

**ADDENDUM TO  
EDUCATIONAL AFFILIATION AGREEMENT  
BETWEEN  
ALEGENT HEALTH  
AND  
CREIGHTON UNIVERSITY**

The Educational Affiliation Agreement between Creighton University ("School") and Alegent Health, a Nebraska nonprofit corporation ("Alegent"), is amended as follows:

**RECITALS**

WHEREAS, the parties executed an Educational Affiliation Agreement for the provision of a clinical practicum program at Alegent's hospitals and clinical sites with an effective date of September 1, 2004, ("Agreement").

WHEREAS, the parties desire to amend the Agreement and, as so amended, to continue performance, according to its terms.

NOW, THEREFORE, the parties agree as follows:

1. The Agreement is amended by adding the following clinical practicum program to be included under Section 1 of the Agreement entitled Alegent's Responsibilities, subparagraph a.:

Bachelor Science of Nursing  
Master Science of Nursing  
Doctor of Nursing Practice

2. The Agreement, as so amended, shall continue in effect according to its terms.

**CREIGHTON UNIVERSITY**

**ALEGENT HEALTH**

By: MARY KUNES-CONNELL PHD  
Name: MARY KUNES-CONNELL  
Title: ASSOCIATE DEAN FOR ACADEMIC & CLINICAL AFFAIRS

By: JANE CARMODY  
Name: JANE CARMODY  
Title: VP ICNO

Date: 9/10/2010

Date: 10-29-10

Daniel E. Burkey  
**Daniel E. Burkey**  
**Senior Vice President for Operations**

**ADDENDUM TO  
AGREEMENT BETWEEN  
CREIGHTON UNIVERSITY SCHOOL OF NURSING  
AND  
ALEGENT HEALTH**

This Addendum to Agreement Between Creighton University School of Nursing and Alegent Health ("Addendum") is made this 1st day of December, 1999, by and between Creighton University School of Nursing ("University") and Alegent Health ("Agency") to the Agreement Between Creighton University School of Nursing and Alegent Health entered into between University and Agency on October 1, 1999 ("Underlying Agreement").

University and Agency desire to enter into this Addendum for the purpose of further clarifying the Underlying Agreement.

NOW, THEREFORE, in consideration of the above and the mutual covenants and premises set forth below, the parties agree as follows:

1. An additional section, Section (18) is added to the Underlying Agreement as follows:

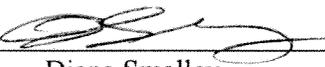
“(18) This Agreement is pursuant to the General Academic Affiliation Agreement for Education and Research between Alegent Health and Creighton University, dated July 24, 1998, which is, by this reference, made a part of this Agreement and shall control in the event of any conflict in terms. This Agreement is also pursuant to the Educational Affiliation Agreement between Alegent Health and Creighton University for nursing clinical students, entered into on August 1, 1998, which is, by this reference, made a part of this Agreement.”

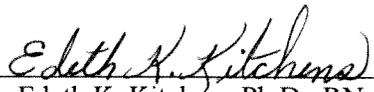
2. Except as amended herein, the remaining terms and provisions of the Underlying Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Addendum on the date first written above.

ALEGENT HEALTH

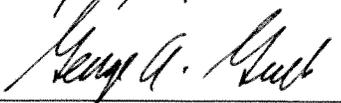
CREIGHTON UNIVERSITY

By:   
Diana Smalley  
Vice President of Operations

By:   
Edeth K. Kitchens Ph.D., RN  
Dean, School of Nursing

Date: 12/7/99

Date: 12/15/99

By:   
George A. Grieb, Vice President  
of Administration and Finance

Date: 12/20/99

**AGREEMENT BETWEEN  
CREIGHTON UNIVERSITY SCHOOL OF NURSING  
AND  
ALEGENT HEALTH SYSTEMS**

This agreement is entered into by Creighton University, School of Nursing, located at 2500 California Plaza, Omaha, NE 68178 (hereinafter referred to as UNIVERSITY) and Alegent Health Systems located at 1207 South 13<sup>th</sup> Street, Omaha, NE 68108 (hereinafter referred to as AGENCY).

**RECITALS**

1. UNIVERSITY is engaged in the operation of an approved school offering courses through its School of Nursing and desires to have its enrolled students in Nursing perform their clinical practicum experience at AGENCY.
2. AGENCY is willing to make its facilities available to the UNIVERSITY for clinical practicum experience to students enrolled in UNIVERSITY'S Nursing program.

**AGREEMENTS**

- (1) Clinical areas, dates, times and numbers of students will be mutually agreed upon at the beginning of each academic term.
- (2) UNIVERSITY will provide faculty members who will assume full responsibility for the instruction. Faculty will primarily coordinate the learning experience of the students, provide direction for the preceptor and student, and evaluate the student's achievement of the course objectives.
- (3) Faculty of UNIVERSITY and the preceptor will be responsible for selecting the learning experiences. Responsibilities of the faculty member are to:
  1. Identify students who meet the criteria for the preceptor experience.
  2. Communicate prior to the clinical experience with the student and preceptor the role of the agency in providing learning experiences for students, the role and responsibilities of the faculty and preceptor regarding the experience, and the responsibilities of the student in this experience.
  3. Serve as a resource to the preceptor and the student.
  4. Provide orientation materials, course objectives, forms, evaluation tools, and policies of the School of Nursing as needed to preceptor.
  5. Evaluate student progress and achievement with input from the student and preceptor according to course and student objectives.
  6. Be available and respond to concerns or issues that arise during the clinical experience.

7. Provide avenue for ongoing communication to student and preceptor.
8. Evaluate preceptor experience in relationship to course objectives.

Neither the AGENCY nor the UNIVERSITY shall discriminate against any employee, applicant or student for employment or registration in its course of study because of race, color, religion, sex, national origin, handicap, special disabled veterans status or Vietnam era veterans status. Both parties agree to comply with the Educational Rights and Privacy Act of 1974, as amended, governing the privacy of student records.

(4) AGENCY retains the responsibility for the supervision of patient care and the UNIVERSITY agrees to be responsible for the instructional program. Responsibilities of the AGENCY are to:

1. Approve clinical experience for the student (or students).
2. Assist in selection of staff nurses to act as preceptors. Preceptors will have completed an approved professional nursing education program, be licensed as a Registered Nurse in Nebraska, have at least 24 months experience in the practice of professional nursing, and expertise in the area of practice related to the responsibilities of the appointed position.

AGENCY shall provide orientation for students to the clinical areas of AGENCY. Orientation will include procedures for exposure to blood borne pathogens and hazardous materials as well as fire safety. AGENCY reserves the right to limit access by the student to confidential information within the agency.

Responsibilities of the preceptor in the agency are to:

1. Assist the student in processing information that will facilitate meeting course/learner objectives within the agency.
2. Provide learning experiences and client assignments to achieve student and course objectives.
3. Answer student questions.
4. Be present in the clinical setting and available to the student at all times during the prescribed clinical time.
5. Discuss with the student the implications of his/her observations within the agency.
6. Discuss preceptor's perceptions of the role of staff RN.
7. Inform the faculty member of problems or issues that are of concern to preceptor.
8. Communicate with the faculty member concerning student's progress.
9. Provide direct supervision of student(s) within the clinical learning experience.
10. Give student feedback on performance.
11. Formally evaluate student performance in the clinical area based on course and student objectives.

12. Limit student experiences as necessary for client safety related to client condition or student concern.

(5) The students and faculty of UNIVERSITY will adhere to all of the AGENCY'S policies and procedures while within the AGENCY including requirements such as certification in Basic Life Support and maintaining liability insurance. Students are expected to maintain practice within the safe limits which have previously been taught. Recognizing their own strengths and limitations, students are required to request help and supervision as needed. Responsibilities of the student are to:

1. Follow identified course/learner objectives for the experience to be met during the guided clinical experience.
2. Notify the preceptor and the faculty member in advance of absences from prearranged activities.
3. Observe designated clinical times.
4. Arrange for evaluation conference(s) with preceptor and clinical instructor.
5. Document activities.
6. Discuss client care with the preceptor each clinical day.
7. Confer with clinical instructor per course guidelines.
8. Maintain avenue for ongoing communication to faculty member and preceptor.
9. Maintain confidentiality of information obtained during clinical experience.
10. Identify own strengths and areas of needed growth.
11. Request help and supervision as needed from preceptor and/or faculty.

(6) In the event a student or faculty member suffers an illness requiring emergency care while on the premises of the AGENCY, the AGENCY will provide emergency medical care or will arrange transportation to receive emergency care. The cost will be charged to the student or faculty member. The UNIVERSITY will be notified of the incident.

(7) AGENCY agrees to permit students and faculty to use its Medical Library and have access to patient charts according to its standard policies.

(8) A conference between representatives of both the UNIVERSITY and the AGENCY shall be held once a year for the purpose of evaluating the practicum program, to review the agreement and to plan for future practicum experiences.

(9) This agreement does not contemplate the payment of a fee or remuneration by either party to the other but is intended to jointly benefit both parties by improving education and professional preparation of student through the clinical nursing educational program at the UNIVERSITY.

- (10) UNIVERSITY shall provide worker's compensation coverage for its staff members while on AGENCY premises to the extent such coverage is required by the State in which the UNIVERSITY is located.
- (11) During the term of this Agreement UNIVERSITY shall keep in full force professional liability insurance in the amount of \$1,000,000 per occurrence and \$3,000,000 in the aggregate which shall extend to the activities contemplated under this Agreement and undertaken on AGENCY premises, covering both faculty and students and shall provide AGENCY proof of said coverage.
- (12) UNIVERSITY agrees to hold AGENCY harmless from claims or injuries or damages to persons and property which arise out of the terms and conditions of this agreement which result from any act or omission of the UNIVERSITY and its faculty or students enrolled in the practicum program. AGENCY agrees to hold the UNIVERSITY harmless from claims or injuries or damages to person and property which arise out of the terms and conditions of this agreement which result from any act or omission of the AGENCY and its employees.
- (13) UNIVERSITY shall ensure that all students have had a physical examination, including a PPD test, and are current in their immunizations. Immunization shall include Hepatitis B and/or a signed waiver declining the vaccine. In no event shall UNIVERSITY enroll a student for practicum experience who the UNIVERSITY has reason to believe has contracted a communicable disease and is in the communicable period.
- (14) AGENCY has the right to terminate a student's practicum experience and use of its facilities, equipment or supplies where flagrant or repeated violations of the AGENCY'S rules, regulations, policies or procedures occur. Such action will not normally be taken until the charges against the student have been discussed with the appropriate representative of UNIVERSITY. However, the AGENCY reserves the right to take immediate action where necessary to preserve the quality of patient services and to maintain operation of its facilities free from interruption. The UNIVERSITY will not reassign the individual to the AGENCY without prior approval of AGENCY, which will not be unreasonably withheld.
- (15) AGENCY shall provide orientation for faculty members of UNIVERSITY who will orient students to the clinical areas of AGENCY. Orientation will include procedures for exposure to blood borne pathogens and hazardous materials as well as fire safety.
- (16) UNIVERSITY students and faculty shall wear UNIVERSITY designated uniforms with name tags while in the clinical area of the AGENCY.
- (17) This Agreement will become effective on October 1, 1999, and remain in effect unless terminated by either party by written notice given to the other party at least ninety (90) days in advance of such termination. Any students participating in a practicum

experience at the time of the notice shall be allowed to complete his/her practicum experience.

*EK 10/7/99*

~~ALEGENT HEALTH SYSTEMS~~

CREIGHTON UNIVERSITY

By   
Title ✓ 8

Date 10/7/99

By *Edeth K. Kitchens*  
Edeth K. Kitchens Ph.D., RN  
Dean, School of Nursing

Date 9/16/99

By *George A. Grieb*  
George A. Grieb, Vice President  
of Administration and Finance

Date 9/29/99

**ADDENDUM TO  
EDUCATIONAL AFFILIATION AGREEMENT  
BETWEEN  
ALEGENT HEALTH  
AND  
CREIGHTON UNIVERSITY**

The Educational Affiliation Agreement for Nursing students between Creighton University ("School"), located in Omaha, Nebraska, and Alegent Health, a Nebraska nonprofit corporation ("Alegent"), located in Omaha, Nebraska, is amended as follows:

**RECITALS**

WHEREAS, the parties executed an Educational Affiliation Agreement for the provision of a clinical practicum program at Alegent's hospital and clinical sites with an effective date of August 1, 1998 ("Agreement").

WHEREAS, the parties desire to amend the Agreement and, as so amended, to continue performance, according to its terms.

NOW, THEREFORE, the parties agree as follows:

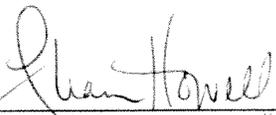
1. The Agreement is amended by adding the following clinical practicum program to be included under Section 1 of the Agreement entitled Alegent's Responsibilities, subparagraph a.:

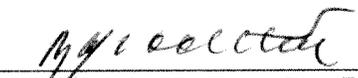
Nurse Practitioner

2. The Agreement, as so amended, shall continue in effect according to its terms.

**CREIGHTON UNIVERSITY**  
2500 California Plaza, Omaha, NE 68178

**ALEGENT HEALTH**  
1010 North 96th Street, Suite 200, Omaha, NE 68114

By:   
Name: Eleanor Howell  
Title: Dean - School of Nursing

By:   
Richard A. Hachten, II, FACHE  
President

Date: 2/12/06

Date: 3-16-06

  
Daniel E. Burkey  
Vice President for Administration and Finance

**ADDENDUM TO EDUCATIONAL AFFILIATION AGREEMENT  
BETWEEN  
ALEGENT HEALTH  
AND  
CREIGHTON UNIVERSITY**

Area of Study: Nurse Practitioner

Contact for Mary Kunes-CConnell, PhD  
SCHOOL: Creighton University School of Nursing  
402.280.2024  
MKC@Creighton.edu

Contact for Sheri L. Stephany, Staff Coord.  
ALEGENT: Center for Nursing Excellence  
11128 John Galt Blvd., Ste. 410  
Omaha, NE 68137

For the Period: 2/12/06 through ON-GOING

Site (please check all that apply)	Approx. # of Students
<input checked="" type="checkbox"/> Alegent Health Bergan Mercy Medical Center	<u>3-4</u>
<input checked="" type="checkbox"/> Alegent Health Immanuel Medical Center	<u>1-3</u>
<input checked="" type="checkbox"/> Alegent Health Midlands Hospital	<u>1-2</u>
<input checked="" type="checkbox"/> Alegent Health Mercy Hospital, Council Bluffs, Iowa	<u>1-2</u>
<input checked="" type="checkbox"/> Alegent Health Community Memorial Hospital, Missouri Valley, Iowa	<u>1</u>
<input checked="" type="checkbox"/> Alegent Health Memorial Hospital, Schuyler	<u>0-1</u>
<input checked="" type="checkbox"/> Alegent Health Mercy Hospital, Corning, Iowa	<u>0-1</u>
<input checked="" type="checkbox"/> Alegent Health Lakeside Hospital	<u>2-3</u>
<input checked="" type="checkbox"/> Alegent Health Clinic	<u>3-4</u>
Other (please specify): _____	_____
Other (please specify): _____	_____

CREIGHTON UNIVERSITY

Date: 2/23/06

By: Mary Kunes-CConnell, PhD  
Title: Associate Dean of Academic & Clinical Affairs

**EDUCATIONAL AFFILIATION AGREEMENT  
BETWEEN  
ALEGENT HEALTH  
AND  
CREIGHTON UNIVERSITY**

THIS EDUCATIONAL AFFILIATION AGREEMENT ("Agreement") is made and entered into this 1st day of August, 1998, by Alegant Health, a Nebraska nonprofit corporation, located at 1010 North 96th Street, Suite 200, Omaha, Nebraska 68114 ("ALEGENT"), and Creighton University ("SCHOOL"), located at 2500 California Plaza, Omaha, NE 68131.

The purpose of this Agreement is to secure clinical practice experience for students enrolled in SCHOOL by permitting the use of ALEGENT's facilities and resources. This Agreement does not contemplate the payment of a fee or remuneration by either party to the other but is intended to jointly benefit both parties by improving education through professional preparation of the students through the clinical program of SCHOOL.

**Section 1. ALEGENT's Responsibilities.** ALEGENT agrees to:

- a. Serve as a cooperating agency to provide clinical resources as agreed upon by ALEGENT and SCHOOL for students enrolled in the following area of study:

Nursing Clinical Students

This will be accomplished by allowing student participation in patient care in the ALEGENT facility or facilities as noted on the attached Addendum ("Program").

- b. Retain the responsibility for the supervision of patient care.
- c. Permit students to use its medical library according to standard policies.
- d. Provide emergency medical care or arrange transportation to receive emergency care for students who suffer an illness or injury requiring emergency care while on the premises of ALEGENT. The cost for medical care will be charged to the student and will be the student's responsibility, unless such medical treatment is necessitated by some act or omission of ALEGENT, its agents or employees, which act or omission occurs within the scope of their agency or employment.
- e. Provide SCHOOL and students with access to copies of ALEGENT's policies, procedures and regulations for the area(s) included in the Program as specified above.
- f. Provide the students with the opportunity for supervised review of pertinent medical records according to ALEGENT's established policy.

- g. If required by SCHOOL, complete written evaluations of each student's performance utilizing the evaluation forms and criteria provided by SCHOOL.

**Section 2. SCHOOL's Responsibilities.** SCHOOL agrees to:

- a. Appoint an affiliation program coordinator for SCHOOL to act as liaison with ALEGENT and to coordinate, prior to each academic term, clinical areas, dates, times, and numbers of students which are mutually agreeable to ALEGENT.
- b. Obtain written acknowledgment from students and/or their parent or guardian that they are required to adhere to all ALEGENT's policies and procedures while within ALEGENT.
- c. Communicate with representatives of ALEGENT at an agreed upon time to evaluate the clinical program, to review the Agreement, to plan faculty and student orientation, and to plan for future clinical experiences.
- d. Provide to ALEGENT one month prior to student placement the following information:
  - (1) The names and number of students who will be assigned to the Program during a given period of time.
  - (2) Dates and hours students will be present in ALEGENT's facilities.
  - (3) Statement of educational objectives.
- e. Advise the students of their responsibilities to comply with the operational policies and regulations of ALEGENT and maintain the privacy and confidentiality of information concerning patients and treatment delivered to patients.
- f. Provide worker's compensation coverage for its faculty while on ALEGENT's premises to the extent such coverage is required by the State in which SCHOOL is located. Worker's compensation coverage will not be provided by ALEGENT to the instructors or students of SCHOOL.
- g. Inform all students that they are required to submit to and pass drug testing by ALEGENT prior to commencement of the student's participation in the Program. Drug testing performed at an ALEGENT facility will be paid for by ALEGENT.
- h. Inform all students that they are required to provide to ALEGENT, prior to participating in the clinical program at ALEGENT, proof of physical examination,

including PPD skin test within one (1) year of his/her assignment and current immunizations. Immunization shall include Hepatitis B and/or a signed waiver declining the vaccine. Proof that the student is in compliance with the above requirements may be submitted to ALEGENT through a letter from SCHOOL and submitted to Alegent Health Occupational Health Services at the time of drug testing.

- i. Ensure that all minor students obtain parental/guardian consent required for participation in the Program, as well as for any medical examinations, immunizations, and screens conducted pursuant to Section 2(g) and/or 2(h).
- j. Ensure that students and instructors wear SCHOOL designated uniforms with name tags while in the clinical area of ALEGENT.
- k. Conduct a reasonable background investigation, including a criminal background check, on students to ensure that students are suitable for work in a patient care environment.
- l. Submit a written request for clinical rotation sites, dates and times, to ALEGENT representative for approval three (3) months prior to the beginning of the clinical rotation.
- m. Ensure that faculty and students possess current certification in basic life support prior to beginning clinical rotation. This requirement applies to all students and faculty similarly situated to the ALEGENT employees required to meet this standard, as identified in Alegent Health Policy #300.006, Mandatory Education.
- n. Assign qualified faculty to ALEGENT who maintain responsibility for the instructional program in the clinical area through the selection of learning experiences and provide instruction and supervision for students in the clinical area.
- o. Ensure all faculty possess a current professional license issued by either the State of Nebraska, if assigned in Nebraska, or Iowa, if assigned in Iowa. Professionally credentialed students must possess current licensure, registration, or certification, if that requirement is outlined in the eligibility criteria of SCHOOL. Validation of professional licensure will be provided to the ALEGENT representative for the legally defined renewal periods for either Nebraska or Iowa, as appropriate, and/or prior to the first clinical rotation at ALEGENT.
- p. Schedule all new on-site faculty or faculty which have not participated in clinical within the previous twelve (12) months for ALEGENT orientation prior to the first clinical rotation. On-site faculty are required to complete the Alegent Health Risk Management Education Program annually.

- q. Provide orientation of students by faculty to ALEGENT clinical area to include procedures for exposure to blood borne pathogens and hazardous materials, and fire safety. For schools that do not have an on-site faculty member, the student is required to complete the Alegent Health Risk Management Education Program annually.

**Section 3. Understandings of the Parties.** Both parties to this Agreement agree as follows:

- a. ALEGENT has the right to have and retain the responsibility for supervision of patient care through the established ALEGENT chain of command and ensure that the services provided pursuant to this Agreement will not interfere with the primary mission of patient care and treatment of the patient including the application of all pertinent Federal, State and Local Facility Regulations regarding patient care and treatment.
- b. ALEGENT has the right to terminate a student's practicum experience and use of its facilities, equipment or supplies where flagrant or repeated violations of ALEGENT'S rules, regulations, policies or procedures occur. Such action will not normally be taken until the charges against the student have been discussed with the appropriate representative of SCHOOL. However, ALEGENT reserves the right to take immediate action where necessary to preserve the quality of patient services, to protect the health, safety or welfare of patients or employees or other persons, and/or to maintain operation of its facilities free from interruption. SCHOOL will not reassign the individual to ALEGENT without prior approval of ALEGENT.
- c. ALEGENT has the right to terminate immediately, upon written notice to SCHOOL, a faculty member's use of the facility, equipment, or supplies where necessary to preserve the quality of patient services and/or to maintain the operation of its facilities free from interruption. Such action will not normally be taken until any charges have been discussed with the appropriate SCHOOL representative and the involved faculty member. However, ALEGENT reserves the right to take immediate action where necessary to preserve the quality of patient services and/or to protect the health, safety, or welfare of patients, employees, or other persons. SCHOOL shall retain full responsibility for any communication or follow-up with the faculty member. SCHOOL shall not reassign faculty member to ALEGENT without ALEGENT's approval.
- d. ALEGENT and SCHOOL will inform each other of any changes in policies or staffing which may affect the clinical education of the students.
- e. The students will be allowed to observe and participate in patient care only with the supervision and discretion of ALEGENT staff.

- f. If either party wishes to terminate this Agreement, the party wishing to terminate will give the other party at least ninety (90) days' written notice. Students participating in Program at the time notice of termination is given will be allowed to complete their study for the current term or semester even if completion is not possible within ninety (90) days.
- g. This Agreement may be amended at any time by mutual agreement of both parties, provided that before any amendment shall be operative or valid, it shall be reduced to writing and signed by both parties, and placed in an addendum to this Agreement.
- h. The term of this Agreement is one year. This Agreement shall thereafter automatically renew for successive one year terms unless terminated as set forth herein.
- i. Both ALEGENT and SCHOOL are independent contractors. Neither party is authorized or permitted to act as an agent or employee of the other. Nothing in this Agreement shall in any way limit or alter the control of the management, assets and affairs of the respective parties. Neither party, by virtue of this Agreement, assumes any liability for any debts or obligations of either a financial or a legal nature incurred by the other party to this Agreement.
- j. In order to adequately insure their respective personnel for liability arising out of the activities to be performed under this Agreement, SCHOOL and ALEGENT each agree to obtain and maintain in force and effect liability insurance to insure themselves and their respective personnel for liability arising out of activities to be performed under, or in any manner related to, this Agreement.

SCHOOL agrees to provide professional liability and general liability insurance for SCHOOL, its faculty, students and employees. ALEGENT agrees to provide professional liability and general liability insurance for ALEGENT, its staff, agents and employees. SCHOOL and ALEGENT shall each maintain professional liability insurance in the minimum amount of one million dollars (\$1,000,000.00) per occurrence and three million dollars (\$3,000,000.00) aggregate. SCHOOL and ALEGENT shall also each maintain comprehensive general liability insurance in the minimum amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate. Upon request, the parties agree to furnish to the other appropriate certificates of insurance. Both SCHOOL and ALEGENT agree that such insurance may not be revoked, reduced or changed in a material way without at least thirty (30) days' advance written notice to the other party.

- k. Students participating in the Program are employees neither of SCHOOL nor ALEGENT and shall not be entitled to receive compensation or benefits as employees of either party.

1. ALEGENT shall indemnify, defend and hold harmless SCHOOL, its faculty, students, agents, employees, and Board of Directors from and against any and all liability, responsibility, damages, costs, and/or expenses, including reasonable attorney fees, arising, either directly or indirectly, from any act or failure to act by ALEGENT its staff, agents and employees which may occur during or which arise out of the performance of this Agreement.

SCHOOL shall indemnify, defend and hold harmless ALEGENT, its staff, agents, and employees from and against any and all liability, responsibility, damages, costs, and/or expenses, including reasonable attorney fees, arising, either directly or indirectly, from any act or failure to act by SCHOOL, its faculty, agents and employees which may occur during or which arise out of the performance of this Agreement.

- m. Neither party shall discriminate against any student because of race, color, religion, sex, national origin, handicap, special disabled veteran status, or Vietnam era veteran status. Both parties agree to comply with the Educational Rights and Privacy Act of 1974 governing the privacy of student records.
- n. The parties mutually concur with the Center for Disease Control Statement that there is a risk for accidental exposure to blood or bodily fluids for students in health profession education programs and, therefore, mechanisms for risk assessment and initiation of prompt treatment situations of high risk exposures are necessary. Therefore, ALEGENT shall have in place an Accidental Exposure to Patient Blood or Bodily Fluids policy. If an accidental exposure to blood or bodily fluids occurs to a faculty member or a student while involved in a clinical learning experience at ALEGENT, the faculty member or student will be treated as an ALEGENT employee under ALEGENT's exposure incident policy as provided in and limited by the next paragraph of this subsection.

ALEGENT is responsible for (a) assessing potential risk; (b) if necessary, securing informed consent and a blood sample from the source patient for testing; and (c) cost and performance of blood testing. The faculty member or student is responsible for obtaining and paying for follow-up care, including emergency treatment of high risk exposures, and is liable for the expense. A report of any occurrence of an accidental exposure involving faculty or students shall be forwarded to SCHOOL; such report shall not include information regarding blood test results, follow-up care, or the faculty member or student's medical status, absent written consent of the faculty member or student.

- o. In the event any provision of this Agreement is held to be invalid, for any reason, the parties agree that this Agreement shall remain binding between them and in full force

and effect except for such invalidated provisions, unless to do so would substantially destroy the fundamental purpose of this Agreement.

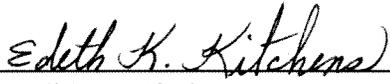
- p. Neither party shall assign or transfer this Agreement, or any interest or duties herein, without the written consent of the other.
- q. This Agreement shall be subject to, and construed under, the laws of the State of Nebraska; however, if applicable, SCHOOL does not waive its governmental immunity by entering into this Agreement and fully retains all immunities and defenses provided by law with regard to any action based on this Agreement.
- r. This Agreement is pursuant to the General Academic Affiliation Agreement for Education and Research between Alegent Health and Creighton University, dated July 24, 1998, which is, by this reference, made a part of this Agreement and shall control in the event of any conflict in terms.

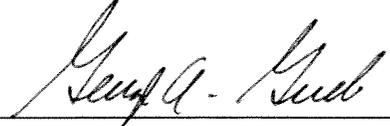
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

ALEAGENT HEALTH

CREIGHTON UNIVERSITY

By   
Diana Smalley  
Chief Operating Officer

By   
Edith K. Kitchens  
Dean

By  9/1/98  
George A. Grieb  
V.P. for Administration and Finance

**ADDENDUM TO EDUCATIONAL AFFILIATION AGREEMENT  
BETWEEN ALEGENT HEALTH AND CREIGHTON UNIVERSITY**

Area of Study: Undergraduate + Graduate Nursing

Contact for	<u>MARY KUNES-CONNELL, RNPHD</u>	Contact for	<u>Louann Jahde Allen</u>
SCHOOL:	<u>Creighton University Sch. of NS</u>	ALEGENT:	<u>800 Mercy Drive</u>
	<u>2500 California Plaza</u>		<u>Council Bluffs, IA. 51503</u>
	<u>402-280-2024</u>		<u># (712) 328-5584</u>
	<u>mkc@creighton.edu</u>		<u>Fax (712) 325-2461</u>

For the Period: August 1, 1998 through July 31, 1999

Site (please check all that apply)	Approx. # of Students
<input checked="" type="checkbox"/> Alegent Health - Bergan Mercy Medical Center	<u>20-30/semester</u>
<input checked="" type="checkbox"/> Alegent Health - Immanuel Medical Center	<u>30/semester</u>
<input checked="" type="checkbox"/> Alegent Health - Mercy Hospital, Council Bluffs, Iowa	<u>Approx 10 students</u>
<input checked="" type="checkbox"/> Alegent Health - Midlands Community Hospital	<u>Approx 10-15 students</u>
<input type="checkbox"/> Alegent Health - Community Memorial Hospital, Missouri Valley, Iowa	_____
<input type="checkbox"/> Alegent Health - Memorial Hospital, Schuyler	_____
<input type="checkbox"/> Alegent Health - Mercy Hospital, Corning, Iowa	_____
<input type="checkbox"/> Alegent Health Clinics	<u>unsure - curriculum revision - don't have 2nd semester completed</u>
<input checked="" type="checkbox"/> The Wellness Center <u>✓ OK</u>	_____
<input checked="" type="checkbox"/> Other (please specify): <u>Mercy Care Center</u>	<u>55 students/semester</u>
<input checked="" type="checkbox"/> Other (please specify): <u>Midlands Residential Treatment Ctr.</u>	_____
<input checked="" type="checkbox"/> Other (please specify): <u>Bergan Home Health, Mercy Home Health</u>	<u>55 students/semester</u>
	<u>MIDLANDS HOME HEALTH</u>
<input checked="" type="checkbox"/> Other (please specify): <u>BERGAN WOUND CARE CENTER</u>	<u>≈ 54 students</u>
<input checked="" type="checkbox"/> Alegent Health / Immanuel Fontenelle <u>✓ OK</u>	_____

CREIGHTON UNIVERSITY

Date: 5-27-98

By: Mary Kunes-Connell  
Title: Program Chair / Traditional Program

Alegent ymc clinic

Covers all Alegent Facilities

12

Include a statement, signed by the chief executive officer of the applicant school, on school letterhead, demonstrating the school's commitment to the delivery of programs located in Iowa, and agreeing to provide alternatives for students to complete programs at other institutions if the applicant school closes the program before students have completed their courses of study.

Statement may be in an attached document. (President's statement attached)

Provide an organizational plan that shows the location and physical address, telephone number, fax number and contact information for all internet-based and site-based educational locations, administrative, and service centers operated by the applicant and any parent organization.

State	Agency Name	Address	Contact Person	Telephone Number
ID	Idaho State University	921 South 8 <sup>th</sup> Avenue, Pocatello, ID 83209	Dept of Dental Sciences	208-282-3057
UT	University of Utah	26 South 2000 East, Suite 5900, Salt Lake City, UT 84112	Dental Education	801-581-8951
AK	University of Alaska-Anchorage	3200 Providence Drive, PSB 205, Anchorage, AK 99508	Pharmacy & OT	907-786-6057
AZ	St. Josephs Hospital and Medical Center	350 W. Thomas Road Phoenix, AZ 85013	Medicine	602-406-3649
OR	Oregon Health Sciences University	3930 SW Macadam-Mail Code MC104, Portland, OR 97239	Nursing	Chris Belden, 503-494-3272
OR	PeaceHealth Oregon Region	770 East 11 <sup>th</sup> Avenue, Eugene, OR 97401	Nursing	Jan Brooke, 541-688-7125
WY	Wyoming Medical Center	1233 E. Second Street, Casper, WY 82601	Nursing	Katie Davey, 307-577-7201

Provide documentation showing the school's policy for the resolution of student and graduate comments and complaints. Provide complete contact information to which complainants may be referred. The CU Student Handbook provides the process and procedure for addressing complaints related to harassment, academic disciplinary issues and use of electronic and others (Attachment I).

---



---



---



---

President

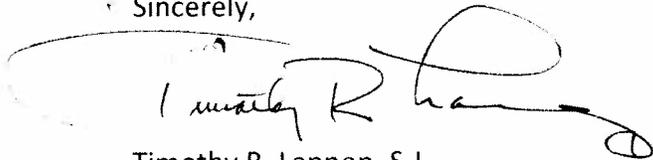
November 16, 2011

Ms. Carolyn Small  
Postsecondary Registration Administrator  
Iowa College Student Aid Commission  
603 E 12th St., 5th Floor  
Des Moines IA 50319

Dear Ms. Small:

Please accept this letter of assurance that Creighton University is fully committed to its Iowa programs, and that in the unlikely event of closure of any of them, Creighton University will provide adequate alternatives to the students enrolled in those programs to complete their course of study.

Sincerely,



Timothy R. Lannon, S.J.



# Student Handbook

Creighton University

2011 - 2012

**P. Pedestrian Escorts**

Pedestrians who are apprehensive about walking alone are encouraged to call Public Safety at (402) 280-2104 for an escort. An officer or student buddy will accompany you.

**Q. Tornado Safety**

**Tornado Watch:** A watch is in effect when the National Weather Service reports that conditions are such that a tornado COULD develop. Turn on a radio or television to monitor further developments. Public safety will not provide additional information.

**Tornado Warning:** Civil Defense Sirens will sound when a tornado has been sighted or detected by radar. Public Safety will then issue a CUAlert, but this communication is not instantaneous. Enroll in CUAlert at [www.creighton.edu/CuAlert](http://www.creighton.edu/CuAlert). Seek shelter immediately in the designated area of your building. Stay away from windows or large glassed areas. Remain in the shelter area until an all clear has been issued on the radio or television. Public safety will not provide additional information. A list of storm shelters is included on Public Safety's web site at [www.creighton.edu/PublicSafety/](http://www.creighton.edu/PublicSafety/). Please review this information before a warning is issued.

**R. University Closings**

1. The decision to close the University because of snowstorms or other events rests with the President who will notify the Vice Presidents of an emergency closing.
2. These administrators, in turn, will notify the departments under their supervision.
3. In the event of a closing, this announcement will be broadcast over local radio stations, or you may call the Weather Hotline at (402) 280-5800 to receive a recorded message regarding the status of a University closing. Public Safety will also issue a CUAlert notification.

*When a decision is made to close the University, that information is posted immediately on the weather hotline and a CUAlert is issued. There is no need to call the President, Student Life, or Public Safety under this procedure.*

**S. Vehicle Assistance**

Public Safety provides University motorists with on-campus jump-starts and equipment to unlock car doors for those who lock their keys inside.

## **VI. UNIVERSITY POLICIES**

**A. Affirmative Action Policy**

Creighton admits qualified students without regard to race, color, national or ethnic origin, handicap, sex, religion, or status as a disabled veteran or veteran of the Vietnam era. Its education and employment policies, scholarship and loan programs, and other programs and activities, are administered without any such discrimination. The University Associate Vice President for Affirmative Action and Diversity Outreach has been delegated the responsibility for coordination of the University's equal rights efforts. See: [www.creighton.edu/about/affirmative](http://www.creighton.edu/about/affirmative) action for more information.

**B. 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.

**1. Creighton's Approach to Alcohol Education**

As is mentioned later in this section, 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 wellness needs of our students, while also taking into account the decisions they may choose to make as a result of their need to socialize.

Creighton University expects its students to abandon high-risk drinking. Creighton's approach to alcohol education, entitled "Blue Zone: Zero to Three." The Blue Zone is defined as the following:

**ZERO** drinks if underage, driving, pregnant or on medication.  
Never more than **THREE** drinks on any one occasion.  
*And remember never have more than ONE drink in an hour!*

Creighton University defines one (1) drink as: a 12 oz beer, a 5 oz glass of wine, or a 1.25 oz shot of liquor, either straight or mixed. This definition is consistent with the guidelines from the National Institute for Alcoholism and Alcohol Abuse. (Available at <http://www.niaaa.nih.gov>)

This educational approach to alcohol is Creighton's way of setting up students for success with the choices they are beginning to make as young adults. It is also an approach that challenges students to remember their responsibility to themselves and their own personal health as well as to the greater community.

## 2. 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, acquaintance rape, 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 are 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.

## 3. Creighton University's Alcohol Policies:

Creighton University defines misuse or abuse of alcohol as:

**"Any alcohol-related behavior that adversely affects a person's life in regard to physical health, feelings of self-esteem, personal or family relationships, educational and occupational goals, or one's standing in regard to local, state or federal laws".**

Creighton University defines binge drinking as:

**"Activities that encourage irresponsible drinking (including, but not limited to, drinking games, chugging, and shots), are not permitted".**

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.

4. **CARE (Creighton Alcohol Recovery and Education):**

To assist students in an understanding of the impact alcohol can have on their lives, CARE is a program implemented to care for intoxicated students who could be in danger of hurting themselves or others. It provides students with proper medical attention and a safe environment in which to recover.

CARE Standard Operating Procedures for Intoxicated Students:

- a. A student is identified as potentially being intoxicated by demonstrating impaired judgment, impaired reactions, decreased coordination or unresponsiveness.
- b. Medical assessment and field sobriety tests are administered.
- c. The student is transported to CUMC if determined appropriate by the medical assessment.
- d. Parents are notified.
- e. Student is assessed by a CUMC physician to determine course of action. At risk students are hospitalized or placed in CARE where they will be monitored by nursing staff and provided with fluids and food.
- f. Student is released from CUMC with the approval of a CUMC physician. If the student is an on-campus resident, the Resident Director on Duty is notified.
- g. The incident is documented and referred for disciplinary action, which normally results in a student status of disciplinary probation or suspension; \$250 restitution fee; and educational sanctions.
- h. If the student fails to comply with CARE Standard Operating Procedures the student may be immediately suspended or expelled from the University.

**Opportunities: CARE Alternative Course** - In response to concerns that students who have been to CARE face severe and long-lasting disciplinary consequences, the Center for Student Integrity has developed Opportunities: CARE Alternative Course. This program is an option for students who are compliant with University officials during the documentation of their CARE 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 CARE is not eligible for the program. For more information, contact the Center for Student Integrity.

5. **On-Campus Alcohol Use:**

- a. Prior approval must be obtained from the Vice President for Student Life (or his/her designee) for any activity where alcohol is present. It will be necessary to complete and adhere to an alcohol contract obtainable from the Student Activities Office.
- b. Any sponsoring organization or group which serves alcohol at their events must use trained servers from University Dining Service. Students must present a valid ID and their student ID.
- c. Sponsoring organizations or groups assume responsibility for their social events. This responsibility includes insuring that only those of legal drinking age possess and/or consume alcoholic beverages, refusing to serve people who appear, act, or behave in an intoxicated manner; providing sufficient quantities of non-alcoholic beverages as dictated by the event and the crowd; and, finally, providing sufficient quantities of food throughout the event. In addition, the group has the responsibility of restricting alcohol to the designated area.
- d. Advertisement for any event on campus shall be in good taste and conform to the posting policy. Those events involving alcohol shall conform to the "Creighton University Guidelines for Promotion of Events Where Alcohol Will Be Served".
- e. Public advertising or open access to social events where alcoholic beverages are being served are not in the best interest of the sponsoring group or of Creighton University. Therefore, any event open to the general public will not be given permission to serve alcohol.

- f. For those on-campus social events where students are present and alcoholic beverages are being served, Public Safety personnel shall be notified of the event by the sponsoring group or organization to determine whether or not an officer should be present. The sponsoring group is responsible for any expenses that might result.
- g. Residents of the residence halls, if of legal drinking age, may possess alcohol within the confines of their room or apartment but may not use/consume it when minors are present.
- h. **Irresponsible Alcohol Use:** Students living in the residence halls shall not possess irresponsible amounts of alcohol nor should they provide irresponsible amounts alcohol to residents or guests of legal drinking age. Alcohol in the residence halls is only to be used in a responsible manner by individuals over the age of 21. Consequently, large amounts of alcoholic beverages (including, but not limited to, kegs, trash cans, handles of liquor, beer balls, and boxed wine), along with beer or malt liquors that contain 7% or more alcohol percentage by volume, are prohibited in the residence halls.
- i. Consuming or possessing open containers of alcoholic beverages is prohibited in hallways, bathrooms, stairwells, general lounges, lobbies, study rooms, and all public areas.
- j. Billy Blue's Alumni Grill is an on-campus restaurant in the Mike and Josie Harper Center for Student Life and Learning that serves alcohol. Any student under the legal drinking age attempting to purchase alcohol or consuming alcohol in the Alumni Grill will be suspended immediately from the University.

**6. 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. Greek organizations governed by Interfraternity and Panhellenic Councils have implemented specific alcohol guidelines that must be adhered to by Greek organizations.

**7. Violations:**

- a. Violations of the Alcohol Policy will be referred to the Office of the Vice President for Student Life 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.

**8. 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 twenty-one 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 twenty-one 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 twenty-one 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.

**9. 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 Assistant Vice President 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 Assistant Vice of President for Student Life.

**C. Anti-Retaliation**

Students have the right to be free from retaliation. Threats or other forms of intimidation or retribution against a student who files a complaint, participates in an investigation, appears as a witness at an administrative hearing, or opposes an unlawful act, discriminatory practice or policy, are prohibited and subject to university student discipline procedures. If a student has a complaint of retaliation, the student should use the procedures available under the Student Code of Conduct, the Sexual Harassment Policy or other policies outlined in this handbook.

For assistance with procedures, contact the Assistant Dean of Students at [respect@creighton.edu](mailto:respect@creighton.edu) or the Office of the Vice President for Student Life at (402) 280-2775.

**D. Communicable Diseases**

Creighton University strives to provide a campus environment that promotes good health, reserves the right to require specific immunization information of students, faculty, and staff and expects that each person will comply with immunization policy requirements, methods of preventing non-vaccine preventable diseases, as well as any infectious disease control programs developed at Creighton University. Noncompliance will result in exclusion from University activities and/or employment. The University will provide education to members of the University community to promote a healthy campus environment and to help prevent the transmission of communicable diseases. For more information, please refer to the University's Policy entitled *Control of Infectious Diseases*, 2.2.16.

## E. Drug Use

### 1. 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.

### 1. 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:

- a. 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.
- b. 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.
- c. Knowledgeable association in an environment where illegal substances are being used constitutes grounds for disciplinary action.
- d. 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.
- e. 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.
- f. See also: Creighton University Policy 2.2.15 on Drug and Alcohol Use, which complies with the Drug-Free Schools and Communities Act.

3. **Douglas County (Omaha) and Nebraska State Laws Regarding Controlled Substances:**

- a. It is unlawful to knowingly or intentionally: (a) Manufacture distribute, deliver, dispense or possess with intent to manufacture, distribute, deliver or dispense a controlled substance; or (b) 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 IC felony;
  - ii. At least 10 grams but less than 28 grams shall be guilty of a Class ID 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.
- f. 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 accused was under the influence of any specific controlled substance, but it shall be sufficient for a conviction for the state to prove that the accused was under the influence of some controlled substance by proving that the accused 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.

**F. Electioneering**

Signs are prohibited on the outside of buildings. The CSU Election Commissioner should be consulted before any campaign signs are posted. For additional information, please refer to the Posting Policy.

**G. Fair, Responsible, and Acceptable Use Policy For Electronic Resources**

1. **SCOPE**

This policy applies to all users of electronic resources owned or managed by Creighton University, including, but not limited to, CU faculty and visiting faculty, staff, students, external persons or organizations and individuals using CU resources to access network services, such as the Internet and Intranet. This policy also applies to any Creighton Community member, or CU sponsored group, who represent themselves on behalf of Creighton on electronic forms or other social networking sites.

2. **POLICY**

**Introduction**

Creighton University (CU) values technology as a means of communicating information and ideas to CU and the world. In keeping with Creighton's commitment to utilize technology in teaching and learning, this policy provides direction in the appropriate use of all forms of electronic resources on campus. This document articulates Creighton University Policy on Fair, Responsible and Acceptable Use of Electronic Resources on campus, provides examples of violations and outlines procedures and addressing policy violations.

**General Restrictions and Disclaimers**

While the use of CU electronic resources may be a requirement for coursework and work, access and use may be restricted or revoked in cases of misuse or abuse. CU reserves the right to limit access to its electronic resources when applicable CU policies, state and/or federal laws or contractual obligations may be violated. CU does not, as a rule, monitor the content of materials transported over the network or information posted on CU-owned block access to online content, it reserves the right to do so in the exercise of its reasonable discretion. CU may find it necessary to access and disclose information from computer, network, and telephone users' accounts for a

variety of reasons, including but not limited to when it appears necessary to protect the security of the University's electronic resources, to protect the University from liability, to uphold contractual obligations or other CU policies, to diagnose and correct technical problems, or when it is required or permitted by law. CU provides guarantee that its computer systems are secure. No user should have the expectation of privacy in information communicated or stored on the electronic resources. The University may find it necessary to view electronic data and it may be required by law to allow third parties to do so. CU may not be held accountable for unauthorized access by other users, nor can Creighton University guarantee protection against media failure, fire, floods, or other natural or man-made disasters.

#### **Use of Resources**

All users of Creighton University electronic resources are expected to utilize such resources in a responsible, ethical, and legal manner consistent with CU mission and policies. As a user of Creighton University electronic resources, you agree to abide by the guidelines of this Policy on Fair, Responsible and, Acceptable Use of Electronic Resources.

#### **Policies on Fair, Responsible, and Acceptable Use**

**Creighton University electronic resources may not be used to impair, disrupt, or in any way damage Creighton University networks, computers, or telephonic equipment or external networks or computers**

**For example, you may not:**

- a. Use CU electronic resources to breach security of any computer system.
- b. Knowingly give passwords or ID's to others.
- c. Use computer resources to send large amounts of email (e.g., email "spamming") to an internal or external system.
- d. Send email of any type to someone's address in an effort to disable their email capabilities.
- e. Run DNS or DHCP servers that interfere with Creighton's Network.
- f. Run a personal network or wireless network that interferes with Creighton's network.
- g. Forge, alter, or willfully falsify electronic mail headers, directory information, or other information generated and/or maintained by Creighton University.
- h. Use electronic resources irresponsibly or in a manner that adversely affects the work of others. This includes intentionally, recklessly or negligently (1) damaging any system by introducing "viruses" or worms", (2) damaging or violating information not belonging to you, or (3) misusing or allowing misuse of computer resources, or (4) tampering with, obstructing, modifying or otherwise damaging or moving/removing electronic equipment.
- i. Use Creighton University resources for non-University related activities that unduly increase the network load (e.g., mass mailings, network gaming and spamming).
- j. Improperly use Network resources to intentionally or unintentionally inhibit or interfere with the use of Network by others.
- k. Add unauthorized telephony equipment, such as cordless phones, that interfere or have the potential to interfere with the CU Network.
- l. Connect computers to the Network that have not been registered through CU-One.
- m. Alter or extend Network services, equipment, wiring or jacks beyond the location of their use.
- n. Connect the following types of servers to the Network: DNS DHCP, BOOTP, WINS< or any other server that manages network addresses.
- o. Configure a static IP address in any range used or intended to be used by the University. DoIT shall have the sole authority to assign network addresses to computers attached to the CU Network.
- p. Send disruptive signals to the Network as a whole, whether because of a defective cable, Ethernet card, or other hardware or software problem. DoIT reserves the right to require immediate, temporary disconnection of any computer that is causing disruption of network servers. It will be the responsibility of the computer operator to correct any such problem before the computer can be again connected to the Network.

**Unauthorized access, reproduction or use of the electronic resources of others is prohibited.**

**Use of CU electronic resources to interfere with or cause impairment to the activities of other individuals is prohibited.**

Use of CU electronic resources to harass or make threats to specific individuals, or a class of individuals, is prohibited.

Use of CU electronic resources in pursuit of unauthorized commercial activities is prohibited.

Use of CU electronic resources to violate city, state, federal, or international laws, rules, regulations, rulings or orders, or to otherwise violate any CU rules or policies is prohibited.

For example, you may not:

- a. Place software on university-owned equipment that is not legally obtained; such use must follow license and copyright laws as well as DoIT policies.
- b. Pirate software, upload or download music (MP3's, videos, etc.) and images in violation of copyright and trademark laws.
- c. Post, send or view illicit or inappropriate material.

**Enforcement of the AUP (To see the complete policy visit the website at: [www.creighton.edu/President/presofc/guidetopolicies/index.html](http://www.creighton.edu/President/presofc/guidetopolicies/index.html))**

DoIT shall have the authority to examine files, passwords, and account information residing on any electronic resources to protect the security of the University electronic resources and its users, or as otherwise specified in the policy. DoIT reserves the right to require immediate, temporary disconnection of any computer that is sending disruptive signals to the Network.

Violations of this Appropriate Usage Policy will be adjudicated as appropriate, by Vice Presidents' offices, Academic Deans, or Student Life. Sanctions as a result of violations of these regulations may result in any or all of the following:

- Loss of University computing privileges.
- Disconnection from the Network.
- University disciplinary sanctions as prescribed by the student Code of Conduct.
- Monetary reimbursement to the University or other appropriate sources.
- Separation from the University.
- Loss of employment.
- Prosecution under applicable civil or criminal laws.

#### **DEFINITIONS**

All computer-related equipment, computer systems, software/network applications, interconnecting networks, facsimile machines, voicemail and other telecommunications facilities, as well as all information contained therein (collectively, "electronic resources") owned or managed by CU.

#### **Administration and Interpretations**

This policy shall be administered by Information Security. Questions regarding this policy should be directed to the Information Security Officer, [bmclaughlin@creighton.edu](mailto:bmclaughlin@creighton.edu), (402) 280-2386.

#### **Amendment/Termination of this Policy**

The University reserves the right to modify, amend or terminate this policy at any time. This policy does not constitute a contract between the University and its faculty or employees.

#### **Exceptions**

Requests for an exception to this Policy must be submitted via the Policy Exception Request Form. All exception requests will be handled in accordance with the Information Security Exception Policy and Standard.

#### **Violations/Enforcement**

Any known violations of this policy should be reported to the University's Information Security Officer at 402-280-2386 or via e-mail to [infosec@creighton.edu](mailto:infosec@creighton.edu).

If University network resources and privileges are threatened by improperly maintained computing devices, Information Security and IT may act on behalf of the University to eliminate the threat by working with the relevant system administrator to quickly patch security holes. In circumstances where there is an urgent situation requiring immediate action, the device may be disconnected from the Network by Information Security or IT.

#### **H. Fleeing Student Policy**

Students who are at the scene of an incident where there is concern for students' safety or where conduct violations may have occurred are expected to remain at the scene of the incident until they are released by responding University staff. If a student leaves (flees) the scene of an incident without permission, the staff member will contact the student via any means possible in order to request the student's return to the scene. This includes, but is not limited to, phone, text message, or contacting the student's parent/emergency contact. Failure to return to the scene could result in disciplinary action.

#### **I. Food on Campus**

Creighton University contracts its food service through Sodexo Campus Services (also known as University Dining Services - UDS). All food and beverage provided on campus must be purchased from University Dining Services.

The University recognizes the importance of food menus to the success of certain educational and culturally diverse programs. Therefore, in the following cases the sponsoring registered organization or university department **MAY** be eligible for a waiver of catering exclusivity:

- Ethnic food banquets when UDS is not capable of providing authentic ethnic foods.
- Fundraisers (only registered student organizations are eligible).
- Promotional activities (only registered student organizations are eligible).

Individuals or organizations requesting exceptions to this policy should contact the Director of the Skutt and Harper Centers (Skutt Student Center, room 200) and the Student Activities Office to determine if the organization is eligible for an exception. If approved, guidelines will be provided on the safe procurement and distribution of food items for sale.

#### **J. Fundraising**

Creighton recognizes that fundraising activities are often utilized by student organizations. However, no student may use University facilities (without charge) for personal gain. All student organizations wishing to hold a fundraiser must have a completed and approved fundraising form on file in the Student Activities Office prior to securing room or mall reservations and prior to the event.

#### **K. Group Activity / Demonstrations**

Creighton University is an academic community founded upon a belief in rational dialogue and mutual respect among its members. The opportunities for communication with the University are many and varied and the University welcomes suggestions for enlarging or improving them.

The nature of the academic community demands that all members strive to maintain the rational dialogue which is the cornerstone of the University. There is no issue, be it a question of academic and administrative policy or of student rights and freedoms that cannot be approached within the framework of free discussion.

The University also acknowledges the rights of members to express their views by way of individual or collective activity. For reason of general information, assistance, and courtesy, as well as good order, the University requires that those contemplating demonstrations and similar activity make their intentions known in advance to the Office of the Vice President for Student Life for approval.

Students who participate in demonstrations and similar activities which interfere with the rights of others or the orderly functioning of the University or civic community are subject to disciplinary action. Additionally, students who continue to disrupt the institution after being requested to disperse by the University, subject themselves to legal action. **Non-**

members of the University community who participate in demonstrations and similar activities, which violate the above guidelines, render themselves liable to legal action.

## L. Harassment and Discrimination Policy and Procedures

In accord with its history, mission, and credo, Creighton University believes that each individual should be treated with respect and dignity.

Any form of harassment or discrimination is a violation of human dignity. The University strongly condemns any such harassment or discrimination. Whether verbal or physical, conduct of this sort violates another person's rights and can create an intimidating, hostile, or offensive working or learning environment. Such conduct when it is genuinely discerned is subject to prompt and effective remedial action. Students who believe they are victims of harassment or discrimination are encouraged to report the facts to the University in order that the University might investigate and take corrective action where appropriate.

The University and federal laws prohibit discriminatory treatment on the basis of race, color, sex, religion, sexual orientation, national origin, age, handicap or disability, marital status, citizenship, maternity or lactation status, status as a veteran or resulting from engaging in protected activity under the anti-discrimination laws. Examples of harassment include, but are not limited to, intimidation and humiliation as expressed by communications, threats, acts of violence, hatred, abuse of authority, or ill-will that assaults an individual's self-worth.

### Definition of Harassment

Harassment of a non-sexual nature can include bullying, stalking, slurs, comments, rumors, jokes, innuendoes, cartoons, pranks, and other verbal or physical conduct, frequent, derogatory remarks, and any other conduct or behavior deemed inappropriate by Creighton University. Any form of harassment or discrimination is contrary to the Student Credo of Creighton. All actions that may constitute harassment or discrimination will be investigated promptly.

#### 1. Bullying

Being bullied or harassed means that someone is subjected to deliberate behavior which is hurtful, threatening or frightening and this behavior may be an isolated incident or repeated over time. Any behavior, which sets out to cause other people pain or unhappiness, may be regarded as bullying.

**Bullying is not in the intention (e.g., just joking around) but in the perception of the behavior against another party.**

Bullying or harassment can take many forms, and without limiting its forms may include:

- **Physical bullying** – any intentional and unwelcome use of physical contact or deliberate property damage. It includes fighting, pushing, interfering with another's property by stealing, hiding, damaging or destroying.
- **Verbal bullying** – use of language to threaten or hurt. This includes name-calling, offensive language, putting people down, back stabbing, making degrading comments about another's family, religious, social or racial background.
- **Exclusion bullying** – leaving someone out on purpose to cause feelings of non-acceptance. It includes spreading malicious rumors, writing on posters/walls/books etc.
- **Extortion bullying** - use of threat or power to obtain favor or goods, e.g. bullying others to provide food, money, or schoolwork.
- **Racial/Religious bullying** – antagonism or prejudice directed towards someone on the basis of their race/religion.
- **Sexual Orientation bullying** – Homophobia, unwelcome and uninvited comments, attention, contact or behavior of a sexual nature that is found to be humiliating, offensive or intimidating.
- **Gesture bullying** – use of non-verbal signals to cause intimidation or fear.
- **Electronic bullying** – use of language or images to threaten and hurt by electronic means. (SMS text, emails, web sites, etc.) (See Fair, Responsible, and Acceptable Use for Electronic Resources, p. 38).
- **Psychological bullying** – spreading rumors, excluding, stalking, dirty looks, hiding or damaging possessions.

Any other conduct that is intimidating, unwelcome or uninvited – e.g. "Just Joking" which can cause discomfort to others.

## 2. **Stalking**

Stalking behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the university to seriously alarm, torment, or terrorize the person, and where the threat is additionally determined by the university to serve no legitimate purpose.

### **Definition of Sexual Harassment**

Sexual harassment is conduct that is sexual in nature; is unwelcome; and denies or limits a student's ability to participate in or benefit from an education program. Non-consensual sexual misconduct is considered the most serious form of sexual harassment. For specific policies and procedures refer to the non-consensual sexual misconduct policies and procedures in this handbook. (See Non-consensual Sexual Misconduct policies and procedures on p. 51).

A federal law, *Title IX of the Education Amendments of 1972*, prohibits discrimination on the basis of sex, including sexual harassment, in education programs and activities.

*Title IX* protects students from harassment connected to any of the academic, educational, extracurricular, athletic, and other programs or activities of Creighton University. *Title IX* protects both male and female students from sexual harassment by any Creighton University employee, another student, or a non-employee third party.

### **Three Types of Sexual Harassment:**

- a. **Hostile Environment** includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and objectively offensive that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:
  1. Behavior that is severe, pervasive and objectively offensive that it denies the student their right to educational opportunities or participation in campus activities;
  2. the frequency of the conduct;
  3. the nature and severity of the conduct;
  4. whether the conduct was physically threatening;
  5. whether the conduct was humiliating;
  6. the effect of the conduct on the alleged victim's mental or emotional state;
  7. whether the conduct was directed at more than one person;
  8. whether the conduct arose in the context of other discriminatory conduct;
  9. whether the conduct unreasonably interfered with the alleged victim's educational or work performance; or
  10. whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness;
  11. whether the speech or conduct deserves the protections of academic freedom.
- b. **Quid pro quo sexual harassment** exists when there are:
  1. unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
  2. submission to or rejection of such conduct results in adverse educational or employment action.
- c. **Retaliation** is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct. See: NCHERM Model Sexual Misconduct Policy.

### **Must the sexual conduct be unwelcome?**

Yes. Conduct is considered unwelcome if the student did not request or invite it and considered the conduct to be undesirable or offensive. The nature of the conduct and other relevant factors affect whether a student was capable of welcoming the sexual conduct. A student's submission to the conduct or failure to complain does not always mean that the conduct was welcome.

What if the sexual conduct is criminal in nature?

Sexual harassment includes conduct that is criminal in nature, such as rape, sexual assault, dating violence, and sexually motivated stalking. Sexual assault is a form of sexual harassment.

Are gay and lesbian students protected from sexual harassment?

*Title IX* prohibits harassing conduct that is of a sexual nature if it is unwelcome and denies or limits a student's ability to participate in or benefit from an educational program, regardless of whether the harassment is aimed at gay or lesbian students or is perpetrated by individuals of the same or opposite sex. *Title IX* does not address discrimination or other issues related to sexual orientation. (Please see the section on other types of discrimination.)

What steps will Creighton take if it receives reports of possible sexual harassment?

If a student or a responsible employee reports the harassment, the University will conduct a prompt, impartial, and thorough investigation to determine what happened and must take appropriate steps to resolve the situation. To report possible sexual harassment, please see the section of the Handbook entitled University Procedures for all Forms of Harassment and Discrimination (pages 46-47).

If other sources, such as a witness to the incident, an anonymous letter or phone call, or the media, report the harassment, the University will respond in the same manner described above if it is reasonable for the University to conduct an investigation and the University can confirm the allegations. Considerations relevant to this determination may include the source and nature of the information; seriousness of the alleged incident; specificity of the information; objectivity and credibility of the source that made the report; ability to identify the alleged victims; and cooperation from the alleged victims in pursuing the matter.

What if the victim requests confidentiality or asks that the complaint not be pursued?

The University will take all reasonable steps to investigate and respond to the complaint in a manner consistent with a request for confidentiality from a student. If a student insists that his or her name not be disclosed to the harasser, the University's ability to respond may be limited. The University also must consider its responsibility to provide a safe and nondiscriminatory environment for all students.

What actions, if any, will the University take while investigating a complaint?

It may be necessary for the University to take interim measures during the investigation of a complaint. For instance, if a student alleges harassment by another student, the University may keep those students separated until the investigation is complete.

What does the University do once the investigation is complete?

The University must notify the complainant of the outcome of its investigation and of any punishments imposed that directly related to the complainant, such as an order for the harasser to stay away from the complainant.

If the University determines that a student was sexually harassed, the University must take reasonable, prompt, and effective action to end the harassment and prevent it from happening again to the complainant or to others.

What if the harasser threatens to retaliate against the victim if he or she reports the incident?

*Title IX* also protects students from retaliation. The University will take steps to prevent the alleged harasser or anybody else at the University from retaliating against the victim, including informing students that *Title IX* protects them from retaliation, making sure that victims know how to report any future problems, and making follow-up inquiries to see if there have been any new incidents.

Taken from: U.S. Department of Education, Office of Civil Rights, *Sexual Harassment: It's Not Academic*, Washington, D.C., 2008.

**Victim Advocacy (402) 280-3794 or [respect@creighton.edu](mailto:respect@creighton.edu)**

The victim advocate can assist a victim in obtaining absences from class, making up missed assignments, or changing the victim's living arrangements if such changes are available.

### **University Procedures for all Forms of Harassment and Discrimination**

Individuals who believe themselves to be victims of harassment and who desire University assistance in dealing with the situation should immediately report the details to one of the following persons:

- a. Dr. Tanya Winegard, Associate Vice President for Student Life, Harper Center Suite 3060 (402) 280-2775 (complaints by students),
- b. Mr. John Pierce, University Affirmative Action Director, Administration Building 235, (402) 280-3084 (complaints by employees), or
- c. Mrs. Kathy Taggart, Chairperson of the University Harassment and Discrimination Committee, Criss I, #136, (402) 280-2360.

### **Student Procedures for Investigation and the Disciplinary Process--Center for Student Integrity (402) 280-2775**

Students are encouraged to file a report with the Center for Student Integrity. With a complaint filed, the Center for Student Integrity will commence an investigation. The complainant of an alleged harassment is entitled to rights in the disciplinary process. (See Procedures of Student Discipline Committee Hearings on p. 66)

Anti-Retaliation Policy: A student has the right to be free from retaliation in any form. If you feel that you have been retaliated against, contact the Center for Student Integrity to report at (402) 280-2775.

See also: Respect for the Dignity of the Person (page 54).

## **M. Hazing and Initiation**

The University strictly prohibits hazing - in any form, at any time - including hazing in connection with training, indoctrination, qualification for membership, functions or activities, or initiations conducted or sponsored by any student organization, athletic team, or group of students. Hazing includes any action taken or situation created, whether on or off campus, intended to produce or which may foreseeably produce unusual or unnecessary mental or physical discomfort or pain, embarrassment, harassment, ridicule or risk of physical, mental or emotional harm or injury.

Hazing also includes any action or situation which is intended to be or which may foreseeably be morally, physically, emotionally or mentally degrading to any individual, or which unnecessarily exposes any individual to any risk of physical, mental or emotional harm, injury or distress beyond the risks encountered in ordinary daily life, or which is intended to intimidate or has the effect of intimidating any individual to unwillingly or reluctantly engage in any activity, or which unreasonably interferes with scholastic activities or pursuits of any individual.

As examples, hazing includes, but is not limited to, any conduct or method of initiation into or participation in **any student organization, athletic team, or other student group** which willfully or recklessly endangers the physical or mental health of any student or other person, including, but again not limited to: whipping, beating, or branding; forced, coerced or required calisthenics or physically exerting activities; exposure to weather or the elements; forced, coerced or required consumption of any food, liquor, beverage, drug or other substance; any brutal or cruel treatment; and any activity which subjects any student or other person to extreme mental stress, including any extended deprivation of sleep or rest or extended isolation.

Any form of hazing is contrary to the **Student Credo of Creighton**. Any individual, who believes she or he has been subjected to or has knowledge of hazing, should report the violation as soon as possible to the **Center for Student Integrity at (402) 280-2775**

The University fully reserves to University officials the authority to interpret this policy, and to apply the policy as so interpreted, to the actions of University students and organizations, as University officials in their discretion deem appropriate under the circumstances.

**Serious disciplinary action will be imposed by the University upon any student or student organization, athletic team, or group of students found in violation of this policy, up to and including revocation of the charter of, and/or withdrawal of University privileges from, a student organization, athletic team or student**

group and suspension or dismissal from the University of individual students determined to have violated this policy.

**Victim Advocacy (402) 280-3794 or [respect@creighton.edu](mailto:respect@creighton.edu)**

The victim advocate can assist a victim in obtaining absences from class, making up missed assignments, or changing the victim's living arrangements if such changes are available.

#### **N. Indebtedness to the University**

A student in debt to the University will not be permitted to register for the following semester; nor will he/she be entitled to receive a transcript of his/her credits until this indebtedness has been settled. This regulation applies to student indebtedness to the University only and not indebtedness to student organizations.

#### **O. International Travel Policy**

Creighton University recognizes the value of international learning and service activities. At the same time, Creighton acknowledges the potential risks which participants in international experiences may encounter, and monitors conditions that could adversely affect the health, safety and security of members of the Creighton community who wish to travel internationally. The University's policy on trips outside of the United States is set forth below.

Creighton University will not permit members of the Creighton community who are using Creighton resources or representing Creighton in any way to travel abroad to a country which is under either a **Centers for Disease Control ("CDC") Travel Health Warning** or a **U.S. Department of State Travel Warning**, or which has an unacceptable safety rating according to Creighton's insurance carrier. Insurance carrier travel ratings can be obtained by contacting the Creighton University Risk Management Office at 280 5833 or [kbooton@creighton.edu](mailto:kbooton@creighton.edu).

A **CDC Travel Health Warning** is issued when there is a widespread, serious outbreak of a disease of public health concern.

A **State Department Travel Warning** means the State Department has decided, based on all relevant information, to recommend that Americans avoid travel to a certain country.

If a trip has been approved for travel to a location that becomes the subject of an active travel warning before the participants depart, the trip will be cancelled. Creighton University will take steps to withdraw participants from a country if a travel warning is declared for that country.

The State Department may also issue a **travel alert** as a way to disseminate information about terrorist threats and other relatively short-term and/or trans-national conditions posing significant risks to the security of American travelers. While trips to countries for which a travel alert has been issued are not always prohibited, Creighton University reserves the right to cancel a planned trip, or withdraw participants from a country, in the event a travel alert is issued for a particular country if the alert indicates a special danger for the trip.

The Office of the Vice President for Student Life and the Office of International Programs must be notified in advance of any Creighton trips to foreign countries involving Creighton students. These trips may include, but are not limited to: service trips, presentations/attendance at conferences, and intramural/ club/organization tournaments. University affiliated trips are defined as those in which a Creighton delegation/group/team/organization is attending, if university or student fees are utilized, and/or the Creighton name will be used during the trip.

The Office of International Programs must be notified in advance of Creighton trips involving faculty or staff members. Faculty members should also advise their Dean's office of their travel plans.

The Vice President of the division in which the travel is administered will make decisions regarding travel in his or her division, with input from the Risk Manager, Office of International Programs, and other persons with subject matter expertise.

Members of the Creighton community must be aware of the conditions they may encounter when they travel

internationally. Creighton University strongly recommends that all persons seeking to travel internationally check the US State Department website (<http://travel.state.gov>) before they depart. Students may register a trip with the State Department at this site. Creighton University also recommends that travelers review the CDC site at <http://wwwnc.cdc.gov/travel>.

#### **P. Missing Persons Notification Policy**

All institutions that receive federal funding and have a housing program must have a policy regarding missing student notification for students who reside in on-campus housing facilities, as well as procedures for notifying a person of the resident student's choice should that resident student go missing. This notification must be made within 24 hours of the institution learning that the student is missing.

#### **Designation of Emergency Contact Person**

The Department of Residence Life will annually notify each resident student that he/she has an option to identify an individual whom the University will contact within 24 hours of the University being notified that the student has gone missing.

Students' emergency contact information will be registered confidentially. This information will be accessible only to authorized campus officials, and it will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

#### **Where to Report a Missing Student?**

If a student, employee, or other individual believes that a student has been missing for 24 hours, they should report this information to any of the following offices:

Department of Public Safety at (402) 280-2104 or 402-280-2911  
Department of Residence Life at (402) 280-2717  
Office of the Vice President for Student Life at (402) 280-2775

For students, to your Resident Director or Resident Advisor.

Important information to share includes:

1. Name of the missing student and the student's campus residence.
2. The name and contact information of the reporting person including address and phone number.
3. The relationship of the reporting person to the missing student
4. The missing student's employer if applicable and known
5. When the student was last seen, where, and under what circumstances.
6. Any information about the student's condition that might be helpful in determining the whereabouts of the student such as:
  - a. When was the student last seen?
  - b. Where was the student last seen?
  - c. Has the student been in good health or has otherwise been of any concern to the reporting student?
  - d. Did the student have any known plans to travel, visit friends, etc.? If "yes", what were these plans and where was the destination.
  - e. Did the missing student's plans involve others?
  - f. How often does the reporting student typically see or contact the student?
  - g. Has the reporting student received any recent emails, texts.
  - h. Has the student been under any unusual pressures such as upcoming exams, homework assignments, etc.?
  - i. Is there any reason to believe the student might be in danger or harm or is a potential victim?
  - j. Has the reporting person contacted any law enforcement agency, or the student's parents or guardians? If not, why not? Assist the reporting student to notify authorities.

All missing student reports made to an office, other than the Department of Public Safety, will be referred immediately to the Office of Public Safety for investigation.

If Public Safety determines that the student has been missing for more than 24 hours and has not returned to campus, the emergency notification procedures outlined below will be initiated.

#### **EMERGENCY NOTIFICATION PROCEDURES**

Creighton University will contact the resident student's emergency contact person within 24 hours of determining that the student is missing, if the student has been determined missing by the Department of Public Safety, or by local law enforcement;

If a student is under 18 years of age and not emancipated, Creighton University will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person the student has designated.

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

#### **DEPARTMENT OF RESIDENCE LIFE PROCEDURES**

The Department of Residence Life's procedures for notification include the following:

1. The Department of Residence Life will report to Public Safety when they receive a report that a resident student appears to have gone missing.
2. Should the report result in a confirmation by Public Safety that the student is missing for more than 24 hours and the student has submitted emergency contact information, Creighton will contact the individual the student has identified as their emergency contact.
3. Should the report result in a confirmation that the student is missing for more than 24 hours, Creighton will also contact the custodial parent/guardian immediately if the student is not emancipated and is under the age of 18.
4. Should the report result in a confirmation that the student is missing but neither "2" or "3" apply, Creighton will notify the local Police department.

Should the report result in a confirmation that the student is missing but neither "b" or "c" apply, Creighton will notify the local Police department.

### **Procedures**

#### **To Whom does this apply?**

All students who live in on-campus housing are affected by this policy. Certain additional conditions apply for those residential students who are under the age of 18 and unemancipated at the time they are believed to be missing.

- On-campus housing means a dormitory or other residential facility for students that is located on the University's campus.
- Campus means any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to the University's educational purposes, including residence halls.

#### **Who is responsible for the implementation of this policy?**

1. The responsible administrators and office for this policy are the Associate Vice President for Student Life – Residence Life in the Department of Residence Life. In his absence, the contact will be the Assistant Director of Residence Life or the Resident Director on Duty who, in turn, will contact the University Responder on Call. If the initial report of a missing student is not made to the Office of Public Safety, the responsible administrator will contact the Department of Public Safety which, in turn, will notify the Director of Public Safety.

2. The line of authority for this policy is the Associate Vice President for Student Life – Residence Life to the Vice President for Student Life to the President. The Office of Public Safety will keep these administrators informed throughout the process.
3. If the initial report of a missing student is made to the Department of Public Safety, Monday through Friday, 8 a.m. to 4:30 p.m., Public Safety will contact the individuals mentioned in Item 2 above. During other days and times, the Public Safety Officer will contact the Resident Director on Duty who will communicate the information to the others listed in Item 2 above.

**When will notifications be made?**

Immediately upon the University being informed that a resident student has been missing for 24 hours.

**What will the University do?**

1. At the beginning of the year, the Department of Residence Life will distribute to all resident students an emergency contact information card. This will include a place for the resident to write in the name and contact information in case the student should become missing at any time during the academic year. This contact will remain confidential information until needed. All such emergency contact cards will be maintained by the Resident Director office or Assistant Resident Director office.
2. When any member of the Residence Life staff or the Student Life staff is informed that a resident student is missing, the Creighton University Public Safety office will be immediately notified. If the Resident Life staff or the Student Life staff is notified of a missing resident student and it is after regular business hours, the Public Safety office will still be called immediately at (402) 280-2104 or (402) 280-2911.
3. A University representative will attempt to contact the student by:
  - a. Calling the student's personal cell phone on record.
  - b. Entering the student's campus residence room or apartment to investigate the student's activities.
  - c. Check the use of the student's ID card to determine the student's whereabouts.
  - d. Contact the student's faculty members and check class attendance.
  - e. Contact known friends, roommates, places of work, or any acquaintances that the student may have.
  - f. Check social networks such as "Facebook" or "My Space" to determine if the student has posted any information on line.
4. If the student is unable to be contacted by any of the methods listed above, the University will, within 24 hours of being notified that the student is missing, notify the Omaha Police Department that a student is missing. The University will also contact the student's confidential contact individual on record.
5. If the student is under the age of 18 and is not emancipated, the parents or guardians of the student will be contacted, in addition to any other emergency contact person listed.

**What must the student do?**

1. Resident students must be notified annually of the option to complete and return to the Resident Advisor an emergency contact card at the beginning of each academic year. This card will be retained in a locked place during the year until needed; the information on the card will remain confidential. The contact does not have to be a parent or guardian.
2. Students or Creighton University faculty or staff members who believe that a student is missing should contact the Public Safety Office at (402) 280-2104. If the possibility of the student being missing occurs after normal business hours, Public Safety should be contacted at (402) 280-2911. Important information to share includes:
  - a. Name of the missing student and the student's campus residence.
  - b. The name and contact information of the reporting person including address and phone number.
  - c. The relationship of the reporting person to the missing student
  - d. The missing student's employer if applicable and known
  - e. When the student was last seen, where, and under what circumstances.
  - f. Any information about the student's condition that might be helpful in determining the whereabouts of the student such as:
    - When was the student last seen?
    - Where was the student last seen?
    - Has the student been in good health or has otherwise been of any concern to the reporting student?
    - Did the student have any known plans to travel, visit friends, etc.? If "yes", what were these plans and where was the destination.

- Did the missing student's plans involve others?
- How often does the reporting student typically see or contact the student?
- Has the reporting student received any recent emails, texts?
- Has the student been under any unusual pressures such as upcoming exams, homework assignments, etc.?
- Is there any reason to believe the student might be in danger or harm or is a potential victim?
- Has the reporting student contacted any law enforcement agency, or the student's parents or guardians? If not, why not? Assist the reporting student to notify authorities.

#### **Q. Official Means of Communication**

The Creighton University assigned email account shall be the official means of communication with all students. All students are responsible for all information sent to them via their University assigned email account. Students who choose to manually forward mail from their University email accounts are responsible for ensuring that all information, including attachments, is transmitted in its entirety to the preferred account.

All students are required to maintain a @creighton.edu computer account. This account provides both an online identification key and a University Official Email address. The University sends much of its correspondence solely through email. This includes, but is not limited to, policy announcements, emergency notices, meeting and event notifications, course syllabi and requirements, and correspondence between faculty, staff, and students. Such correspondence is mailed only to the University Official Email address.

Students are expected to check their email on a frequent and consistent basis in order to stay current with University-related communications. Students have the responsibility to recognize that certain communications may be time-critical.

#### **R. Personal Searches**

The University reserves the right to search a student or his/ her belongings if a University official believes that a student is in violation of Creighton University policies and/or procedures or local, state, or federal law.

Furthermore, if a University official believes that a student or his/her guest is in violation of Creighton University policies and/or procedures or local, state, or federal law, the University official has the right to check any packages, book bags, boxes, duffel bags, or other items.

1. If a University official believes that a student or his/ her guest is in possession of alcohol, whether by someone under age 21 or by someone of age transporting items for the minor, the University official has the right to check any packages, book bags, boxes, duffel bags, or other items.
2. In addition, a student, his/her guest, and any items they have may be inspected if it is believed that the student or his/her guest is in possession of drugs, other illegal items, or items that are in violation of University policy.

#### **S. Posting Policy and Procedures**

The Student Activities Office manages the 17 official campus posting boards on the main university campus as a service to students, departments, organizations, and off-campus vendors. Registered Student Organizations, University departments and University affiliated vendors may post without approval from the Student Activities Office. Non university-sponsored groups or individuals such as off-campus vendors and individuals advertising merchandise, products, services or information, and/or any event not officially sponsored by Student Organizations and University departments must have approval from the Student Activities Office. Unregistered student organizations are not university-sponsored and must receive approval before posting. All postings must comply with the Posting Standards.

##### **1. Posting Involving Alcohol**

Materials with any reference or implied reference to alcohol must be approved by the Student Activities Office professional staff before posting. It must conform to the Posting Standards, the University Alcohol Policy and the "Guidelines for Promotion of Events where Alcohol Will be Served."

## 2. Posting Standards

All materials posted on "Campus Posting Boards" must be in compliance with the following Posting Standards:

- a. The content of all materials displayed on Creighton's campus must conform to the Creighton University Mission and the Student Code of Conduct and must avoid demeaning, sexual, racial, or other discriminatory reference.
- b. Materials may be displayed only on boards marked "Campus Posting." A list of these official boards is available through the Student Activities Office. Materials may not be attached to building walls, trees, hallways, doors, stairwells, or any painted surface.
- c. Posters and fliers may not exceed 18" x 24".
- d. Only one copy of a poster or flier may be displayed per bulletin board.
- e. Only staples and pushpins may be used to hang fliers on the boards; no tape or adhesives. Sponsors are responsible for posting their materials and must supply their own pins or staples when posting.
- f. The name of the sponsoring organization, department, vendor or individual and contact information must appear on every poster.
- g. Materials may be on display for two weeks unless approved and stamped for a longer period.
- h. All postings for fundraising activities/events must include the name of the individual or organization benefiting from the activity. Additionally, all lottery and raffle winners will be announced to the University community using JayNet News, CU Today, the Creightonian, or other official forms of communication.
- i. All postings for fraternity and sorority recruitment require the approval of the Assistant Director for Greek Life.

## 3. Procedure for Approval

Any non university-sponsored groups or individuals wishing to post on the Campus Posting Boards must have approval from the Student Activities Office. Approval is granted after the materials have been properly registered, compliance with posting standards has been verified, and materials have been stamped "Approved for Posting."

## 4. Administration of Policy

The Student Activities Office administers this policy. Any questions related to the policy, procedures and posting locations should be directed to the Student Activities Office. The Student Activities Staff will make judgments regarding the appropriateness of materials. Appeals to the decision or process may be made to the Student Life Policy Committee via the Vice-President for Student Life office. The Student Activities Office will periodically clear the posting boards of outdated posters and fliers. Materials improperly posted or inconsistent with this policy will be removed, and the violator may be subjected to penalties.

## 5. Other Promotional Materials

Creighton Students Union Elections

CSU election campaign posters must be in compliance with the Posting Standards and the following:

- a. Election materials may not be displayed prior to two weeks before the respective election.
- b. All election materials must be removed within 3 days after the election.

### Banners

Banner space in the Student Center and outside the dining halls may be reserved by contacting the Student Activities Office. Reservations are for one week. Banners are to advertise specific events/programs only and must comply with the above applicable Posting Standards.

### Table Tents

Table tent space in the Student Center, the dining halls, and retail food locations may be reserved by contacting the Student Activities Office. Reservations are for one week. Table tents are to advertise specific events/programs only and must comply with the above applicable Posting Standards.

### Licensing Waiver

Prior to production, the Student Activities Office must approve all t-shirts and other merchandise.

### Merchandise

Registered student organizations using the "Creighton University" or the "Bluejay" names or logos in any commercial venture must have the materials approved by the Student Activities Office before production, as both

are registered and protected trademarks of Creighton University (uses of the Creighton Trademarks are protected by the Sports Information Office).

#### Student News Listserv

The Student Activities Office staff moderates the Student News listserv. Twice a week, Monday and Thursday, a digest email will be sent posting the events that have been submitted to the listserv. An event must be submitted before midnight on the previous day to be considered for the upcoming email posting. Please visit <http://www.creighton.edu/studentactivitiesoffice/studentnewslistserv/index.php> for the official guidelines to submit events to the listserv. To submit an event or involvement opportunity, please send the email to [student\\_news@creighton.edu](mailto:student_news@creighton.edu).

### **6. Posting in Other Places**

#### Residence Halls

Approval from the appropriate Resident Director must be obtained before posters, fliers or other materials can be placed on residence hall floors, lobby bulletin boards, or any other area of the residence halls. Generally, posters can be left at the residence hall desks to be placed by residence hall personnel.

#### University Departments & Professional Schools

Posting must be approved by authorized personnel in their respective areas.

#### Handbills

Promotional materials may not be handed out to students on the Creighton campus, either outside or inside buildings. Promotional materials may not be placed on cars in the University parking lots.

#### Violations

All promotional materials must conform to the Creighton University Mission and the Student Code of Conduct and must avoid demeaning sexual, racial, or other discriminatory reference. Violators of this policy may be subjected to: suspension of posting privileges, loss of registration for the sponsoring organization, a fine of up to \$25, and other University disciplinary action.

## **T. Relationships between Employees and Students**

By selecting and utilizing the educational programs of Creighton University, students and their parents have demonstrated confidence in the University. In their personal dealings with students, University employees are representatives of the University and are expected to exemplify its Christian and educational values. It is incumbent upon all those who are in positions of authority over students not to abuse, or seem to abuse, the power with which they are entrusted.

Inappropriate personal relationships between employees and students may have the effect of undermining the atmosphere of trust and mutual respect upon which the educational process depends. Particularly troublesome are romantic relationships. Even when both parties have consented to such a relationship, it is the employee who holds a position of special responsibility within the University. It is the employee, therefore, who will be held accountable for unprofessional behavior.

Employees should be aware that a romantic relationship with a student may render them liable for disciplinary action if the relationship creates, reasonably has the potential to create, or reasonably appears to create a conflict between the employee's personal interest and the employee's obligations to the University or its students.

Because graduate teaching fellows, tutors, and undergraduate teaching assistants may be less accustomed than other employees to thinking of themselves as possessing professional responsibilities, they should be particularly sensitive and exercise special care in their relationships with students whom they instruct or evaluate.

## **U. Respect for the Dignity of the Person**

Creighton University desires to foster a campus community where people can work and learn with respect, dignity and freedom from discrimination. Individuals deserve to be free from the threat or actuality of physical violence or verbal

abuse. Especially intolerable in view of the University's commitment to respect for the person are offenses against persons because of their race, religion, ethnicity, disability, gender or sexual orientation.

Actions or expressions which may cause violent situations, create a clear and present danger of violent situations, or which represent a malicious or willful attempt to demean, degrade or harass members of the University community will not be tolerated. Such actions include, but are not limited to, acts of violence, physical or verbal threats, verbal harassment, slurs, degrading humor, and written materials such as epithets, graffiti or other similar expression.

Persons who believe they are victims of such actions are encouraged to report the incident to the Associate Vice President for Student Life (402) 280-2775, the Vice President for Student Life or other appropriate University officials who may also be contacted. Violation of this policy will result in disciplinary action.

## **V. Sexual Misconduct Policy and Procedures**

Sexual misconduct is defined to include any unwanted kissing, any unwanted touching of an intimate part of another person, such as a sexual organ, breast, or buttocks as well as forced or non-consenting sexual intercourse. In this definition, sexual intercourse is defined to include sodomy, oral copulation, and rape by foreign object (penetration of genital or anal openings by a foreign object, including a finger).

Creighton University will not tolerate any type of sexual misconduct. Sexual misconduct is considered to be among the most serious violations of its Code of Conduct. When there is reasonable cause to suspect a violation of University policy in regard to the following forms of sexual misconduct, the University will investigate and undertake disciplinary action against the perpetrator(s) following the initiation of a complaint by a victim. Because of the seriousness of this offense, the full range of University sanctions may be imposed. Further, it should be clearly understood that University action against violators of this policy in no way precludes the possibility of criminal action by authorities should the victim wish to pursue this course.

The following offenses which include rape and other forms of sexual abuse like forcible fondling, is an extreme form of sexual harassment. It is "unwelcome conduct of a sexual nature," and more specifically, "unwelcome sexual advances" and "unwelcome physical conduct of a sexual nature."

### **Sexual misconduct offenses include the following:**

- Non-consensual sexual Intercourse which includes penetration by an object
- Non-consensual sexual Contact
- Actions that fall within the broader range of "sexual misconduct" as described in "Other forms of sexual misconduct" below

### **Definitions of sexual misconduct offenses:**

- Non-consensual sexual intercourse is any sexual intercourse--however slight--with any object, by any person upon another without effective consent.
- Non-consensual sexual contact is any sexual touching--however slight--with any object, by any person upon another, without effective consent.
- Other forms of sexual misconduct include, but are not limited to, the following:
  - Attempts to commit sexual misconduct
  - Aiding in the commission of sexual misconduct as an accomplice
  - Giving another person alcohol, GHB, Rohypnol, Scopolamine, Ketamine, or other sedative or date rape drug

### **Clarifications:**

Sexual intercourse includes vaginal and/or anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

Sexual touching includes any contact of a sexual nature (as determined using a "reasonable-person" standard) with the breasts, buttocks, groin, genitals, mouth, or body part of another. Sexual touching also includes an individual making someone else touch him or her with, or on, any of these body parts.

Force includes physical force (such as pushing, hitting, pinning down), threats (direct or indirect expressions of harm to self or others), intimidation (implied or indirect threats), and/or coercion.

Blacking out is an amnesia-like state often brought on by heavy drinking or intoxication during which a person is able to engage in simple or even complex behavior. Afterwards the person has no recollection of all or part of the events. Therefore, there is a meaningful distinction between passing-out--falling asleep or becoming unconscious in an alcohol-induced stupor--and blacking out, which leaves one conscious and operative.

### **Effective Consent**

Effective consent is informed, freely and actively given, and consists of mutually understandable words or actions indicating a willingness to engage in mutually agreed-upon sexual activity.

- Mutually understandable consent must be obtained by both parties throughout the sexual interaction.
- Consent to sexual activity may be revoked at any time, as long as the revocation is communicated clearly, at which point sexual activity must cease immediately.
- Previous sexual relationships and/or a current relationship with the accused student (or anyone else) are irrelevant and, therefore, may not be taken to imply consent. In addition, consent cannot be implied by attire, inferred from the buying of dinner, the spending of money on a date, or being invited to a person's residence.
- Consent expires. Consent lasts for a reasonable time, depending on the circumstances. For example, consent on Thursday night does not mean one automatically has consent on Friday night, or at any other time.
- One who is incapacitated as a result of alcohol or other drug consumption (voluntary and/or involuntary), or who is unconscious, unaware, asleep or otherwise physically helpless, is incapable of giving consent. Because consent must be informed, an individual may not engage in sexual activity with another who one knows, or should reasonably know (based on the reasonable person standard), to be incapacitated.
- *Incapacitated persons, whether male or female, are considered incapable of giving effective consent because they lack the ability to appreciate the fact that the situation is sexual, and/or cannot rationally and reasonably appreciate the nature and extent (who, what, when, where, why and how) of that situation.*
- Consent obtained through the use of fraud or force (actual or implied) whether that force be physical force, threats, intimidation, or coercion, is *not* consent.
- Consent may never be given by the following:
  - a minor (someone under the age of 18 in the state of Nebraska) to an adult;
  - individuals with cognitive disability rendering them incapable of giving consent;
  - incapacitated persons. (See "Incapacitation" above.)

**Incapacitation is the inability to make a rational, reasonable decision. Evidence of incapacity can be detected from one or an accumulation of context clues, which can include but are not limited to the following:**

- One person may have knowledge regarding how much alcohol another person has consumed or whether some other drug has been ingested.
- slurred speech
- bloodshot eyes
- the smell of alcohol on the breath
- shaky equilibrium
- vomiting
- outrageous or unusual behavior
- unconsciousness
- elevated blood alcohol level
- blacking out.

It is the burden of the person wishing to engage in sexual activity with another to specifically determine the capacity of that potential sexual partner to provide "Effective Consent," as explained, below.

### **Consensual Sexual Conduct**

Any sexual activity which is not in accordance with the Judeo-Christian values of Creighton University and the specific doctrinal teachings of the Roman Catholic Church.

**Sexual conduct offenses include the following:**

- Any actions deemed in direct defiance of the doctrinal teachings of the Roman Catholic Church.
- Consensual Sexual Intercourse
- Consensual Sexual Contact
- Co-habitation – evidence that a resident student has allowed another person the permission to live in their on-campus housing.

**Procedure to Report Non-Consensual Sexual Misconduct:**

If you believe you have been sexually assaulted you may contact the Omaha Police Department or the Department of Public Safety, however, you ARE NOT required to make a report to law enforcement in order to obtain appropriate treatment.

Students who believe they have been sexually assaulted should take one of the following steps as soon as possible:

- Go directly to the nearest hospital or medical treatment facility
- You may notify the Omaha Police Department – call 911
- You may notify the Department of Public Safety – call 2911
- If you haven't notified the police, you may request the Emergency Department (ED) staff contact the authorities. If you live in a residence hall you should notify your RA or Resident Director. They can contact the police if you wish and go to the ED with you.

In order to preserve evidence please follow these instructions:

- DO NOT change clothing. Bring extra clothes to the ED if possible. Otherwise, ED staff will provide you with a change of clothing. If you have changed your clothes, put the clothes that were worn when the assault occurred – including underwear – in a paper bag and bring with you to the ED.
- DO NOT shower or bathe.
- DO NOT brush your teeth, drink fluids, eat, or smoke.
- Put any other article that may contain evidence (such as sheets) in a paper bag and bring it with you to the ED. After admission to the ED, the victim will be examined by a physician to evaluate any injuries and to receive appropriate treatment. If the victim has contacted the police or requested they be contacted, an interview will be conducted by a detective and a nurse who is trained as a Sexual Assault Nurse Examiner (SANE). After the interview, the victim will be taken to a private room where the assault exam will be performed. An advocate from the Women's Center for Advancement (WCA) will be notified to be with the victim during the exam. The advocate is available to sit with the victim as long as necessary, and/or leave information that will help the victim through the recovery process.

The exam may involve taking pictures of any injuries, swabbing specific areas with cotton swabs, collecting hairs, and performing a speculum exam. The victim is always in control and can stop the exam at any point. The victim will be treated for sexually transmitted infections and given the "Morning After" Pill if needed.

Students should obtain a blood test for communicable diseases and/or sexual transmitted diseases as well as counseling services at the Creighton Center for Health and Counseling at (402) 280-2735 or <http://www.creighton.edu/chc/index.php>

If you have been the victim of an assault you are encouraged to seek assistance the following ways:

Victim Advocate (402) 280-3794 or [respect@creighton.edu](mailto:respect@creighton.edu)

The victim advocate can assist a victim in obtaining absences from class, making up missed assignments, or changing the victim's living arrangements, if such changes are available.

- **Crisis Counseling**  
Counseling Center (402) 280-2735  
WCA Hot Line (402) 345-7273
- **Medical Treatment**  
Student Health Services (402) 280-2735

Or another health care provider

#### **Report an Offense**

Center for Student Integrity, Student Life (402) 280-2775

Public Safety (402) 280-2104

Omaha Police Sexual Assault (402) 444-5657

Investigation and Disciplinary Process--Center for Student Integrity (402) 280-2775

Even if the victim does not want to file a report with the police, thought should be given to filing a report with the Center for Student Integrity. With a complaint, the Center for Student Integrity will commence an investigation. The victim (complainant) of alleged non-consensual sexual misconduct is entitled to the same rights afforded to the accused in the investigation, hearing and the appeal. (See Procedures of Student Discipline Committee Hearings on p. 66)

#### **Victim' s Bill of Rights:**

1. In any disciplinary hearing in which sexual assault is alleged, certain procedures and safeguards will apply, in addition to the procedures outlined above. The procedures include the following:
2. The accuser and accused will both have the same opportunity to have others present (i.e. an advisor and a parent) during the hearing.
3. The accuser will, as is the case in all student disciplinary matters, have an opportunity to present evidence to the judicial officer investigating the matter.
4. Both parties shall be informed of the outcome of any disciplinary proceeding.

Anti-Retaliation Policy: A student has the right to be free from retaliation in any form. If you feel that you have been retaliated against, contact the Center for Student Integrity to report at (402) 280-2775.

#### **W. Speakers Policy**

Creighton is a Catholic University. As Catholic, Creighton is committed to identification with a specific religious tradition and all of its essential values. As a university, Creighton is committed to the widest possible freedom of expression, including critical examination of ideas and perspectives which may be or may appear to be incompatible with its Catholic tradition and mission. Because these two fundamental commitments may sometimes conflict, especially when speakers are invited on to campus, the University adopts a speaker's policy with these components.

1. Only authorized sponsoring organizations may invite a speaker on to campus. Ordinarily, the Vice President for Student Life must be notified of an invitation at least three weeks before the scheduled appearance of a speaker whose presentation will be advertised to the general public.
2. The fact that some authorized sponsoring organization invites a speaker to campus does not state nor imply that the University endorses the ideas or perspectives offered by that speaker.
3. Sponsoring organizations are expected to use responsible judgment in selecting speakers. When it is likely that a speaker may espouse or appear to espouse positions hostile to Creighton's traditions and values, opportunities for expression of alternative viewpoints must be assured. The Vice President for Student Life, in consultation with the appropriate academic Vice President and University Committee on Lectures, Films, and Concerts, may require that a speaker make the presentation in a debate or panel of discussants format so as to assure expression of other views.
4. If there is reason to suppose that the presentation of a speaker on campus may pose safety problems, the Vice President for Student Life may postpone the speaker's presentation for up to three weeks so that security arrangements can be developed.

#### **X. Student Center Lobby Table Reservations**

1. Tables may be reserved in the Skutt Student Center Fireplace Lounge on a first come, first serve basis. Please contact the Skutt Student Center at (402) 280-1700 to reserve a space in the Student Center or the Skinner Mall.
2. Registered student organizations and University departments may use the tables free of charge for purposes such as promoting events, holding fundraisers, or recruiting members.

3. Non-University vendors will be allowed to reserve tables for the purpose of generating business or selling products if approved through the Skutt Student Center Reservations Office. A daily fee will be charged, payable to Creighton University, in advance of the requested date.
4. Each group should identify the purpose of their table through use of a sign or banner.

#### Y. Tobacco-Free Policy

Creighton University is dedicated to providing a healthy, comfortable, and productive living and work environment for our faculty, staff and students and a healthy, comfortable, and safe environment for our visitors.

Due to the acknowledged health hazards arising from tobacco products, including exposure to secondhand smoke, it shall be the policy of Creighton University to provide a tobacco-free environment for all faculty, staff, students and visitors beginning July 1, 2008. This policy covers tobacco of any kind, including the use of smokeless or "spit" tobacco and applies to all faculty, staff, students and visitors of Creighton University.

1. There will be no tobacco use in or on any Creighton facility or property, owned or leased, at any time. The only exception will be all Creighton University approved research studies involving tobacco-use.
2. There will be no tobacco use in any Creighton University vehicle at any time.
3. The sale of tobacco products on campus is prohibited.
4. The availability of tobacco products in campus stores serves only to reinforce the notion that tobacco use is socially normative, sanctioned adult behavior. It would be hypocritical for Creighton University to take a stand against tobacco use but profit by allowing the sale of tobacco on its campus.
5. Campus organizations are prohibited from accepting money or gifts from tobacco companies. Nothing in this policy will prohibit the University from accepting Nebraska Tobacco Settlement Trust Fund money, or money from any other governmental entity which was generated from tobacco litigation or tobacco taxes, and which is intended to be used to fund tobacco cessation or other research projects at the University.
6. Tobacco advertisements are prohibited in University-sponsored publications

Definition—"Tobacco" and "tobacco products" includes tobacco of any kind, including the use of smokeless or "spit" tobacco.

## VII. Student Discipline

### A. Code of Conduct

The Creighton University community is based on a Catholic, Jesuit tradition and is committed to supporting the intrinsic value of each human being. This tradition involves striving to create a human community influenced by the laws of justice and love, complete with respect and concern for all persons as children of God. The Creighton University community is dedicated to the promotion of values consistent with personal and academic excellence.

Choosing to join this community, whether as a student, faculty or staff obligates you to act in a manner that is consistent with these commitments. Joining the Creighton University community evidences your acceptance of these commitments and agreement to strive for their achievement. Commitment to living by these principles means that you will endeavor to:

1. **Act with professional, academic, and personal integrity.**  
Consistent with this principle is conduct in accord with the academic honesty policy of the University, other University policies that foster a human community of justice, respect, and concern, and the code of ethics of your foreseen profession. This principle challenges you to shape a personal code of positive values, to live a healthy, balanced lifestyle, and to discover and embrace the responsibilities of your freedom, intelligence, and intrinsic worth.

Inconsistent with this principle are all forms of dishonesty, excuse-making, failure to take responsibility for your behavior, infidelity or disloyalty in personal relationships and violations of the code of ethics of your foreseen profession.

**2. Respect and promote the dignity of all persons.**

Consistent with this principle is growing in understanding of different cultures and groups, resolving conflicts fairly, appreciating peoples' differences, and seeking truths and values essential to human life and community. This principle challenges you to refrain from actions that threaten or discourage the freedom, personal safety, and respect that all individuals deserve.

Inconsistent with this principle are actions that compromise or demean the intrinsic worth of individuals or groups. All forms of racism, sexism, pornography, lewd behavior, harassment, discrimination, intimidation, taunting, insult, physical harm, and discrimination are inconsistent with this principle.

**3. Respect the policies and procedures of the Creighton University community and the rights of its members both on and off campus, as well as the just laws of the civic community and the rights of its members.**

Consistent with this principle is the affirmative support for equal rights and opportunities for all members of the Creighton University community, realizing that you are a member of a larger community, with a responsibility to understand diverse societal issues, and being a responsible participant of the civic and Creighton community.

Inconsistent with this principle are actions that are illegal and that violate another's right to move about freely and securely, to live and learn in a community where members are secure in their property and person, to express themselves appropriately, and to enjoy privacy.

**4. Support the personal, professional, academic, and vocational development of the members of the Creighton University Community.**

Consistent with this principle are actions that are compassionate and considerate of the needs and well being of others and that encourage the development of students' moral, spiritual, intellectual, emotional, personal, and vocational abilities.

Inconsistent with this principle are actions that are insensitive, inhospitable, spiteful, or which unjustly or arbitrarily inhibit another's ability to securely pursue goals in accord with the development of their abilities.

This Code of Conduct applies to all Creighton University students. All members of the Creighton University community are obligated to promote actions consistent with these principles, and to appropriately confront, challenge, and respond to actions that are inconsistent with this code.

**B. Purpose of University Discipline**

The education process at Creighton University is founded on Christian ideals and is committed to intellectual growth, the search for truth, and the development of such attributes as integrity, human dignity, and the concern for others. Creighton University is committed to a fundamentally fair process.

The regulations set forth in this handbook and in other official University bulletins are essential to the University's educational purpose and the promotion of community life. The major emphasis of this disciplinary system is the education and development of the student and the protection of the rights of other members of the University community.

**C. Obligations of a Student**

By voluntary entrance into the Creighton University community, the student assumes obligations of performance and behavior, both on and off campus, reasonably imposed by the institution. These obligations are in addition to those imposed on all citizens by the civil and criminal law.

#### **D. Inherent Authority**

The standards and procedures set forth in this document are those the University normally applies to disciplinary matters. The University 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 suspend or expel, or request the withdrawal of a student at any time, with or without specific charge or hearing subject only to the student's right to request the University President to review the academic or academic-related disciplinary matters, and the student's right to request the Vice President for Student Life to review nonacademic misconduct disciplinary matters, as the case may be.

#### **E. Student Discipline Procedures**

All University students are members of both a particular college or school and the social body of all University students. With this in mind, the authority for adjudication of student disciplinary matters is delegated in two ways:

First, the Dean of the particular school or college and his or her staff has full authority regarding all academic and academic-related disciplinary matters and penalties with respect thereto. This is subject only to the provisions of this Handbook relating to appeals of such matters after the Dean has imposed a serious penalty (i.e., expulsion from the University, suspension or a request for withdrawal).

Second, the University Committee on Student Discipline has authority regarding all nonacademic disciplinary matters where it is anticipated that a student infraction may result in disciplinary probation, withdrawal, suspension and/or expulsion. The Integrity Council has authority regarding all nonacademic disciplinary matters where it is anticipated that a student infraction may result in a warning or disciplinary reprimand. This is subject only to the right of the student to appeal decisions of these committees as stated in the appeals process provided in this Handbook.

However, social conduct and discipline in certain professional groups may be so closely related to professional suitability as to make them inseparable. Therefore, the Vice President for Student Life may, on a case by case basis, delegate to the Academic Dean of the professional school the authority and responsibility for the nonacademic conduct and discipline of his or her students. Where such delegation occurs, the Academic Dean shall have full authority respecting nonacademic disciplinary matters and penalties with respect thereto regarding his/her students, subject only to applicable appeal procedures set forth herein. If a determination is made at this time, either by the Vice President for Student Life or the Academic Dean of the professional school of enrollment, that the misconduct, whether it is nonacademic or academic related, could in any way adversely affect patient or client interests, the student's status shall be altered to preclude any contact with patients or clients in the learning experience.

*In no event shall the delegations described in the previous paragraphs, or the delineation of disciplinary authority or procedures in this Handbook, supersede the discretionary authority of the University President to decide or review disciplinary matters and impose serious or other penalties therein.*

Students are accountable to both civil and University authorities for acts which constitute violations of law and this code. When a student has been apprehended for violations of local, state, or federal law, the University will not request or agree to special consideration for the individual because of his or her status as a student. The University will cooperate fully with law enforcement agencies and other agencies responsible for rehabilitation.

On the other hand, because of the severely disruptive nature of many violations of this code, the University will normally not defer its proceedings while civil or criminal proceedings are in process. In addition, the University will not necessarily accept or be bound by the findings of civil or criminal proceedings in its proceedings.

**In regard to this code, alleged misconduct by a student organization is handled in a manner similar to that used in addressing misconduct by individual students.**

*Withdrawal of a student from the University does not suspend, terminate or otherwise affect the prerogative of the University to at any time initiate, resume, or continue any disciplinary action or proceedings against a student for actions or events which occurred prior to the withdrawal.*

## F. Academic Honesty Policy

A student who engages in any of the following acts of academic or academic-related misconduct is subject to disciplinary procedures and sanctions as determined by the school or college in which he or she is enrolled.

Academic or academic-related misconduct is defined to include but is not limited to:

1. Unauthorized collaboration or use of external information during examinations.
2. Plagiarizing or representing another's ideas as one's own.
3. Furnishing false academic information to the University.
4. Falsely obtaining, distributing, using, or receiving test materials.
5. Falsifying academic records.
6. Falsifying clinical reports or otherwise endangering the well-being of patients involved in the teaching process.
7. Misusing academic resources.
8. Defacing or tampering with library materials.
9. Obtaining or gaining unauthorized access to examinations or academic research materials.
10. Soliciting or offering unauthorized academic information or materials.
11. Improperly altering or inducing another to improperly alter any academic record.
12. Engaging in any conduct which is intended or reasonably likely to confer upon one's self or another unfair advantage or benefit respecting an academic matter.

## G. Academic Disciplinary Procedures

The school or college, in which the student is enrolled, in accordance with the procedures of the school or college of enrollment, handles matters of academic misconduct. However, school or college of enrollment procedures relating to academic and academic-related misconduct disciplinary matters shall conform to the provisions of this Handbook pertaining to such matters. Academic disciplinary procedures differ from school to school. If the school or college of enrollment imposes a serious penalty (i.e., expulsion from the University, suspension or a request for withdrawal), the student shall have the right to appeal to the University President, subject to the provisions outlined below.

With the consent of the Dean and the student, matters of academic and academic-related misconduct **may be resolved informally and without right of appeal**. Such informal resolution shall be reached by the accused student and a University administrator or faculty member designated by the Dean.

Pending resolution of the matter and any permitted appeal regarding the matter, the student's status as a student remains unaltered except in cases where there are reasons relating to the physical or emotional welfare of the student or of others, or reasons involving the safety of persons or property.

Sanctions or penalties established by the school or college of enrollment may include but are not limited to reprimand, repetition of an examination or assignment under a different format, reduction of grade for an assignment, examination or course (including assignment of a failing grade, and/or suspension or expulsion from a course), and probation. Serious penalties are expulsion from the University, suspension, and a request for withdrawal.

In academic or academic-related misconduct disciplinary cases, the following provisions shall govern appeals: An appeal shall be allowed from a decision of the Dean of the school or college of enrollment only if the Dean imposes a serious penalty (i.e., **expulsion from the University, suspension, or a request for withdrawal**).

In such cases, the affected student has the right to appeal to the University President; however, if the standards applicable to the accreditation of the school or college of enrollment require that the school or college have final authority for academic or academic related disciplinary matters, then an appeal to the University President regarding any such matter shall be heard only at the discretion of the University President.

Both the "Intent to Appeal" form, available from the Dean and written appeal shall be delivered by the student to the office of the University President. The student shall also deliver copies thereof to the office of the Dean of the school or college of enrollment.

In all other respects, such appeals shall be governed by the provisions, time limitations, grounds for appeal, and other conditions, limitations and procedures stated in the "Appeal Process", "Grounds for Appeal", and "Sanctions" sections under "Non-Academic Disciplinary Procedures."

#### H. Non-academic Student Conduct Policies

Any student who engages in any acts of non-academic misconduct, including **but not limited to** the following, is subject to University disciplinary action, as set forth in Non-Academic Disciplinary Procedures section of this Handbook:

- Conduct on or off campus which reflects poorly on Creighton University, or other conduct prejudicial to the best interests of the University or other students.
- Intentionally, negligently, or recklessly causing physical harm or the reasonable apprehension of physical harm to any person, including oneself.
- The use or possession of objects perceived to inflict harm (i.e., toy guns, etc.).
- Setting or fueling a fire.
- Unauthorized use, possession, or storage of any weapon, where weapon is defined to mean any object or substance designed to inflict a wound, cause injury or incapacitate, including but not limited to all firearms, BB, potato and pellet guns, and knives (with blades three and one-half (3 ½) or more inches in length).
- Intentionally, negligently or recklessly initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.
- Intentionally, negligently or recklessly damaging or misusing security or fire safety equipment.
- Intentionally, negligently, or recklessly destroying, damaging or defacing University or private property.
- Theft of property or services or possession of known stolen property.
- Unauthorized access, destruction of, or interference with computer programs, computer databases, computer files, or computerized information stored in University computer systems.
- Intentionally harassing any person in such a way as to interfere with that person's personal or academic pursuits; creating a hostile, abusive, coercive or intimidating environment; and/or slandering or defaming another person's character.
- Use, possession, or manufacture of fireworks, explosives, or any substance or device designed to injure others, damage property, or interfere with University activities.
- Intentionally or substantially interfering with others' freedom of expression.
- Unlawful possession, use or distribution of alcohol or alcohol paraphernalia. Voluntarily being present in any room or place on campus with knowledge that any alcohol is being possessed, sold distributed, or used therein, will be deemed "possession" of such substance in the absence of a satisfactory explanation (for complete University Policy see pages 34-40 of this Handbook).
- Unlawful possession, use, or distribution of illicit drugs or drug paraphernalia. Voluntarily being present in any room or place with knowledge that any illegal drugs are being possessed, sold, distributed, or used therein, will be deemed "possession" of such substance in the absence of a satisfactory explanation (for complete University Policy see pages 34-40 of this Handbook).
- Intentionally furnishing false information to any member of the University.
- Forgery, unauthorized alteration, or unauthorized use of any University document or any instrument of identification.
- Interference with or failure to comply with the directions of University officials acting in performance of their duties.
- Violating the terms of any disciplinary sanction imposed in accordance with this code.
- Unauthorized possession, use, or fabrication of University keys.
- Intentionally or recklessly interfering with University sponsored activities.
- Soliciting or offering funds or favors to obtain or furnish unauthorized information or material.
- Unlawful gambling.
- Trespass or unauthorized entry into any building, space, or facility.
- Noisy or disruptive behavior which interferes with the personal or academic pursuits of others.
- Throwing, dropping, or causing any object to fall from a building.
- Knowingly, freely, or negligently allowing violations of University rules and regulations to take place.
- Improperly disposing of trash or littering.
- Any unlawful or criminal act, violations of city, state or federal law.

- Violating published or otherwise existing University rules, regulations, or policies including but not limited to provisions of this Handbook, other University publications and residence hall rules and regulations.

Students are responsible for all University policies. Students living in the residence halls are also responsible for policies stated in the Montserrat (an addendum of this Handbook). To view the Student Conduct Policies please visit [http://www.creighton.edu/fileadmin/user/StudentServices/CenterforStudentIntegrity/docs/Student\\_Conduct\\_Policies.pdf](http://www.creighton.edu/fileadmin/user/StudentServices/CenterforStudentIntegrity/docs/Student_Conduct_Policies.pdf)

## I. Non-Academic Disciplinary Procedures

1. **Preliminary Conferences** - Where there is evidence that a student is in violation of a University nonacademic misconduct regulation, the student will be given the opportunity to discuss the matter with the Vice President for Student Life (or his or her designee), before the case is referred to the University Committee on Student Discipline or to the Integrity Council. If it is anticipated that the student's status, if found responsible of the alleged violation, may result in disciplinary probation, withdrawal, suspension and/or expulsion, the student's case is presented to the University Committee on Student Discipline. If it is anticipated that the student's status, if found responsible of the alleged violation, may result in a warning or a disciplinary reprimand, the student's case is presented to the Integrity Council. A student will receive written notification of the alleged violation and a date by which the Preliminary Conference must be held. If a student fails to schedule or attend their Preliminary Conference meeting, a hearing may be held in the student's absence.
2. **Right to Private Decision** - The student may have his/her case decided by an appropriate administrator (including but not limited to the Vice President for Student Life, the Associate or Assistant Vice President for Student Life, Associate or Assistant Director of the Center for Student Integrity, or Resident Director) when there is mutual consent between the student and the Vice President for Student Life or his/her designee. There is no appeal for this type of hearing.
3. **Advisor**-The student has the right to the assistance of an advisor, from within the University community, both in the preliminary conference and at the hearing of the University Committee on Student Discipline or the Integrity Council. Obtaining an advisor is the student's responsibility. The student's advisor may not be an attorney, except that an attorney employed by the Creighton University Law School may act as the advisor for a law student. Additionally, because of the potential of a conflict of interest, the Vice President for Student Life or his/her designee must approve any Student Life staff (including Resident Advisors) serving as an advisor to a student prior to the Student Life staff member's involvement in the discipline process.
4. **Parent Notification** - If it is anticipated that a student infraction may result in disciplinary probation, withdrawal, suspension and/or expulsion, the student's parent(s) may be notified if the student is a dependent of his/her parent (as defined by the federal government for income tax purposes). A student's parent(s) may also be notified if it has been determined that a student under the age of 21 has committed a violation of the University policy on drugs and/or alcohol.
5. **Temporary Disposition** - Pending resolution of the matter and any permitted appeal regarding the matter, the student's status as a student remains unaltered except in cases where there are reasons relating to the physical or emotional welfare of the student or of others, or reasons involving the safety of persons or property.

## J. The University Committee on Student Discipline

1. **Purpose** - The purpose of this committee shall be to conduct hearings on alleged infractions of University rules and recommend sanctions for individual(s) or group violations to the Vice President for Student Life. The hearing is not a formal process such as a civil or criminal trial but an educational endeavor, which deals with alleged disruptive behavior. Discipline in a university, by the very nature of the institution is educational, for that reason, formal rules of evidence shall not apply in disciplinary hearings.
2. **Membership** - The Committee shall consist of the Vice President for Student Life or his/her designee, three faculty members and three students. The Vice President for Student Life will appoint the chairperson of the Committee on a case by case basis from amongst the members of the Committee. The faculty members shall be elected by the faculty for three-year terms at staggered intervals. These members shall be elected from at least two Schools or Colleges. Six alternate members shall be elected by the faculty for three-year terms at staggered intervals. No College or School shall be represented by more than two alternates.

The students shall be selected by the Creighton Students Union for one academic year—one graduate or professional student, one male undergraduate student and one female undergraduate student. Six alternate

students shall also be selected for one academic year—two graduate or professional students, two male undergraduate students, and two female undergraduate students.

When a regular member of the Committee is unable to serve, an alternate member shall be appointed by the Chair to fill the vacancy created.

3. **Voting** - A quorum of four (4) Committee members, with at least one committee member being a student, is required to hear cases. All issues, findings, or sanctions in a case will be decided by majority vote of the quorum. The Committee's determination shall be made on the basis of whether it is more likely than not that the accused is responsible for committing the alleged offense.
4. **Conflict of Interest** – If the case of any student is referred to the Committee with whom any member, including the Chair, of the Committee has an actual or perceived conflict of interest, that Committee member may be asked by any member, including the Chair, or by any interested party in the case to excuse himself/herself from the proceedings in question, and/or that member, including the Chair, may ask to excuse himself/herself from the proceedings in question. Committee members who are excused in accordance with this section shall not have access to any of the materials for the case from which they are excused.

#### **K. Procedures of Student Discipline Committee Hearings**

The accused receives advance written notice of the charges, time, date, and place of the hearing. The accused and their advisor will be allowed the opportunity to review and respond to any materials or evidence that will be presented at the hearing.

In addition, the investigative report given to accused to review includes:

1. Summary of Investigation;
2. Reports submitted to the Center for Student Integrity (University or community reports);
3. Evidence or materials associated with investigation; and
4. Statement from accused and, if offered, the impact statement from complainant.

If there is a complainant associated with the incident, he or she may review materials and evidence that will be presented at the hearing 48 hours in advance and must review the materials and evidence only in the Student Life Suite. The materials and evidence must stay in the Student Life Suite and may not be photocopied or taken outside of the Suite.

The accused student is advised prior to the hearing that he/she may bring another member of the University community with him/her as an advisor but that the student is expected to present the case in his/her own words. The student should advise the chairperson of the Committee at least 24 hours prior to the hearing date if he/she will be accompanied by an advisor at the hearing. Attendance at disciplinary hearings will be limited to the student(s), his/her advisor, the University Conduct Officer investigating the alleged misconduct, chairperson and appointed members of the Committee. The student may bring one of his/her parents or a legal guardian to the hearing, and the student must advise the Conduct Officer at least 24 hours prior to the hearing date if he/she will be accompanied by a parent or a legal guardian at the hearing. The parent(s) or legal guardian may only observe at the hearing. They are not allowed to ask questions or make any comments. They are not permitted to act as the student's advisor, nor are they permitted to act as a witness for the student. Only committee members are allowed to be present during the Committee's deliberations. The University Conduct Officer may be consulted by the Committee when considering sanctions.

The complainant and accused have the right to ask questions of each other, but the questions will be written in advance and reviewed by the chairperson of the Committee at least 24 hours in advance prior to the hearing date. If the accused or complainant has additional questions, it is up to the discretion of the chairperson if further questions will be allowed during the hearing.

Any party to the proceedings may request the privilege of presenting witnesses. It is the responsibility of the complainant and accused to contact his/her witnesses and request their attendance at the hearing and notify the Conduct Officer at least 24 hours prior to the hearing date of the witnesses who will appear. The chairperson may also contact witnesses to appear before the Committee.

The Committee may ask questions of any witness.

The accused has the right to know the names and hear the statements of complainants and witnesses made to the Committee except in situations as described in Procedures Pertaining to Anonymity.

Written or oral statements regarding the alleged violation(s) may be submitted in advance or at the hearing by the accused, complainant, or witnesses about the circumstances or seriousness of the alleged violation(s).

Written or oral recommendations for sanction(s) regarding the alleged violation(s) may be submitted in advance or at the hearing by the accused or the complainant.

An audio recording will be made of each hearing solely for the Committee's use during deliberations and for a possible appeal. No other recordings of the hearing are permitted.

For a detailed outline of the Committee's process go to:  
<http://www.creighton.edu/studentlife/centerforstudentintegrity/index.php>.

#### **L. Decisions of the Committee and Communicating the Decision**

All decisions of the University Committee on Student Discipline are subject to the approval of the Vice President for Student Life. Once approved, the Committee chairperson or an administrative officer of the University will give the written decision to the student.

##### **Administrative Follow-up after the Hearing**

Every reasonable effort will be made for the Committee to reach its decision within 24 hours. After reaching its decision, the Committee records in writing its findings and sanctions. All members sign this document.

On the working day following the hearing the Committee chairperson will make every reasonable effort to communicate the Committee's decision to the accused. The accused will be informed of the decision in a mandatory personal conference held with the chair or an administrative officer of the University. A decision letter from the University Committee on Student Discipline and an Intent to Appeal form are provided to the accused at that time.

Normally all disciplinary matters and their outcomes are confidential. However, the Campus Sexual Assault Victims' Bill of Rights, enacted as part of the Higher Education Amendments of 1992, requires the disclosure of the results to both parties of any disciplinary hearing alleging sexual assault to the complainant.

Furthermore, in situations involving student harassment, the Family Educational Rights and Privacy Act (FERPA) does not prohibit a complainant from learning the outcome of her/his complaint, i.e., whether the complaint was found to be credible and whether harassment was found to have occurred.

It is the Department of Education's current position under FERPA that a school cannot release information to a complainant regarding disciplinary action imposed on a student found responsible for violating the University's harassment policy if that information is contained in a student's education record unless —

(1) the information directly relates to the complainant (e.g., an order requiring the student harasser not to have contact with the complainant); or

(2) the harassment involves a crime of violence or a sex offense in a postsecondary institution. (See also Section entitled Campus Sexual Assault Victims' Bill of Rights.)

*Taken from Revised Sexual Harassment Guidance, U.S. Department of Education Office for Civil Rights (January 2001).*

#### **M. Procedures Pertaining to Anonymity in Hearings Before the Committee on Student Discipline**

Anonymity will be granted a) when there is reasonable cause to believe that the physical or psychological welfare of the witness is in jeopardy; or b) the witness would be subject to harassment. Upon request of the witness, the University Conduct Officer will thoroughly investigate the incident and make a recommendation on the granting of anonymity, subject to the concurrence and approval of the Vice President for Student Life and the chairperson of the Committee. Any statements of an anonymous witness will be given to the accused student prior to the hearing. The accused student may then challenge the statement and present questions to be answered by the anonymous person in a manner to be determined by the chairperson of the Committee.

#### **N. Appeal Process for Decisions of the Committee on Student Discipline**

A decision reached by the University Committee on Student Discipline may be appealed by the accused to the Vice President for Student Life. An appeal consists of a review of the written record and supporting documents based only on the grounds set forth below. The decision of the University Committee on Student Discipline may be appealed to the Vice President of Student Life and the decision of the Vice President is final.

The appeal process described in the preceding paragraph, and the grounds for appeal described in the following paragraphs, shall also apply to nonacademic misconduct disciplinary matters initially handled by the Academic Dean of a professional school pursuant to delegation to such Dean by the Vice President for Student Life.

##### **Grounds for Appeal - The student may appeal on the following grounds:**

1. Substantial deviation from the University's procedure that impacts the outcome;
2. Absence of sufficient evidence to support the decision; or
3. Submission of new evidence that was unavailable at the time of the hearing.

Severity of Sanction - The severity of the sanction is not considered an acceptable reason to appeal.

Filing the Appeal - An appeal shall not be considered to have been filed properly or timely unless it is specific. Appeals must be sufficiently complete that a personal appearance will not be necessary. The appeal must state the grounds of appeal and concrete facts and statements supportive of the stated grounds of appeal.

##### **Appeal Deadlines and Expectations**

1. **Deadline for Intent to Appeal:** If a student chooses to appeal a University Committee on Student Discipline decision, he/she must submit the Intent to Appeal form within one (1) working day from the date of receiving the University Committee on Student Discipline Decision Letter. The Intent to Appeal must be in writing, signed and submitted to the Office of the Vice President for Student Life in person, by facsimile (402.280.47060), or attached to an e-mail from the student's official Creighton e-mail address.
2. **Deadline for Written Appeal:** The student will then be permitted up to three (3) working days to prepare and submit a written appeal. The written appeal must cite the specific ground(s) for appeal that the accused would like the Vice President for Student Life to consider and provide an explanation of why, based on these grounds, the decision of the Committee should be reviewed. Any supporting evidence or documentation that was not available at the time of the Committee hearing must be attached to the written appeal. The appeal must be in writing, signed and submitted to the Vice President for Student Life in person, by facsimile, or attached to an e-mail from the student's official Creighton e-mail address.
3. **Student Status during Appeal**  
Pending the response to the appeal, the accused's status as a student will remain unaltered except in cases where there are reasons relating to the emotional or physical welfare of the student or of others, or reasons involving the safety of persons or property. Students are not required to complete the sanctions given by the University Committee on Student Discipline until a final decision on the appeal is made by the Vice President for Student Life.

### **Considerations and Determination of the Appeal**

Upon receiving a written appeal from a student, The Vice President for Student Life will review all materials available to the University Committee on Student Discipline. The Center for Student Integrity will provide the Vice President for Student Life with the case file which includes the investigative report, a copy of the University Committee of Student Discipline decision letter, the audio/video recording of the hearing (if any), work product of University representatives (including memoranda and notes that they might generate), and correspondence between University representatives.

Additionally the Vice President for Student Life may consider an impact statement from the complainant. If the complainant/victim submitted an impact statement to the Center for Student Integrity at the time the complaint was initiated, the impact statement will be provided to the Vice President for Student Life. Additionally, if the complainant has previously submitted an impact statement, the Center for Student Integrity will notify the complainant of the opportunity to submit a supplemental impact statement for consideration. If the complainant has not previously submitted an impact statement, the Center for Student Integrity will notify the complainant of the opportunity to submit an impact statement for consideration. The impact statement or supplemental statement must be submitted within in three (3) working days upon notification of the opportunity. Complainant's statement must be in writing, signed and delivered to the Vice President for Student Life in person, by facsimile or by e mail using the complainant's official Creighton e mail address.

The Vice President for Student Life will review and consider all materials submitted as soon as reasonably possible.

**Burden:** The burden of proof rests on the accused who must establish by presenting clear and convincing evidence that the original process or decision was substantially flawed.

**Action:** The following actions may be taken by The Vice President for Student Life: affirm the finding of responsibility and the sanction imposed by the University Committee on Student Discipline; affirm the finding of responsibility and amend the sanction(s); or overturn the finding of the University Committee on Student Discipline.

The Vice President for Student Life will provide a written notification of his/her determination to the appellant. The decision of the Vice President for Student Life is final.

### **O. Campus Sexual Assault Victims Bill of Rights**

1. In any disciplinary hearing in which sexual assault is alleged, certain procedures and safeguards will apply, in addition to the procedures outlined above. The procedures include the following:
2. The complainant and accused both have the same opportunity to have others present (i.e. an advisor and a parent) during the hearing.
3. The complainant will, as is the case in all student disciplinary matters, have an opportunity to present evidence to the conduct officer investigating the matter.
4. Both parties shall be informed of the outcome of any disciplinary proceeding.
5. All deadlines and expectations for appeal statements are the same for both parties.
6. Both parties will be informed of the appeal decision by the Vice President for Student Life.

### **P. Creighton Integrity Council**

1. **Purpose** - The purpose of this council shall be to conduct hearings on alleged infractions of University rules and provide appropriate sanctions in matters involving nonacademic disciplinary matters where it is anticipated that a student infraction may result in a warning or disciplinary reprimand. The hearing is not a formal process such as a civil or criminal trial but an educational endeavor, which deals with alleged non-academic misconduct. Discipline in a university, by the very nature of the institution is educational, for that reason, formal rules of evidence shall not apply in disciplinary hearings.
2. **Membership on the Creighton Integrity Council**– Students in good academic and disciplinary standing are eligible to apply to be a member of the council. The council consists of four (4) to five (5) student members appointed by the Center for Student Integrity each time a matter will come before the council. Membership includes an apartment coordinator in Residence Life who serves as an advisor to the Board; and three (3) to four (4) undergraduate students who serve for a term of two years.

3. **Voting** - A quorum of three (3) Council members or two (2) members and the chairperson is required to hear cases. All issues, findings, or sanctions in a case will be decided by majority vote of the quorum. The Council's determination shall be made on the basis of whether it is more likely than not that the accused is responsible for committing the alleged offense.
4. **Procedures of Council Hearings**  
The accused receives advance written notice of the charges, time, date, and place of the hearing. The accused and their advisor will be allowed the opportunity to review and respond to any materials or evidence that will be presented at the hearing.

The complainant may review materials or evidence that will be presented at the hearing 48 hours in advance and must review the materials in the Student Life Suite. The materials and evidence must stay in the Student Life Suite and may not be photocopied or taken outside of the Suite.

The accused student is advised prior to the hearing that he/she may bring another member of the University community with him/her as an advisor but that the student is expected to present the case in his/her own words. The student should advise the chairperson of the Committee at least 24 hours prior to the hearing date if he/she will be accompanied by an advisor at the hearing. Attendance at disciplinary hearings will be limited to the student(s), his/her advisor, the Center for Student Integrity conduct officer investigating the alleged misconduct, chairperson and appointed members of the Council. The student may bring one of his/her parents or a legal guardian to the hearing, and the student should advise the chairperson of the Council at least 24 hours prior to the hearing date if he/she will be accompanied by a parent or a legal guardian at the hearing. The parent(s) or legal guardian may only observe at the hearing. They are not allowed to ask questions or make any comments. They are not permitted to act as the student's advisor, nor are they permitted to act as a witness for the student. Only council members are allowed to be present during the Council deliberations. The Center for Student Integrity may be consulted by the council when considering sanctions.

The complainant and accused have the right to ask questions of each other, but the questions will be written in advance and reviewed by the chairperson of the Committee at least 24 hours in advance prior to the hearing date. If the accused or accuser has additional questions, it is up to the discretion of the chairperson if further questions will be allowed during the hearing.

Any party to the proceedings may request the privilege of presenting witnesses. It is the responsibility of the complainant and accused to contact his/her witnesses and request their attendance at the hearing and notify the chairperson of the Committee at least 24 hours prior to the hearing date of the witnesses who will appear. The chairperson may also contact witnesses to appear before the Committee.

**5. Procedures Pertaining to Anonymity**

Anonymity of witnesses will be granted a) when there is reasonable cause to believe that the physical or psychological welfare of the witness is in jeopardy; or b) the witness would be subject to harassment. Upon request of the witness, the Center for Student Integrity will thoroughly investigate the incident and make a recommendation on the granting of anonymity, subject to the concurrence and approval of the Associate Vice President of Student Life. Any statements of an anonymous witness will be given to the accused student prior to the hearing. The accused student may then challenge the statement and present questions to be answered by the anonymous person in a manner to be determined by the Center for Student Integrity.

**6. Grounds for Appeal - The student may appeal on the following grounds:**

1. A substantial deviation from the University's procedure that impacts the outcome
2. Absence of sufficient evidence to support the decision
3. Submission of new evidence that was unavailable at the time of the hearing

Severity of Sanction - The severity of the sanction is not considered an acceptable reason to appeal.

Filing the Appeal - An appeal shall not be considered to have been filed properly or timely unless it is specific. Letters must be complete enough so that a personal appearance will not be necessary. A letter, which merely lists the grounds of appeal without concern for the individual case at hand, may be dismissed as frivolous.

## **7. Appeal Deadlines and Expectations**

- a. **Deadline for Intent to Appeal:** If a student chooses to appeal an Integrity Council decision, he/she must submit an Intent to Appeal within one (1) working day from the date of receiving the Integrity Council Decision Letter.
- b. **Deadline for Written Appeal:** The student will then be permitted up to three (3) working days to prepare and deliver a written appeal. The written appeal must cite the specific ground(s) for appeal that the accused would like the Associate Vice President for Student Life to consider and provide an explanation of why, based on these grounds, the decision of the Integrity Council should be reviewed. Any supporting evidence or documentation that was not available at the time of the Integrity Council hearing must be attached to the written appeal. The written and signed appeal must be submitted to the Vice President for Student Life in person by facsimile or attached to an e mail from the student's official Creighton e mail address.
- c. **Student Status during Appeal**  
Pending the response to the appeal, the accused's status as a student will remain unaltered except in cases where there are reasons relating to the emotional or physical welfare of the student or of others, or reasons involving the safety of persons or property. Students are not required to complete the sanctions given by the Integrity Council until a final decision on the appeal is made by the Associate Vice President for Student Life.

## **8. Considerations and Determination of the Appeal**

Upon receiving a written appeal from a student, The Associate Vice President for Student Life will review all materials available to the Integrity Council. The Center for Student Integrity will provide the Associate Vice President for Student Life with the case file which includes the investigative report, a copy of the Integrity Council investigative document, work product of University representatives (including memoranda and notes that they might generate) and correspondence between University representatives.

The Associate Vice President for Student Life will review and consider all materials submitted to it as soon as reasonably possible.

**Burden:** The burden of proof rests on the accused who must establish by presenting clear and convincing evidence that the original process or decision was substantially flawed.

**Action:** The following actions may be taken by the Associate Vice President for Student Life: affirm the finding of responsibility and the sanction imposed by the Integrity Council; affirm the finding of responsibility and amend the sanction(s); or overturn the finding of the Integrity Council.

The Associate Vice President for Student Life will provide a written notification of his/her determination to the appellant. The decision of the Associate Vice President for Student Life is final.

## **Q. Greek Standard Board**

The Greek Standards Board is approved by the Vice President for Student Life and may be granted authority to adjudicate specific types of cases involving Greek organizations. The Board is advised by the Greek Advisor and consists of eight representatives (five primary voting and three alternates) with representatives from Panhellenic Council chapters, Interfraternity Council chapters, and representatives from multicultural Greek organizations (only if applications are received from these organizations), the Vice President of Judicial Affairs for the Interfraternity Council, and the Vice President of Judicial Affairs for the Panhellenic Council. The board may hear certain disciplinary cases involving Greek organizations at the request of the Advisor and with the approval of the Assistant Director of the Center for Student Integrity in lieu of a Private Decision. The Greek organization retains the right of a Preliminary Conference in advance of a hearing before the Greek Standards Board.

### **1. Appeal Procedures for Greek Standards Board**

Grounds for Appeal - An organization may appeal on the following grounds:

- a. A substantial deviation from the University's procedure that impacts the outcome;
- b. Absence of sufficient evidence to support the decision; or
- c. Submission of new evidence that was unavailable at the time of the hearing

Severity of Sanction - The severity of the sanction is not considered an acceptable reason to appeal.

Filing the Appeal - An appeal shall not be considered to have been filed properly or timely unless it is specific. Letters must be complete enough so that a personal appearance will not be necessary. A letter, which merely lists the grounds of appeal without concern for the individual case at hand, may be dismissed as frivolous.

## 2. Appeal Deadlines and Expectations

- a. **Deadline for Intent to Appeal:** If an organization chooses to appeal a Greek Standards Board decision, they must submit an Intent to Appeal within one (1) working day from the date of receiving the Greek Standards Board Decision Letter.
- b. **Deadline for Written Appeal:** The organization will then be permitted up to three (3) working days to prepare and hand deliver a written appeal with the organization's president's signature to the Associate Vice President for Student Life. The written appeal must cite the specific ground(s) for appeal that the accused organization would like the Associate Vice President for Student Life to consider and provide an explanation of why, based on these grounds, the decision of the Board should be reviewed. Any supporting evidence or documentation that was not available at the time of the Board hearing must be attached to the written appeal.
- c. **Organization's Status during Appeal**  
Pending the response to the appeal, the accused organization as a registered organization will remain unaltered except in cases where there are reasons relating to the emotional or physical welfare of the student or of others, or reasons involving the safety of persons or property. Organizations are not required to complete the sanctions given by the Greek Standards Board until a final decision on the appeal is made by the Associate Vice President for Student Life.

## 3. Considerations and Determination of the Appeal

Upon receiving a written appeal from a student, The Associate Vice President for Student Life will review all materials available to the Greek Standards Board. The Center for Student Integrity will provide the Associate Vice President for Student Life with the case file which includes the investigative report, a copy of the GSB investigative document. Work product of University representatives (including memoranda and notes that they might generate) and correspondence between University representatives.

The Associate Vice President for Student Life will review and consider all materials submitted as soon as reasonably possible.

**Burden:** The burden of proof rests on the accused organization who must establish by presenting clear and convincing evidence that the original process or decision was substantially flawed.

**Action:** The following actions may be taken by the Associate Vice President for Student Life: affirm the finding of responsibility and the sanction imposed by the Greek Standards Board; affirm the finding of responsibility and amend the sanction(s); or overturn the finding of the Greek Standards Board.

The Associate Vice President for Student Life will provide written notification of his/her determination to the organization. The decision of the Associate Vice President for Student Life is final.

## Q. Sanctions

Sanctions for violations of non-academic disciplinary regulations for students consist of:

1. **Expulsion** - The permanent separation of the student from the University. The student will be barred from University premises.

2. **Suspension** - The separation of the student from the University for a specified period of time. The student may not participate in any University sponsored activity and may be barred from University premises. During the period of his/her 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 President for Student Life.
3. **Deferred Suspension** - The postponement of a suspension, separation of the student from the University for a specific period of time, in order for a student to complete the current semester he/she is enrolled. The student may continue to attend classes but may not participate in other University sponsored activities. Additionally, he/she will be notified that any further violations of University rules and regulations will result in immediate suspension.
4. **Disciplinary Removal from University Residence Halls** - The student will be required to leave University residence halls and will forfeit any prepaid housing fees. A notice will be placed in the file and will remain part of the disciplinary file until one year following graduation. 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.
5. **Disciplinary Probation** - The student will be served notice that his/her behavior violates the University's Code of Conduct. He/she may be barred from participation in all or designated co-curricular activities and may be subject to other sanctions. He/she will be notified that any further violations of University rules and regulations will in all likelihood result in suspension or expulsion.
6. **Disciplinary Reprimand** - The student is warned that his/her conduct is in violation of University rules and regulations and that further misconduct may be treated more severely.
7. **Restitution** - The student is required to make payment to the University, other persons, groups, or organizations for damages that result from violations of conduct regulations.
8. **Service/Work Project** - The student will be assigned to complete a specified community service or work project as outlined in a community service/work agreement.
9. **Fines** - The student will be required to pay a specified monetary fine to the University within a specified period of time.
10. **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.
11. **Referral for Prosecution** - Where reasonable cause exists to believe a student has violated local, state or federal criminal laws — and especially where violations of laws relating to unlawful possession, use or distribution of illicit drugs or alcohol occurred on University property or in the course of any University activities — the matter may be referred to authorities for prosecution.
12. **Other Sanctions** - Other sanctions which are intended to engage the student in a positive learning experience related to the student's inappropriate behavior may be imposed by the University Committee on Student Discipline, the Integrity Council, Greek Standards Boards, or a conduct officer. 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.

In determining sanctions for violations of University rules and regulations, the sanctioning person or entity will consider such factors as present attitude; past record, both positive and negative; the severity of the damage, injury, harm, or disruption done or the potential for such; the individual's honesty, cooperation, and willingness to make amends; and other factors deemed material. A sanction or a combination of sanctions from among those stated above may be imposed.

**Sanctions for violations of non-academic disciplinary regulations for student organizations consist of:**

1. **Expulsion** - The permanent separation of the student organization from the University. The student organization will be barred from University premises.
2. **Suspension** - The separation of the student organization from the University for a specified period of time. The student organization may not participate in any University sponsored activity, will not be considered a University registered organization, may not receive University funds, and may be barred from University premises. Reinstatement after disciplinary suspension requires the approval of the Vice President for Student Life.
3. **Disciplinary Probation** - The student organization will be served notice that its behavior violates the University's Code of Conduct. The organization may be barred from participation in all or designated co-curricular activities and may be subject to other sanctions. The organization will be notified that any further violations of University rules and regulations will in all likelihood result in suspension or expulsion.

4. **Social Probation** – The student organization will be served notice that the behavior of its membership violates the University's Code of Conduct. The group is restricted from planning and/or participating in social activities and may be subject to other sanctions. The organization will be notified that any further violations of University rules and regulations will in all likelihood result in the suspension or expulsion of the organization.
5. **Disciplinary Reprimand** - The student organization is warned that its conduct is in violation of University rules and regulations and that further misconduct may be treated more severely.
6. **Restitution** - The student organization is required to make payment to the University, other persons, groups, or organizations for damages that result from violations of conduct regulations.
7. **Service/Work Project** - The student organization will be assigned to complete a specified community service or work project as outlined in a community service/work agreement.
8. **Fines** - The student organization will be required to pay a specified monetary fine to the University within a specified period of time.
9. **Denial of Access or Restriction of Access to a University Building or Facility** - The student organization will be denied access or allowed only restricted access to a specific building or facility for a stated period of time.
10. **Referral for Prosecution** - Where reasonable cause exists to believe a student organization has violated local, state or federal criminal laws — and especially where violations of laws relating to unlawful possession, use or distribution of illicit drugs or alcohol occurred on University property or in the course of any University activities — the matter may be referred to authorities for prosecution.
11. **Other Sanctions** - Other sanctions which are intended to engage the student organization in a positive learning experience related to the organization's inappropriate behavior may be imposed by the University Committee on Student Discipline, Integrity Council, Greek Standards Boards, or a hearing officer. 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 organization's conduct, or review of the organization's membership.

In determining sanctions for violations of University rules and regulations, the sanctioning person or entity will consider such factors as attitude of the organization's officers; past record, both positive and negative; the severity of the damage, injury, harm, or disruption done or the potential for such; the organization's honesty, cooperation, and willingness to make amends; and other factors deemed material. A sanction or a combination of sanctions from among those stated above may be imposed.

#### **R. Psychological Emergencies, Voluntary and Involuntary Withdrawals**

In some instances, a student's conduct, actions or statements may lead to a reasonable belief that the student is a substantial risk to the health or safety of himself/herself or others, or the student may lack the ability to safely participate in the University community. In such cases, the University will take action which considers the welfare of the individual student and the University community, which may include requiring the student to obtain professional evaluation and treatment, communicating with the student's parents, voluntary or involuntary withdrawals from the University, or other actions as may be necessary in the circumstances.

If the student resides in University housing and his or her conduct, actions or statements lead to a reasonable belief that the student is a substantial risk to the health or safety of himself/herself or others or the student is disrupting the ability of other students to live peacefully and conduct their studies, the University will take action which considers the welfare of the individual student and the University community. Such actions may include requiring that the student obtain professional evaluation and treatment, assigning the student to other housing arrangements, communicating with the student's parents, voluntary or involuntary withdrawals from the University, or other actions as may be necessary in the circumstances. If the issues are not resolved to the point where the student can safely resume living in University housing, the student may be restricted from living in University housing. A student who disagrees with the University's decision to involuntarily withdraw the student from the University may file a complaint under University Policy 2.2.3 in the University Guide to Policies.

#### **R. Retention of Disciplinary Record and Record Check**

1. All Disciplinary Records are maintained in the Office of the Vice President for Student Life. When an incident report is generated for an alleged violation of the Student Code of Conduct, the result is a disciplinary file is opened in the name of the accused student. If the student is found not responsible for the charges, the file will be marked no action, no record, and shall not constitute a disciplinary record. The files of students found responsible for charges against them, with sanctions less than suspension or expulsion, will generally be maintained in the

Office of the Vice President for Student Life for seven (7) years from the calendar year of record, after which they are destroyed. Records of cases in which suspension or expulsion from the University occur, are kept for indefinitely. As a part of FERPA all disciplinary records are confidential and may not be disclosed in whole or in part except as provided by law or by the written authorization of the student, under legal compulsion, or where the safety of other persons may be involved. Disciplinary records are maintained separate from the student's academic record but are part of the student's educational record.

2. Students with inquiries about their Creighton University discipline history should make a written request to the Center for Student Integrity. A written summary will be provided to the student within 10 business days. Students requesting to view their discipline records must follow the procedures outlined in the Confidentiality of Records section of the Handbook (pages 10-11). You may also request a summary of your history by visiting the CSI website at <http://www.creighton.edu/student-services/center-for-student-integrity/index.php>

Provide a copy of a current Certificate of Authority provided by the applicant's home state and the Iowa Secretary of State. The Nebraska and Iowa Secretary of State Certificate of Authority are attached (Attachment J).

---

---

---

Provide the U.S. Department of Education cohort default rate for each associated organizational entity for which the U.S. Department of Education reports a cohort default rate. (2009 FY) Default Rate calculation by ED for Stafford/DL loans is 1.5%

---

---

Provide the average debt upon graduation of individuals completing programs at each branch location and the entire organization. The average debt was \$32,152 for those students who borrowed through any loan program and \$23,221 for those who borrowed through federal loan programs only.

---

---

Provide the U. S. Department of Education cohort graduation rate for each branch location and the total organization, showing rates for graduates of diploma, two-year, and four-year, programs if those rates are reported to the U. S. Department of Education National Center for Education Statistics. The 6-year graduation rate for the 2004 cohort was 77%.

# IOWA

## SECRETARY OF STATE

Date: 10/13/2011

### CERTIFICATE OF EXISTENCE

Name: CREIGHTON UNIVERSITY (504RFN - 65097)

Authorized date: 12/16/1970

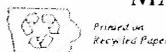
Duration: PERPETUAL

State of Incorporation: NEBRASKA

I, Matt Schultz, Secretary of State of the State of Iowa, custodian of the records of incorporations, certify that the nonprofit corporation named on this certificate is authorized to transact business in this state, that all fees required by the Revised Iowa Nonprofit Corporation Act have been paid by the corporation, and that the most recent biennial corporate report required has been filed by the Secretary of State.



MATT SCHULTZ SECRETARY OF STATE



STATE OF

NEBRASKA



United States of America,  
State of Nebraska } ss.

Department of State  
Lincoln, Nebraska

I, John A. Gale, Secretary of State of Nebraska do hereby certify;

**CREIGHTON UNIVERSITY**

was duly incorporated as a nonprofit corporation under the laws of this state on March 3, 1960 and do further certify that no biennial reports or biennial fees assessed are delinquent; articles of dissolution have not been filed and said corporation is in existence as of the date of this certificate.

In Testimony Whereof,

I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on October 28, 2011.

*John A. Gale*  
SECRETARY OF STATE



This certificate is not to be construed as an endorsement, recommendation, or notice of approval of the entity's financial condition or business activities and practices.

SIGNATURE

Applicant School Chief Executive Officer

Patrick J. Borchers

Name

V.P. Academic Affairs

Title

Paul Borchers

Signature

11/16/11

Date

If any information in this application changes between the time of application Commission action, the school must inform the Commission by filing an Amended Application clearly indicating the information which is being amended. Amendments must be received before the Commission takes action.

# Iowa College Student Aid Commission

Postsecondary Registration Administrator 200 10<sup>th</sup> Street, Fourth Floor Des Moines, IA 50309 (515) 725-3470

## Exemption Claim for Postsecondary (261B) School Registration

Iowa Code § 261B.11 provides eleven exemptions from the Postsecondary School registration requirements of Chapter 261B. Filing of an exemption places the school on record as asserting an exemption from registration. Exemption claims must be approved by the Commission before becoming effective. A school which falsely or erroneously claims an exemption remains subject to the enforcement authority of Chapter 261B.

**Submit a paper document and an electronic copy pdf format on a CD. Applications may be submitted electronically by contacting the Postsecondary Approval Administrator at the address shown below. Applications are to be sent to:**

Postsecondary Approval and Registration Administrator Iowa College Student Aid Commission 200 10th Street,  
Fourth Floor Des Moines, IA 50309

**All items must be completed** before the application will be considered as received by the Commission. Attach additional pages as needed to provide the requested information. Responses are required to have a minimum of a summary paragraph on this form. Responses that include only statements similar to "please see attached", will be considered incomplete. Other documents or materials may also be attached to support the application. Attachments must be tabbed and clearly marked on both the paper and pdf documents..

Name of school and address of the principal office as defined in Iowa Code Section 490.140 or 510.141:  
[(261B.4(2))] and [(261B.4(1))]

Name of School: Creighton University  
Suite: President's Office, Creighton Hall  
Street: 2500 California Plaza  
City: Omaha  
State: NE  
Zip: 68178  
Country: USA  
Telephone Number (including country or area code): 402-280-2770

Type of corporation:

- For-profit  
 Non-profit

Address of this school in all in other states, and in foreign countries:

Suite	Street	City	State	Zip	Country	Telephone
	921 South 8th Avenue	Pocatello	ID	83209	USA	208-282-3057, Idaho State University, Dept of Dental Sciences
Suite 5900	26 South 2000 East	Salt Lake City	UT	84112	USA	801-581-8951, University of Utah, Dental Education

PSB 205	3211 Providence Drive	Anchorage	AK	99508	USA	907-786-6057 University of Alaska Anchorage (for Pharmacy & OT)
			AZ			

Address of all locations in Iowa where instruction is to be provided

Suite	Street	City	State	Zip	Country	Telephone
	800 Mercy Drive	Council Bluffs	IA	51503	USA	Alegent Mercy Hospital 712-328-5000
	1200 Pleasant Street	Des Moines	IA	50309	USA	Blank Children's Hospital 515-241-5437
	200 Hawkins Drive	Iowa City	IA	52242	USA	University of Iowa 319-356-1616
	805 Fifth Street	Sioux City	IA	51102	USA	Mercy Medical Center 712-279-2010

Degrees granted by the school Undergraduate degrees by: The university is approved to offer associate degree, Bachelor's, Master's, specialist, and doctoral degrees. The HLC SAS is attached as well as a list of degrees.

Offered in Iowa

---



---



---



---

Offered outside of Iowa: These are offered in Nebraska.

---



---



---



---

Name, business address and telephone number of the chief executive officer of the school: [(261B.4(7))]

Name: Patrick Borchers, Vice President for Academic Affairs  
Suite: \_\_\_\_\_  
Street: 2500 California Plaza  
City: Omaha  
State: NE  
Zip: 68178  
Country: USA

Name, address, and telephone number of a contact person in Iowa. [(261B.4(10))]

Name: Dr. Anne Schoening  
Street: 22676 Beverly Hills Avenue  
City: Council Bluffs  
State: IA  
Zip: 51503  
Country: USA  
Telephone Number (including country or area code): 712-366-5774

Provide the contact address to be used by students and graduates who seek to obtain transcript information.

Name: Patricia Grafelman Hall, Registrar  
Suite: Creighton Hall  
Street: 2500 California Plaza  
City: Omaha  
State: NE  
Zip: 68178  
Country: USA  
Telephone Number. (including country or area code): 402-280-2701

**Indicate which of the following exemptions is/are claimed.** Item #10

- 1 Schools and educational programs conducted by firms, corporations, or persons for the training of their own employees.
- 2 Apprentice or other training programs provided by labor unions to members or applicants for membership.
- 3 Courses of instruction of a vocational or recreational nature that do not lead to an occupational objective.
- 4 Seminars, refresher courses, and programs of instruction sponsored by professional, business, or farming organizations or associations for the members and employees of members of these organizations or associations.
- 5 Courses of instruction conducted by a public school district or a combination of public school districts.
- 6 Colleges and universities authorized by the laws of Iowa to grant degrees.
- 7 Schools or courses of instruction or courses of training that are offered by a vendor to the purchaser or prospective purchaser of the vendor's product when the objective of the school or course is to enable the purchaser or the purchaser's employees to gain skills and knowledge to enable the purchaser to use the product.
- 8 Schools and educational programs conducted by religious organizations solely for the religious instruction of leadership practitioners of that religious organization.
- 9 Postsecondary educational institutions licensed by the state of Iowa to conduct business in the state.
- 10 Accredited higher education institutions that meet the criteria established under section 261.92, subsection 1. The

cited section provides:

1. "Accredited higher education institution" means a public institution of higher learning located in Iowa which is accredited by the north central association of colleges and secondary schools accrediting agency based on their requirements as of April 1, 1969, or an institution of higher learning located in Iowa which is operated privately and not controlled or administered by any state agency or any subdivision of the state, and which meets the following requirements:

- a. Is accredited by the north central association of colleges and secondary schools accrediting agency based on their requirements as of April 1, 1969, and,
- b. Promotes equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel at the institution. In carrying out this responsibility the institution shall do all of the following:
  - (1) Designate a position as the affirmative action coordinator.
  - (2) Adopt affirmative action standards.
  - (3) Gather data necessary to maintain an ongoing assessment of affirmative action efforts.
  - (4) Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans.
  - (5) Conduct studies of pre-employment and post-employment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.
  - (6) Establish an equal employment committee to assist in addressing affirmative action needs, including recruitment.
  - (7) Address equal opportunity and affirmative action training needs by doing all of the following:
    - (a) Providing appropriate training for managers and supervisors.
    - (b) Insuring that training is available for all staff members whose duties relate to personnel administration.
    - (c) Investigating means for training in the area of career development.
  - (8) Require development of equal employment opportunity reports, including the initiation of the processes necessary for the completion of the annual EEO-6 reports required by the federal equal employment opportunity commission.
  - (9) Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.
  - (10) File annual reports with the college student aid commission of activities under this paragraph.

11. Postsecondary educational institutions offering programs limited to nondegree specialty vocational training programs.
12. Not-for-profit colleges and universities established and authorized by city ordinance to grant degrees. To claim an exemption, the school must indicate which of the claimed exemptions applies to the school, and describe the course and the facts which establish the appropriateness of the exemption.

Explain in detail why the institution qualifies for the indicated exemption(s). Note the Commission will make a determination, based on this information. Creighton is accredited by the Higher Learning Commission. "Creighton admits qualified students and hires qualified employees without regard to race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, or veteran status. Its education and employment policies, scholarship, and loan programs, and other programs and activities, are administered without unlawful discrimination..." (2011-12 Bulletin, Undergraduate Issue, p. 18). Creighton has an Office of Affirmative Action, Associate Vice President for Affirmative Action and Diversity Outreach is John E. Pierce, MS Guidance, JD.

**SIGNATURE**  
**Applicant School Chief Executive Officer**

Patrick J. Borchers  
Name

V.P. Academic Affairs  
Title

Patricia Burner

Signature

11/16/14

Date

**If any information in this application changes between the time of application Commission action, the school must inform the Commission by filing an Amended Application clearly indicating the information which is being amended. Amendments must be received before the Commission takes action.**

**If the claimed exemption becomes inapplicable, the school must immediately apply for registration with the State of Iowa or cease offering the course(s) of instruction.**