for Community Standards and Wellbeing*

Creighton Hall 224 | [desireenownes@creighton.edu](mailto:desireenownes@creighton.edu) | 402.280.2775

Brandy Menaugh, *Associate Athletic Director/Senior Woman Administrator*

Ryan Athletic Center 231 | [bmenaugh@creighton.edu](mailto:bmenaugh@creighton.edu) | 402.280.3008

### Human Resources

Beth Thomas, *Senior Director of Human Resources*

Cardiac Center | [beththomas@creighton.edu](mailto:beththomas@creighton.edu) | 402.280.1405

## 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](mailto:OCR@ed.gov) | 800.421.3481

[ed.gov/about/offices/list/ocr/index.html](http://ed.gov/about/offices/list/ocr/index.html)

### Know Your IX

[knowyourix.org](http://knowyourix.org)

### RAINN (Rape, Abuse, and Incest National Network)

[rainn.org](http://rainn.org)

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 portion of the Harassment, Discrimination, Sexual and Relationship Misconduct policy.

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For more information, visit:  
[creighton.edu/oei](http://creighton.edu/oei)