



CAMPUS SECURITY REPORT

The following is a partial inclusion of the Creative Center's 2017 Campus Security Report. The full report can be viewed online at: <http://www.creativecenter.edu/TCC14/pdfs/CampusSecurityReport2017.pdf>

OFFENSE	ON CAMPUS			PUBLIC PROPERTY		
	2014	2015	2016	2014	2015	2016
AGGRAVATED ASSAULT	0	0	0	0	0	0
ARSON	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0
DESTRUCTION/DAMAGE/ VANDALISM OF PROPERTY	0	0	0	0	0	0
DATING/DOMESTIC VIOLENCE	0	0	0	0	1	0
INTIMIDATION	0	0	0	0	0	0
LARCENY/THEFT (except motor vehicle theft)	0	0	0	0	1	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0
MURDER / NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0
SEX OFFENSES, FORCIBLE	0	0	0	0	0	0
SEX OFFENSES, NON-FORCIBLE	0	0	0	0	0	0
SEXUAL ASSAULT	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0
STALKING	0	0	0	0	0	0
DRUG LAW VIOLATIONS (arrests)	0	0	0	0	0	0
WEAPONS VIOLATIONS (arrests)	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS (arrests)	0	0	0	0	0	0
<p>The Creative Center does not have dormitories or other residential facilities for students on campus nor any non-campus buildings or property. No hate crimes were committed in the years 2014, 2015, or 2016. The Omaha Police Department provided "crime statistics at or immediately adjacent to" our address. We have listed all statistics of which we had no knowledge under the public property headline.</p>						

Updated 7/5/17

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CRIME REPORTING

Reporting The Annual Disclosure of Crime Statistics

The Executive Director of the Creative Center (CC) prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our website at <http://www.creativecenter.edu/TCC14/pdfs/CampusSecurityReport2017.pdf>. This report is prepared in cooperation with the Omaha Police Department.

Campus crime, arrest and referral statistics include those reported to the administration and local law enforcement agencies. The Creative Center does not have any off-campus student organizations, residence halls or dormitories. The college does not employ or contract security personnel.

Each August, during orientation, all enrolled students receive the website address to access this report. Faculty and staff receive similar notification within the updated Employee Handbook and Faculty Manual each year. Copies of the report may also be obtained by contacting the Executive Director or by calling (402) 898-1000. All prospective employees may obtain a copy from the Executive Director or by calling (402) 898-1000, and the website address is included in the Employee Handbook and Faculty Manual, either of which is provided during the interview process.

General Procedures for Reporting a Crime or Emergency

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the administration in a timely manner. The Creative Center does not have a campus police department.

Crimes should be reported to the administration to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

To report a crime:

Contact the Executive Director or Director of Education at 402-898-1000 (non-emergencies) or dial 911 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the Student Entrance should be reported to the administration.

Confidential Reporting Procedures

The Creative Center follows the confidential reporting procedures of Neb. Rev. Stat. 84-712.05(5):

The following records may be withheld from the public by the lawful custodian of the records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties:

(5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training, except that this subdivision shall not apply to records so developed or received relating to the presence of and amount or concentration of alcohol or drugs in any body fluid of any person.

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Violent Crime Report Disclosure

CC will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by CC against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

EMERGENCY RESPONSE PROCEDURES

In the event that a situation arises, either on or off campus, that, in the judgment of the President and/or the Executive Director, constitutes an ongoing or continuing threat, a campus wide notification will be issued. The notification will be issued verbally to students, faculty, and staff within the building.

CC will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Timely Warnings

In the event that a Clery Act crime is reported that has the possibility to be repeated, a campus wide “timely warning” will be issued. The warning will be issued verbally to students, faculty, and staff within the building. The intent of the timely warning is to enable members of the campus community to protect themselves.

Notification to the CC Community about an Immediate Threat

In the event of a serious incident that poses an immediate threat to members of the CC community, the college has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the CC campus community. These methods of communication include network emails, emergency phone messages, social media, and emergency messages on the college website.

Missing Student Notification

Any student feared to be missing should be reported to the Executive Director; if the Executive Director is not available, call 911. Any reporting person’s contact information will be registered confidentially and will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

In the event that an enrolled student of the Creative Center is determined to be missing, the Creative Center must report the student as missing to the Omaha Police Department (OPD) within 24 hours of this determination, unless the OPD originally made the determination that the student was missing.

If a student is under 18 years of age and not emancipated, the Creative Center must also 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 designated by the student.

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Emergency Evacuation Procedures

In the event that a situation arises that requires evacuation, the following procedures will be followed.

Evacuation to the Tornado Shelter

1. All students, faculty and staff should quickly and quietly walk to the First Year Lecture Hall.
2. All Room Leaders are responsible for determining that their rooms are empty and that all personnel have moved to the First Year Lecture Hall.
3. All Room Leaders are responsible for turning off any electrical devices in their rooms (IF DANGER IS NOT IMMINENT).

Evacuation of the building

1. All students, faculty and staff should quickly and quietly walk across the parking lot and convene at McDonalds.
2. All Room Leaders are responsible for determining that their rooms are empty and that all personnel have left the building.
3. The Executive Director will take attendance at McDonalds.
4. The Executive Director will alert parents, if deemed necessary.

Room Leader Assignments

1. First-year classroom and lecture room = Lead Instructor
2. Second-year classroom and theater = Lead Instructor
3. BFA (both lecture and classroom) = Lead Instructor
4. DCA (including restrooms, storage rooms, and white conference room) = Ray and Jan Dotzler
5. Student Restrooms = Beth Connor
6. Admissions and Administrative Hallway = Rich Caldwell
7. Mounting Room, Student Library, Student Lounge and final check of entire building = Kim Guyer
8. If no class is in session
 - a) First-year classroom and lecture room = Alissa Apel
 - b) Second-year classroom and theater = Tim Grutsch
 - c) BFA classroom and lecture area = Jan Dotzler

Testing Emergency Response and Evacuation Procedures

An evacuation drill is coordinated by CC each school year for the entire campus building. Each semester, students are instructed on the locations of the emergency exits in the building and are provided guidance about the direction they should travel when exiting for a short-term building evacuation. CC also informs students in advance about the designated location for long-term evacuations. CC faculty and staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency, as well as a way to educate and train occupants on issues specific to their rooms within the building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

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Evacuation drills are monitored and documented by the CC administration to evaluate egress and behavioral patterns. Reports are prepared by the CC administration that identifies deficient equipment and procedures so that repairs/changes can be made immediately. Recommendations for improvements are also submitted for consideration.

Shelter-in-Place Procedures— What it Means to "Shelter-in-Place"

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to "shelter- in-place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Basic "Shelter-in-Place" Guidance

If an incident occurs and the building you are in is not damaged, stay inside – seeking an interior room – until you are told it is safe to come out. If the building is damaged, take your personal belongings (purse, wallet, ID card, etc.) and follow the evacuation procedures for your building (close your door, and proceed to the nearest exit). Once you have evacuated, seek shelter at the McDonald's across the parking lot. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to "Shelter-in-Place"

A shelter-in-place notification may come from several sources, including CC faculty or staff, the federal or local government, Omaha Police Department, or other authorities utilizing the College's emergency communications tools.

How to "Shelter-in-Place"

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. If there is a large group of people, several rooms maybe necessary. The room(s) should be:
 - a. An interior room;
 - b. Above ground level; and
 - c. Without windows or with the least number of windows.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (CC staff will turn off ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (instructor or staff member) to call the list in to CC administration so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

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FACILITY ACCESS

Creative Center office hours are 8:00 a.m. – 5:00 p.m., Monday through Friday.

During business hours, the College will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all College facilities is by key, if issued. In the case of after-hours events, the College will admit only those with approval into the facility.

College administration periodically reviews security issues such as landscaping, locks, alarms, lighting, and communications.

The Creative Center does not have dormitories or other residential facilities for students on campus nor any non-campus buildings or property.

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

Alcoholic Beverages and Illegal Drugs

Nebraska state law governs the possession, sale or the furnishing of alcohol and illegal drugs on the College campus; however, the enforcement of alcohol and illegal drug laws on-campus is the primary responsibility of the Administration.

The CC campus has been designated “Drug-Free.” The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the CC Administration. Violators are subject to College disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the CC Alcohol Policy for anyone to consume or possess alcohol in any public or private area of campus without prior College approval, regardless of age.

Domestic and Sexual Violence

Domestic and/or sexual violence is not tolerated by the Creative Center for any reason, including intimate partner violence, sexual violence, or stalking. Violators are subject to College disciplinary action, criminal prosecution, fine and imprisonment.

Prevention Programs

During orientation in August, students are shown a slide presentation outlining ways to maintain personal safety including tips on how to protect themselves from theft, sexual violence, and other crimes. Students are also given access to the Campus Security Report at this time. Similar information is presented to new employees.

Special guest speakers are offered every fall semester:

- Sexual violence and prevention; in conjunction with the WCA
- Alcohol and substance abuse; in conjunction with Douglas County Comm. Mental Health Center.

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A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

The College has developed a program to prevent the illicit use of drugs, the abuse of alcohol, and domestic and sexual violence by students and employees. The program provides related services including dissemination of informational materials, special guest speakers, referrals and college disciplinary actions.

Students and/or parents can contact the Executive Director or Director of Education for information on referral services, and college disciplinary actions.

Steps You Can Take to Prevent Sexual Assault

(<https://www.rainn.org/articles/steps-you-can-take-prevent-sexual-assault>)

Everyone has a role to play in preventing sexual assault. There are many different ways that you can step in or make a difference if you see someone at risk. This approach to preventing sexual assault is referred to as “bystander intervention.”

How can I play a role in preventing sexual assault?

The key to keeping your friends safe is learning how to intervene in a way that fits the situation and your comfort level. Having this knowledge on hand can give you the confidence to step in when something isn’t right. Stepping in can make all the difference, but it should never put your own safety at risk.

Create a distraction.

Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.

- Cut off the conversation with a diversion like, “Let’s get pizza, I’m starving,” or “This party is lame. Let’s try somewhere else.”
- Bring out fresh food or drinks and offer them to everyone at the party, including the people you are concerned about.
- Start an activity that draws other people in, like a game, a debate, or a dance party.

Ask directly.

Talk directly to the person who might be in trouble.

- Ask questions like “Who did you come here with?” or “Would you like me to stay with you?”

Refer to an authority.

Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like an RA or security guard.

- Talk to a security guard, bartender, or another employee about your concerns. It’s in their best interest to ensure that their patrons are safe, and they will usually be willing to step in.
- Don’t hesitate to call 911 if you are concerned for someone else’s safety.

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Enlist others.

It can be intimidating to approach a situation alone. Enlist another person to support you.

- Ask someone to come with you to approach the person at risk. When it comes to expressing concern, sometimes there is power in numbers.
- Ask someone to intervene in your place. For example, you could ask someone who knows the person at risk to escort him or her to the bathroom.
- Enlist the friend of the person you're concerned about. "Your friend looks like they've had a lot to drink. Can you check on them?"

Your actions matter.

Whether or not you were able to change the outcome, by stepping in you are helping to change the way people think about their role in preventing sexual assault. If you suspect that someone you know has been sexually assaulted, there are steps you can take to support that person and show you care.

Douglas County Comm. Mental Health Center: 402-444-7608: www.douglascounty-ne.gov

Alcoholics Anonymous: Omaha AA Central Office: 402-556-1880: www.omahaaa.org

Pastoral or Professional Counselors

The Creative Center does not employ or contract pastoral or professional counselors on campus; however, contact information is readily available for any student in need of these services. Please contact the Executive Director or the Director of Education for this contact information.

Luke Isaacson: 402-250-8693; lisaacson@waypointomaha.com

Description of Applicable Legal Sanctions Under Federal Law for Unlawful Possession or Distribution of Illicit Drugs and Alcohol

The information on the following pages summarizes selected provisions of Federal, State, and local laws that provide criminal and civil penalties for unlawful possession or distribution of drugs and alcohol.

Federal Penalties and Sanctions for Illegal Possession of Controlled Substances

Note: Additional State penalties and sanctions may apply.

- **21 U.S.C. § 844(a)**
First Conviction: Up to one-year imprisonment and fine of at least \$1,000 or both.
After one prior drug conviction: At least 15 days in prison, not to exceed two years, and fine of at least \$2,500.
After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and fine of at least \$5,000.
- **21 U.S.C. § 853(a) (2) and 881(a)**
Forfeiture of tangible and intangible personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year of imprisonment. Forfeiture of vehicles, boats, aircraft, or any other conveyance used or intended for use to transport or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances.

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- **21 U.S.C. § 844(a)**
Civil fine of up to \$10,000 for each violation of 21 U.S.C. § 844 involving controlled substances listed in 21 U.S.C. § 841(b)(1)(A).
- **21 U.S.C. § 862**
Denial of Federal benefits, such as financial aid grants, contracts, student loans, and professional and commercial licenses, for individuals convicted of distributing controlled substances (drug trafficking). The denial can last up to 5 years for the first conviction and up to 10 years for the second conviction. Those who have three or more convictions will be permanently ineligible for all Federal benefits.
- **18 U.S.C. § 922(g)**
Ineligible to receive or possess a firearm or ammunition.
- **Miscellaneous**
Authority to revoke certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., is vested with the officials of individual Federal agencies.

The United States Drug Enforcement Administration publishes information that summarizes trafficking penalties under Federal law for various types of drugs; it is available at:
<http://www.dea.gov/druginfo/ftp3.shtml>.

Description of Applicable Legal Sanctions Under State or Local Law for Unlawful Possession or Distribution of Illicit Drugs and Alcohol

State Penalties and Sanctions for Illegal Possession of Controlled Substances

The framework for the regulation of most drugs, also called controlled substances, is set out in the Uniform Controlled Substances Act. In addition, other Nebraska State laws establish penalties for various drug-related offenses as summarized below. Chart 2 and chart 3 summarize the sanctions under Nebraska law for possession or distribution of various drugs.

Crimes Involving Minors

Any person 18 years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver or dispense a controlled substance or a counterfeit controlled substance (i) to a person (under the age of 18 years; (ii) in, on, or within 1,000 feet of a school, college, university, or playground; or (iii) within 100 feet of a youth center, public swimming pool, or video arcade shall be punished more severely. The law also provides for an enhanced penalty for anyone 18 years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of 18 years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance. See Neb. Rev. Stat. § 28-416(4) and (5) (Reissue 2008, Cum. Supp. 2014; Supp. 2015).

Persons under the age of 18 who violate the drug laws may be subject to additional sentencing provisions found in Neb. Rev. Stat. § 28-416 (18) (Reissue 2008, Cum. Supp. 2014; Supp. 2015), these include impounding licenses or permits issued under the Motor Vehicle Operator's License Act, completion of community service, and attending drug-education classes.

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Probation Conditions

Any person convicted of a drug law violation, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse. Neb. Rev. Stat. § 28-416 (14) (Reissue 2008, Cum. Supp. 2014; Supp. 2015).

Tax Provisions

Anyone who possesses or sells the following amounts of controlled substances or imitation controlled substances must pay the appropriate taxes to the Nebraska Department of Revenue and have the stamps attached to the controlled substances. Marijuana is not included in the definition of “controlled substances” here but is also taxed, as follows:

- Illegal marijuana is taxed at \$100 for each ounce or portion of an ounce. Neb. Rev. Stat. § 77-4303 (Reissue 2009).
- Any controlled substance that is sold by weight or volume (i.e., cocaine, crack, methamphetamine, etc.) is taxed at \$150 for each gram or portion of a gram. Neb. Rev. Stat. § 77-4303 (Reissue 2009).
- Any controlled substance that is not sold by weight (i.e., LSD, Quaaludes, methamphetamine in tablets, PCP, etc.) is taxed at \$500 for each 50 dosage units or portion thereof. Neb. Rev. Stat. § 77-4303 (Reissue 2009).
- Failure to have the proper tax stamps attached to the controlled substance is a Class IV felony, with a criminal penalty of up to a 2-year imprisonment and 12-month post-release supervision or a \$10,000 fine or both. If imprisonment is imposed, there will be a minimum of a 9-month post-release supervision. Neb. Rev. Stat. § 28-105(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015) available at <http://uniweb.legislature.ne.gov>; Neb. Rev. Stat. §§ 77-4301 to 77-4316 (Reissue 2009; Cum. Supp. 2014; Supp. 2015).

Property Forfeiture

Property used to manufacture, sell, or deliver controlled substances can be seized and forfeited to the State. Property subject to forfeiture may include cash, cars, boats, and airplanes, as well as drug paraphernalia, books, records, and research, including formulas, microfilm, tapes, and data. Neb. Rev. Stat. § 28-431 (Reissue 2008).

Being Under the Influence of Any Controlled Substance for Unauthorized Purpose

It is a violation of Nebraska law 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 practitioner. In a prosecution, the State need not prove that the accused was under the influence of a specific controlled substance, only that the accused manifested symptoms or reactions caused by the use of any controlled substance. Neb. Rev. Stat. § 28-417(1)(g) (Reissue 2008).

Drug Paraphernalia Offenses

It is a violation of Nebraska law to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Neb. Rev. Stat. § 28-441(1) (Reissue 2008).

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"Drug paraphernalia" is defined to include such things as hypodermic syringes, needles, pipes, bongs, roach clips, and other items used, intended for use, or designed for use with controlled substances. Neb. Rev. Stat. § 28-439 (Reissue 2008).

It is unlawful to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances in which one should reasonably know, that it will be used to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. This section does not apply to pharmacists who sell hypodermic syringes or needles for the prevention of the spread of infectious diseases. Neb. Rev. Stat. § 28-442 (Reissue 2008).

It is a violation of Nebraska law for a person 18 years of age or older to deliver drug paraphernalia to a person under the age of 18 who is at least 3 years his or her junior. Neb. Rev. Stat. § 28-443 (Reissue 2008).

A violation of Neb. Rev. Stat. § 28-441 (use or possession of drug paraphernalia) is punishable on the first offense by a fine of up to a maximum of \$100; a second offense within two years of the first is punishable by a fine not less than \$100 and not more than \$300; a third offense within two years of the second is punishable by a fine of not less than \$200 and not more than \$500. Neb. Rev. Stat. §§ 28-441 and 29-436 (Reissue 2008). The penalty for violation of Neb. Rev. Stat. § 28-442 (delivery or manufacture of drug paraphernalia) is not more than a 6-month imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 28-442 (Reissue 2008) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). The penalty for violation of Neb. Rev. Stat. § 28-443 (delivery of drug paraphernalia to a minor) is imprisonment for not more than 1 year or a \$1,000 fine or both. Neb. Rev. Stat. § 28-443 (Reissue 2008) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

Imitation Controlled Substances

It is a violation of Nebraska law to knowingly or intentionally manufacture, distribute, deliver, or possess with intent to distribute or deliver an imitation controlled substance. Neb. Rev. Stat. § 28-445 (Reissue 2008 and Cum. Supp. 2014). "Imitation controlled substance" is a substance that is not a controlled substance or controlled substance analogue but which is represented to be an illicit controlled substance or controlled substance analogue. Neb. Rev. Stat. § 28-401 (29) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). First offense violations of this law are punishable by a 3-month imprisonment or a \$500 fine or both. A second offense violation of this statute is punishable by not more than a 6-month imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 28-445 and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

Controlled Substance Analogue

For purposes of Nebraska's Uniform Controlled Substance Act, controlled substance analogues (often called "designer drugs") are treated as controlled substances. Such an analogue is defined as (a) substantially similar in chemical structure to the chemical structure of a controlled substance or (b) having a stimulant, depressant, analgesic or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the effect of a controlled substance. Neb. Rev. Stat. § 28-401(30) (a) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

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Selected Nebraska Alcohol Offenses

Minor In Possession

It is against the law for a person under the age of 21 years to sell, dispense, consume, or possess alcohol. Neb. Rev. Stat. § 53-180.02 (Reissue 2010). Violation of this law is punishable by a 3-month imprisonment or a \$500 fine or both. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Reissue 2010; Cum. Supp. 2014; Supp. 2015); § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015).

Safe Harbor

A penalty may not be imposed on a person who otherwise violated this law if the person (i) requested emergency medical assistance in response to the possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent; (ii) was the first person to make the request for medical assistance; and (iii) when emergency medical assistance was requested for the possible alcohol overdose of another person: (A) remained on the scene until the medical assistance arrived; and (B) cooperated with medical assistance and law enforcement personnel. Neb. Rev. Stat. § 53-180.05(4) and § 53-181 (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

Procuring Alcohol

It is a violation of Nebraska law to sell, furnish, give away, exchange, deliver, or permit the sale, gift, or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent. Neb. Rev. Stat. § 53-180 (Reissue 2010 and Cum. Supp. 2014). Violation of this law is generally punishable by not more than a 1-year imprisonment or a \$1,000 fine or both. Neb. Rev. Stat. § 53-180.05(1) (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). However, if alcohol is knowingly and intentionally provided to a minor and the minor's consumption of the alcohol or impaired condition attributed to the alcohol leads to the serious bodily injury or death of any person, the person who provided the alcohol shall be guilty of a Class IIIA felony and serve a mandatory minimum of at least 30 days' imprisonment. The penalty for a Class IIIA felony is a 3-year imprisonment and 18-month post release supervision or a \$10,000 fine or both and a minimum of a 9-month post-release supervision if imprisonment is imposed. See Neb. Rev. Stat. § 53-180.05(2) (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and Neb. Rev. Stat. § 28-105(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015) available at <http://uniweb.legislature.ne.gov>.

Consumption on Public Property

It is a violation of Nebraska law for any person to consume alcoholic liquors upon property owned or controlled by the State or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such properties. Neb. Rev. Stat. § 53-186 (Reissue 2010 and Cum. Supp. 2014). A violation of this statute is punishable on the first offense by a fine of up to a maximum of \$100; a second offense within 2 years of the first is punishable by a fine not less than \$100 and not more than \$300; a third offense within 2 years of the second is punishable by a fine of not less than \$200 and not more than \$500. Neb. Rev. Stat. § 53-186 (Reissue 2010 and Cum. Supp. 2014) and § 29-436 (Reissue 2008).

Driving While Intoxicated

Operating or being in physical control of a vehicle while under the influence of alcoholic liquors or drugs is a violation of Nebraska law when such person has a concentration of eight-hundredths (.08) of 1 gram

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or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath. Neb. Rev. Stat. § 60-6,196 (Reissue 2010).

Violation of this law is punishable on first offense by not more than 60 days but not less than 7 days of imprisonment and a \$500 fine. Neb. Rev. Stat § 60-6,197.03 (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). In addition, an offender's driver's license is revoked for 6 months and the offender is ordered not to drive any motor vehicle for any purpose for a like period. Neb. Rev. Stat. § 60- 6,197.03(1) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). Suspended sentence or probation includes a mandatory requirement that probation or suspension be conditioned on an order that the offender will not drive any motor vehicle for any purpose for 60 days and pay a \$500 fine. Neb. Rev. Stat. § 60-6,197.03(1) (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

Penalties for a second conviction include a \$500 fine and a maximum of a 6-month imprisonment, with no less than a mandatory 30-day imprisonment. Neb. Rev. Stat. § 60-6,197.03 (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). As part of the judgment of conviction, the offender's operator's license is revoked for 18 months. Neb. Rev. Stat. § 60-6,197.03(3) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). If an offender is placed on probation or the sentence is suspended, a mandatory condition is that the offender must not drive any motor vehicle for any purpose for a period of 18 months. Neb. Rev. Stat. § 60- 6,197.03(3) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). In addition, the probation order shall include as one of its conditions the payment of a \$500 fine and confinement in the city or county jail for 10 days or the imposition of not less than 240 hours of community service. Neb. Rev. Stat. § 60- 6,197.03(3) (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

Penalties for a third conviction include a \$1,000 fine and a maximum of a 1-year imprisonment, with a minimum 90-day imprisonment, and an order of license revocation for 15 years. Neb. Rev. Stat. § 28-106(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015) and Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). If an offender is placed on probation, or the sentence is suspended, a mandatory condition is that the offender's operator's license shall be revoked for a period of at least 2 years but not more than 15 years. Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). In addition, the probation order shall include the payment of a \$1,000 fine and as one of its conditions confinement in the city or county jail for 30 days. Neb. Rev. Stat. § 60-6,197.03(4) (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

Fourth and subsequent convictions will result in up to a 3-year imprisonment and 18 months post-release supervision (with a minimum of 9 months post-release supervision if imprisoned) or a \$10,000 fine, or both, and are a Class IIIA felony conviction. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and Neb. Rev. Stat. § 28-105(1) (Reissue 2008; Cum. Supp. 2014; Supp. 2015). Offenders in this class will have their licenses revoked for a period of 15 years and the offender must spend at least 180 days imprisoned in a city or county jail or an adult correctional facility. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). Probation or suspension of sentence must be conditioned so that the offender's license is revoked for a period of 15 years. Neb. Rev. Stat. § 60- 6,197.03(7) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). In addition, the probation order shall include as one of its conditions a \$2,000 fine and confinement in the city or county jail for 90 days with required use of a continuous alcohol monitoring device and abstention from alcohol use for no less than 90 days after release. Neb. Rev. Stat. § 60-6,197.03(7) (Reissue 2010; Cum. Supp. 2014; Supp. 2015).

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Persons with a higher concentration of alcohol, fifteen-hundredths (.15) of 1 gram or more by weight of alcohol per 100 milliliters of blood or per 210 liters of breath on a first conviction and subsequent conviction, are subject to even stiffer penalties. Neb. Rev. Stat. § 60-6,197.03(2), (5), (6), (8) and (10) (Reissue 2010; Cum. Supp. 2014; Supp. 2015). Where a person has three prior convictions and then has another conviction involving this higher alcohol concentration, he or she shall be guilty of a Class IIA felony, punishable by up to 20 years in prison. Neb. Rev. Stat. § 60-6,197.03(8) (Reissue 2010; Cum. Supp. 2014; Supp. 2015) and Neb. Rev. Stat. § 28-105(1) (Reissue 2008; Cum.Supp. 2014; Supp. 2015).

Persons convicted of a DWI violation may be ordered to have an ignition interlock device installed at their expense on each motor vehicle owned or operated by the convicted person. Neb. Rev. Stat. §§ 60-6,197.03 and 60- 6,211.05 (Reissue 2010; Cum. Supp. 2014; Supp. 2015). DWI convictions also have an impact on the ability of a person to obtain both automobile and life insurance coverage.

Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol, e.g. “open container” laws.

Description Of Health Risks Associated With Use Of Illicit Drugs And Abuse Of Alcohol

Serious health risks are associated with the use of illicit drugs and alcohol. The National Institute on Drug Abuse states that most drugs of abuse can alter a person’s thinking and judgment, leading to health risks, including addiction, drugged driving and infectious disease. Most drugs could potentially harm an unborn baby; pregnancy-related issues are listed for drugs where there is enough scientific evidence to connect the drug use to specific negative effects. These drugs and their effects are more thoroughly described by the National Institute on Drug Abuse through charts available online at <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.

DOMESTIC AND SEXUAL VIOLENCE

Sexual Assault Prevention and Response

The College educates the student community about sexual assaults and date rape through special guest speakers each fall in conjunction with the WCA. Literature on date rape education, and risk reduction, is available in the student lounge, as well as through the Executive Director or the Director of Education.

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The Creative Center strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to an administrator. Filing a police report with a college administrator will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim.
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam).

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- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

Victims of sexual assault are strongly encouraged to receive counseling or other available services. The Creative Center does not employ or contract pastoral or professional counselors on campus; however, contact information is readily available for any student in need of these services.

Emergency Services – dial 911

Immediate assistance requiring a law enforcement officer, fire department or ambulance

Domestic Violence / Sexual Assault Services: WCA 24-hour hotline - Omaha: 402-345-7273

National Domestic Violence Hotline: www.thehotline.org; 1-800-799-SAFE (7233)

National Sexual Assault Hotline: <https://ohl.rainn.org/online/>; 1-800-656-HOPE (4673)

National Teen Dating Abuse Helpline: www.loveisrespect.org; 1-866-331-9474; text LOVEIS to 22522

Procedures for Campus Disciplinary Action in Cases of an Alleged Sex Offense

When an incident of domestic violence, sexual violence, or stalking is reported, the following procedure shall be used:

1. The injured party's safety is the first priority.
 - a. Immediately provide the injured party a safe environment to tell his/her story if he/she desires.
 - b. Medical personnel must be contacted, if necessary, (if not already seen).
 - c. With the injured party's consent, contact local authorities (if they have not already been contacted) in order to report the incident. Note: reporting the incident does not automatically mean that the injured party will press charges.
 - d. If the injured party is not willing to report the incident, advise that the college must report the incident, however, the college can make a report using anonymous participants.
 - e. Ascertain if the accused is a current student at the college.
 - f. Provide the Domestic and Sexual Violence handout to the injured party for further and future information. This handout includes information on the following, related to both the college and the community: counseling; health; mental health; victim advocacy; legal assistance; student financial aid; how to request changes to academic, living, transportation, and working situations; protective measures, and other services.
 - g. Ascertain if a threat exists that requires information to be disseminated to the community.
2. If the accused is a current student at the college:
 - a. Ascertain if the injured party and the accused are in the same class.
 - b. If yes, ascertain whether the injured party would like accompaniment to and from the classroom, and/or alternate classroom accommodations.
3. If the incident happened off-campus, no further action by the college is necessary.
4. If the incident happened on-campus:
 - a. A fair and impartial investigation will be conducted.

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- b. A disciplinary hearing will be scheduled for no later than two weeks (10 business days) after the incident was reported.
 - i. Both the accused and the injured party must be contacted simultaneously (e.g. via email or in person) regarding the set date for the hearing.
 - ii. Both the injured party and the accused are entitled to the same opportunities to have others present during the proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
 - iii. The hearing will be led by an official who receives annual training on:
 - 1. the issues related to domestic violence, dating violence, sexual assault, and stalking
 - 2. how to conduct an investigation and hearing process that protects the safety of injured parties and promotes accountability
 - iv. At a minimum, the President, Vice President, and Executive Director will attend the hearing.
- c. Standards of evidence used:
 - i. Both the injured party and the accused must produce clear and convincing proof to support or disclaim the allegations, and this includes witnesses, physical evidence, behavior patterns, etc.
 - ii. The injured party must provide substantial evidence that is clear, convincing, and reliable
 - iii. The accused must provide substantial evidence that is clear, convincing, and reliable
 - iv. The Creative Center will preserve evidence from both parties for CC and law enforcement officials
 - v. If the likelihood that the incidence occurred on campus as reported by the injured party, then both parties will be informed of the Hearing process, investigation, and disciplinary procedures
 - vi. The injured party will have the option to receive support in reporting to law enforcement officials, seeking counseling, and other community resources.
- d. Both the injured party and the accused shall be simultaneously informed, in writing, of:
 - i. the outcome of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking
 - ii. the institution's procedures for the accused and the injured party to appeal the result of the institutional disciplinary proceeding
 - iii. of any change to the results that occurs prior to the time that such results become final; and
 - iv. when such result become final
- e. Possible sanctions that the college may impose following a disciplinary hearing include, but are not limited to:
 - i. No action
 - ii. Removal of privileges (e.g. individual internet connection)
 - iii. Non-Academic Probation
 - iv. Temporary Suspension
 - v. Dismissal

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Sex Offender Registration

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the Creative Center is providing a link to the Nebraska State Patrol Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

Sex offender registry information shall not be used to retaliate against the registrants, their families, or their employers in any way. Vandalism, verbal or written threats of harm are illegal and will result in arrest and prosecution.

The Nebraska State Patrol is responsible for maintaining this registry. Access the Nebraska State Patrol website at <https://sor.nebraska.gov>

DEFINITIONS:

The following definitions are to be used for reporting the crimes listed in § 668.46, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program. The definitions for murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program. The definitions of fondling, incest, and statutory rape are excerpted from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program. The definitions of larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program. The definitions for Intimate Partner Violence, Sexual Assault, and Stalking are from Project SAFE, a program of the Cal State L.A. Student Health Center's Health Promotion and Education Center. The definition for "consent" is from Neb. Rev. Stat. §28-318 via rainn.org.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

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Consent—Agreement, approval, or permission as to some act or purpose, esp. given voluntarily by a competent person; legally effective assent. Consent itself is not defined, however “without consent” means:

- a) (i) The victim was compelled to submit due to the use of force or threat of force or coercion, or (ii) the victim expressed a lack of consent through words, or (iii) the victim expressed a lack of consent through conduct, or (iv) the consent, if any was actually given, was the result of the actor's deception as to the identity of the actor or the nature or purpose of the act on the part of the actor;
- b) The victim need only resist, either verbally or physically, so as to make the victim's refusal to consent genuine and real and so as to reasonably make known to the actor the victim's refusal to consent; and
- c) A victim need not resist verbally or physically where it would be useless or futile to do so.

Criminal Homicide—Manslaughter by Negligence: The killing of another person through gross negligence.

Criminal Homicide—Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Dating/Domestic Violence: Crimes which comprise abusive behaviors committed by an intimate partner (e.g., [ex-]boy/girl-friend, [ex-] spouse/domestic partner) or family member.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Drug Law Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Larceny-Theft (Except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Liquor Law Violations: The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

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Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned— including joyriding.)

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- A. **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- B. **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- D. **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault: A crime that uses sex as a weapon to exert control over, humiliate, and harm another person.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Stalking: A crime in which someone repeatedly harasses, threatens, and controls another person causing the victim to fear for her or his safety.

Weapons Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

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