

BALL STATE UNIVERSITY
TITLE IX POLICY AND PROCEDURES
Policy effective August 1, 2024

Table of Contents

1.	Policy Statement	3
2.	Application and Scope	3
3.	Definitions.....	4
4.	Reporting Sexual Harassment.....	5
4.1	Reporting to the Title IX Office.....	5
4.2	Mandatory Reporters.....	6
4.3	Confidential Employees	7
5.	Preliminary Matters	7
5.1	Initial Assessment by the Title IX Coordinator or designee	7
5.2	Supportive Measures	8
5.3	Support Person and Hearing Advisor	8
5.4	Emergency Removal	9
5.5	Administrative Leave	9
5.6	Communication	10
6.	Formal Complaints.....	10
6.1	Filing a Formal Complaint	10
6.2	Consolidation of Formal Complaints	10
6.3	Dismissal of a Formal Complaint.....	11
6.3.1	Mandatory Dismissal	11
6.3.2	Possible Dismissal	11
6.3.3	Notification of Dismissal of a Formal Complaint.....	11
6.3.4	Appeal of a Dismissal of a Formal Complaint.....	11
7.	Grievance Process Utilized After a Formal Complaint Has Been Filed.....	12
7.1	Notice of a Formal Complaint.....	12
7.2	Investigation.....	13
7.2.1	Commencement, Burden, and Timing	13
7.2.2	Equal Opportunity	13
7.2.3	Documentation of Investigation.....	14
7.2.4	Access to the Evidence & Opportunity to Provide Written Response	14
7.2.5	Investigation Report & Opportunity to Provide Written Response	14
7.3	Hearing Process.....	15
7.3.1	Hearing Officer	15
7.3.2	Hearing Notice and Supplemental Information	15
7.3.3	Pre-Hearing Conference	16
7.3.4	Issuance of Notices of Attendance.....	16
7.3.5	Hearing	17
7.3.6	Refusal to Attend Hearing or Submit to Questioning	18

7.3.7	Deliberation and Determination.....	18
7.3.8	Discipline and Remedies	18
7.3.9	Written Decision.....	19
7.4	Appeal of a Hearing Determination	19
8.	Additional Matters Related to the Grievance Process	21
8.1	Alternative Resolution	21
8.2	Treatment Records and Other Privileged Information	22
8.3	Sexual History.....	22
8.4	Concerns or Complaints about the Grievance Process	23
9.	Conflicts of Interest and Bias.....	23
10.	Relationship with Criminal Process.....	23
11.	Resources	23
12.	Constitutional Rights and Academic Freedom	23
13.	Recordings	23
14.	Bad Faith Complaints and False Information	24
15.	Retaliation.....	24
16.	Confidentiality	24
17.	Deadlines, Time, Notices, and Method of Transmittal.....	25
18.	Outside Appointments, Dual Appointments, and Delegations	26
19.	Training.....	26
20.	Recordkeeping	26
21.	Discretion in Application.....	26
	Addendum - Examples and Terms.....	27
	<i>Consent and Related Topics</i>	27
	Consent	27
	Coercion.....	28
	Force	28
	Incapacitation.....	28
	Private body parts	29
	<i>Further Discussion of Sexual Harassment</i>	29
	Sexual Exploitation.....	30
	<i>Further Discussion of Stalking</i>	31

1. Policy Statement

Consistent with the [University's Notice of Nondiscrimination](#) and in accordance with the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX"), Ball State University prohibits sexual harassment that occurs within its education programs and activities. This prohibition extends to all applicants for admission or employment and to all students (any status) and all employees (any status). An individual who is found to have committed sexual harassment in violation of this policy is subject to the full range of University discipline, up to and including termination of employment or expulsion. The University will provide persons who have experienced sexual harassment with ongoing remedies as reasonably necessary to restore or preserve access to the University's education program and activities.

Inquiries concerning the specific application of Title IX at Ball State should be directed to Mr. T.J. Brecciaroli, Associate Vice President, Dean of Students and Title IX Coordinator, in the Frank A. Bracken Administration Building, room 238, 765-285-1545, titleix@bsu.edu. Persons can also contact the U.S. Department of Education Office for Civil Rights, Washington, D.C. 20202- 1328, 1-800-421-3481, ocr@edu.gov.

2. Application and Scope

This policy applies to all students and employees (including applicants for admission and employment) when there is an allegation of sexual harassment occurring within the University's education program or activities, and it applies regardless of the parties' sex, gender, sexual orientation, gender identity, or citizenship status. For purposes of this policy, "sexual harassment" is conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct, (often referred to as quid pro quo harassment); or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity (often referred to as hostile environment harassment as elaborated upon in Addendum – Terms and Examples below); or
3. Sexual assault, dating violence, domestic violence, or stalking (as these terms are defined in Section 3 below).

In addition, the University's "education programs and activities" refers to all the operations of the University, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the University. It also includes off-campus locations, events, or circumstances over which the University exercises substantial control over the respondent and the context in which the sexual harassment occurs, including sexual harassment occurring in any building owned or controlled by a student organization that is officially recognized by the University.

This policy does not apply to sexual harassment that is alleged to have occurred off-campus, in a private setting, and outside the scope of the University's education programs and activities. Such allegations may be processed under other University policies and procedures.

Further, consistent with Title IX's implementing regulations, this policy does not apply to sexual harassment that is alleged to have occurred outside the geographic boundaries of the United States, even if alleged to have occurred in the University's education program and activities, such as a study abroad program. Such allegations may be processed under other University policies and procedures.

3. Definitions

Complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent is a person alleged to have been a perpetrator of conduct that could constitute sexual harassment.

Sexual assault is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, specifically including the following offenses:

1. "Rape" is 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, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
2. "Sodomy" is oral or anal sexual intercourse with another person, 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 or physical incapacity.
3. "Sexual Assault with an Object" is to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
4. "Fondling" is 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 or physical incapacity.
5. "Incest" is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
6. "Statutory Rape" is non-forcible sexual intercourse with a person who is under the statutory

age of consent.

Dating violence means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Indiana and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who: (A) is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shares a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Indiana.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Consent is a knowing, voluntary, and clear mutual agreement to engage in sexual activity. Consent is effective when it is informed, freely and actively given, and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. The full definition of consent can be found in Addendum – Terms and Examples.

Grievance process means the process outlined in Section 7 of this policy, including the investigation, hearing, and appeal.

Preponderance of the evidence is the standard of evidence to determine if a violation of this policy has occurred. This standard of proof means people in decision-making roles must be convinced by the totality of the available, relevant evidence presented that the alleged conduct has more likely than not (greater than 50% likely) occurred in order for there to be a violation of policy.

Inculpatory evidence is evidence which implies or tends to establish responsibility for a violation of this policy as alleged.

Exculpatory evidence is evidence which implies or tends to establish a lack of responsibility for a violation of this policy as alleged.

4. Reporting Sexual Harassment

4.1 Reporting to the Title IX Office

Any person may report sexual harassment to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, online through our reporting form found [here](#),

(link: www.bsu.edu/saysomething) or by any other means that results in the Title IX Coordinator or designee receiving the report. In-person reports must be made during normal business hours, but reports can be made online or by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

The name and contact information for the Title IX Coordinator is:

T.J. Brecciaroli
Associate Vice President for Students Affairs,
Dean of Students, and Title IX Coordinator
Administration Building 238
2000 W. University Ave.
Muncie, IN 47306
765-285-1545
titleix@bsu.edu
www.bsu.edu/titleix

The names and contact information for the Deputy Title IX Coordinators are:

Brandy Rocheleau
Associate Dean of Students and Deputy Title IX Coordinator for Students
Administration Building 238
765-285-1545
bnrocheleau@bsu.edu

John Bowers
Assistant Director of Institutional Equity & Affirmative Action and
Deputy Title IX Coordinator for Employees
Administration Building 002
765-285-5162
jwbowers@bsu.edu

Emma Kumar
Senior Associate Athletic Director for Revenue Generation,
Senior Woman Administrator, and Deputy Title IX Coordinator for Athletic Compliance
Health and Physical Activity Building 260
765-285-5131
emma.kumar@bsu.edu

4.2 Mandatory Reporters

All University employees—except the confidential employees listed in the next section—are mandatory reporters under this policy. This includes graduate and undergraduate student employees when serving in their employment capacity. When a mandatory reporter has information about conduct that reasonably may constitute sexual harassment under this policy, they are required to promptly forward all known details of the situation (including the names of the parties, and the time, date, location, and description of the alleged behavior) to the Title IX Coordinator.

4.3 Confidential Employees

The University has designated the following employees as confidential under this policy:

Counseling Center staff	765-285-1736
Health Promotion & Advocacy staff	765-285-3775
Healthy Lifestyle Center staff	765-285-1293
Student Health Center staff	765-285-8431
Student Legal Services Attorney	765-285-1888

These confidential employees will not report sexual harassment to the Title IX Coordinator *if the information was received while the employee was functioning within the scope of their confidential duties*. However, a confidential employee must explain the following to any person who informs the confidential employee of conduct that reasonably may constitute sexual harassment under this policy: (i) the employee's status as confidential for purposes of this policy, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sexual harassment; (2) how to contact the Title IX Coordinator and how to make a complaint of sexual harassment; and (3) that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an alternative resolution process under Section 8.1 or an investigation under the grievance procedures in Section 7.

Notwithstanding the prior paragraph, information about sexual harassment must be reported to the Title IX Coordinator as described in the prior section if it was received outside the context of the employee's confidential duties.

5. Preliminary Matters

5.1 Initial Assessment by the Title IX Coordinator or designee

Upon receiving a report of conduct that could fall under this policy, the Title IX Coordinator or designee will conduct an initial assessment, which may include a preliminary interview with the complainant, to determine whether the conduct reported falls within the scope of this policy as described in Section 2 above and could constitute sexual harassment. If the Title IX Coordinator or designee determines that the conduct reported does not fall within the scope of this policy and/or could not constitute sexual harassment, even if investigated, or there is insufficient information available to know the nature and severity of the conduct, the Title IX Coordinator or designee will dismiss the matter as it relates to this policy. However, the Title IX Coordinator or designee may refer the report to other University offices for review under other University policies, as appropriate.

If the Title IX Coordinator or designee determines that the conduct reported falls within the scope of this policy and could constitute sexual harassment, if investigated, the Title IX Coordinator or designee will proceed to contact the complainant (if their identity is known) to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive

measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, explain the process for filing a formal complaint, and provide options for filing complaints with the local police and information about resources that are available on campus and in the community.

5.2 Supportive Measures

The University will offer and make available supportive measures to the complainant regardless of whether the complainant elects to file a formal complaint. Supportive measures are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the University's education programs and activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or the University's education environment, or to deter sexual harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence (employees), increased security and monitoring of certain areas of campus, and other similar measures.

Contemporaneously with being notified of a formal complaint, as described in Section 7.1 below, the respondent will be informed of the availability of supportive measures, and the University will offer and make available supportive measures to the respondent in the same manner in which it offers and makes them available to the complainant. The University will also offer and make available supportive measures to the respondent before the respondent is notified of a formal complaint, if the respondent requests such measures.

Any parties who require accommodation relative to disability will receive appropriate accommodations allowing them equal opportunity to participate in and access provisions of this policy. A person's verified disability will be taken into account when determining supportive measures.

The University will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent maintaining such confidentiality would not impair the ability of the University to provide the supportive measures in question. The Title IX Coordinator or designee is responsible for implementing any supportive measures for the parties.

5.3 Support Person and Hearing Advisor

The complainant and respondent have the right to be accompanied and assisted by a support person and advisor of their choice in all meetings, interviews, and hearings under this policy. Each party must have an advisor at the hearing described in Section 7.3.

For further clarification:

- A support person provides emotional support to a party. The support person is otherwise a non-participant in the process.
- An advisor – who may be, but is not required to be, an attorney – serves in a consultative

role with the party, participates in the review of evidence in preparation for a hearing, and conducts questioning on behalf of the party at a hearing. However, the advisor does not stand in the place of the party during the process, is not permitted to communicate on behalf of the party (outside of questioning at the hearing), may not insist that communication flow through them, and may not communicate with the University about the matter without the party being included in the communication.

- If a party does not have an advisor, the University will provide one for the purpose of questioning at the hearing, as described in Section 7.3.5, without fee or charge to the party. A University-provided advisor will have the opportunity to familiarize themselves with the matter in advance of a hearing, as described in Section 7.3.2, and attend the pre-hearing conference, as described in Section 7.3.3. A University-provided advisor does not perform any other function under this policy, and the University has sole discretion to select the advisor it provides.
- If a support person or advisor commits a material violation of the parameters specified in this section or Section 7.3.5 below, the University may preclude the individual from further participation in the process, in which case the party will be given the opportunity to select a new person to fulfill the role.
- A party may identify one person to fulfill both roles of a support person and advisor. However, a University-provided advisor may not fulfill the role of a support person.

5.4 Emergency Removal

At any time after receiving a report of sexual harassment, a student or employee respondent may be removed from one or more of the University's education programs and activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. For student respondents, the matter will be referred to the University's Behavioral Intervention Team (BIT) for the individualized assessment and determination. For employee respondents, a designated university official will conduct the individualized assessment and make the determination.

In the event an emergency removal is imposed on a respondent, the respondent will be notified of such in writing and will have an opportunity to challenge the decision by filing a written appeal within two (2) business days with the Vice President for Student Affairs or designee (for student respondents) or Vice President for Business Affairs or designee (for employee respondents). The Vice President for Student Affairs or designee or Vice President for Business Affairs or designee, as the case may be, will make the final decision as to whether the emergency removal will stand and inform the respondent of the decision in writing.

If a complaint of sexual harassment is made against a respondent who is neither a student nor an employee, such as a contractor or guest on campus, the University retains broad discretion to prohibit such a person from entering campus and other property at any time, and for any reason, whether after receiving a report of sexual harassment or otherwise.

5.5 Administrative Leave

In its discretion, the University may place a respondent who is a non-student employee on

administrative leave at any time after a formal complaint, as described in Section 6.1 below, has been filed and the grievance process is pending.

5.6 Communication

Unless otherwise specified in this policy, the default method of transmission of all notices, reports, responses, and other communications specified in this policy will be email using the University email address.

6. Formal Complaints

6.1 Filing a Formal Complaint

A complainant may file a formal complaint of sexual harassment with the Title IX Coordinator or in person, by regular mail, or by email using the contact information specified in Section 4 above, or online through a portal found [here](#). For purposes of this policy, a “formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator or designee alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment in accordance with this policy. A “document filed by a complainant” means a document or electronic submission (such as an email or online form) that contains the complainant’s physical or electronic signature or otherwise indicates that the complainant is the person filing the complaint. No person may submit a formal complaint on the complainant’s behalf. In addition, at the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the University’s education programs and activities.

In a case where a complainant elects not to file a formal complaint, the Title IX Coordinator or designee may file a formal complaint on behalf of the University if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University community. In such a situation, the Title IX Coordinator or designee will not act as a complainant or otherwise as a party for purposes of the grievance process.

6.2 Consolidation of Formal Complaints

The University may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where the grievance process involves more than one complainant or more than one respondent, references in this policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable. In addition, a formal complaint of retaliation may be consolidated with a formal complaint of sexual harassment if the two formal complaints share a common nexus.

6.3 Dismissal of a Formal Complaint

6.3.1 Mandatory Dismissal

Upon evaluation of a complainant's formal complaint, or at any point during the grievance process, the Title IX Coordinator or designee **must** dismiss the complaint if the Title IX Coordinator or designee determines it does not fall within the scope of this policy as described in Section 2 above and/or could not constitute sexual harassment, even if proved.

6.3.2 Possible Dismissal

At any point during the grievance process, the University may dismiss a formal complaint if the Title IX Coordinator or designee determines that any one or more of the following is true:

1. The complainant provides the Title IX Coordinator or designee with a written notice indicating that the complainant wishes to withdraw the formal complaint (or any specific allegation(s) within the complaint, in which case the specific allegation(s) may be dismissed);
2. The respondent is no longer enrolled at or employed by the University; or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint (or any specific allegation(s) within the complaint, in which case the specific allegation(s) may be dismissed).

6.3.3 Notification of Dismissal of a Formal Complaint

Upon dismissal of a formal complaint under Section 6.3.1 or 6.3.2 above, the Title IX Coordinator or designee will send prompt written notice of the dismissal and the reason(s) for the dismissal simultaneously to both parties.

6.3.4 Appeal of a Dismissal of a Formal Complaint

A dismissal decision may be appealed by the complainant by filing a written appeal with the Title IX Coordinator or designee within 5 business days of the dismissal decision. The written appeal must be based on one or more of the following grounds:

1. A procedural irregularity affected the outcome of the dismissal decision;
2. There is new evidence that was not reasonably available at the time the dismissal decision was made, that could have affected the outcome of the dismissal decision; and/or
3. The person who made the dismissal decision had a conflict of interest or bias for or against complainants or respondents generally, or against the individual complainant or respondent, that affected the outcome of the dismissal decision.

No other grounds for appeal of a dismissal decision are permitted.

The written appeal should include a statement challenging the dismissal decision and articulate which one or more of the three (3) grounds for appeal are being asserted and explain in detail why the complainant believes the appeal should be granted.

The Title IX Coordinator will appoint the appeal officer, and the appeal officer will not be someone who has taken part in the investigation or dismissal of the complaint.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and simultaneously provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the respondent will be provided written notice of the appeal and an opportunity to submit a written statement in support of the dismissal decision within five (5) business days. The appeal officer shall also promptly obtain any records necessary to resolve the grounds raised in the appeal.

After receipt of any written statement filed by the respondent, or after the time period for submission of the written statement has passed without one being filed, the appeal officer will promptly decide the appeal and provide a written decision simultaneously to the parties that explains the outcome of the appeal and the rationale.

If a dismissal decision is upheld on appeal, or if an appeal is not timely filed, the decision is deemed final for purposes of this policy and no further review is permitted. However, the Title IX Coordinator or designee may refer the subject matter of the formal complaint to other University offices for review under other University policies, as appropriate.

Although the length of each appeal will vary depending on the unique circumstances of the case at issue, the University strives to issue the appeal officer's written decision within 15 business days of an appeal being filed.

7. Grievance Process Utilized After a Formal Complaint Has Been Filed

After a formal complaint has been filed, the grievance process outlined below will be utilized. This process includes notice to the parties, an investigation, a hearing process, and an opportunity for appeal, each of which is discussed in more detail in the forthcoming sections of this policy. From the time a report or formal complaint is made, a respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

7.1 Notice of a Formal Complaint

As soon as practicable, but no later than five (5) business days after receiving a formal complaint, the Title IX Coordinator or designee will simultaneously provide a written notice to the complainant and respondent that includes the following information:

1. A physical copy of or hyperlink to this policy;
2. Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident (if known);
3. A statement that the respondent is presumed not responsible for the alleged sexual

harassment and that a determination of responsibility will not be made until the conclusion of the grievance process, including any appeal;

4. Notification to the parties of their right to be accompanied by a support person of their choice, as described in Section 5.3 above.
5. Notification to the parties of their right to inspect and review evidence, as specified in Section 7.2.4 below.
6. Notification to the parties of the University's prohibitions on retaliation, as described in Section 15 below, and knowingly making false statement or knowingly submitting false information, as described in Section 14 below.
7. Notification of the availability of possible alternative resolution of the complaint, as described in Section 8 below.

If at any point during the investigation, the University decides to investigate any allegations that are materially beyond the scope of the initial written notice described above, a supplemental written notice describing the additional allegation(s) to be investigated will be simultaneously provided to both parties.

7.2 Investigation

7.2.1 Commencement, Burden, and Timing

After the written notice of the formal complaint is provided to the parties, an investigator designated by the Title IX Coordinator or designee will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory evidence and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination lies with the University and not with the parties. The investigation will culminate in a written investigation report, as described in Section 7.2.5. below, that will be submitted to the Title IX Coordinator or designee and hearing officer. The University strives to complete each investigation in a reasonably prompt timeframe. The exact length of each investigation may vary depending on the unique circumstances of the particular case at issue.

7.2.2 Equal Opportunity

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. However, the investigator retains discretion to limit the number of witness interviews the investigator conducts or the other evidence the investigator seeks to gather if the investigator finds that testimony or evidence would be unreasonably redundant, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses or evidence are offered to provide information that is categorically inadmissible, such as information concerning sexual history of the complainant or respondent, as described in Section 8.3 below. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigator may request to interview the complainant, respondent, or any witnesses more than once. The investigator's request to do so bears no correlation with the potential outcome of the matter, nor is it indicative of investigator bias or unfairness.

The investigator may identify and interview people and obtain independent, relevant evidence.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the formal complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to do so, will be prohibited from introducing such evidence during the hearing described in Section 7.3.5 below absent a showing of a reasonable mistake or excusable neglect.

7.2.3 Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to document the interviews of parties and witnesses will be determined by the investigator.

7.2.4 Access to the Evidence & Opportunity to Provide Written Response

At the conclusion of the evidence-gathering phase of the investigation, but before the completion of the investigation report, the investigator will provide each party and their advisor, in either electronic or hard copy format, all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including (1) evidence on which the University may choose not to rely at any hearing and (2) inculpatory or exculpatory evidence whether obtained from a party or some other source. The parties will have ten (10) calendar days in which to submit to the investigator a written response regarding the evidence, which the investigator will consider before completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to anyone.

7.2.5 Investigation Report & Opportunity to Provide Written Response

After the period for the parties to provide any written response regarding the evidence, as described in the previous subsection, has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will provide a copy to each party and their advisor, in either electronic or hard copy format.

The parties will have ten (10) calendar days in which to submit to the investigator a written response to the investigation report. The written response should include the following information:

1. To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement; and
2. Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history as

described in Section 8.3 below, or for any other reason.

A party's written response to the investigation report may also include:

1. Argument regarding whether any of the allegations in the formal complaint are supported by a preponderance of the evidence; and
2. Argument regarding whether any of the allegations in the formal complaint constitute sexual harassment.

After receiving the parties' written responses, if any, the investigator will provide a copy of the investigation report (appending any written responses from the parties) to the Title IX Coordinator or designee.

7.3 Hearing Process

7.3.1 Hearing Officer

Upon conclusion of the investigation, the University will promptly appoint a hearing officer that will render a determination of responsibility for the allegations in the formal complaint at the conclusion of the hearing process.

The Title IX Coordinator or designee will ensure that the hearing officer is provided a copy of the investigation report and a copy of all evidence provided to the parties by the investigator as described in Section 7.2.4 above, as well as the parties' written responses to the evidence and/or investigation report.

7.3.2 Hearing Notice and Supplemental Information

The hearing officer will promptly and simultaneously provide written notice to the parties notifying the parties of the hearing officer's appointment; setting a date for the pre-hearing conference; setting a date and time of the hearing; and setting a deadline for the parties to submit the following information:

1. A list of all witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer, as described in Section 7.3.4 below. This attendance notice will include a link to the virtual hearing;
2. If the party has a support person who will accompany them to the pre-hearing conference and/or the hearing, the name and contact information of this support person;
3. If the party has their own hearing advisor who will accompany the party at the pre-hearing conference and hearing, the name and contact information of this advisor;
4. If the party does not have a hearing advisor who will accompany the party and who will conduct cross-examination at the hearing, an indication that this is the case. In such circumstances, the University will provide an advisor for purposes of conducting questioning, as described in Section 7.3.5 below. A University-provided advisor will be given at least ten (10) calendar days in advance of a hearing to familiarize themselves with the matter, including review of the investigation report, and to discuss the situation with the party they are advising; and

5. Any objections to the hearing officer's involvement in the hearing based on conflict of interest or bias.

Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) calendar days from the date the hearing officer provided the written notice to the parties as specified in this paragraph.

7.3.3 Pre-Hearing Conference

Before the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted live, via a video and audio-conferencing platform (such as Zoom), with simultaneous and contemporaneous participation by the hearing officer, the parties, their advisors, and other necessary University personnel. The University will aid any participant with access to technology to ensure their participation.

During the pre-hearing conference, the hearing officer will discuss the mechanics of the hearing with the parties; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in their discretion, should be resolved before the hearing.

During the pre-hearing conference of cases involving student respondents, the respondent will be informed that they may accept responsibility for the conduct prior to the hearing and that they will be given such an opportunity again at the hearing. However, the respondent is not required to accept responsibility and is entitled to a full hearing as described in Section 7.3. Should a student respondent accept responsibility at any point prior to the hearing, it will be considered a request to engage in the Alternative Resolution as outlined in Section 8.1. Alternative Resolution is not available when an employee is accused of sexually harassing a student.

7.3.4 Issuance of Notices of Attendance

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any University employee or student whose attendance is requested at the hearing as a witness. The notice will advise the witness of the specified date and time of the hearing and advise the witness to contact the hearing officer immediately if there is a material and unavoidable conflict.

The witness is responsible for notifying any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the witness of the obligation, or provide some other accommodation, so that the witness may attend the hearing as specified in the notice.

The University will not issue a notice of attendance to any witness who is not an employee or a student.

7.3.5 Hearing

After the pre-hearing conference, the hearing officer will convene and conduct a hearing. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

By default, the hearing will be conducted live, via a video and audio-conferencing platform (such as Zoom), with simultaneous and contemporaneous participation by the parties, their advisors, witnesses, and the hearing officer. The University will aid any participant with access to technology to ensure their participation.

The hearing officer will facilitate the hearing, with the following procedural elements being minimally required:

1. Inform the respondent of the opportunity to accept responsibility for the conduct alleged at any point during the hearing;
2. Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
3. Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
4. Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
5. Opportunity for each party to submit evidence that the party did not present during the investigation due to reasonable mistake or excusable neglect; and
6. Opportunity for each party to make a brief closing statement.

Subject to the minimum requirements described above the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings. The hearing is not a formal judicial proceeding and strict rules of evidence do not apply.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the hearing officer, the parties, support persons, the hearing advisors, witnesses, and other necessary University personnel. With the exception of the investigator and the parties, a witness will only participate when providing testimony and answering questions and will not otherwise be in attendance at the hearing.

During the hearing, the parties and their hearing advisors will have access to the investigation report and evidence that was provided to them pursuant to Section 7.2.5 above.

While a party has the right to attend and participate in the hearing with a support person and advisor, a party, support person, and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Should a respondent accept responsibility during a hearing, the hearing will proceed with the following procedural elements, to the extent they have not already occurred: 1) the hearing officer may ask questions of the parties, if desired; 2) the parties – through their advisors – may question the other party and witnesses, if desired; and 3) the parties may make brief closing statements, if desired. The hearing process will then continue as described in Sections 7.3.7, 7.3.8, and 7.3.9.

7.3.6 Refusal to Attend Hearing or Submit to Questioning

In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties' advisors, the statements of that party or witness, as the case may be, whether given during the investigation or during the hearing, may be considered by the hearing officer in reaching a determination of responsibility.

In addition, the hearing officer may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

In applying this subsection, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors

7.3.7 Deliberation and Determination

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a complainant, respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of Section 7.3.6. above. The hearing officer will resolve disputed facts using a preponderance of the evidence standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of this policy as alleged in the formal complaint.

7.3.8 Discipline and Remedies

In the event the hearing officer determines that the respondent is responsible for violating this policy, the hearing officer will, before issuing a written decision, consult with an appropriate University official with disciplinary authority over the respondent and such official will determine any discipline to be imposed. The full range of University discipline is available, including but not limited to, verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; other educational sanctions; partial or full disciplinary probation; partial or full suspension; termination or expulsion; physical restriction from University property; and any combination of the same.

The hearing officer will also, before issuing a written decision, consult with the Title IX Coordinator or designee who will determine as best as is reasonably known at the time whether and

to what extent ongoing supportive measures or other remedies designed to restore or preserve equal access to the University's education programs and activities will be provided to the complainant.

7.3.9 Written Decision

After the hearing officer has made a determination and has consulted with the appropriate University official and Title IX Coordinator (or designee) as required by the previous subsection, the hearing officer will prepare a written decision that will include:

1. Identification of the allegations potentially constituting sexual harassment made in the formal complaint;
2. A description of the procedural steps taken by the University upon receipt of the formal complaint, through issuance of the written decision, including notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location of the hearing, and the names of the people who were present at or presented testimony at the hearing;
3. Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
4. A statement of, and rationale for, each allegation that constitutes a separate potential incident of sexual harassment, including a determination regarding responsibility for each separate potential incident;
5. The discipline determined by the appropriate University official;
6. Whether the complainant will receive any ongoing supportive measures or other remedies as determined by the Title IX Coordinator or designee (but not the nature of the supportive measures or other remedies unless such remedies constitute discipline of the respondent); and
7. A description of the University's process and grounds for appeal, as described in Section 7.4 below.

This written decision will be provided to the parties, and this will conclude the grievance process, subject to any appeal rights outlined Section 7.4 below. The University strives to issue the written determination within ten (10) business days of the conclusion of the hearing, though timing may vary depending on the unique circumstances of the particular case at issue.

7.4 Appeal of a Hearing Determination

Either party may appeal the determination of a hearing (or any specific allegations therein) on one or more of the following grounds:

1. A procedural irregularity affected the outcome;
2. There is new evidence that was not reasonably available at the time the determination was made, that could have affected the outcome;
3. The Title IX Coordinator or designee, investigator, or hearing officer had a conflict of interest or bias for or against complainants or respondents generally, or against the individual complainant or respondent, that affected the outcome; and/or
4. An unduly harsh sanction was imposed (appeal by the respondent) or an insufficient sanction was imposed (appeal by the complainant).

No other grounds for appeal are permitted.

A party must file an appeal within five (5) business days of the date they receive notice of the determination. The appeal must be submitted in writing to the appeal officer. In a case involving a student respondent, the Vice President for Student Affairs or designee is the appeal officer. For all other cases, the Vice President of Business Affairs or designee is the appeal officer. The written appeal must specifically identify the determination that is being appealed, articulate which one or more of the four (4) grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and simultaneously provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within five (5) business days. The appeal officer shall also promptly obtain from the Title IX Coordinator or designee any records from the investigation and hearing necessary to resolve the grounds raised in the appeal.

After receipt of any opposition filed by the non-appealing party, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will convene a 3-person panel, including the appeal officer, to promptly evaluate the matter and make a decision on the appeal. The appeal officer will then provide a written decision simultaneously to the parties that explains the outcome of the appeal and the rationale.

The determination of a formal complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if an appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by providing a written decision to the parties.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the unique circumstances of the case at issue, the University strives to issue the appeal officer's written decision within fifteen (15) business days of an appeal being filed.

8. Additional Matters Related to the Grievance Process

8.1 Alternative Resolution

At any time after the parties are provided written notice of the formal complaint, as described in Section 7.1 above, and before the completion of any appeal described in Section 7.4 above, the parties may voluntarily consent, with the Title IX Coordinator's or designee's approval, to engage in a University-facilitated resolution the goal of which is to enter into a final resolution resolving the allegations raised in the formal complaint by agreement of the parties.

The specific process for any resolution will be determined by the parties and the Title IX Coordinator or designee, in consultation together. Before commencing the resolution process agreed upon, the Title IX Coordinator or designee will simultaneously provide a written notice to the parties that:

1. Describes the parameters and requirements of the alternative resolution process to be utilized;
2. Identifies the individual responsible for facilitating the alternative resolution (who may be the Title IX Coordinator or designee, another University official, or a suitable third party);
3. Explains the effect of participating in the alternative resolution and/or reaching a final resolution will have on a party's ability to resume the grievance process; and
4. Explains any other consequence resulting from participation in the alternative resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified above, each party must voluntarily provide written consent to participate in the alternative resolution process to the Title IX Coordinator or designee, before the resolution process may begin.

If the parties reach a resolution and the Title IX Coordinator or designee agrees that the resolution is not clearly unreasonable, the Title IX Coordinator or designee will put the terms of the agreed resolution in writing and give them to the parties for their written signature indicating their agreement. Once both parties and the Title IX Coordinator or designee sign the written resolution, the resolution is final; the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the University, unless otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the University. An alternative resolution agreed upon pursuant to this section is not subject to an appeal, unless otherwise provided in the resolution itself.

The following standards also apply to the alternative resolution process:

1. A party may withdraw their consent to participate in alternative resolution at any time before a resolution has been finalized.
2. During the alternative resolution process, the grievance process that would otherwise occur is paused and all related deadlines are suspended.
3. Unless the Title IX Coordinator or designee provides an extension, any alternative

resolution process must be completed within ten (10) business days from the parties agreeing to the resolution process. If an alternative resolution process does not result in a resolution within ten (10) business days, and absent an extension by the Title IX Coordinator or designee, the alternative resolution process will be deemed terminated, and the formal complaint will be resolved via the grievance process.

4. If an alternative resolution was initially agreed upon but terminated without resolution, the Title IX Coordinator or designee may adjust any time periods or deadlines related to the grievance process that was suspended as provided in this section.

Notwithstanding anything else in this section, alternative resolution will not be allowed if the respondent is a non-student employee accused of committing sexual harassment against a student.

8.2 Treatment Records and Other Privileged Information

Unless the University has obtained the party's voluntary, written consent to do so, during the grievance process the investigator and hearing officer are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

1. A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
2. Information or records protected from disclosure by any other legally recognized privilege, such as the attorney client privilege.

Notwithstanding the foregoing, the investigator and/or hearing officer, as the case may be, may consider any such records or information otherwise covered by this section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense.

8.3 Sexual History

During the grievance process, questioning regarding a complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. Notwithstanding the foregoing, there may be situations where a complainant affirmatively uses information about their own sexual history for the purpose of supporting their allegations. In such situations, questioning on the issues raised by the complainant may then be allowed if determined necessary by the University in order to ensure a fair process for both parties, even if the issues raised would have otherwise been deemed irrelevant sexual history under this section had the complainant not been the party to put them into question.

8.4 Concerns or Complaints about the Grievance Process

Parties are expected to raise any concerns or complaints about the grievance process in a prompt and timely manner so that the University may evaluate the matter and address it, if appropriate.

9. Conflicts of Interest and Bias

The Title IX Coordinator or designee, investigator, hearing officer, appeal officer, and alternative resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these University officials has a material conflict of interest or material bias must raise the concern promptly so that the University may evaluate the concern and find a substitute, if appropriate.

10. Relationship with Criminal Process

This policy sets forth the University's processes for responding to reports and formal complaints of sexual harassment. The University's processes are separate, distinct, and independent of any criminal processes. While the University may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, the University will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

11. Resources

Any individual affected by or accused of sexual harassment will have equal access to any support and counseling services offered through the University. The University encourages any individual who has questions or concerns to seek support of University identified resources. The Title IX Coordinator is available to provide information about the University's policy and procedure and to provide assistance. A list of University identified resources is located at the following link: bsu.edu/titleix.

12. Constitutional Rights and Academic Freedom

The University will construe and apply this policy consistent with the U.S. Constitution and the principles of academic freedom specified in the Faculty and Professional Personnel Handbook. In no case will a respondent be found to have committed sexual harassment based on expressive conduct that is protected by the First Amendment and/or the principles of academic freedom specified in the Faculty and Professional Personnel Handbook.

13. Recordings

Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by the University and is considered property of the University, subject to any right of access that a party may have under this policy, the Family Educational Rights and Privacy Act ("FERPA"), and other applicable federal, state, or local laws. Only the University is permitted to

make audio or video recordings under this policy. The secretive recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited.

14. Bad Faith Complaints and False Information

It is a violation of University policy for any person to submit a report or formal complaint that the person knows, at the time the report or formal complaint is submitted, to be false or frivolous. It is also a violation of University policy for any person to knowingly make a materially false statement during the course of an investigation, hearing, or appeal under this policy. Violations of this section are not subject to the grievance process in this policy; instead, they will be addressed under the Code of Student Rights and Responsibilities in the case of students and other University policies and standards, as applicable.

15. Retaliation

It is a violation of this policy to engage in retaliation, which is to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner under this policy. Reports and formal complaints of retaliation may be made in the manner specified in Sections 4 and 6.1 above. Any report or formal complaint of retaliation will be processed under this policy in the same manner as a report or formal complaint of sexual harassment, as the case may be. The University retains discretion to consolidate a formal complaint of retaliation with a formal complaint of sexual harassment for purposes of the grievance process if the two formal complaints share a common nexus.

16. Confidentiality

The University will keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment or retaliation including any complainant, the identity of any individual who has been reported to be a perpetrator of sexual harassment or retaliation including any respondent, and the identity of any witness. The University will also maintain the confidentiality of its various records generated in response to reports and formal complaints, including, but not limited to, information concerning supportive measures, notices, investigation materials, hearing records, and appeal records. Notwithstanding the foregoing, the University may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out the University's obligations under Title IX and its implementing regulations including the conduct of any investigation, hearing, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding the University's general obligation to maintain confidentiality as specified in this policy, the parties to a report or formal complaint will be given access to investigation and hearing materials as provided in this policy.

While the University will maintain confidentiality as provided in this section, the University will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute sexual harassment or retaliation in certain circumstances and be subject to discipline

pursuant to the processes specified in this policy.

Note that certain types of sexual harassment are considered crimes for which the University must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

17. Deadlines, Time, Notices, and Method of Transmittal

All deadlines and other time periods specified in this policy are subject to modification by the University where, in the University's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, hearing officer, or the parties; the need to consult with the University's legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, hearing officer, appeal officer, or Title IX Coordinator/designee, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. The University official resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of the University.

The parties will be simultaneously provided written notice of the modification of any deadline or time period specified in this policy, along with the reasons for the modification.

Where this policy refers to notice being given to parties "simultaneously," notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.

Unless otherwise specified in this policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this policy will be email using University email addresses.

A party is deemed to have received notice upon transmittal of an email to their University email address. In the event notice is provided by mail or similar method of post (like FedEx, courier, etc.), a party will be deemed to have received notice three (3) business days after the notice in question is postmarked or otherwise marked as delivered by the carrier.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this policy, the sufficient time to be provided will be determined in the sole discretion of the University, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant University officials; approaching holidays or closures; and the number and length of extensions already

granted.

Unless otherwise specified, all references to number of days provided for actions on the part of the University or on the parties to the complaint are understood to be business days.

18. Outside Appointments, Dual Appointments, and Delegations

The University retains discretion to retain and appoint suitably qualified persons who are not University employees to fulfill any function of the University under this policy, including, but not limited to, the investigator, hearing officer, alternative resolution facilitator, and/or appeal officer.

The University also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, alternative resolution facilitator, and/or appeal officer.

The functions assigned to a given University official under this policy, including but not limited to the functions assigned to the Title IX Coordinator or designee, investigator, hearing officer, alternative resolution facilitator, and appeal officer, may, in the University's discretion, be delegated by such University official to any suitably qualified individual and such delegation may be recalled by the University at any time.

19. Training

The University will ensure that University officials acting under this policy, including but not limited to the Title IX Coordinator or designee, investigators, hearing officer, alternative resolution facilitators, University-provided advisors, and appeal officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law. Materials utilized for Title IX training for University officials involved in administering this policy are available at the following links: <https://www.bsu.edu/about/administrativeoffices/student-conduct/policiesandprocedures> and www.bsu.edu/titleix.

20. Recordkeeping

The University will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in the University's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.

21. Discretion in Application

The University retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the University's interpretation or application differs from the interpretation of the parties.

Despite the University's reasonable efforts to anticipate all potential circumstances in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the University retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the University retains discretion to revise this policy at any time, and for any reason including but not limited to court decisions and changes in federal guidance or regulations. The University may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

Addendum - Examples and Terms

This Addendum is intended to provide additional context for certain aspects of the Title IX Policy and Procedures through supplementary discussion and examples. In particular, it will provide further insight into the issue of consent, which is oftentimes a critical factor in determining whether a violation of the policy occurred. The concepts of coercion, force, and incapacitation are also important when understanding consent and thus are discussed in more detail below. In addition, further discussion of sexual harassment and stalking is provided.

Consent and Related Topics

Consent is a knowing, voluntary, and clear mutual agreement to engage in sexual activity. Consent is effective when it is informed, freely and actively given, and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. This includes the following concepts:

1. Consent cannot be given by someone who is incapacitated. Engaging in sexual activity with someone who one knows to be, or reasonably should know to be, incapacitated is a violation of this policy. [Incapacitation is addressed below.] Where alcohol or other drugs are involved, incapacitation is assessed with respect as to how the alcohol or other drugs consumed affects a person's ability to understand fully the "who, what, when, where, why, and/or how" of their sexual interaction with someone else. An individual accused of sexual harassment or misconduct is not excused if they were intoxicated and, therefore, did not realize the incapacity of the other person;
2. Indiana law provides that a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old is a crime, as well as violation of this policy, even if the minor wanted to engage in the act;
3. Consent cannot be inferred from silence, passivity, or lack of active resistance;
4. Consent to one form of sexual activity does not imply consent to other or additional forms of sexual activity;
5. Consent can be withdrawn at any time;
6. Consent does not exist when there is force, a threat of force, violence, or any other form of coercion or intimidation whether of a physical, psychological, or, financial nature. [See discussions on force and intimidation below.] A person who is the object of sexual

- aggression is not required to physically or otherwise resist the aggressor;
7. A current or previous dating or sexual relationship is not sufficient to constitute consent; past consent does not imply future consent; and
 8. Consent to engage in sexual activity with one person does not imply or confer consent to engage in sexual activity with another person.

Coercion is the use of unreasonable and persistent pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. Coercion may be emotional, intellectual, psychological, or moral. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include, but are not limited to, (1) threatening to disclose another individual's sexual history or private information related to sex, sexual orientation, gender identity, or gender expression and (2) threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

Force is the use or threat of physical violence (including but not limited to strong-arming, physical action, trapping, isolating, or intimidation) to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement for a party to resist physically or verbally the sexual advance or other behaviors, but resistance will be viewed as a clear demonstration of non-consent.

Incapacitation is a state where someone cannot make informed, rational judgments and cannot consent to sexual activity. States of incapacitation can be temporary or permanent and include, but are not limited to unconsciousness, sleep, mental disability, or any other state in which a person is unaware that sexual activity is occurring.

Where alcohol or other drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affected a person's decision-making capacity, awareness of consequences, ability to make fully informed judgments, the capacity to appreciate the nature and quality of the act, or level of consciousness. In other words, a person may be considered unable to give effective consent due to incapacitation if the person cannot appreciate or understand the "who, what, when, where, why, and/or how" of a sexual interaction

Incapacitation is a state beyond "under the influence," drunkenness, or intoxication. The impact of alcohol and other drugs varies from person to person. However, warning signs that a person is approaching or has become incapacitated may include slurred speech, vomiting, walking with difficulty or with assistance, falling/stumbling, odor of alcohol, combativeness, or emotional volatility. Evaluating incapacitation also requires an assessment of whether a respondent was aware or should have been aware of the complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position.

In determining whether consent has been given, the university will consider both (1) the extent to which a complainant affirmatively gives words or performs actions indicating a willingness to engage in sexual activity, and (2) whether the respondent knew or reasonably should have known

the complainant's level of alcohol consumption and/or level of impairment. A respondent is not excused from responsibility under the influence of alcohol or other drugs and, therefore, did not realize the incapacity of the other person.

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is in violation of this policy.

Private body parts (referred to in Section 3, definition of Fondling) may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.

Further Discussion of Sexual Harassment

For purposes of this policy, and as noted in Section 2, the definition of sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct, (often referred to as quid pro quo harassment); or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity (often referred to as hostile environment harassment); or
3. Sexual assault, dating violence, domestic violence, or stalking (as these terms are defined in Section 3 of the policy).

Sexually harassing behaviors differ in type and severity and can range from subtle verbal harassment to unwelcome physical contact. Conduct that constitutes sexual harassment in violation of this policy can potentially take many forms, including but not limited to:

1. May be blatant and intentional and involve an overt action, a threat, or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
2. Does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.
3. May be committed by anyone, regardless of gender, age, position, or authority. When there is a power differential between two persons—perhaps due to differences in age or their relative positions in social, educational, or employment relationships—harassment can occur in any context. For example, a faculty member compelling a student to engage in sexual activity in order to receive a higher grade or preferred placement would be deemed sexual harassment under this policy.
4. May be committed by a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship.
5. May be committed by or against an individual or may be a result of the actions of an organization or group.
6. May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
7. May occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting.

8. May be a one-time event or part of a pattern of behavior.
9. May be committed in the presence of others or when the Parties are alone.
10. May affect the Complainant and/or third Parties who witness or observe harassment
11. May take the form of unwanted sexual statements, e.g., sexual or “dirty” jokes, comments on physical attributes, spreading rumors about others, rating others as to sexual activity or performance, talking about one’s sexual activity in front of others, or displaying/distributing sexually explicit images or text, if such statements rise to the level of creating a hostile environment under this policy.
12. May be unwanted personal attention in the form of letters, calls, messaging (e.g., texts, social media) visits, or pressure for sexual favors, dates, or unnecessary personal interaction.
13. May create a hostile environment. For purposes of this policy, a hostile environment exists when there is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity. A hostile environment can be created by another student, an employee, or a visitor to the University. Generally, a statement that is a mere utterance of an epithet which offends, or which offends by mere discourtesy or rudeness, does not create a hostile environment. The determination of whether an environment is “hostile” must be based on the totality of the circumstances, which the University will evaluate from the perspective of a reasonable person in the Complainant’s position. These circumstances could include, but are not limited to:
 - a. The frequency of the speech or conduct and the context in which it occurred;
 - b. The nature and severity of the speech or conduct;
 - c. Whether the conduct was physically threatening;
 - d. Whether the speech or conduct was humiliating;
 - e. The actual effect the speech or conduct had on the Complainant, including the Complainant’s mental and/or emotional state;
 - f. Whether the speech or conduct was directed at more than one person;
 - g. Whether the speech or conduct arose in the context of other discriminatory conduct;
 - h. The relationship between the parties (including accounting for whether one individual has power or authority over the other);
 - i. Whether the speech or conduct unreasonably interfered with the Complainant’s educational opportunities or performance, University-controlled living environment, or University-controlled work opportunities or performance;
 - j. Whether the speech or conduct is constitutionally protected or deserves the protections of academic freedom.

Sexual Exploitation is a particular type of conduct that can be a violation of this policy if it meets the criteria for “sexual harassment” set out in Section 2. It involves taking advantage of the sexuality of another person without consent or in a manner that extends beyond the bounds of consensual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose. Examples of sexual exploitation include, but are not limited to:

1. Exposing one’s genitals without consent;
2. Non-consensual streaming, audio- or video-recording, photographing, permitting others to view, or transmitting intimate or sexual utterances, sounds, or images without consent of all

- parties involved;
3. Allowing others to view sexual acts (whether in person or via a video camera or other recording device) without the consent of all parties involved;
 4. Non-consensual removal of a condom or other form of birth/disease control by a sex partner, sabotage to a condom or other form of birth/disease control by a sex partner without the other's knowledge or consent, or false representation of the use of a condom or other form of birth/disease control;
 5. Engaging in any form of voyeurism (e.g., "peeping");
 6. Prostituting another individual;
 7. Compelling an individual to touch their own or another person's intimate parts without consent;
 8. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
 9. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Further Discussion of Stalking

Stalking can be a form of sexual harassment in violation of this policy when it occurs in the University's education programs and activities. Section 3 of the policy provides the definition of stalking, which is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion, can also be deemed a violation of this policy.

Examples of stalking that may be in violation of this policy include, but are not limited to:

1. Unwelcome and repeated visual or physical proximity to a person;
2. Repeated oral or written threats;
3. Extortion of money or valuables;
4. Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on on-line bulletin boards;
5. Unwelcome/unsolicited communications about a person, their family, friends, or co-workers;
6. Sending/posting unwelcome and/or unsolicited messages with another username; or
7. Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person.

June 30, 2025

Michelle L. Ashcraft, Ph.D.
Senior Associate Commissioner & Chief Operating Officer
Indiana Commission for Higher Education
101 West Ohio Street, Suite 300
Indianapolis, IN 46204-4206

Re: Executive Order 25-35 Response

Dear Ms. Ashcraft,

Governor Braun's Executive Order 25-35 directs the Indiana Commission for Higher Education (Commission) to "review the policies of Indiana's state educational institutions related to post-secondary athletic programs to ensure compliance with the 2020 Title IX Rule, rather than the 2024 Title IX Rule. The review shall be completed by September 30, 2025, with a written report provided to the Governor and the Legislative Council by December 31, 2025."

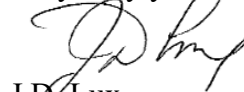
Indiana State is submitting its response to the Commission's request, and I wanted to provide some historical context to the policy being submitted. Indiana State's Title IX policy related to its post-secondary athletic programs is the same Title IX policy applicable to all employees and students of Indiana State. It can be found in policy 923 Nondiscrimination and Anti-Harassment. There is no separate Title IX policy that pertains only to athletic programs.

The current Title IX policy was enacted by the Indiana State Board of Trustees on July 31, 2020. Indiana State did not make any amendments to its Title IX policy in response to the issuance of the 2024 Title IX Regulations. Indiana State has and continues to operate in compliance with the 2020 Title IX Regulations.

At its most recent meeting, the Trustees did amend policy 923 to add the definition of antisemitism and to add clarification that acts of antisemitism are prohibited on campus. These changes did not directly modify the Title IX procedures in policy 923. I wanted to bring this to your attention, so that you would understand that while policy 923 has recently been modified, the Title IX regulations applicable to athletic programs and all other aspects of operations at Indiana State have not changed.

Should you have any questions please let me know.

Very truly yours,



J.D. Lux
General Counsel



923 Non-Discrimination and Anti-Harassment

Authority: Approved by the Board of Trustees

Last Updated: June 27, 2025

923.1 Policy of Nondiscrimination

Indiana State University prohibits discrimination on the basis of: age, disability, genetic information, national origin, pregnancy, race/color, religion, sex, gender identity or expression, sexual orientation, veteran status, or any other class protected by federal and state statutes. Discrimination based upon any protected class is strictly prohibited in ISU programs and activities or that interferes with the educational or workplace environment. ISU recognizes that discrimination and harassment may take many forms, and it is our collective commitment to respond promptly and vigorously to discriminatory or harassing behavior.

923.2 Definitions

- a. Antisemitism: A certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.
- b. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination or harassment.
- c. Consent: Knowing, voluntary, and clear mutual agreement to engage in sexual activity. Consent must be freely and actively given and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. Consent may be withdrawn at any time. Consent to some sexual contact cannot be presumed to be consent for other sexual activity including previous consent or the existence of a current or previous relationship. Silence or the absence of resistance is not the same as consent. Lack of consent means:
 - 1. The person has not given consent;
 - 2. The person is incapable of giving consent because of mental, developmental, or physical disability;

3. Force is used or threatened;
 4. The person is incapable of giving consent because of judgment-inhibiting intoxication without regard to the intoxicant;
 5. The person is not sufficiently conscious to provide consent; or
 6. The person is not old enough to give consent. In Indiana, any person who has reason to believe that a child is a victim of child abuse or neglect has a duty to make a report to Child Protective Services or to the police.
- d. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- e. **Domestic Violence:** A felony or misdemeanor crime of violence committed by (i) a current or former spouse or intimate partner of the victim; (ii) a person with whom the victim shares a child in common; (iii) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; (v) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Indiana.
- f. **Education Programs or Activities:** All the operations of the University, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the University. It also includes off-campus locations, events, or circumstances over which the University exercises substantial control over the Respondent and the context in which the alleged misconduct occurs, including conduct occurring in any building owned or controlled by a student organization that is officially recognized by the University.
- g. **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute discrimination or harassment.

- h. **Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and includes the sex offenses of rape, attempted rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape as defined in 20 U.S.C. §1092(f)(6)(A)(v). The definition of sexual assault encompasses:
1. 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 and regardless of the gender of the individuals.
 2. 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 their age or because of their temporary or permanent mental incapacity.
 3. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 4. Sexual intercourse with a person who is under the statutory age of consent.
- i. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for the person's safety or the safety of others or (ii) suffer substantial emotional distress.

For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

923.3 Categories of Prohibited Conduct

- **923.3.1 Discrimination.** Discrimination means treating someone differently because of their membership in a protected class (or a perception that someone is a member of a protected class) in matters of admissions, employment, housing, services, or any other educational programs or activities of the University. Disparate treatment discrimination occurs when there has been an adverse impact on the individual's work or educational environment, individuals outside of the protected

class have received more favorable treatment, and there is no legitimate, non-discriminatory reason for the action. Disparate impact discrimination occurs when a University policy or practice adversely impacts persons in a protected class even though the policy or practice is neutral on its face.

- **923.3.2 Prohibited Harassment.** Prohibited Harassment may be categorized as hostile environment harassment or *quid pro quo* harassment. Hostile environment harassment is defined as unwelcome verbal or physical conduct directed toward an individual because of their membership in a protected class (or a perception that someone is a member of a protected class) that has the purpose or effect of substantially interfering with the individual's educational or work performance, or creating an intimidating, hostile or offensive working or academic environment. A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment. The behavior must create a hostile environment from both a subjective and objective perspective and must be so severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services, or opportunities from the University's education or employment programs and/or activities. In determining whether a hostile environment exists, the University examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved. This includes, for example, conduct towards another person or identifiable group of persons that is determined to have been motivated by Antisemitism, or any other hatred, prejudice or discrimination against a particular religious belief.
- *Quid pro quo* harassment occurs where submission to or rejection of prohibited conduct is used, explicitly or implicitly, as the basis for decisions adversely affecting an individual's education, employment, or participation in a University program or activity.
- Examples of Prohibited Harassment include offensive jokes, slurs, name calling, intimidation, ridicule, mockery, or displaying or circulating offensive objects and pictures that are based on a protected class. Prohibited Harassment may also include unwelcome sexual advances, requests for sexual favors, physical conduct and other verbal or physical conduct of a sexual nature that falls outside the scope of Title IX Sexual Harassment.
- **923.3.3 Title IX Sexual Harassment.** Title IX Sexual Harassment is conduct on the basis of sex that constitutes *quid pro quo* harassment, Title IX Hostile Environment Sexual Harassment, sexual assault, domestic violence, dating violence, or stalking

and that occurs in the United States and within the University's Education Programs or Activities.

- "Title IX Hostile Environment Sexual Harassment" is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's Education Programs or Activities.
- **923.3.4 Sexual Misconduct.** Sexual Misconduct is sexual assault, domestic violence, dating violence, or stalking that occurs off-campus, in a private setting, and/or outside the scope of the University's Education Programs or Activities.

923.4 Other Harassing, Intimidating, or Physically Abusive Conduct.

Conduct that seeks to intimidate or harass or constitutes unwelcome or abusive physical contact but is not discriminatory is also prohibited by [Policy 410 Code of Student Conduct](#), [Policy 502 Prohibition on Hostile or Intimidating Workplace Behavior](#) and other ISU policies as may be adopted from time to time.

923.5 Commitment to Freedom of Expression and Academic Freedom.

ISU values the principles of freedom of expression and academic freedom, even when speech or academic discourse is uncomfortable and challenging. However, speech that is discriminatory and harassing is not protected and will be subject to investigation and possible disciplinary action.

923.6 Reporting Discrimination and Harassment.

All ISU employees are expected to report discrimination and harassment to the Equal Opportunity and Title IX Office. Those individuals who act in a supervisory capacity or who serve as faculty/staff advisors to ISU student organizations should be especially mindful of the obligation to report discrimination and harassment promptly. Reports of discrimination or harassment should be directed to:

[Equal Opportunity and Title IX Office](#)

Rankin Hall, Room 426

Indiana State University

Terre Haute, Indiana 47809

(812) 237-8954

ISU-equalopportunity-titleix@mail.indstate.edu

https://cm.maxient.com/reportingform.php?IndianaStateUniv&layout_id=10

- **923.6.1 Confidential Reporting.** ISU has designated certain employees to be confidential resources to students and employees. These confidential resources may be found on the Equal Opportunity and Title IX website.
- **923.6.2 Review of Reports of Discrimination and Harassment.** ISU has designated the Equal Opportunity and Title IX Office to review all reports of discrimination and harassment. Upon receipt of a report, the Director of Equal Opportunity/Title IX Coordinator will undertake a continuing assessment to determine the form of discrimination or harassment at issue and which adjudication procedures are applicable.

In all matters where the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures; to discuss and consider the Complainant's wishes with respect to supportive measures; to inform the Complainant about the availability of supportive measures with or without filing a formal complaint; and to explain the process for filing and pursuing a formal complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

- **923.6.3 Filing of Formal Complaints.** Upon receipt of a report of discrimination or harassment, the Director of Equal Opportunity/Title IX Coordinator will contact the Complainant, if their identity is known, and explain the process for filing a formal complaint. A formal complaint is submitted by the Complainant to the Office of Equal Opportunity and Title IX in person, by mail, or by email. The formal complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the formal complaint. At the time of filing a formal complaint of Title IX Sexual Harassment, a Complainant must be participating in or attempting to participate in the University's Education Programs or Activities. A Complainant may file a formal complaint of Sexual Misconduct without being a current participant, or attempted participant, in the University's Education Programs or Activities.

The Director of Equal Opportunity/Title IX Coordinator has discretion to file a formal complaint even if the Complainant chooses not to, and even if the Complainant chooses not to participate in the investigation or adjudication process. In general, the Director of Equal Opportunity /Title IX Coordinator will seek to respect the Complainant's wishes not to file a formal complaint.

The Director of Equal Opportunity/Title IX Coordinator will file a complaint on behalf of the University in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University community. Factors the Director of Equal Opportunity/Title IX Coordinator may consider in deciding whether to file a complaint include (but are not limited to): (a) was a weapon involved in the incident; (b) were multiple assailants involved in the incident; (c) is the accused a repeat offender; and (d) does the incident create a risk of occurring again. When the Director of Equal Opportunity/Title IX Coordinator files a formal complaint, that action does not make the Director of Equal Opportunity/Title IX Coordinator the “complainant” in the matter, nor does it put him or her in a position adverse to the Respondent or otherwise create a conflict of interest.

- **923.6.4 Required Dismissal of Title IX Sexual Harassment Complaints.** At any time during the handling of a formal complaint, the Director of Equal Opportunity/Title IX Coordinator will dismiss a formal complaint of Title IX Sexual Harassment if it is determined that:
 - The conduct alleged in the formal complaint would not constitute Title IX Sexual Harassment if proved;
 - The conduct alleged in the formal complaint did not occur in the University’s Educational Programs or Activities;
 - The conduct alleged in the formal complaint did not occur against a person in the United States.

The parties will be notified in writing that the allegations of Title IX Sexual Harassment must be dismissed and the reason for dismissal. If the behavior at issue would still, as alleged, constitute Discrimination, Prohibited Harassment, or Sexual or Gender-Based Misconduct, the allegations will continue to be addressed under this Policy and the applicable adjudication procedures.

If a formal complaint of Title IX Sexual Harassment is dismissed for one of the above reasons, the parties may appeal that dismissal using the appeal process described in Section 923.12.

- **923.6.5 Other Dismissal and Closure.** In addition to the dismissal of a formal complaint for Title IX purposes, the Director of Equal Opportunity/Title IX Coordinator may dismiss a formal complaint if at any time:

- The Complainant notifies the Director of Equal Opportunity/Title IX Coordinator in writing that the Complainant would like to withdraw their formal complaint;
 - The Respondent is no longer a student of or employed by the University, as applicable; or
 - Specific circumstances prevent the University from gathering evidence sufficient to reach a determination on the underlying allegations of the formal complaint.
- If a formal complaint is dismissed pursuant to this section, the parties may appeal that dismissal using the appeal process described in Section 923.12.

923.7 Reports of Other Misconduct.

Reports of misconduct other than discrimination or harassment will be referred by the investigator to the Office of Human Resources for Staff, the appropriate Dean for faculty, or the Office of Student Conduct and Integrity for students, including student employees.

923.8 Alternative Resolution.

The University offers voluntary alternative resolution for complaints of discrimination and harassment, except where the Respondent is a non-student employee accused of committing Title IX Sexual Harassment against a student. Information about alternative resolution can be found in the Complaint Resolution and Investigation Procedures.

923.9 Complaint Resolution and Investigation Procedures; Guiding Principles.

The Director of Equal Opportunity/Title IX Coordinator is responsible for conducting the investigation or assigning an investigator to investigate the complaint of discrimination. The Director of Equal Opportunity/Title IX Coordinator will publish Complaint Resolution and Investigation Procedures, approved by the President, for all investigations of discriminatory conduct, including sexual harassment. When substantive changes to the procedures are proposed, the Director of Equal Opportunity/Title IX Coordinator or the General Counsel will consult with the officers of the shared governance units about the proposed changes.

The Complaint Resolution and Investigation Procedures will comply with the Guiding Principles for the investigation of discriminatory behavior set forth below:

1. The Investigator will remain fair, objective, and impartial throughout the investigation process and will not have a conflict of interest or bias.

2. ISU will ensure that the Title IX Coordinator, investigators, decision-makers, and any individual who facilitates alternative resolution will receive appropriate training.
3. The investigator will provide sufficient notice to the Respondent and appropriate time to prepare a response before an interview, consistent with the Complaint Resolution and Investigation Procedures.
4. The Director of Equal Opportunity/Title IX Coordinator, in consultation with appropriate university officials, may remove a student Respondent from an education program or activity, including student employment, on an emergency basis if ISU determines that an immediate threat to the physical health or safety of any student, faculty member, staff member or visitor exists arising from the allegations of sexual harassment. The Respondent will be given notice and an opportunity to challenge the decision immediately following removal.
5. Non-student employees may be reassigned consistent with [Policy 501 Principles of Conduct for Faculty and Staff, Section 501.2 Extraordinary Action](#).
6. The Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the adjudication process.
7. ISU, not the Complainant or Respondent, is responsible for gathering information sufficient to reach a determination that Respondent violated the policy.
8. Complainants and Respondents will have an equal opportunity to have a support person or advisor present at interviews, consistent with the Complaint Resolution and Investigation Procedures.
9. Complainants and Respondents will have an equal opportunity to present witnesses, including fact and expert witnesses, and other evidence, consistent with the Complaint Resolution and Investigation Procedures.
10. Complainants and Respondents will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint, consistent with the Complaint Resolution and Investigation Procedures.
11. The investigation and determination will be completed reasonably promptly.
12. The investigator will produce a report that will be available to both Complainant and Respondent in a manner consistent with the Complaint Resolution and Investigation Procedures.

923.10 Standard of Evidence.

The standard of evidence in all discrimination matters is preponderance of evidence. The investigator or Hearing Panel (as applicable) will determine whether it is more likely than not that the Respondent violated this policy.

923.11 Determinations of Discriminatory Behavior.

The specific procedures for adjudicating prohibited conduct depend upon the nature of the Respondent's relationship to the University, and when a Respondent is an employee or a third party, on the type of prohibited conduct at issue.

923.11.1 Determinations of Discriminatory Behavior. In all investigations except those involving allegations of Title IX Sexual Harassment, Prohibited Harassment (sexual) with a student Respondent, or Sexual Misconduct with a student Respondent, the assigned investigator will make a determination about whether or not it is more likely than not that discrimination or harassment prohibited by this policy has occurred.

The final investigation report, including the determination, will be provided to the appropriate Cabinet Member(s). The Cabinet Member to whom the Respondent reports will make a determination about disciplinary action or sanctions, if warranted. The appropriate Cabinet Member may take disciplinary action against a Respondent based on the contents of the investigation report and the determination of discrimination.

923.11.2 Determinations of Title IX Sexual Harassment. Formal complaints of Title IX Sexual Harassment will be adjudicated by a Hearing Panel after the conclusion of the fact-gathering investigation. The Hearing Panel will hold a live hearing that is governed by the Guiding Principles set forth in Section 923.11.6 and conducted in accordance with Hearing Procedures approved by the President. The Hearing Panel will make the determination about whether it is more likely than not that the Respondent engaged in Title IX Sexual Harassment as defined by Section 923.3.3.

- **923.11.2.1 Disciplinary Outcomes in Title IX Sexual Harassment**

Determinations. If the Hearing Panel determines that the Respondent engaged in Title IX Sexual Harassment, federal law requires the Hearing Panel to include the sanction within its written determination. Disciplinary outcomes for students may include, but are not limited to, a conduct warning, conduct probation, mandated assessments, educational requirements, and/or temporary or permanent separation from Indiana State University in accordance with the Code of Student Conduct. Disciplinary outcomes for faculty and staff will be consistent with University policies and procedures related to employee discipline.

- **923.11.3 Determinations of Prohibited Harassment (Sexual) or Sexual Misconduct (Students).** Formal complaints of Prohibited Harassment (sexual) or Sexual Misconduct involving student Respondents will be adjudicated by a Hearing Panel after the conclusion of a fact-gathering investigation. The Hearing Panel will hold a live hearing that is governed by the Guiding Principles set forth in Section 923.11.6 and conducted in accordance with Hearing Procedures approved by the President. The Hearing Panel will make the determination about whether or not it is more likely than not that the Respondent engaged in Prohibited Harassment, as defined by Section 923.3.2, or Sexual Misconduct, as defined in Section 923.3.4.
- **923.11.4 Other Misconduct.** In cases where the final investigation report identifies misconduct other than discriminatory conduct, the Cabinet member may refer the matter for further review or take disciplinary action based on the contents of the investigation report. All such disciplinary action will be consistent with ISU policy.
- **923.11.5 Allegations of more than one form of discrimination.** If more than one form of discrimination is alleged, the investigator will make the determination regarding all allegations of discrimination or harassment that would not otherwise be determined by a Hearing Panel pursuant to this policy.
- **923.11.6 Hearing Procedures; Guiding Principles.** The Director of Equal Opportunity/Title IX Coordinator will publish Hearing Procedures, approved by the President, for all adjudications of Title IX Sexual Harassment, Prohibited Harassment (sexual), and Sexual Misconduct. When substantive changes to the procedures are proposed, the Director of Equal Opportunity/Title IX Coordinator or the General Counsel will consult with the officers of the shared governance units about the proposed changes.

The Hearing Procedures will comply with the following Guiding Principles:

1. The Hearing Panel will remain fair, objective, and impartial throughout the investigation process and will not have a conflict of interest or bias.
2. ISU will ensure that the Hearing Panel and Advisors provided by ISU will receive appropriate training.
3. All Complainants and Respondents will be entitled to have an Advisor present during the hearing, and the Advisor will have the opportunity to question witnesses, the investigator, and the other party. The Complainant and Respondent may choose the Advisor, or, at the request of the Complainant or Respondent, ISU will provide the Advisor. No party will be allowed to ask questions of any witness, the investigator, or the other party.

4. All Complainants and Respondents will be entitled to have a support person, subject to the Hearing Procedures.
 5. The hearing may, at the request of any party, be conducted in separate areas, and connected to the hearing using technology resources.
 6. The Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made final.
 7. Complainants and Respondents will have an equal opportunity to present information to the Hearing Panel, consistent with the Hearing Procedures.
- **923.11.7 Notification to Complainant and Respondent.** In all investigations of discriminatory conduct, both the Complainant and the Respondent will be notified in writing of the determination and, where appropriate, the disciplinary outcome.

923.12 Appeal.

Either party may appeal the determination to the President on the following grounds:

1. Procedural irregularity that affected the outcome.
2. New evidence, not reasonably available at the time of determination or dismissal was made, that could reasonably affect the outcome.
3. Conflict of interest or bias that affected the outcome of the hearing.

The Director of Equal Opportunity/Title IX Coordinator will publish Appeal Procedures, approved by the President, for all investigations of discriminatory conduct, including sexual harassment. When substantive changes to the procedures are proposed, the Director of Equal Opportunity/Title IX Coordinator or the General Counsel will consult with the officers of the shared governance units about the proposed changes.

The President's decision on the merits of the appeal will be final.

923.13 Retaliation.

Retaliation against participation in the reporting, investigation, or determination of discriminatory or harassing conduct is prohibited and will constitute a separate violation of this policy.

923.14 Campus Notifications.

The Director of Equal Opportunity/Title IX Coordinator will cooperate with the ISU Chief of Police on any notifications to the campus about health and safety emergencies that might arise because of a report of a violation of this policy.

923.15 Privacy.

All reports of discrimination will be treated with the maximum possible privacy.

923.16 Training.

Those individuals involved in investigation, adjudication, and appeal of allegations of discrimination and harassment will be provided appropriate training and education. The President may require training or education of all employees and students on this policy.



INDIANA UNIVERSITY
OFFICE OF CIVIL RIGHTS COMPLIANCE

Date: September 15, 2025

From: Jennifer Kincaid
Associate Vice President of Civil Rights Compliance

To: Angela Smith Jones, JD
Associate Vice President of State Relations

RE: Title IX Compliance

Indiana University policy UA-03, Discrimination, Harassment, and Sexual Misconduct incorporates the university's procedures for complying with Title IX. The policy complies with the 2020 Final Rule as of August, 2020. Revisions were planned for the 2024 Final Rule but never went into effect once the 2024 Final Rule was enjoined. Any revisions subsequent to August 2020 have not affected compliance with the 2020 Final Rule.

Please let me know if you have any questions.

University Policies

Discrimination, Harassment, and Sexual Misconduct

UA-03



Scope
Policy Statement
Reason for Policy
Procedures
Definitions
Sanctions
Additional Contacts
History
Related Information

About This Policy

Effective Date:

03-01-2015

Date of Last Review/Update:

06-26-2025

Responsible University Office:

Office of Civil Rights Compliance

Responsible University Administrator:

President, Indiana University

Academic Leadership Council Executive Committee

Quick Links

[III. Student Discrimination & Harassment Complaint Resolution Procedures](#)

[IV. Academic Appointee & Staff Discrimination & Harassment Complaint Resolution Procedures](#)

[V. Overarching Procedures for Responding to Reports of Sexual Misconduct](#)

[VI. Student Sexual Misconduct – Title IX Complaint Resolution Procedures](#)

[VII. Academic Appointee and Staff Sexual Misconduct – Title IX Complaint Resolution Procedures](#)

[VIII. Student Sexual Misconduct – University Complaint Resolution Procedures](#)

[IX. Academic Appointee and Staff Sexual Misconduct – University Complaint Resolution Procedures](#)

Policy Contact:

Associate Vice President, Civil Rights Compliance/University Title IX Coordinator/University ADA Coordinator
oie@iu.edu

Policy Feedback:

If you have comments or questions about this policy, let us know with the [policy feedback form </contact/index.html>](/contact/index.html).

Scope

- I. This policy applies to all members of the Indiana University community, including:
 - A. All students
 - B. All academic appointees, staff and part time (hourly) employees
 - C. All others while on Indiana University property, including employees of third-party vendors and contractors, volunteers, and visitors, and others while involved in an off-campus Indiana University program or activity.
- II. Other university policies and codes related to misconduct remain in effect for complaints of misconduct other than discrimination, harassment and/or sexual misconduct. However, any report or complaint of misconduct that includes elements of the covered behaviors below may be addressed in accordance with this policy and its related complaint resolution procedures.
- III. A foundational principle of Indiana University is its enduring partnership across its units, including faculty, to collectively advance the institution's mission. The establishment, revision, and retirement of academic policies will occur with consultation and input from the University Faculty Council.

[Back to top](#)

Policy Statement

I. OVERARCHING POLICY TENETS

- A. Indiana University prohibits discrimination and harassment on the basis of age, color, disability, ethnicity, sex, gender identity, gender expression, genetic information, marital status, national origin, race, religion, sexual orientation, or veteran status ("protected classes") in matters of admission, employment, housing, services, and in its educational programs and activities.
- B. This policy governs the university's response to all forms of discrimination and harassment, and sexual misconduct. Such behaviors are unacceptable under Indiana University policy. (See UA-01, Indiana University Non-Discrimination Policy

</policies/ua-01-non-discrimination/archived-06142024-01312025.html> .) The university does not tolerate conduct in violation of this policy and will take action to prevent and address such misconduct.

- C. It is the policy of the university to comply with all applicable federal and state laws regarding unlawful discrimination and harassment against protected classes. Procedures for reporting incidents of discrimination, harassment and/or sexual misconduct, and for investigating and adjudicating formal complaints, are part of this policy and are included below. These complaint resolution processes may vary depending on applicable law and policies relevant to the specific misconduct. In appropriate cases, and upon consultation with the Vice President and General Counsel, the university reserves the right to take prompt action in accordance with other university procedures. Questions about this policy, as well as the applicable complaint and complaint resolution processes, may be directed to the appropriate contacts set forth in this policy. (See Additional Contacts.)
- D. Individuals who believe they have experienced discrimination, harassment and/or sexual misconduct in violation of this policy, and all members of the university community who may be aware of such incidents, are encouraged to promptly report incidents of discrimination, harassment, and/or sexual misconduct to the appropriate designated officials. (See Additional Contacts.)
- E. Some employees may have reporting obligations based on their role and responsibilities under this and other policies (See Employee Reporting Obligations.)
- F. Retaliation against anyone who makes a report of discrimination, harassment and/or sexual misconduct, or who participates in an investigation under any of the complaint resolution procedures set forth herein, is prohibited. (See Retaliation.)
- G. For every report, the university will review the circumstances of the reported conduct to determine whether the university has jurisdiction over the parties involved, and to take steps within its control to eliminate, prevent, and address the reported conduct. The university will respond promptly to all reports and assess all information available; the potential Complainant(s) will be offered information regarding resources and supportive measures, as well as options regarding reporting and applicable complaint resolution procedures. Where a formal complaint is filed or initiated, the university will provide a fair and impartial investigation and resolution, provide supportive and interim measures and, in the event a policy violation is found, impose appropriate sanctions and provide remedial measures. The appropriateness and severity of the sanctions imposed, up to and including termination or expulsion of the offender, will depend on the circumstances of the particular case. If the Respondent is not a member of the university community or is no longer affiliated with the university at the time of the report or at the time a formal complaint is initiated (including when the Respondent has graduated or left the university), the university typically is unable to take disciplinary action or conduct an investigation through the complaint resolution procedures herein.

II. JURISDICTION

- A. This policy applies to any reported discrimination, harassment and/or sexual misconduct that is alleged to have occurred on campus, in the context of any university program or activity, or among current members of the university community off campus. This policy also applies to reported discrimination, harassment and/or sexual misconduct that has a continuing adverse effect or creates a hostile environment for one or more individuals.
- B. The applicable complaint resolution process for addressing a formal complaint will depend on a number of factors, including the type and nature of the alleged conduct, the role of the parties, where the alleged conduct occurred, and applicable law.
- C. For disciplinary action to be issued, the Respondent must be a student, academic appointee, or staff employee of the university. All third-party vendors or contractors are subject to the policies and procedures of their employers, however, the university reserves the right to bar a non-community member from being present. This policy's complaint resolution procedures do not apply to reports that a volunteer or non-member of the university community engaged in discrimination, harassment, and/or sexual misconduct. The university may take steps to eliminate, prevent, and address the reported conduct by volunteers or non-community members without going through the complaint resolution process.
- D. Where the reported behavior undermines the security of the university community or poses a serious threat to self or others, other applicable university procedures for suspension or dismissal may be applied.

III. COVERED BEHAVIORS

This policy applies to the following behaviors and conduct. A formal complaint that a member of the university community engaged in one or more of these covered behaviors will be addressed pursuant to the applicable complaint resolution procedures.

A. **Discrimination:** Prohibited discrimination is treating someone differently based on their actual or perceived membership in a protected class, or any other classification protected by law, in matters of admissions, employment, education, or in the programs or activities of the university.

1. In determining whether discrimination occurred, the university considers whether there was an adverse impact on the individual's work or education environment and whether individuals outside of the protected class received more favorable treatment. If there was an adverse impact on the individual's work or education environment, the university considers whether there is a legitimate, non-discriminatory reason for the action.
2. Examples of discrimination can include refusing to hire or promote someone because of their membership in a protected class; denying someone a raise or employment benefit because of their membership in a protected class; reducing someone's job responsibilities because of their membership in a protected class; denying someone access to an educational program based on their membership in a protected class; or denying someone access to a university facility based on their membership in a protected class.

B. **Harassment:** Harassment prohibited under this policy is verbal or physical conduct, or conduct using technology, directed toward someone because of their membership in a protected class (or a perception that someone is a member of a protected class) that has the purpose or effect of substantially interfering with the individual's access to education or work, or creating an intimidating, hostile or offensive working environment or academic experience.

1. An individual's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment. The behavior must create a hostile environment from both a subjective and objective perspective such that it unreasonably interferes with, limits, or deprives a member of the university community of the ability to participate in or to receive benefits, services, or opportunities from the university's education or employment programs and/or activities.
2. In determining whether a hostile environment exists, the university will examine the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the individuals involved, and apply the appropriate standard according to the applicable complaint resolution procedures.
3. Examples of harassment can include offensive jokes, slurs, name-calling, intimidation, ridicule or mockery, or displaying or circulating offensive objects and pictures that are based on a protected class, including sex and gender-based harassment.
4. Harassment not based on membership in a protected class that has the purpose or effect of substantially interfering with the individual's access to education or work, or creating an intimidating, hostile or offensive working environment or academic experience, is also prohibited and will be addressed by the appropriate human resources, academic affairs, or student conduct processes.

C. **Sexual Misconduct:** All forms of Sexual Misconduct, which are more fully defined within this policy:

1. Sexual Harassment
2. Sexual Assault
3. Sexual Exploitation
4. Dating Violence
5. Domestic Violence
6. Stalking

D. Academic Appointee and staff employee relationships with students are governed by UA-22, Employee Relationships Involving Students </policies/ua-22-employee-relationships-involving-students/index.html> .

IV. **INTELLECTUAL INQUIRY AND DEBATE**

A. In determining whether discrimination, harassment and/or sexual misconduct has occurred and what type of remedy, if any, might be appropriate in a given case, the university will also consider the fact that free intellectual inquiry, debate, and

constructive dialogue are vital to the university's academic mission and must be protected even when the views expressed are unpopular or controversial. Accordingly, any form of speech or expressive conduct that is protected by state or federal law, including the First Amendment, is not subject to this policy.

- B. This policy is meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including matters involving protected characteristics, when, in the judgment of a reasonable person, they arise for legitimate academic and pedagogical purposes. This includes intellectual inquiry, debate, and dialogue on related issues. The mere expression of views, words, symbols, or thoughts that some people find offensive does not by itself create a hostile environment.

V. EDUCATION, PREVENTION, AND TRAINING

- A. Every Indiana University campus shall publicize and provide ongoing educational programming for students, employees and other members of the university community to promote awareness of the problems caused by discrimination, harassment and sexual misconduct and to help prevent and attempt to reduce its occurrence. Educational programs and information will include campus-specific information on how and where to report, resources available, and safe and positive options for bystander intervention to address, intervene, and prevent such conduct. Efforts will be made to ensure that educational programs are culturally relevant and inclusive of the diverse communities and identities found at each campus.
- B. Employee training shall be provided to all employees regarding the requirements of this policy. Certain training may be mandated by applicable federal or state law. The appropriate training will be tailored to the audience and will include reporting and response obligations, available resources, and information about how to prevent and identify discrimination, harassment and/or sexual misconduct. Individuals specifically involved in implementing this policy and its procedures will be trained regarding their application, conducting the investigations, hearings and other decision-making processes, conflict of interest and unconscious bias, and other aspects of this policy.

[Back to top](#)

Reason for Policy

- I. Indiana University is committed to the success, safety and well-being of all members of the university community, including students, academic appointees, and staff. Indiana University recognizes that discrimination, harassment, and/or sexual misconduct may result in grave and often long-lasting effects on those involved and is committed to conducting timely investigation of allegations and to taking appropriate actions and consequences following investigations.
- II. Indiana University is committed to compliance with state and federal laws regarding discrimination, harassment and/or sexual misconduct, to making required reporting to state and federal agencies, and to working with law enforcement officials and agencies where applicable. The university is also committed to using its resources in research and education to improve programs aimed at preventing and reducing discrimination, harassment and sexual misconduct in our community and ensuring safe, diverse, equitable, and inclusive communities.
- III. In cases where an individual is listed as key personnel on a federal sponsored award (e.g including but not limited to National Science Foundation and the National Institutes of Health), the university may be required to report any determination that the individual violated UA-03 as well as if they are placed on administrative leave or other administrative action has been imposed as a result of an investigation. Such instances will be shared with the Authorized Organizational Representative in the Office of Research Administration to report to the funding agency.

[Back to top](#)

Procedures

I. TENETS APPLICABLE TO ALL COMPLAINT RESOLUTION PROCESSES

A. University Provided Information:

1. The appropriate designated official will promptly contact anyone who reports to the university that they have experienced discrimination, harassment, and/or sexual misconduct and will offer to meet and provide written information about:
 - a. Potentially applicable university procedures, including to whom and how a formal complaint can be filed, as well as the individual's rights and options within the university proceedings;

- b. If the conduct is of a potential criminal nature, options about the involvement of and reporting to law enforcement, and information about the importance of preserving evidence that may assist in proving the alleged criminal offense occurred, as well as how to preserve such evidence;
- c. Civil orders of protection issued by courts and how to obtain such orders; and
- d. Available campus and community resources, including the availability of supportive measures.

B. Reporting an Incident:

1. In an emergency or where immediate help is needed, call 911.

- 2. Anyone wishing to report an incident of discrimination, harassment and/or sexual misconduct that may be of a criminal nature can do so by contacting local law enforcement. If the incident did not occur on campus, IUPD can help direct the individual to the appropriate law enforcement agency.
- 3. The university encourages anyone who has experienced discrimination, harassment and/or sexual misconduct to report what happened to the university, to ensure they are informed of the available supportive measures, on and off campus resources, options to make a formal complaint, and applicable complaint resolution processes, and to allow the university to respond appropriately. Anyone wishing to report can do so by contacting the designated official on their campus or by completing the online form. (See Additional Contacts.)
- 4. Reports of sexual misconduct made to a Responsible Employee that are not initially reported to the University Sexual Misconduct & Title IX Coordinator and/or Deputy Sexual Misconduct & Title IX Coordinator(s) for the respective campus will be shared with those officials in a timely manner.
- 5. If a report of discrimination, harassment and/or sexual misconduct is not made initially to the Indiana University Police Department (IUPD), and the information indicates it may be a crime reportable under the Clery Act </policies/ua-16-clery-act-compliance/archived-03-05-2019-09-13-2022.html> , non-identifying information regarding the date, time, location and nature of the crime will be shared with IUPD for purposes of complying with the Clery Act.
- 6. If the university receives a report that indicates law enforcement should be informed and involved due to the potential threat to health and safety of an individual or the university community, the university may also share the identifying information needed for appropriate response by IUPD or law enforcement agency with jurisdiction.

C. Sexual Misconduct Involving a Child/Minor:

Sexual misconduct involving a child/minor (anyone under 18 years of age) must be reported. Indiana state law requires that any individual who has reason to believe that a child/minor is a victim of child abuse or neglect (including sexual misconduct) has an affirmative duty to make an oral report to the Indiana Department of Child Services hotline 1-800-800-5556 or to their local law enforcement or to IUPD. Failure to report may result in criminal charges. Other university policy requirements regarding reporting apply for students or employees working in positions covered by the Programs Involving Children policy. (See PS-01, Programs Involving Children </policies/ps-01-programs-involving-children/archived-10122023-08092024.html> for more information.)

D. Amnesty:

- 1. The university strongly encourages students to report instances of discrimination, harassment and/or sexual misconduct. Therefore, students who report an incident pursuant to this policy will not be disciplined by the university for violations of the Code of Students Rights, Responsibilities & Conduct related to their drug and/or alcohol consumption in connection with the reported incident.
- 2. Students are also afforded immunity against certain charges for alcohol-related crimes under Indiana's Lifeline Law in connection with a report of a medical emergency, so long as they cooperate with law enforcement at the scene. (See IC 7.1-5-1-6.5.)

E. Retaliation:

Protections against retaliation are critical to reducing the prevalence of discrimination, harassment, and sexual misconduct within the university community. Retaliation against anyone who has reported an incident of discrimination, harassment and/or sexual misconduct, provided information, or participated in procedures or an investigation into a report of discrimination, harassment and/or sexual misconduct, is prohibited by the university and may be considered and addressed

as a potential violation of this policy or other applicable university policies. Acts of retaliation include intimidation, threats, coercion, discrimination, and/or harassment, whether physical or communicated verbally or via written communication (including the use of e-mail, texts, and social media), as well as adverse changes in work or academic environments, or other adverse actions or threats. The university will take steps to prevent retaliation and will impose sanctions on anyone or any group who is found to have engaged in retaliation in violation of this policy. Concerns about potential retaliation in connection with a report of discrimination, harassment, and/or sexual misconduct should be reported to the designated officials under this policy. (See Additional Contacts.)

F. Roles, Duties and Obligations of Certain Employees:

1. Sexual Misconduct & Title IX Coordinators ("Coordinator(s)"):

- a. The University Sexual Misconduct & Title IX Coordinator ("University Coordinator") will be promptly informed of all reports of sexual misconduct and will oversee the university's review, investigation, and resolution of those reports to ensure the university's compliance with applicable law and this policy.
- b. Deputy Sexual Misconduct & Title IX Coordinators ("Deputy Coordinators") will be promptly informed of all reports of sexual misconduct for their campus and pursuant to their specific delegated role, and will assist the University Coordinator in ensuring that outreach, response, investigation and adjudication occurs in accordance with applicable law and this policy.
- c. Deputy Coordinators and other officials within the university will work with the University Coordinator to ensure that adequate education, training, and appropriate resources are available and provided on their respective campus.
- d. The University Coordinator will monitor the university's education programs and activities for barriers to reporting information about conduct that may reasonably constitute sex discrimination and will take reasonable steps to address such barriers.

2. Equity Officials:

- a. The Associate Vice President of Institutional Equity ("AVP of Institutional Equity") will be promptly informed of all reports of discrimination and harassment and will oversee the university's review, investigation, and resolution of those reports to ensure the university's compliance with applicable law and this policy.
- b. Campus Equity Officials will be promptly informed of all reports of discrimination and harassment for their campus and will assist the AVP of Institutional Equity to ensure that outreach, response, investigation and adjudication occurs in accordance applicable law and this policy.
- c. Campus Equity Officials will work with the AVP of Institutional Equity and other officials within the university to ensure that adequate education, training, and appropriate resources are available and provided on their respective campus.

G. Employee Reporting Obligations:

Certain employees within the university, based on the nature of their role and the type of information known to them, may have a duty to report discrimination, harassment and/or sexual misconduct to the appropriate designated university officials to ensure the university can respond promptly. These obligations are set forth below:

- 1. Discrimination & Harassment:** University employees with teaching responsibility or supervisory authority within the university are obligated to promptly report incidents of discrimination or harassment, to the designated campus Equity Official. (See Additional Contacts.)

2. Sexual Misconduct:

- a. Employees designated as "Responsible Employees" are obligated to promptly report incidents of sexual misconduct to the University Coordinator or their designated campus Deputy Coordinator. (See Additional Contacts.) All other employees (unless they are designated as confidential employees, see below) are obligated to either report incidents of sexual misconduct to the University Coordinator or their designated campus Deputy Coordinator or refer individuals to offices or websites with applicable information.
- b. Responsible Employees include:
 - i. All employees with teaching responsibility, including academic appointees, student academic appointees, and any others who offer instruction (whether in-person or online) or office hours to students;

- ii. All advisors;
- iii. All coaches and other athletic staff who interact directly with students;
- iv. All student affairs administrators;
- v. All residential hall staff;
- vi. All employees who work in offices that interface with students; and
- vii. All supervisors and university officials.

3. Sanctions for Non-Reporting

An employee who has a duty to report discrimination, harassment, and/or sexual misconduct who fails to report the information known to them to the appropriate designated university officials or who actively discourages a Complainant from making a report or initiating an investigation may be subject to disciplinary action under this policy.

H. Exempt Disclosures:

1. Employees who otherwise have reporting obligations under this policy are exempt from reporting disclosures of discrimination, harassment and/or sexual misconduct when made during limited situations, including:
 - a. Disclosures made as part of participation in research activities that have received human subjects approval through the university's Institutional Review Board (IRB);
 - b. Disclosures made as part of an academic assignment;
 - c. Disclosures made at public awareness events;
 - d. Disclosures made during the course of communications protected as privileged communications under applicable law, including attorney-client privilege and medical professional privilege.
2. Following such disclosures, and when appropriate given the circumstances, the Responsible Employee should offer resources and reporting information and options.
3. These limited exemptions from reporting do not relieve a university employee from the obligation to report a disclosure of child abuse or neglect, which must be reported to appropriate officials in all instances. (See Sexual Misconduct Involving a Child/Minor.).
4. Responsible Employees who are also Campus Security Authorities may still have an obligation to report information as required by the Clery Act and university policy UA-16 (Clery Act Compliance) </policies/ua-16-clery-act-compliance/archived-10122023-05082025.html> .

I. Confidential Employees

1. Certain university employees – based on their own professional licensure and the nature of their role on campus – have been identified by the university as Confidential Employees and are available to speak with individuals and maintain the individual's desire for anonymity and absolute confidentiality. These Confidential Employees are exempt from the reporting requirements that apply under this policy. Individuals who desire anonymity in discussing and seeking assistance should contact and/or be referred to a Confidential Employee.
2. Confidential Employees include, but are not limited to:
 - a. Licensed, professional mental health counselors working in that capacity for the campus, and those they supervise;
 - b. Health care professionals and staff located in on-campus health care centers; and
 - c. Any staff or specialists on a campus specifically designated as non-professional sexual assault advocates.
3. Faculty, staff, and other employees who are licensed mental health workers or are licensed medical workers, but who are not working in that capacity, such as faculty members in psychology, social work, nursing, etc., are not Confidential Employees under this policy.
4. Any Confidential Employee who is not a licensed mental health counselor or pastoral counselor serving in those roles must provide non-identifying aggregate information regarding any Clery crime known to them directly to IUPD.
5. Students or employees serving in an ombuds or peer navigator role in a unit or department, or as a Title IX liaison, are not Confidential Employees under this policy and have no exemption from the reporting requirements of this policy.

6. Employees who are uncertain whether they have a reporting obligation under this section are encouraged to contact the designated officials for their campus to seek guidance.

J. Role of Law Enforcement

1. Any individual who has experienced discrimination, harassment and/or sexual misconduct that may be of a criminal nature is encouraged to contact IUPD or local law enforcement.
2. IUPD responds to emergency situations on Indiana University campuses and typically communicates and works with the appropriate designated officials to assist in investigations and incident response, as well as to track statistics for Clery Act reporting.
3. Individuals with a possible criminal case who have not made their initial complaint via the police will be provided with information about how to file a complaint with law enforcement. Individuals may also request assistance from campus authorities in notifying law enforcement. Individuals may decide not to notify law enforcement authorities and proceed only with a university investigation.
4. A university investigation under the complaint resolution procedures identified in this policy may be initiated and/or proceed simultaneously with a criminal case. The university will cooperate with law enforcement and, if requested by law enforcement, defer its fact gathering for a brief period during the evidence gathering stage of a criminal investigation. However, the university will not consider its investigation on hold pending a criminal prosecution or investigation, and will continue to communicate with individuals, address the need for any supportive measures regarding safety and well-being and resume its own fact gathering as soon as permitted.
5. The determination by law enforcement whether or not to prosecute a Respondent or the outcome of a criminal proceeding does not determine whether a violation of university policy has occurred. Records of university proceedings may be subpoenaed for a criminal prosecution.

K. Privacy

1. The university is committed to safeguarding the privacy of the parties in a manner consistent with the objective to effectively investigate and prevent incidents of discrimination, harassment and/or sexual misconduct. In all cases, the university will share the parties' information and details of the allegation only with university officials, law enforcement personnel, and other individuals who have a legitimate administrative or legal reason to be so informed. Records will not be disclosed outside the university unless required by law or subpoena.
2. All individuals with knowledge of a reported incident of discrimination, harassment and/or sexual misconduct are expected to safeguard the privacy of those involved and are encouraged to report such knowledge to the appropriate officials.

L. Requests for No-University Action

1. If an individual discloses that they have experienced an incident of discrimination, harassment and/or sexual misconduct to the university, but indicates or requests that the university not investigate the particular incident, requests that no disciplinary action be taken, requests that the alleged perpetrator not be notified, or makes any similar request, the university will always consider such request(s), and will, in general, work to honor the request(s). Absent a formal complaint, the university will weigh such request(s) against its obligation to provide a safe, non-discriminatory environment for all, including for the individual who experienced the discrimination, harassment, or sexual misconduct. If the university determines that it is able to honor the individual's request(s), the individual should understand that the university's ability to meaningfully investigate the incident and/or respond appropriately may be limited. If, however, the university determines it must proceed under the circumstances, it will work to notify the individual in advance.
2. The university has designated the following official to evaluate an individual's request for no or limited action by the university in connection with a report of discrimination, harassment and/or sexual misconduct: the AVP of Institutional Equity, Deputy Title IX Coordinators, and campus Equity Officials. These officials will consult with relevant administrators on their campus and the Office of the Vice President and General Counsel, where appropriate, in making these determinations.

M. Response to Reports of Discrimination, Harassment or Sexual Misconduct

1. Determination by the university of applicable complaint resolution procedures upon receipt of a formal complaint after a report of discrimination, harassment and/or sexual misconduct will follow the steps identified below, depending on whether the Respondent is a student or employee, and whether the matter falls within the scope of Title IX or the other provisions of this policy. Employees who are also students may be subject to procedures for students or employees, or both.
2. If the individual reported as having been engaged in discrimination, harassment and/or sexual misconduct is not a student or employee of the university, the university shall take all appropriate measures to determine information regarding the individual, what occurred, whether another entity needs to be contacted to join in or assume an investigation (e.g., another institution of higher education), and to provide assistance in notifying the proper law enforcement authorities, if applicable. The university will also provide supportive and remedial measures, to the extent possible, to protect the reporting individual and eliminate any hostile environment.
3. The university reserves the right to investigate circumstances that may involve discrimination, harassment and/or sexual misconduct in situations where no complaint, formal or informal, has been filed. In limited circumstances, the university reserves the right to reopen a case previously considered closed in the event of new information or other appropriate circumstances.

N. Supportive and Interim Measures

1. Upon receiving a report of discrimination, harassment, or sexual misconduct, the university will offer and provide appropriate and reasonable supportive measures, regardless of whether a formal complaint is filed, according to the specific needs and circumstances of the situation. These measures may vary depending on an individual's campus, needs, or specific circumstances. Supportive measures may include, but are not limited to: assistance in changing academic, living, transportation, and/or work situations; referral to counseling, medical and/or other healthcare services; advocacy and advising services; and assistance in obtaining protective orders.
2. In the event a formal complaint is filed and an investigation is initiated according to the complaint resolution procedures below, all parties will be offered supportive measures, and interim measures may be taken, depending on the specific allegations and circumstances, and may include suspension of the Respondent from campus or some portion of campus, pending completion of the investigation. When contemplating interim suspension of a student under this policy, campus interim suspension procedures will be followed.
3. In the event of a finding of responsibility following the university's adjudication of a formal complaint, the university will take any additional and necessary measures with respect to the Complainant and other members of the community, as well as the appropriate disciplinary action with respect to the individual found responsible.

II. SUMMARY OF RIGHTS OF THE COMPLAINANT AND RESPONDENT IN ALL COMPLAINT RESOLUTION PROCEDURES

The rights of the parties in any of the complaint resolution procedures under this policy include:

- A. To be fully informed of university policies and procedures, as well as the nature and extent of all alleged violations contained within the allegation.
- B. To be treated with respect.
- C. To be accompanied by an advisor present during all proceedings, investigation meetings, or related meetings.
- D. To have adequate, reliable, and impartial investigation and appropriate resolution of all complaints of discrimination, harassment and/or sexual misconduct.
- E. To be informed by the university of options to notify proper law enforcement authorities including on campus and local police, and the option to be assisted by campus authorities in notifying proper law enforcement, if the individual chooses.
- F. To be notified of available resources including counseling, mental health, academic, and other support services, both at the university and in the community.
- G. To have allegations investigated and adjudicated by individuals who are properly trained to investigate and resolve allegations of discrimination, harassment and/or sexual misconduct.

- H. To participate in the investigation and complaint resolution process, including the opportunity to identify witnesses and other appropriate evidence, and to be informed of adverse evidence and provided the opportunity to respond to it through the process.
- I. To have allegations investigated and adjudicated in a reasonable timeframe given the circumstances of the specific case.
- J. To have the preponderance of the evidence standard (more likely than not) applied in determining responsibility.
- K. To have appeal rights as afforded under the applicable complaint resolution procedures.

III. STUDENT DISCRIMINATION & HARASSMENT COMPLAINT RESOLUTION PROCEDURES



Complaints of discrimination and harassment alleged against a university student will be addressed according to the Code of Student Rights, Responsibilities & Conduct <<https://studentcode.iu.edu/>> and the campus specific conduct procedures.

IV. ACADEMIC APPOINTEE & STAFF DISCRIMINATION & HARASSMENT COMPLAINT RESOLUTION PROCEDURES



A. Covered Behaviors

These procedures cover discrimination against, or harassment of, an individual based on their actual or perceived age, color, disability, ethnicity, sex, gender identity, gender expression, genetic information, marital status, national origin, race, religion, sexual orientation, or veteran status.

B. Initial Assessment

1. Upon receipt of a report or complaint of discrimination and/or harassment, the Equity Official or other designated investigator will conduct an initial assessment to determine whether it falls within the scope of this policy; whether the conduct alleged rises to the level of an allegation of discrimination or harassment; whether any evidence has been presented; whether there are legitimate non-discriminatory reasons for the actions taken; and whether these procedures apply. If the allegations on their face do not rise to the level of a UA-03 policy violation, but do indicate a matter of concern, the Equity Official and other offices will work to address the concern through other appropriate avenues. If a report or complaint raises allegations that are outside the scope of this policy, but may violate other university policy(ies), the matter will be referred to the appropriate university office.
2. Based on (1) the initial assessment, (2) the desires of the complaining party, and (3) the availability of appropriate remedies to eliminate, prevent, and/or address the occurrence or effects of the alleged misconduct, the investigator will determine whether to initiate a formal investigation, decline a formal investigation, or refer the matter to another university process. In the event of a declination, a summary of the materials reviewed and determinations will be provided to the complainant.
3. The decision not to formally investigate does not preclude the Office of Institutional Equity from re-evaluating the allegations upon receipt of new information or evidence.
4. When the initial assessment results in a decision not to proceed with the complaint under UA-03, the complainant may appeal that decision to the Decisional Official within 10 calendar days of the notice of the decision (see below).

C. Discrimination Complaints Against a Unit or Department:

1. In response to a complaint of discrimination, the Investigator will gather relevant information from the Complainant, the respective unit/department at issue, other university offices, and potential witnesses.
2. After gathering all relevant information, the Investigator will make a determination whether discrimination occurred.
3. The Investigator will issue a letter setting forth the relevant findings and, if applicable, any necessary remedial actions or other recommendations to the Complainant and the unit/department. In the event the findings include evidence

of discrimination, the Investigator will advise the unit/department in taking any necessary and appropriate remedial action. The report will be shared with campus leadership or the senior leadership in the unit, as appropriate.

D. Discrimination or Harassment Complaints Against Academic Appointees or Staff:

1. For the purpose of these procedures, relevant officials with key responsibilities are:
 - a. **Investigator** – The Equity Official for the respective campus, or an appropriate designee, will conduct fact-finding as the Investigator and may coordinate the investigation with other offices such as human resources, academic affairs, and student affairs.
 - b. **Decisional Official (DO)** – The DO will issue the decision determining responsibility and assigning appropriate sanctions, if applicable. The DO will be as follows, or an appropriate designee:
 - i. For complaints against staff employees, including part-time (hourly), the DO will be the university employee relations director.
 - ii. For complaints against academic appointees, the DO will be the campus Vice Provost/Vice Chancellor for Academic Affairs, or Executive Associate Dean for Faculty Affairs at the School of Medicine, as appropriate.
 - iii. For complaints against a Dean, a Vice Provost, or a Vice Chancellor, the DO will be the campus Provost/Chancellor.
 - iv. For complaints against a University Vice President, a Provost, a Chancellor, or equivalent, the DO will be the President.
 - v. For complaints against the President, the DO will be the Board of Trustees.
 - c. **Appellate Official (AO)** – The AO may review the decision of the campus DO, following appeal by either party, and make a subsequent determination. The AO will be as follows, or an appropriate designee:
 - i. For an appeal in a complaint against staff employees, including part-time (hourly), the Vice President of Human Resources.
 - ii. For an appeal in a complaint against academic appointees, the campus Provost/Chancellor, or Dean & Executive Vice President for Clinical Affairs for the School of Medicine, as appropriate.
 - iii. For an appeal in a complaint against a Dean, a Vice Provost, or a Vice Chancellor, the President.
 - iv. For an appeal in a complaint against a Vice President, a Provost, a Chancellor, or equivalent, the Board of Trustees.
 - d. **Faculty Board of Review (FBR)** - In faculty cases, following the determination of the AO, the faculty member may request a review by the campus FBR, which may review and issue a recommendation to the AO.

2. Interim Action

- a. If, upon the receipt of a complaint, the Equity Official determines a need for immediate interim action, e.g. removal, reassignment, administrative leave, or suspension, they shall consult with the DO and any other appropriate university officials. The DO may administer such interim action at any point in this process pending the final outcome.
- b. Parties may appeal interim action(s) to the AO within 10 days of receipt of notice of interim action.

3. Informal & Alternative Resolutions

- a. **Informal Action:**

In appropriate cases, the university may pursue informal actions in connection with reported discrimination or harassment, including when the individual who may have experienced the conduct does not wish to pursue a formal complaint, and/or when there is not enough information to proceed with a formal complaint resolution process against a known Respondent. Informal actions will not result in findings related to responsibility or in sanctions, nor will an informal action preclude further steps, including formal resolution, if a complaint is later made or additional information is received by the university. Informal actions can include, but are not limited to, educational meetings, additional training, and/or continued monitoring.
- b. **Alternative Resolution Options:**

In appropriate cases, the university may pursue alternative resolution with the consent of all parties at any point in the complaint resolution process. These resolution options may include, but are not limited to facilitated mediation, development of an action plan, and other voluntary steps to resolve the matter. Under alternative resolution, the Complainant will not be required to resolve the problem directly with the Respondent, unless desired by the Complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin the formal process. Face-to-face mediation may not be required in cases involving any violence or where the complaint is made against an employee with a position of authority over the Complainant. The Investigator shall document the outcome of any alternative resolution and share with the Equity Official and the DO.

c. Acceptance of Responsibility:

In cases where the Respondent expresses a willingness to accept responsibility for any or all allegations, the Respondent may be offered the opportunity to bypass the remainder of the investigatory stage of the complaint resolution process and agree to receive a sanction from the DO. In such situations, the parties will each be provided the opportunity to submit a written statement to the DO for consideration in determining appropriate sanctions. Upon its receipt of a Respondent's written acceptance of responsibility, the university will notify the Complainant in writing and shall provide the parties 10 calendar days to submit a written statement to the DO. In determining sanctions in such cases, the DO shall consider only the allegations and parties' written statements, the relevant facts gathered from the investigation, and past conduct history of the Respondent (if applicable). The right to appeal will be limited to an appeal on the grounds that the sanction is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

4. Investigation

- a. Following the initial assessment, if a formal investigation is initiated, the Investigator(s) will notify the Complainant and the Respondent. The Respondent will be informed of the allegations made against them and shall be provided the opportunity to respond. The Respondent will be provided a date by which an appointment must be made to discuss the matter.
- b. The Investigator will conduct fact-finding as to the allegations made against the Respondent and preserve all evidence collected.
- c. The investigation may include, but is not limited to, interviews with the Complainant, the Respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by Complainant, Respondent, witnesses identified by any party, or the university. The Investigator shall ensure that the Respondent has been informed of all allegations raised and the name of the Complainant(s), and is provided the opportunity to respond.
- d. Prior or subsequent conduct of the Respondent may be included in the investigation and considered in determining pattern, knowledge, intent, or motive. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct.
- e. All members of the university are expected to cooperate fully with the investigative process. Interference with the investigation may result in disciplinary measures pursuant to applicable university policy and procedure. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter.

5. Report of Investigation

- a. Following the investigation, the Investigator will provide an Investigation Report to the parties. The parties will be provided 10 calendar days to review the Investigation Report and any attachments. Parties may provide any additional and/or clarifying information to the Investigator and request access to the Investigation File. This period of 10 days will be the final opportunity for parties to submit any additional information to the Investigator.

- b. The Investigation Report will include:
 - i. The specific allegation(s);
 - ii. The Respondent's response to the allegation(s);
 - iii. A summary of the relevant information gathered from the parties, witnesses and other sources; as well as explanation for any information submitted or received that was determined not relevant for inclusion; any relevant attachments submitted by parties and used in analysis; and
 - iv. An analysis of the information and a recommendation as to whether the Respondent is responsible or not responsible for the alleged violation(s) of this policy, using a preponderance of the evidence standard (more likely than not), and a recommendation as to appropriate sanctions, if any, as set forth below.
- c. At the conclusion of the 10-day period, the Investigator will review the information submitted by any party and determine whether and to what extent to incorporate such information into the Investigation Report.
- d. The Investigator will then provide the Investigation Report to the DO, as well as to each party.

6. Finding and Decision

- a. Upon receiving the Final Investigation Report, the DO shall issue a finding. The DO may consult with the Investigator concerning the investigation and recommendations. The DO will provide each party the opportunity to meet and provide comment and make a statement. If the DO wishes further consultation with the parties, the Investigator will facilitate consultations to ensure equal opportunities are provided for the parties.
- b. The DO will issue one of the following findings, using a preponderance of the evidence standard:
 - i. Finding of "No Violation":

If there is a determination that the behavior alleged and investigated did not violate the discrimination and harassment policy, the DO shall provide the parties written notice of the finding. In the event the investigation reveals that the employee may have violated a different university policy, the DO may address any such potential violation through other applicable university policies. Documentation regarding a finding of "No Violation" shall be maintained with the campus Equity Official's office, and not in the employee's personnel file.
 - ii. Finding of a "Violation"

If there is a determination that the behavior alleged and investigated was in violation of the discrimination and harassment policy, the DO shall issue the finding and sanction(s) based on the level of sanctions set forth below.
- c. The DO shall provide the parties written notice of the finding and any sanctions, if applicable.

7. Sanctions

- a. Sanctions for a violation of the university's discrimination and harassment policy include the following:
 - i. Level One Sanctions include sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to personnel file or other similar corrective action (other than to promotion and tenure dossier, which is included in Level Two Sanctions below). Level One sanctions are not appropriate if Respondent is found responsible for a physical act of violence.
 - ii. Level Two Sanctions include sanctions that directly modify job duties, salary or job status, including affecting compensation, consideration in tenure or promotion decisions, suspension, and termination.
- b. When determining the appropriate sanctions, consideration shall be given to the nature and severity of the behavior and the existence of any prior incidents or violations.

8. Appeals

- a. Following the decision, either party may appeal to the Appellate Officer (AO) on the basis of:
 - i. Significant procedural error that reasonably would have affected the outcome.
 - ii. Newly discovered evidence that reasonably would have affected the outcome.
 - iii. Significant bias in the process.
 - iv. The finding of responsibility is not supported by the evidence in the Investigation Report.

- v. The appropriateness of the sanctions.
- b. A request for appeal must be submitted in writing to the AO within 10 calendar days of receiving the DO's decision. The request must set forth the basis(es) for seeking an appeal and must include information to support such basis(es). If an appeal is submitted, all parties will be notified.
- c. Upon receipt of appeal, the AO shall notify the other party in writing that an appeal has been filed and the basis(es) of the appeal, and shall allow the opportunity for other party to submit written statement in support or challenging the outcome to the AO within 5 calendar days.
- d. The AO shall first determine whether the basis of appeal has been met, and if so, shall review the findings and any applicable sanctions, in making a determination.
- e. The AO shall make a final determination within 15 calendar days of the receipt of any appeal, indicating one of the following:
 - i. Affirming the DO's original finding(s).
 - ii. Setting aside the DO's original finding(s) and imposing a new finding and/or sanctions.
 - iii. Setting aside the DO's original finding(s) and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
- f. To the extent possible, the parties will be notified simultaneously in writing of the final determination following an appeal.

9. Request for Faculty Board of Review

- a. In cases involving a faculty member as a party, a faculty member sanctioned under this policy may submit a request for review by the Faculty Board of Review (FBR) following the determination of the AO. The request for review should be made according to the specific campus FBR policy, and campus FBR procedures will apply except as modified by the provisions below.
- b. The basis(es) for appeal are the same as those for appeal to the AO. The request for a FBR must set forth the basis(es) for seeking review and must be submitted in writing within 15 calendar days of receiving the AO's determination. For good cause shown, and bearing in mind the need for timely resolution, the timeframes set forth within these procedures may be extended. If a request for a FBR is submitted, the FBR shall notify the other party(ies), as well as the DO and the AO.
- c. The FBR will only receive the Final Investigation Report; the written findings of the DO, along with comments submitted to the DO by any party named in the report; the written findings of the AO; and any sanctions. The FBR may not conduct new fact-finding. The FBR may seek training and additional information from the University Director of Institutional Equity.
- d. Throughout the FBR process, hearing members and participants shall ensure that the privacy of the matter and the parties is upheld. If a hearing is held, it shall be closed to the public to protect the privacy of all parties. In addition to faculty members serving on the FBR hearing panel, others present during a hearing may include the party requesting review and that individual's advisor, the other party(ies) named in the report and their advisor(s), the DO, the University Director of Institutional Equity, the Equity Official, and other university officials necessary to the proceedings. No witnesses will be allowed in the FBR. The faculty grievant, the Complainant, and one designated university official have the right to present a statement to the FBR in writing or orally, either personally or through an advisor. If any participant elects to make a statement, the FBR may pose questions related to their statement, but the other participants may not.
- e. The FBR must be concluded promptly, and generally within 60 days of the request, absent special circumstances. After review, the FBR may recommend one of the following to the AO:
 - i. Affirm the AO's determination.
 - ii. Recommend an alternative finding and/or sanction.

iii. Recommend that the determination be set aside and a new investigation be conducted. (This option will generally be reserved for cases where significant procedural error has been identified and determined to have affected the outcome).

f. To the extent possible, the parties will be notified simultaneously in writing of the FBR's recommendation to the AO.

g. Upon receipt of the FBR's recommendation, along with any materials considered by the FBR, the AO will make a final determination within 10 calendar days, indicating one of the following:

i. Affirming the prior determination on appeal.

ii. Setting aside the prior determination on appeal and imposing a new finding and/or sanctions.

iii. Setting aside the prior determination on appeal and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).

h. If the FBR recommends that the AO's prior determination be modified, but the AO affirms the prior determination, the final determination shall be made by the President. To the extent possible, the parties will be notified simultaneously in writing of the President's final determination. This concludes the appeal process.

10. **Expectations for a Respectful Process**

Every individual involved in a proceeding under this policy is entitled to be treated with respect. All parties and their advisors are required to follow the rules and procedures put in place to ensure a fair and respectful process. No one may intentionally harass or intimidate any party or witness, and university officials are authorized to halt such behavior.

V. OVERARCHING PROCEDURES FOR RESPONDING TO REPORTS OF SEXUAL MISCONDUCT +

A. **Covered Behaviors**

Covered sexual misconduct behaviors include sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking. Some covered behaviors will have different definitions depending on whether the complaint is proceeding under Title IX or University Complaint Resolution Procedures.

B. **Complaint**

1. When the campus Deputy Sexual Misconduct & Title IX Coordinator ("Coordinator") receives a report alleging that a student or employee has engaged in sexual misconduct, and a Complainant can be identified, the Coordinator (or designee) will reach out to the Complainant and offer supportive measures and information about campus complaint procedures.
2. The Coordinator will determine if the Complainant would like to submit a formal written complaint. If the Complainant does not wish to submit a formal written complaint, the Coordinator will assess this as a request for no university action (see [Request for No University Action](#)) and, if necessary and appropriate, may choose to be the named Complainant. If the neither the Complainant nor the Coordinator chooses to submit a formal written complaint, the allegations must not be heard under Title IX Complaint Resolution Procedures, but may be reviewed under other university procedures.
3. If a formal written complaint has been submitted and signed by Complainant, the Coordinator will determine if the complaint meets the following criteria to proceed with the Title IX Complaint Resolution Procedures:
 - a. At the time the formal written complaint is submitted and signed, the Complainant is a current IU student, employee, or is currently attempting to participate in an IU program or activity;
 - b. The behavior alleged occurred as part of an IU program or activity; and
 - c. The behavior alleged occurred against an individual in the United States.
4. If these criteria are not met either initially or as determined later in the process, or if the Complainant withdraws their complaint, the complaint must be dismissed under the Title IX Complaint Resolution Procedures; however, the

allegations may be assessed under the University Complaint Resolution Procedures or other procedures.

5. Based on the allegations in the formal written complaint, the initial inquiry, and meeting with the Complainant, the Coordinator will also determine if the allegations fall into at least one of the following categories:
 - a. The allegations include sexual assault, and/or dating violence, and/or domestic violence, and/or stalking;
 - b. The allegations include quid pro quo sexual harassment;
 - c. The allegations include sexual harassment that, if true, would be pervasive and severe and objectively offensive.
6. If the allegations do not fall into any of the above categories, the complaint will be dismissed under the Title IX Complaint Resolution Procedures. In that event, the complaint may be investigated under University Complaint Resolution Procedures or other procedures if applicable. If the allegations include behavior in one or more of the above categories, or if the Coordinator needs more information to make this determination, then the complaint may proceed to the investigation stage under Title IX Complaint Resolution Procedures.
7. In the event the complaint is dismissed under Title IX Complaint Resolution Procedures at any point, once notice of Title IX dismissal is given to the parties, either party may appeal that decision to the designated official within 10 days. If the Coordinator chooses not to proceed with the complaint under any university procedures, once notice is given to the parties, either party may appeal that decision to the designated official on the following bases:
 - a. Procedural irregularity that affected the outcome;
 - b. New evidence that was not reasonably available at time determination of dismissal was made, that reasonably could have affected the determination; and/or
 - c. The Title IX Coordinator(s), Investigator, or other official designated to make the determination of dismissal, had a conflict of interest or bias for or against the party(ies) that affected their determination.
8. When allegations implicate both University and Title IX Complaint Resolution Procedures, as well as other policies and procedures, the investigation may proceed under the Title IX Complaint Resolution Procedures and include charges under other processes within this policy or other university procedures.

VI. STUDENT SEXUAL MISCONDUCT – TITLE IX COMPLAINT RESOLUTION PROCEDURES



A. Covered Behaviors

The following behaviors, as defined below, are covered under these procedures:

1. Sexual Harassment
2. Sexual Assault
3. Dating Violence
4. Domestic Violence
5. Stalking

B. Officials

For the purpose of these procedures, relevant officials with key responsibilities are:

1. **Investigator** – An Investigator for the campus student affairs office, or an appropriate designee, will conduct fact-finding as the Investigator and will issue the Preliminary and Final Investigation Report.
2. **Hearing Panel** – The hearing panel will review the case at the hearing and make a decision regarding whether or not the Respondent is found responsible and propose sanctions, if applicable. The Hearing Panel Chair will coordinate the process and make any determinations of relevance regarding questions asked by advisors.
3. **Sanctioning Official** – Upon a finding of responsibility by the Hearing Panel, the Sanctioning Official will review the proposed sanctions and make the final determination of the sanctions to be applied to the Respondent.

4. **Student Affairs Official** – The Student Affairs Official, which may be the campus dean of students, or an appropriate designee, may review the decision and sanction following an appeal by either party, and make a subsequent determination.

C. Investigation

1. Upon receipt of a formal complaint of an allegation of Title IX sexual misconduct, the Investigator(s) will notify the Complainant and the Respondent in writing. The Respondent will be provided a scheduled meeting date or a date by which an appointment must be made to discuss the matter. The Respondent shall be informed of the allegations made against them and shall be provided the opportunity to respond.
2. The investigation may include, but is not limited to interviews with the Complainant, the Respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by Complainants, Respondents, witnesses identified by any party, or the university. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter. The university shall determine what information and evidence will be included in the Investigation Report, and all information submitted will be included in the Investigation File.
3. Prior or subsequent conduct of the Respondent may be included in the investigation and considered in determining pattern, knowledge, intent, or motive. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicated a pattern of similar prohibited conduct.
4. Information related to prior sexual history of the parties will be prohibited except in very limited circumstances regarding prior sexual history between the parties where such information may be relevant to the issue of consent. However, consent will not be assumed based solely on evidence of any prior sexual history.
5. All members of the university community, including the parties and witnesses, are expected to cooperate with the investigative and hearing process. Interference with the investigation may result in disciplinary measures pursuant to applicable university policy and procedure. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter.
6. Following the investigation, the Investigator will provide a Preliminary Investigation Report and Investigation File to each party and their advisor. The parties will be provided 10 calendar days to review the Preliminary Investigation Report and the Investigation File and provide any additional and/or clarifying information to the Investigator. This period of 10 days will be the final opportunity for parties to submit any additional information to the Investigator.
7. At the conclusion of the 10-day period, the Investigator will review the information submitted by either party and determine whether and to what extent to incorporate such information into a Final Investigation Report. The Investigator will provide the Final Investigation Report and Investigation File to each party and their advisor at least 10 days prior to the scheduled hearing.
8. Information submitted by the parties following the conclusion of the 10-day period will not be included in the Final Investigation Report or case file, unless it is information that a party requested prior to or during the 10-day period that was not reasonably available prior to the deadline. The reasons for the submission of that information beyond the 10-day period will be evaluated by the Investigator.
9. When preparing the Final Investigation Report, the Investigator will determine the appropriate charge(s), if any, under this policy, to be placed on Respondent, and include the charge(s) in the Final Investigation Report. If the Investigator places a charge(s), the Final Investigation Report will be submitted to a hearing panel for the determination of responsibility, and the parties will be provided the Final Investigation Report and notified of next steps. If the Investigator determines that there is insufficient evidence to support placing a charge under the Title IX Complaint Resolution Procedures, the parties will be provided the Final Investigation Report and notified that no charges will be placed under Title IX sexual misconduct. If there are remaining charges under this policy or the Student Code, those may proceed according to the applicable procedures.

10. If it is determined at any time during this process that the allegations do not fit within Title IX sexual misconduct, the complaint will be dismissed under these procedures. The complaint may then be referred to other procedures within this policy or Student Code, if appropriate. The Complainant and Respondent will be notified of this dismissal and referral to other procedures (if applicable) in writing. The Complainant and Respondent will have the opportunity to appeal the dismissal to the designated Student Affairs official as provided in the overarching procedures above.
11. The Complainant may request to withdraw the complaint prior to the conclusion of the investigation by contacting the Investigator or appropriate Deputy Title IX Coordinator in writing. The Investigator or Deputy Title IX Coordinator will then determine whether to close the case or refer the complaint to other procedures within this policy or Student Code.
12. The investigation and determination of responsibility will be conducted in a reasonable timeframe given the circumstances of the specific case.

D. Selection of Advisors

1. The Complainant and Respondent must have a Hearing Advisor that will be present during the hearing to conduct questioning of other parties. If the party does not identify in advance an advisor for this purpose, one will be appointed by the university. The university-provided Hearing Advisor is selected by the university and will not necessarily be an attorney, even if the other party is represented by an attorney. The Hearing Advisor may not participate or speak for the parties except during the questioning of other parties and witnesses. The Hearing Advisor is permitted to review the Investigation File.
2. The Complainant and Respondent may have another advisor throughout the complaint resolution process that may accompany them during proceedings. The non-hearing advisor is not permitted to conduct any questioning at the hearing. Any advisor(s) engaged that is external to the university is at the expense of that party.

E. Alternative Resolution Options

1. In appropriate cases, including cases where the Respondent expresses a willingness to accept responsibility for any or all charges, the university may pursue alternative resolution with the consent of all parties at any point in the complaint resolution process. Alternative resolution options may include, but are not limited to, acceptance of responsibility (see below), mediation, development of action plans, voluntary resolutions, appropriate sanctions, and/or appropriate remedies.
2. Under any alternative resolution, the Complainant will not be required to resolve the problem directly with the Respondent, unless desired by the Complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin or resume the complaint resolution process. Face-to-face mediation may not be used in cases involving physical or sexual violence. The Investigator shall document the outcome of any alternative resolution and share with the parties.
3. In cases where the Respondent expresses a willingness to accept responsibility for any or all charges in a case, the Respondent may be offered the opportunity to waive the right to a formal hearing as to the specific charge(s) and all related procedural guarantees, and agree to receive a sanction from the designated student affairs officer. In such situations, the parties will each be provided the opportunity to submit a written statement to the conduct officer for consideration in determining appropriate sanctions. Upon its receipt of a Respondent's written acceptance of responsibility, the university will notify the Complainant in writing and shall provide the parties 10 calendar days to submit a written statement to the conduct officer. The conduct officer shall consider only the parties' written statements regarding sanctions, the relevant facts from the investigation, and past conduct history of the Respondent (if applicable). In such cases, the right to appeal will be limited to an appeal on the grounds that the sanction is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

F. Sexual Misconduct Hearing

1. A three-person hearing panel will be assembled to make a determination of Respondent's responsibility as to the specific charge(s) set forth in the Final Investigation Report.

2. Hearing panel members will be drawn from the pool of faculty, staff, graduate students, and/or hearing officers retained by the university for purposes of adjudicating these hearings. At a minimum, at least one panel member shall be a student affairs administrator.
3. Upon review of the Final Investigation Report, all witnesses deemed relevant to the specific allegations will be called to the hearing.
4. The hearing is closed except for the parties, their advisor(s), the hearing panelists and other university officials necessary to facilitate the proceedings.
5. The hearing will take place in-person or will be conducted remotely via secure university software. Complainant and Respondent are expected to be available in-person or via video and audio for the duration of the hearing. Witnesses are expected to be available in-person or via video and audio for the portion of the hearing relevant to their statement.
6. The Chair of the hearing panel shall review the charge(s) placed against the Respondent and the specific facts alleged.
7. Both the Complainant and the Respondent will have equal opportunity to provide a statement to the hearing panel.
8. No one other than the hearing panel members and the each party's Hearing Advisor may pose questions during the hearing. The Complainant and Respondent may not directly question each other, but may provide questions to their Hearing Advisor to be asked of the other party on their behalf. The Chair, in consultation with hearing panelists and appropriate university officials, will determine if questions are relevant to the case.
9. The sexual misconduct hearing is recorded. Deliberations by the panel, following the hearing, are not recorded.
10. If Complainant or Respondent does not appear at the hearing, their Hearing Advisor may still ask any relevant questions of other party(ies) and witness(es) on their behalf.
11. During the hearing, the panel and parties (through their Hearing Advisor) may review and question the information in the Final Investigation Report and case file and statements made by the Complainant, Respondent, witnesses, and/or Investigator. Additional evidence that was reasonably available but not shared with the Investigator, including witnesses that were known but not identified during the courses of the investigation, may be excluded during the hearing.

G. Decision & Sanctions

1. At the conclusion of a hearing, the panel shall deliberate without the parties present to determine responsibility for the specific charge(s) based on the evidence.
2. If, after deliberations, the hearing panel determines that the information contained in the Final Investigative Report and gathered during the hearing does not support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of this policy and the Student Code, the hearing panel will notify both the Respondent and the Complainant by means of a written notice. The Complainant and/or Respondent may request an appeal (see below).
3. If, after deliberations, the hearing panel determines that the information contained in the Final Investigative Report and gathered during the hearing does support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of this policy and the Student Code, the hearing panel will propose sanctions. The proposed sanctions will be reviewed by the Sanctioning Official (or designee) to ensure that the sanctions are proportional to the severity of the violation and consistent with university standards. In the event of a conflict between the hearing panel and the Sanctioning Official, the Sanctioning Official will make the final decision regarding appropriate sanctions. The hearing panel will then notify the parties of the decision and sanctions by means of a written notice. The Respondent and/or the Complainant may request an appeal (see below).
4. Possible sanctions for cases in which a student is found in violation of this policy and the Student Code for acts of sexual misconduct include, but are not limited to formal warnings, behavioral assessment and/or counseling, required educational training, disciplinary probation, suspension, and/or permanent expulsion.

H. Appeal

1. The Respondent or the Complainant may appeal the decision of the Title IX hearing panel to the campus Student Affairs official (or designee). To initiate an appeal, a party must send written notice of appeal to the designated official. The written notice must include the basis(es) for seeking the appeal and include information to support such basis(es) (see below).

2. Timing:

The notice of appeal must be filed no later than 10 calendar days after the date the written decision sent. If an appeal is submitted by a party, all parties will be notified and given the opportunity to submit a written statement, and the underlying decision and any corresponding sanction will be held in abeyance until final notice of the appeal outcome. Upon its receipt of a written appeal, the university shall notify the other party in writing that an appeal has been filed and the basis(es) of the appeal, and shall allow the opportunity for other party to submit written statement in support or challenging the outcome to the designated Student Affairs Official within 5 calendar days. During this time, supportive measures in place will remain in effect (e.g., no contact order). If no written request for an appeal is received by the university within the time specified, the decision of the hearing panel and any sanction(s) imposed will be final and in effect.

3. Basis(es) for Appeal:

The designated Student Affairs official will have the sole discretion in determining whether the basis for appeal has been met and whether the appeal can move forward. An appeal must be based on one or more of the following criteria:

- a. Procedural irregularity that affected the outcome;
- b. New evidence that was not reasonably available at the time the determination or dismissal was made, that reasonably could have affected the outcome;
- c. The Title IX Coordinator(s), Investigator(s), or hearing panelists had a conflict of interest or bias for or against the party(ies) that affected the outcome; and/or
- d. The sanction imposed is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

4. Determination and Sanction

- a. If the basis for appeal has been met, the designated Student Affairs official will review the written appeal and the pertinent part of the sexual misconduct hearing panel record only. The designated Student Affairs official will not consider new evidence or information that is not a part of that record, unless the appeal is submitted on the basis of newly available information. The designated Student Affairs official must render a determination within 15 calendar days of receipt of the appeal and may take any of the following actions:
 - i. Affirm the original decision regarding responsibility.
 - ii. Affirm the original decision concerning the disciplinary sanction(s) to be imposed.
 - iii. Set aside the original decision regarding responsibility and impose a new decision.
 - iv. Set aside the original decision regarding responsibility and order that a new sexual misconduct hearing be held before a new hearing panel.
 - v. Set aside the original decision concerning the disciplinary sanction(s) to be imposed and impose a different sanction or set of sanctions.
- b. The designated Student Affairs official will notify the Respondent and the Complainant, in writing, of the determination and will initiate the necessary procedures to effectuate the determination.
- c. The determination of the designated Student Affairs official is final and there will be no further appeals.

I. Notice

The Complainant and the Respondent will be provided written notice of the outcome of the sexual misconduct hearing, the appeals process, and the appeal determination, if applicable. Written notice will be provided electronically through Indiana University email accounts.

J. Requests for Accommodations and Special Circumstances

1. Just as students with disabilities may be eligible for accommodations in their classes, accommodations may be available for these procedures as well. Students with disabilities requesting accommodations and services under these procedures will need to present a current accommodation verification letter from the campus disability services office before accommodations can be considered and provided.
2. In appropriate circumstances, the university may utilize language translation services to assist in the investigation and/or hearing proceedings.

K. Expectations for a Respectful Process

Every individual involved in a proceeding under this policy is entitled to be treated with respect. All parties and their advisors are required to follow the rules and procedures put in place to ensure a fair and respectful process. No one may intentionally harass or intimidate any party or witness, and university officials are authorized to halt such behavior.

VII. ACADEMIC APPOINTEE AND STAFF SEXUAL MISCONDUCT – TITLE IX COMPLAINT RESOLUTION PROCEDURES



A. Covered Behaviors

The following behaviors, as defined below, are covered under these procedures:

1. Sexual Harassment
2. Sexual Assault
3. Dating Violence
4. Domestic Violence
5. Stalking

B. Officials

For the purpose of these procedures, relevant officials with key responsibilities are:

1. **Investigator** – The Deputy Coordinator(s) for the respective campus, or an appropriate designee, will conduct fact-finding as the Investigator and may coordinate with other offices such as human resources, academic affairs, and student affairs.
2. **Hearing Official** - A hearing official will be responsible for assisting the DO during the hearing process including reviewing the Investigation File, assisting with determinations of relevancy during questioning, and coordinating a fair and respectful hearing.
3. **Decisional Official (DO)** – The DO will be present at the sexual misconduct hearing and, following the hearing, will issue the decision determining responsibility and assign appropriate sanctions, if applicable. The DO will be as follows, or an appropriate designee:
 - a. For complaints against staff employees, including temporary (hourly), the DO will be the university employee relations director.
 - b. For complaints against academic appointees, the DO will be the campus Vice Provost/Vice Chancellor for Academic Affairs, or Executive Associate Dean for Faculty Affairs at the School of Medicine, as appropriate.
 - c. For complaints against a Dean, a Vice Provost, or a Vice Chancellor, the DO will be the campus Provost/Chancellor.
 - d. For complaints against a University Vice President, a Provost, a Chancellor, or equivalent, the DO will be the President.
 - e. For complaints against the President, the DO will be the Board of Trustees.
4. **Appellate Official (AO)** – The AO may review the decision of the DO, following appeal by either party, and make a subsequent determination. The AO will be as follows, or an appropriate designee:

- a. For an appeal in a complaint against staff employees, including temporary (hourly), the Vice President of Human Resources.
 - b. For an appeal in a complaint against academic appointees, the campus Provost/Chancellor, or Dean & Executive Vice President for Clinical Affairs for the School of Medicine, as appropriate.
 - c. For an appeal in a complaint against a Dean, a Vice Provost, or a Vice Chancellor, the President.
 - d. For an appeal in a complaint against a Vice President, a Provost, a Chancellor, or equivalent, the Board of Trustees.
5. **Faculty Board of Review (FBR)** –In faculty cases, following the determination of the AO, the faculty member may request a review by the campus FBR, which may review and issue a recommendation to the AO.

C. Interim Action

1. If, upon the receipt of a complaint, the Coordinator or Deputy Coordinator determines a need for immediate interim action, e.g. removal, reassignment, administrative leave, or suspension, they shall consult with DO and any other appropriate university officials. The DO may administer such interim action at any point in this process pending final outcome.
2. Parties may appeal interim action(s) to the AO within 10 days of receipt of notice of interim action.

D. Informal & Alternative Resolutions

1. Informal Action:

In appropriate cases, the university may pursue informal actions in connection with reported sexual misconduct, including when the individual who may have experienced the conduct does not wish to pursue a formal complaint, and/or when there is not enough information to proceed with a formal complaint resolution process against a known Respondent. Informal actions will not result in findings related to responsibility or in sanctions, nor will an informal action preclude further steps, including formal resolution, if a complaint is later made or additional information is received by the university. Informal actions can include, but are not limited to, educational meetings, additional training, and/or continued monitoring.

2. Alternative Resolution Options:

In appropriate cases, the university may pursue alternative resolution with the consent of all parties at any point in the complaint resolution process. These resolution options may include, but are not limited to facilitated mediation, development of an action plan, and other voluntary steps to resolve the matter. Under alternative resolution, the Complainant will not be required to resolve the problem directly with the Respondent, unless desired by the Complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin the formal process. Face-to-face mediation may not be required in cases involving any physical or sexual violence or where the complaint is made against an employee with a position of authority over the Complainant. The Investigator shall document the outcome of any alternative resolution and share with the Coordinator and the DO.

3. Acceptance of Responsibility:

In cases where the Respondent expresses a willingness to accept responsibility for any or all allegations in a case, the Respondent may be offered the opportunity to bypass the remainder of the investigatory stage of the complaint resolution process and agree to receive a sanction from the DO. In such situations, the parties will each be provided the opportunity to submit a written statement to the DO for consideration in determining appropriate sanctions. Upon its receipt of a Respondent's written acceptance of responsibility, the university will notify the Complainant in writing and shall provide the parties 10 calendar days to submit a written statement to the DO. In determining sanctions in such cases, the DO shall consider only the allegations and parties' written statements, the relevant facts gathered from the investigation, and past conduct history of the Respondent (if applicable). The right to appeal will be limited to an appeal on the grounds that the sanction is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

E. Investigation

1. Upon receipt of a signed formal complaint of sexual misconduct that falls within the scope of this policy, the university will take immediate and appropriate steps to investigate the allegations.

2. The Investigator(s) will notify the Complainant and the Respondent in writing.
3. The Respondent shall be informed of the allegations made against them and shall be provided the opportunity to respond. The Respondent will be provided a scheduled meeting date or a date by which an appointment must be made to discuss the matter.
4. The Investigator will conduct fact-finding as to the allegations made against the Respondent and will preserve all evidence collected.
5. The investigation may include, but is not limited to, interviews with the Complainant, the Respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by Complainant, Respondent, witnesses identified by any party, or the university. The Investigator shall ensure that the Respondent has been informed of all allegations raised and the name of the Complainant(s), and is provided the opportunity to respond.
6. Prior or subsequent conduct of the Respondent may be included in the investigation and considered in determining pattern, knowledge, intent, or motive. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct.
7. Information related to prior sexual history of the parties will be prohibited except in very limited circumstances regarding prior sexual history between the parties where such information may be relevant to the issue of consent. However, consent will not be assumed based solely on evidence of any prior sexual history.
8. All members of the university are expected to cooperate fully with the investigative process. Interference with the investigation may result in disciplinary measures pursuant to applicable university policy and procedure. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter.

F. Report of Investigation

1. Following the investigation, the Investigator will provide an Investigation Report to the parties. The parties will be provided 10 calendar days to review the Investigation Report and any attachments. Parties may provide any additional and/or clarifying information to the Investigator and request access to the Investigation File. This period of 10 days will be the final opportunity for parties to submit any additional information to the Investigator.
2. The Investigation Report will include:
 - a. the specific allegation(s);
 - b. the Respondent's response to the allegation(s);
 - c. a summary of the relevant information gathered from the parties, witnesses and other sources; as well as explanation for any additional and/or clarifying information submitted or received that was determined not relevant for inclusion; any relevant attachments submitted by parties and used in analysis; and
 - d. an analysis of the information.
3. At the conclusion of the 10-day period, the Investigator will review any additional information submitted that is directly related and make it available to all parties. The Investigator may incorporate such information into the Investigation Report.
4. Information submitted by the parties following the conclusion of the 10-day period will not be included in the Final Investigation Report or case file, unless it is information that a party requested prior to or during the 10-day period that was not reasonably available prior to the deadline. The reasons for the submission of that information beyond the 10-day period will be evaluated by the Investigator.
5. The Investigation Report will be submitted to the DO, and the parties will be provided the Investigation Report and notified of next steps in regard to the hearing.
6. The investigation will be conducted in a reasonable timeframe given the circumstances of the specific case.

G. Selection of Advisors

At any point in the investigation, but prior to the hearing, the Complainant and Respondent may select an advisor of their choice, and at their expense, to advise them throughout the sexual misconduct process. If a party does not have an advisor for the hearing, the university will provide one for them. The university-provided Hearing Advisor is selected by the university and will not necessarily be an attorney, even if the other party is represented by an attorney. The Hearing Advisor will have the opportunity to review all evidence collected in the investigation.

H. Hearing

1. The complaint resolution process will include a live hearing. The hearing will be closed except for the parties, their advisors, the DO and Hearing Official, and other university officials necessary to facilitate the proceedings. Witnesses will be expected to be available in-person or via video and audio for the portion of the hearing relevant to their statement. The hearing will be recorded. Deliberations following the hearing are not recorded.
2. At the request of either party, the hearing may occur with the parties located in separate locations using technology for those involved to see and hear each other.
3. Complainants and Respondents are not permitted to personally conduct questioning. Each party's Hearing Advisor may ask the other party and any witnesses all relevant questions, including those challenging credibility. Questions must be verbal, direct, and in real time. The Hearing Official and the DO will make determinations as to the relevance of questions and may exclude a question as not relevant.
4. During the hearing, the panel and parties (through their Hearing Advisor) may review and question the information in the Final Investigation Report and case file and statements made by the Complainant, Respondent, witnesses, and/or Investigator. Additional evidence that was reasonably available but not shared with the Investigator, including witnesses that were known but not identified during the course of the investigation, may be excluded during the hearing.

I. Finding and Decision

1. At the conclusion of a hearing, the DO, in consultation with the Hearing Official, shall deliberate without the parties present to determine responsibility for the specific allegations based on the evidence.
2. If, after deliberations, the DO determines that the information contained in the Final Investigative Report and gathered during the hearing, does not support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of university policies, the DO will notify both the Respondent and the Complainant by means of a written notice. The Complainant and/or Respondent may request an appeal (see below).
3. If, after deliberations, the DO determines that the information contained in the Final Investigative Report and gathered during the hearing, does support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of university policies, the DO will make the final determination regarding appropriate sanctions. The DO will then notify the parties of the determination and sanctions by means of a written notice. The Respondent and/or the Complainant may request an appeal (see below).
4. The DO will issue one of the following findings, using a preponderance of the evidence standard:
 - a. Finding of "No Violation" of the university's policies:

If there is a determination that the behavior alleged and investigated did not violate the university's policies, the DO shall provide the parties written notice of the finding. Documentation regarding a finding of "No Violation" shall be maintained with the Deputy Title IX Coordinator's office, and not in the employee's personnel file.
 - b. Finding of a "Violation" of the university's policies:

If there is a determination that the behavior alleged and investigated was in violation of the university's policies, the DO shall issue the finding and sanction(s) based on the level of sanctions set forth below.
5. The DO shall provide the parties written notice of the finding and any sanctions, if applicable.

J. Sanctions

1. Sanctions for violations of this policy include the following:

- a. Level One Sanctions include sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to personnel file (other than to promotion and tenure dossier which is included in Level Two Sanctions below). Level One Sanctions shall not be appropriate in the event the Respondent was found responsible for sexual assault or other sexual violence.
 - b. Level Two Sanctions include sanctions that directly modify job duties, salary or job status, including affecting compensation, consideration in tenure or promotion decisions, suspension, and termination.
2. When determining the appropriate sanctions, consideration shall be given to the nature and severity of the behavior and the existence of any prior incidents or violations.

K. Appeals

1. Following the decision, either party may request an appeal to the Appellate Officer (AO) on the basis of:
 - a. Procedural irregularity that affected the outcome;
 - b. New evidence that was not reasonably available at the time the determination was made and that reasonably could have affected the outcome;
 - c. The Title IX Coordinator(s), Investigator(s), DO or hearing official had a conflict of interest or bias for or against the party(ies) that affected the outcome; and/or
 - d. The sanction imposed is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.
2. A request for appeal must be submitted in writing to the AO within 10 calendar days of receiving the DO's decision. The request must set forth the basis(es) for seeking an appeal and must include information to support such basis(es). If an appeal is requested, all parties will be notified and provided an opportunity to submit a written statement. Upon its receipt of a written appeal, the university shall notify the other party in writing that an appeal has been filed and the basis(es) of the appeal, and shall allow the opportunity for other party to submit written statement in support or challenging the outcome to the AO within 5 calendar days.
3. The AO shall first determine whether the basis of appeal has been met, and if so, shall review the findings and any applicable sanctions, in making a decision.
4. The AO shall make a final determination within 15 calendar days of the receipt of any appeal, indicating one of the following:
 - a. Affirming the DO's original finding(s).
 - b. Setting aside the DO's original finding(s) and imposing a new finding and/or sanctions.
 - c. Setting aside the DO's original finding(s) and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
5. To the extent possible, the parties will be notified simultaneously in writing of the final decision following an appeal.

L. Request for Faculty Board of Review following the AO's Determination

1. In cases involving a faculty member as a party, a faculty member sanctioned under this policy may submit a request for review by the Faculty Board of Review (FBR) following the determination of the AO. The request for review should be made according to the specific campus FBR policy, and campus FBR procedures will apply except as modified by the provisions below.
2. The basis(es) for appeal are the same as those for appeal to the AO. The request for a FBR must set forth the basis(es) for seeking review and be submitted in writing within 15 calendar days of receiving the AO's determination. For good cause shown, and bearing in mind the need for timely resolution, the timeframes set forth within these procedures may be extended. If a request for a FBR is submitted, the FBR shall notify the other party(ies), as well as the DO and the AO.
3. The FBR will only receive the Final Investigation Report; the Investigation File; the written findings of the DO, along with comments submitted to the DO by any party named in the report; the written findings of the AO; and any

sanctions. The FBR may not conduct new fact-finding. The FBR may seek training and additional information from the University Coordinator.

4. Throughout the FBR process, hearing members and participants shall ensure that the privacy of the matter and the parties is upheld. If a hearing is held, it shall be closed to the public to protect the privacy of all parties. In addition to faculty members serving on the FBR hearing panel, others present during a hearing may include the party requesting review and that individual's advisor, the other party(ies) named in the report and their advisor(s), the DO, the University Coordinator, Deputy Coordinator, and other university officials necessary to the proceedings. No witnesses will be allowed in the FBR. The grievant, the Complainant, and one designated university official have the right to present a statement to the FBR in writing or orally, either personally or through an advisor. If any participant elects to make a statement, the FBR may pose questions related to their statement, but the other participants may not.
5. The FBR must be concluded promptly, and generally within 60 days of the request, absent special circumstances. After review, the FBR may recommend one of the following to the AO:
 - a. Affirm the AO's determination.
 - b. Recommend an alternative finding and/or sanction.
 - c. Recommend that the determination be set aside and a new investigation be conducted. (This option will generally be reserved for cases where significant procedural error has been identified and determined to have affected the outcome).
6. To the extent possible, the parties will be notified simultaneously in writing of the FBR's recommendation to the AO.
7. Upon receipt of the FBR's recommendation, along with any materials considered by the FBR, the AO will make a final determination within 10 calendar days, indicating one of the following:
 - a. Affirming the prior determination on appeal.
 - b. Setting aside the prior determination on appeal and imposing a new finding and/or sanctions.
 - c. Setting aside the prior determination on appeal and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
8. If the FBR recommends that the AO's prior determination be modified, but the AO affirms the prior determination, the final determination shall be made by the President. To the extent possible, the parties will be notified simultaneously in writing of the President's final determination. This concludes the appeal process.

M. Expectations for a Respectful Process

Every individual involved in a proceeding under this policy is entitled to be treated with respect. All parties and their advisors are required to follow the rules and procedures put in place to ensure a fair and respectful process. No one may intentionally harass or intimidate any party or witness, and university officials are authorized to halt such behavior.

VIII. STUDENT SEXUAL MISCONDUCT – UNIVERSITY COMPLAINT RESOLUTION PROCEDURES +

A. Covered Behaviors

The following behaviors, as defined below, are covered under these procedures:

1. Sexual Harassment
2. Sexual Assault
3. Sexual Exploitation
4. Dating Violence
5. Domestic Violence
6. Stalking

B. Officials

For the purpose of these procedures, relevant officials with key responsibilities are:

1. **Investigator** – An Investigator for the campus student affairs office, or an appropriate designee, will conduct fact-finding as the Investigator and will issue the Preliminary and Final Investigation Report.
2. **Hearing Panel** – The hearing panel will review the case at the hearing and make a decision regarding whether or not the Respondent is found responsible and propose sanctions, if applicable. The Hearing Panel Chair will coordinate the process and make any determinations of relevance regarding questions posed.
3. **Sanctioning Official** – Upon a finding of responsibility by the Hearing Panel, the Sanctioning Official will review the proposed sanctions and make the final determination of the sanctions to be applied to the Respondent.
4. **Student Affairs Official** – The Student Affairs Official, which may be the campus dean of students, or an appropriate designee, may review the decision and sanction following an appeal by either party, and make a subsequent determination.

C. Investigation

1. If sexual misconduct proceedings are initiated, the Investigator(s) will notify the Complainant and the Respondent in writing. The Respondent will be provided a scheduled meeting date or a date by which an appointment must be made to discuss the matter. The Respondent shall be informed of the allegations made against them and shall be provided the opportunity to respond.
2. The investigation may include, but is not limited to interviews with the Complainant, the Respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by Complainants, Respondents, witnesses identified by any party, or the university. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter. The university shall determine what information and evidence will be included in the Investigation File.
3. Prior or subsequent conduct of the Respondent may be included in the investigation and considered in determining pattern, knowledge, intent, or motive. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct.
4. Information related to prior sexual history of the parties will be prohibited except in very limited circumstances regarding prior sexual history between the parties where such information may be relevant to the issue of consent. However, consent will not be assumed based solely on evidence of any prior sexual history.
5. All members of the university community, including the parties and witnesses, are expected to cooperate with the investigative and hearing process. Failure to comply with a request to make and/or keep an appointment may result in a disciplinary hold being placed on the student's account and/or the initiation of student conduct charges for failure to comply.
6. Following the investigation, the Investigator will provide a Preliminary Investigation Report and Investigation File to each party and their advisor. The parties will be provided 10 calendar days to review the Preliminary Investigation Report and the Investigation File and provide any additional and/or clarifying information to the Investigator. This period of 10 days will be the final opportunity for parties to submit additional information to the Investigator. At the conclusion of the 10-day period, the Investigator will review the information submitted by either party and determine whether and to what extent to incorporate such information into a Final Investigation Report.
7. Information submitted by the parties following the conclusion of the day 10-day period will not be included in the Final Investigation Report or case file, unless it is information that a party requested prior to or during the 10-day period that was not reasonably available prior to the deadline. The reasons for the submission of that information beyond the 10-day period will be evaluated by the Investigator.

8. When preparing the Final Investigation Report, the Investigator will determine the appropriate charge(s), if any, under this policy, to be placed on Respondent, and include the charge(s) in the Final Investigation Report. If the Investigator places a charge(s), the Final Investigation Report will be submitted to a hearing panel for the determination of responsibility, and the parties will be provided the Final Investigation Report and notified of next steps. If the Investigator determines that there is insufficient evidence to support placing a charge, the parties will be provided the Final Investigation Report and notified that no charges will be placed. If there are remaining charges under the Student Code, those may proceed according to the applicable procedures.
9. The investigation and determination of responsibility will be conducted in a reasonable timeframe given the circumstances of the specific case.

D. Selection of Advisors

The Complainant and Respondent may have an advisor throughout the complaint resolution process that may accompany them during proceedings. Advisors are not permitted to speak on behalf of the parties or conduct any questioning at the hearing.

E. Alternative Resolution Options

1. In appropriate cases, including cases where the Respondent expresses a willingness to accept responsibility for any or all charges, the university may pursue alternative resolution with the consent of all parties at any point in the complaint resolution process. Alternative resolution options may include, but are not limited to, acceptance of responsibility (see below), mediation, development of action plans, voluntary resolutions, appropriate sanctions, and/or appropriate remedies.
2. Under any alternative resolution, the Complainant will not be required to resolve the problem directly with the Respondent, unless desired by the Complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin or resume the complaint resolution process. Face-to-face mediation may not be used in cases involving physical or sexual violence. The Investigator shall document the outcome of any alternative resolution and share with the parties.
3. In cases where the Respondent expresses a willingness to accept responsibility for any or all charges in a case, the Respondent will be offered the opportunity to waive the right to a formal hearing as to the specific charge(s) and all related procedural guarantees, and agree to receive a sanction from the designated student affairs conduct officer. In such situations, the parties will each be provided the opportunity to submit a written statement to the conduct officer for consideration in determining appropriate sanctions. Upon its receipt of a Respondent's written acceptance of responsibility, the university will notify the Complainant in writing and shall provide the parties 10 calendar days to submit a written statement to the conduct officer. The conduct officer shall consider only the parties' written statements regarding sanctions, the relevant facts from the investigation, and past conduct history of the Respondent, if applicable. In such cases, the right to appeal will be limited to an appeal on the grounds that the sanction is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

F. Sexual Misconduct Hearing

1. A three-person hearing panel will be assembled for a sexual misconduct hearing to make a determination of Respondent's responsibility as to the specific charge(s) set forth in the Final Investigation Report.
2. Hearing panel members will be drawn from the pool of faculty, staff and graduate students who have completed the university's required annual training on issues related to sexual misconduct and university policies and procedures. At a minimum, at least one panel member shall be a student affairs administrator.
3. Upon review of the Final Investigation Report, the hearing panel will determine witnesses who may be called, if any, to participate in the hearing.
4. The sexual misconduct hearing is closed, except for the parties, their advisor, the hearing panelists and other university officials necessary to facilitate the proceedings.
5. The hearing will take place in-person or will be conducted remotely via secure university software. Complainant and Respondent are expected to be available in-person or via video and audio for the duration of the hearing. Witnesses

are expected be available in-person or via video and audio for the portion of the hearing relevant to their statement.

6. The Chair of the hearing panel shall review the charge(s) placed against the Respondent and the specific facts alleged.
7. Both the Complainant and the Respondent will have equal opportunity to provide a statement to the hearing panel.
8. No one other than the hearing panel members, the Complainant, and the Respondent may pose questions during the hearing. The Complainant and Respondent may not directly question each other, but may submit questions to the Chair to be asked of the other party. The Chair or other panel members will review questions prior to posing to the other party to prevent questioning that is not permitted under these proceedings.
9. The sexual misconduct hearing is recorded. Deliberations by the panel, following the hearing, are not recorded.
10. During the hearing, the panel and parties may review and question the information in the Final Investigation Report and case file and statements made by the Complainant, Respondent, witnesses, and/or Investigaor. Additional evidence that was reasonably available but not shared with the Investigaor, including witnesses that were known but not identified during the course of the investigation, may be excluded during the hearing.

G. Decision & Sanctions

1. At the conclusion of a hearing, the panel shall deliberate without the parties present to determine responsibility for the specific charge(s) based on the evidence.
2. If, after deliberations, the hearing panel determines that the information contained in the Final Investigative Report and gathered during the hearing, does not support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of this policy and the Student Code, the hearing panel will notify both the Respondent and the Complainant by means of a written notice. The Complainant and/or Respondent may request an appeal (see below).
3. If after deliberations, the hearing panel determines that the information contained in the Final Investigative Report and gathered during the hearing, does support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of this policy and the Student Code, the hearing panel will propose sanctions. The proposed sanctions will be reviewed by the Sanctioning Official (or designee) to ensure that the sanctions are proportional to the severity of the violation and consistent with university standards. In the event of a conflict between the hearing panel and the Sanctioning Official, the Sanctioning Official will make the final determination regarding appropriate sanctions. The hearing panel will then notify the parties of the determination and sanctions by means of a written notice. The Respondent and/or the Complainant may request an appeal (see below).
4. Possible sanctions for cases in which a student is found in violation of this policy and the Student Code for acts of sexual misconduct include, but are not limited to formal warnings, behavioral assessment and/or counseling, required educational training, disciplinary probation, suspension, and/or permanent expulsion.

H. Appeal

1. The Respondent or the Complainant may appeal the decision of the sexual misconduct hearing panel to the designated Student Affairs official (or designee). To initiate an appeal, a party must send written notice of appeal to the designated Student Affairs official. The written notice must include the basis(es) for seeking the appeal and include information to support such basis(es) (see below).
2. **Timing:**
The notice of appeal must be filed no later than ten calendar days after the date the written decision of the sexual misconduct hearing panel is sent. If an appeal is submitted by either party, all parties will be notified and the underlying decision and any corresponding sanction will be held in abeyance until final notice of the appeal outcome. Upon its receipt of a written appeal, the university shall notify the other party in writing that an appeal has been filed and the basis(es) of the appeal, and shall allow the opportunity for other party to submit written statement in support or challenging the outcome to the designated Student Affairs Official within 5 calendar days. During this time, any interim measures in place will remain in effect (e.g., no contact order, no trespass). If no written request for an appeal

is received by the university within the time specified, the decision of the hearing panel and any sanction(s) imposed will be final and in effect.

3. Basis(es) for Appeal:

The designated Student Affairs official will have the sole discretion in determining whether the basis for appeal has been met and whether the appeal can move forward. An appeal must be based on one or more of the following criteria:

- a. Procedural irregularity that affected the outcome;
- b. New evidence that was not reasonably available at the time the determination or dismissal was made, and that reasonably could have affected the outcome;
- c. The Coordinator(s), investigator(s), or hearing panelists had a conflict of interest or bias for or against the party(ies) that affected the outcome; and/or
- d. The sanction imposed is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

4. Determination and Sanction:

- a. If the basis for appeal has been met, the designated Student Affairs official will review the written appeal and the pertinent part of the sexual misconduct hearing panel record only. The designated Student Affairs official will not consider new evidence or information that is not a part of that record. The designated Student Affairs official must render a determination within 15 calendar days of receipt of the appeal and may take any of the following actions:
 - i. Affirm the original decision regarding responsibility.
 - ii. Affirm the original decision concerning the disciplinary sanction(s) to be imposed.
 - iii. Set aside the original decision regarding responsibility and impose a new decision.
 - iv. Set aside the original decision regarding responsibility and order that a new sexual misconduct hearing be held before a new hearing panel.
 - v. Set aside the original decision concerning the disciplinary sanction(s) to be imposed and impose a different sanction or set of sanctions.
- b. The designated Student Affairs official will notify the Respondent and the Complainant, in writing, of the determination and will initiate the necessary procedures to effectuate the determination.
- c. The determination of the designated Student Affairs official is final and there will be no further appeals.

I. Notice

The Complainant and the Respondent will be provided written notice of the outcome of the sexual misconduct hearing, the appeals process, and the appeal determination, if applicable. Written notice will be provided electronically through Indiana University email accounts.

J. Requests for Accommodations and Special Circumstances

1. Just as students with disabilities may be eligible for accommodations in their classes, accommodations may be available for these procedures as well. Students with disabilities requesting accommodations and services under these procedures will need to present a current accommodation verification letter from the campus disability services office before accommodations can be considered and provided.
2. In appropriate circumstances, the university may utilize language translation services to assist in the investigation and/or hearing proceedings.

K. Expectations for Respectful Process

Every individual involved in a proceeding under this policy is entitled to be treated with respect. All parties and their advisors are required to follow the rules and procedures put in place to ensure a fair and respectful process. No one may intentionally harass or intimidate any party or witness, and university officials are authorized to halt such behavior.

IX. ACADEMIC APPOINTEE AND STAFF SEXUAL MISCONDUCT – UNIVERSITY COMPLAINT RESOLUTION PROCEDURES



A. Covered Behaviors

The following behaviors, as defined below, are covered under these procedures:

1. Sexual Harassment
2. Sexual Assault
3. Sexual Exploitation
4. Dating Violence
5. Domestic Violence
6. Stalking

B. Officials

For the purpose of these procedures, relevant officials with key responsibilities are:

1. **Investigator** – The Deputy Coordinator for the respective campus, or an appropriate designee, will conduct fact-finding as the Investigator and may coordinate with other offices such as human resources, academic affairs, and student affairs.
2. **Decisional Official (DO)** – The DO will issue the decision determining responsibility and assigning appropriate sanctions, if applicable. The DO will be as follows, or an appropriate designee:
 - a. For complaints against staff employees, including part-time (hourly), the DO will be the university employee relations director.
 - b. For complaints against academic appointees, the DO will be the campus Vice Provost/Vice Chancellor for Academic Affairs, or Executive Associate Dean for Faculty Affairs at the School Medicine, as appropriate.
 - c. For complaints against a Dean, a Vice Provost, or a Vice Chancellor, the DO will be the campus Provost/Chancellor.
 - d. For complaints against a University Vice President, a Provost, a Chancellor, or equivalent, the DO will be the President.
 - e. For complaints against the President, the DO will be the Board of Trustees.
3. **Appellate Official (AO)** – The AO may review the decision of the campus DO, following appeal by either party, and make a subsequent determination. The AO will be as follows, or an appropriate designee:
 - a. For an appeal in a complaint against staff employees, including part-time (hourly), the Vice President of Human Resources.
 - b. For an appeal in a complaint against academic appointees, the campus Provost/Chancellor, or Dean & Executive Vice President for Clinical Affairs for the School Medicine, as appropriate.
 - c. For an appeal in a complaint against a Dean, a Vice Provost, or a Vice Chancellor, the President.
 - d. For an appeal in a complaint against a Vice President, a Provost, a Chancellor, or equivalent, the Board of Trustees.
4. **Faculty Board of Review (FBR)** – In faculty cases, following the decision of the AO, the faculty member may request a review by the campus FBR, which may review and issue a recommendation to the AO.

C. Initial Assessment

1. Upon receipt of a report alleging that an employee has engaged in sexual misconduct, an Investigator will conduct an initial assessment to determine whether it falls within the scope of this policy, and whether the conduct alleged rises to the level of an allegation of sexual misconduct. If a complaint raises allegations that are outside the scope of this policy, but may violate other university policy(ies), the Investigator will refer the complaint to the appropriate university office.

2. Based on (1) the initial assessment, (2) the desires of the complaining party, and (3) the availability of appropriate remedies to eliminate, prevent, and/or address the occurrence or effects of the alleged misconduct, the investigator will determine whether to initiate a formal investigation, decline a formal investigation, and refer the matter to another university process. In the event of a declination, a summary of the materials reviewed and determinations will be provided to the complainant.
3. The decision not to formally investigate does not preclude the Office of Institutional Equity from re-evaluating the allegations upon receipt of new information or evidence.
4. In the event the Investigator determines not to pursue an investigation under this policy, that decision may be appealed by the Complainant to the DO within 10 calendar days of the decision, requesting a review of the decision not to proceed with an investigation. Upon review, the DO may uphold that decision or order an investigation to proceed.
5. In the event the Investigator determines that the allegations fall within the scope of this policy, the process that follows shall apply.

D. Informal & Alternative Resolutions

1. Informal Action:

In appropriate cases, the university may pursue informal actions in connection with reported sexual misconduct, including when the individual who may have experienced the conduct does not wish to pursue a formal complaint, and/or when there is not enough information to proceed with a formal resolution process against a known Respondent. Informal actions will not result in findings related to responsibility or in sanctions, nor will an informal action preclude further steps, including formal resolution, if a complaint is later made or additional information is received by the university. Informal actions can include, but are not limited to, educational meetings, additional training, and/or continued monitoring.

2. Alternative Resolution Options:

In appropriate cases, the university may pursue alternative resolution with the consent of all parties at any point in the complaint resolution process. These resolution options may include, but are not limited to mediation, development of an action plan, and voluntary resolution of the matter. Under alternative resolution, the Complainant will not be required to resolve the problem directly with the Respondent, unless desired by the Complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin the formal process. Face-to-face mediation may not be used in cases involving any physical or sexual violence or where the complaint is made against an employee with a position of authority over the Complainant. The Investigator shall document the outcome of any alternative resolution and share with the University Coordinator and the DO.

3. Acceptance of Responsibility:

- a. In cases where the Respondent expresses a willingness to accept responsibility for any or all allegations in a case, the Respondent will be offered the opportunity to bypass the remainder of the investigatory stage of the grievance process and agree to receive a sanction from the DO. In such situations, the parties will each be provided the opportunity to submit a written statement to the DO for consideration in determining appropriate sanctions. Upon its receipt of a Respondent's written acceptance of responsibility, the university will notify the Complainant in writing and shall provide the parties 10 calendar days to submit a written statement to the DO.
- b. In determining sanctions in such cases, the DO shall consider only the allegations and parties' written statements, the relevant facts gathered from the investigation, and past conduct history of the Respondent, if applicable. The right to appeal will be limited to an appeal on the grounds that the sanction is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

E. Interim Action

1. If, upon the receipt of a complaint, the Coordinator, or their designee, determines a need for immediate interim action, e.g. removal, reassignment, administrative leave, or suspension, they shall consult with the DO and any

other appropriate university officials. The DO may administer such interim action at any point in this process pending final outcome.

2. Parties may appeal interim action(s) to the AO within 10 days of receipt of notice of interim action.

F. Investigation

1. Following the initial assessment, if a formal investigation is initiated, the Investigator(s) will notify the Complainant and the Respondent. The Respondent shall be informed of the allegations made against them and shall be provided the opportunity to respond. The Respondent will be provided a date by which an appointment must be made to discuss the matter.
2. The Investigator will conduct fact-finding as to the allegations made against the Respondent and will preserve all evidence collected.
3. The investigation may include, but is not limited to, interviews with the Complainant, the Respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by Complainant, Respondent, witnesses identified by any party, or the university. The Investigator shall ensure that the Respondent has been informed of all allegations raised and the name of the Complainant(s), and is provided the opportunity to respond.
4. Prior or subsequent conduct of the Respondent may be included in the investigation and considered in determining pattern, knowledge, intent, or motive. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct.
5. Information related to prior sexual history of the parties will be prohibited except in very limited circumstances regarding prior sexual history between the parties where such information may be relevant to the issue of consent. However, consent will not be assumed based solely on evidence of any prior sexual history.
6. All members of the university are expected to cooperate fully with the investigative process. Interference with the investigation may result in disciplinary measures pursuant to applicable university policy and procedure. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter.

G. Report of Investigation:

1. Following the investigation, the Investigator will provide an Investigation Report to the parties. The parties will be provided 10 calendar days to review the Investigation Report and any attachments. Parties may provide any additional and/or clarifying information to the Investigator and request access to the Investigation File. This period of 10 days will be the final opportunity for parties to submit any additional information to the Investigator.
2. The Investigation Report will include:
 - a. The specific allegation(s);
 - b. The Respondent's response to the allegation(s);
 - c. A summary of the relevant information gathered from the parties, witnesses, and other sources; as well as explanation for any information submitted or received that was determined not relevant for inclusion; any relevant attachments submitted by parties and used in analysis; and
 - d. An analysis of the information and a recommendation as to whether the Respondent is responsible or not responsible for the alleged violation(s) of this policy, using a preponderance of the evidence standard (more likely than not), and a recommendation as to appropriate sanctions, if any, as set forth below.
3. At the conclusion of the 10-day period, the Investigator will review the information submitted by any party and determine whether and to what extent to incorporate such information into the Investigation Report.
4. The Investigator will provide the Investigation Report to the DO, as well as to each party.

H. Finding and Decision

1. Upon receiving the Final Investigation Report, the DO shall issue a finding. The DO may consult with the Investigator concerning the investigation and recommendations. The DO will provide each party the opportunity to meet and provide comment and make a statement. If the DO wishes further consultation with the parties, the Investigator will facilitate consultations to ensure equal opportunities is provided for the parties.
2. The DO will issue one of the following findings, using a preponderance of the evidence standard:
 - a. Finding of "No Violation":

If there is a determination that the behavior alleged and investigated did not violate this policy, the DO shall provide the parties written notice of the finding. In the event the investigation reveals that the employee may have violated a different university policy, the DO may address any such potential violation through other applicable university policies. Documentation regarding a finding of "No Violation" shall be maintained with the campus Deputy Title IX Coordinator's office, and not in the employee's personnel file.
 - b. Finding of a "Violation":

If there is a determination that the behavior alleged and investigated was in violation of this policy, the DO shall issue the finding and sanction(s) based on the level of sanctions set forth below.
3. The DO shall provide the parties written notice of the finding and any sanctions, if applicable.

I. Sanctions

1. Sanctions for a violation of this policy include the following:
 - a. Level One Sanctions include sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to personnel file (other than to promotion and tenure dossier which is included in Level Two Sanctions below). Level One Sanctions shall not be appropriate in the event the Respondent was found responsible for sexual assault or other sexual violence.
 - b. Level Two Sanctions include sanctions that directly modify job duties, salary or job status, including affecting compensation, consideration in tenure or promotion decisions, suspension, and termination.
2. When determining the appropriate sanctions, consideration shall be given to the nature and severity of the behavior and the existence of any prior incidents or violations.

J. Appeals

1. Following the decision, either party may appeal to the Appellate Officer (AO) on the basis of:
 - a. Significant procedural error that reasonably would have affected the outcome.
 - b. Newly discovered evidence that reasonably would have affected the outcome.
 - c. Significant bias in the process.
 - d. The finding of responsibility is not supported by the evidence in the Investigation Report.
 - e. The appropriateness of the sanctions.
2. A request for appeal must be submitted in writing to the AO within 10 calendar days of receiving the DO's decision. The request must set forth the basis(es) for seeking an appeal and must include information to support such basis(es). If an appeal is requested, all parties will be notified. Upon its receipt of a written appeal, the university shall notify the other party in writing that an appeal has been filed and the basis(es) of the appeal, and shall allow the opportunity for other party to submit written statement in support or challenging the outcome to the AO within 5 calendar days.
3. The AO shall first determine whether the basis of appeal has been met, and if so, shall review the findings and any applicable sanctions, in making a determination.
4. The AO shall make a final determination within 15 calendar days of the receipt of any appeal, indicating one of the following:
 - a. Affirming the DO's original finding(s).
 - b. Setting aside the DO's original finding(s) and imposing a new finding and/or sanctions.

- c. Setting aside the DO's original finding(s) and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
5. To the extent possible, the parties will be notified simultaneously in writing of the final determination following an appeal.

K. Request for Faculty Board of Review

1. In cases involving a faculty member as a party, a faculty member sanctioned under this policy may submit a request for review by the Faculty Board of Review (FBR) following the determination of the AO. The request for review should be made according to the specific campus FBR policy, and campus FBR procedures will apply except as modified by the provisions below.
2. The bases for appeal are the same as those for appeal to the AO. The request for a FBR must set forth the basis(es) for seeking review and be submitted in writing within 15 calendar days of receiving the AO's determination. For good cause shown, and bearing in mind the need for timely resolution, the timeframes set forth within these procedures may be extended. If a request for a FBR is submitted, the FBR shall notify the other party(ies), as well as the DO and the AO.
3. The FBR will only receive the Final Investigation Report; the Investigation File; the written findings of the DO, along with comments submitted to the DO by any party named in the report; the written findings of the AO; and any sanctions. The FBR may not conduct new fact-finding. The FBR may seek training and additional information from the University Coordinator.
4. Throughout the FBR process, hearing members and participants shall ensure that the privacy of the matter and the parties is upheld. If a hearing is held, it shall be closed to the public to protect the privacy of all parties. In addition to faculty members serving on the FBR hearing panel, others present during a hearing may include the party requesting review and that individual's advisor, the other party(ies) named in the report and their advisor(s), the DO, the University Coordinator, Deputy Coordinator, and other university officials necessary to the proceedings. No witnesses will be allowed in the FBR. The grievant, the Complainant, and one designated university official have the right to present a statement to the FBR in writing or orally, either personally or through an advisor. If any participant elects to make a statement, the FBR may pose questions related to their statement, but the other participants may not.
5. The FBR must be concluded promptly, and generally within 60 days of the request, absent special circumstances. After review, the FBR may recommend one of the following to the AO:
 - a. Affirm the AO's determination.
 - b. Recommend an alternative finding and/or sanction.
 - c. Recommend that the determination be set aside and a new investigation be conducted. (This option will generally be reserved for cases where significant procedural error has been identified and determined to have affected the outcome).
6. To the extent possible, the parties will be notified simultaneously in writing of the FBR's recommendation to the AO.
7. Upon receipt of the FBR's recommendation, along with any materials considered by the FBR, the AO will make a final determination within 10 calendar days, indicating one of the following:
 - a. Affirming the prior determination on appeal.
 - b. Setting aside the prior determination on appeal and imposing a new finding and/or sanctions.
 - c. Setting aside the prior determination on appeal and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
8. If the FBR recommends that the AO's prior determination be modified, but the AO affirms the prior determination, the final determination shall be made by the President. To the extent possible, the parties will be notified simultaneously in writing of the President's final determination. This concludes the appeal process.

L. Expectations for a Respectful Process

Every individual involved in a proceeding under this policy is entitled to be treated with respect. All parties and their advisors are required to follow the rules and procedures put in place to ensure a fair and respectful process. No one may intentionally harass or intimidate any party or witness, and university officials are authorized to halt such behavior.

[Back to top](#)

Definitions

Advisor: Any individual who may assist, support, guide, and advise the Complainant or Respondent during the investigation, conduct proceedings, and/or related meetings. An Advisor serving in this role, who may otherwise be a Responsible Employee, not need report sexual misconduct when they learn about prohibited conduct i) that is directly related to the case in which they are serving as an advisor; ii) from the party who they are serving as an advisor to; and iii) in the course of their advising.

Campus Security Authority (CSA): A term used in the Clery Act to describe someone who has significant responsibility for student and campus activities. The Clery Act (34 CFR 668.46) defines a CSA as:

- I. A campus police department or a campus security department of an institution.
- II. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property.
- III. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- IV. An official of an institution who has significant responsibility for student and campus activities, including but not limited to student housing, student discipline, and campus judicial proceedings.

Pastoral and professional counselors are not considered a Campus Security Authority when acting in their roles as a pastoral or professional counselor.

Clery Act: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. section 1092(f)), a federal law that requires institutions such as Indiana University to collect and publish statistics for certain crimes reported to have occurred on the university's "Clery Geography" (i.e., occurring on campus, on public property within or immediately adjacent to campus, and on other non-campus university property), for the purpose of informing current and prospective students, faculty or staff. Each Indiana University campus publishes an Annual Security Report under the Clery Act, which contains these crime statistics, as well as campus-specific information on resources, campus emergency responses, safety and security policies, and disciplinary procedures. These crime statistics include, but are not limited to domestic violence, dating violence, sexual assault, and stalking. Clery also requires "timely warnings" be issued to the campus community for crimes occurring on Clery Geography that are considered a serious or continuing threat to students, faculty or staff. Under Clery, any good faith report of a crime occurring on Clery Geography must be included in the statistical data.

Complainant: An individual who may have experienced discrimination, harassment and/or sexual misconduct. A Complainant may choose whether or not to file a formal complaint. The university may serve as the Complainant when an individual(s) who has experienced the alleged discrimination, harassment and/or sexual misconduct does not wish to fully participate and the university has determined it is necessary to move forward under the applicable procedures.

Complaint (formal): A document submitted and signed by a Complainant or signed by the appropriate Title IX Coordinator alleging conduct that may be in violation of this policy against a Respondent and requesting that the university investigate the allegation.

Confidential Employees: [see above]

Consent: An agreement expressed through affirmative, voluntary words or actions, and mutually understandable to all parties involved, to engage in a specific sexual act at a specific time

- I. Consent can be withdrawn at any time, as long as it is clearly communicated.
- II. Consent cannot be coerced or compelled by force, threat, deception or intimidation.
- III. Consent cannot be given by someone who is incapacitated, as defined below.
- IV. Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.

Incapacitation: An individual is incapable of consent if they are unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, being asleep or unconscious, or based on their age (pursuant to Indiana law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation. Consent does not exist when the individual initiating sexual activity knew or should have known of the other individual's incapacitation.

Dating Violence:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. For the purposes of this definition—

- I. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- II. Dating violence does not include acts covered under the definition of domestic violence.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

Violence or the threat of violence committed by any individual who is or has been in a relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interactions between the individuals involved in the relationship.

Days: References to days shall mean calendar days unless business days is expressly specified.

Discrimination:[see above]

Domestic Violence:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

Violence committed which would constitute felony or misdemeanor crime of violence under criminal law:

- I. By a current or former spouse or intimate partner of the Complainant;
- II. By a person with whom the Complainant shares a child in common;
- III. By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- IV. By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Indiana;

- V. By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Indiana.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

Violence or the threat of violence by an individual against another individual who:

- I. is or was a current or former spouse or intimate partner of the Complainant;
- II. is or was living with Complainant as if their spouse or intimate partner;
- III. has a child in common with;
- IV. is a minor subject to the control of; or
- V. is an incapacitated individual under the guardianship or otherwise subject to the control of the other individual regardless of whether the act or threat has been reported to a law enforcement agency or results in a criminal prosecution.

Employee: This term shall be synonymous with and include all employees working for Indiana University – academic employees, including faculty and other instructors, and staff, including full-time, part-time, and part time (hourly) employees at any university campus or working on behalf of the university.

Equity Officials: The individual designated by the university to respond to allegations of discrimination or harassment based on a protected class(es) against members of the university community. In some circumstances, this can include their designee. Members of the university community may contact the University or campus Equity Official regarding the applicable policy and processes.

Finding of Responsibility or Finding of a Violation: Means that it is more likely than not that the Respondent has engaged in the alleged conduct in violation of this policy. A preponderance of the evidence standard must be used when determining responsibility for violations under this policy.

Formal Complaint: Means a document signed and submitted by the Complainant, and alleging discrimination, harassment, sexual misconduct and/or retaliation by a Respondent and requesting that the university investigate the allegation(s). The complaint may be submitted in person, by mail, or by electronic mail, to the appropriate Coordinator or Equity Official identified in this policy. (In some circumstances, the Coordinator or Equity Official may file a formal complaint to initiate a formal investigation.)

Force: The use of physical force which overcomes the individual's resistance; or the threat of physical force, express or implied, against the individual or a third-party that places the individual in fear of death or in fear of serious personal injury to the individual or a third-party where the individual reasonably believes that the actor has the present or future ability to execute the threat.

Harassment: [see above]

Hearing Advisor: A person chosen by a party, or appointed by the institution if the party does not identify one, to accompany the party to their Title IX hearing for the purpose of conducting questioning of the other party(ies) and witness(es).

Indiana University Program or Activity: A program or activity sponsored, conducted, or authorized by Indiana University, including but not limited to, classes, internships, practica, field trips, study abroad programs, student teaching, or research, or a program or activity sponsored, conducted, or authorized by the university. For Title IX purposes, "program or activity" includes those that occur in a building owned or controlled by a student organization that is officially recognized by the university.

Indiana University Property: Buildings, grounds, and land that are owned by Indiana University or controlled by Indiana University via leases or other formal contractual arrangements to house ongoing university operations.

Interim Suspension: Temporary removal of a Respondent pending completion of an investigation. The determination to interim suspend shall be done in accordance with the campus interim suspension procedures and, for Title IX complaints, shall include an individualized assessment and determination that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

Laws and Regulations: Relevant laws and regulations that may apply to allegations raised under this policy include, but are not limited to: Age Discrimination Act of 1975; Age Discrimination in Employment Act of 1967; Americans with Disabilities Act of 1990; Equal Pay Act of 1963; Lilly Ledbetter Fair Pay Act of 2009; Genetic Information Discrimination Act of 2008; Pregnancy Discrimination Act of 1978; the Department of Labor's Executive Order 11246; Section 402 of the Veterans Readjustment Act of 1974; Section 503 of the Rehabilitation Act of 1973; Title VI and VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the requirements of federal research agencies; and relevant state laws and regulations.

Member of the Indiana University Community: Any individual who is a student, staff, faculty member, university official, or any other individual employed by, or acting on behalf of, the university; other individuals while on Indiana University property, including employees of third-party vendors and contractors, volunteers, and visitors. An individual's status in a particular situation shall be determined by the Sexual Misconduct & Title IX Coordinator or the Equity Official, in consultation with applicable campus offices.

Respondent: Any member of the university community alleged to have engaged in conduct that could constitute discrimination, harassment, and/or sexual misconduct; or retaliation for engaging in protected activity under this policy.

Sanctioning Official: An individual with extensive knowledge of the applicability and implementation of the proceedings conducted pursuant to this policy who is authorized by the university to confer with a hearing panel about the range of available sanctions in a particular case, to make sanctioning determinations, and to ensure that the sanctions imposed are proportional to the severity of the violation and consistent with university standards. A Sanctioning Official is designated on each campus by the campus's Senior Student Affairs Administrator in consultation with the University Title IX Coordinator. Subject to the approval of the campus's Senior Student Affairs Administrator and University Title IX Coordinator, a Sanctioning Official is authorized to appoint a designee who will perform the Sanctioning Official's duties in the event of the absence or unavailability of the Sanctioning Official.

Sexual Assault:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

Sexual Assault Includes:

- I. Sex Offenses, Forcible—Any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent. It includes:
 - A. Forcible Rape -- 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 Complainant.
 - B. Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - C. Sexual Assault With An Object—To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - D. Forcible Fondling—The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- II. Sex Offenses, Nonforcible— Nonforcible sexual intercourse. It includes:
 - A. Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Indiana law.
 - B. Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent according to Indiana law IC 35-42-4-9.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

Sexual Assault Includes:

- I. Non-consensual sexual penetration is committed when an individual subjects another individual to sexual penetration without the consent of the individual, and/or by force.
- II. Non-consensual sexual contact is intentional sexual touching by an individual of the intimate area of another individual (i.e., genitals, breasts, buttocks) or intentional sexual touching of another individual with any of these body parts, without the consent of the individual, and/or by force.

Sexual Exploitation: Conduct that extends the bounds of consensual sexual activity with or without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose.

Examples of sexual exploitation include but are not limited to:

- I. Non-consensual streaming, audio- or video-recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without consent of all parties involved;
- II. Allowing others to view sexual acts (whether in person or via a video camera or other recording device) without the consent of all parties involved;
- III. Engaging in any form of voyeurism (e.g., “peeping”);
- IV. Prostituting another individual;
- V. Compelling another individual to touch their own or another individual’s (third-party) intimate parts without consent;
- VI. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual’s knowledge;
- VII. Deception regarding contraceptives; and
- VIII. Inducing incapacitation for the purpose of making another individual vulnerable to non-consensual sexual activity.

Sex/Gender-Based Harassment: Sex/gender-based discrimination is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation, or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits an individual’s ability to participate in or benefit from the university’s education or work programs or activities. For example, persistent disparagement of an individual based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity is prohibited under this policy.

Sexual Harassment:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

Conduct on the basis of sex or that is sexual in nature that satisfies one or more of the following:

- I. An employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual’s participation in unwelcome* sexual conduct; and/or
- II. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity.

Sexual Harassment also includes sexual assault, dating violence, domestic violence and stalking defined herein.

Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances as the Complainant, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

Conduct on the basis of sex or that is sexual in nature that satisfies one or more of the following:

- I. A member of the university conditioning the provision of an aid, benefit, or service of the university, on an individual's participation in unwelcome* sexual conduct.
- II. Unwelcome conduct determined by a reasonable person, to be so severe, pervasive or persistent, and objectively offensive, that it effectively denies a person equal access to the university's education program or activity.

Sexual Harassment also includes sexual assault, dating violence, domestic violence and stalking defined herein.

Severity, pervasiveness, persistence, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances as the Complainant, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Sexual Misconduct: Broad term to encompass the range of sex-based behaviors covered by this policy.

University Sexual Misconduct & Title IX Coordinator: The individual designated by the university to coordinate the university's compliance with Title IX and respond to allegations of sexual misconduct by members of the university community. In some circumstances, this can include the Sexual Misconduct & Title IX Coordinator's designee. Members of the university community may contact the University or campus Deputy Sexual Misconduct & Title IX Coordinator regarding the sexual misconduct policy and process.

Sexual Penetration: Sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's or individual's body or any object manipulated by the actor into the genital or anal openings of the individual's body.

Stalking:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- I. fear for the person's safety or the safety of others; or
- II. suffer substantial emotional distress.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

A knowing or an intentional course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity.

For the purposes of the definitions above—

Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

- I. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

Student: Defined by the [Code of Student Rights, Responsibilities, and Conduct <https://studentcode.iu.edu/>](https://studentcode.iu.edu/).

Student Affairs Officer: An individual authorized by the university and the campus chancellor or provost to be responsible for the administration of the Student Code of Rights and Responsibilities on a campus, or, in certain circumstances that individual's designee.

Back to top

Sanctions

- Sanctions for violations of this policy include the following:
 - Level One Sanctions include sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to personnel file (other than to promotion and tenure dossier which is included in Level Two Sanctions below). Level One Sanctions shall not be appropriate in the event the Respondent was found responsible for sexual assault or other sexual violence.
 - Level Two Sanctions include sanctions that directly modify job duties, salary or job status, including affecting compensation, consideration in tenure or promotion decisions, suspension, and termination.
 - When Level Two Sanctions do not result in termination, consideration should be given to the role(s) in which a faculty or staff member serves related to students, including advising, mentoring, committee work, and other roles both within and in addition to the primary employment position.
- When determining the appropriate sanctions, consideration shall be given to the nature and severity of the behavior and the existence of any prior incidents or violations.

Back to top

Additional Contacts

Title IX Coordinator				+
Jennifer Kincaid Associate Vice President of Institutional Equity and Title IX 420 N. Walnut Street Bloomington, IN 47408 812-855-4889 oie@iu.edu				
Deputy Sexual Misconduct & Title IX Coordinators and Equity Officials				+
Campus	Contact	Phone	Email	
IUB	Jennifer Kincaid, University Director of Institutional Equity & Title IX Coordinator	812-855-7559	oie@iu.edu	

Campus	Contact	Phone	Email
IUB	Libby Spotts, Director, Office of Student Conduct	812-855-5419	osc@indiana.edu
IUPUI	Karloa Stevens, Director, Office of Equal Opportunity	317-274-2306	karloaas@iupui.edu
IUPUI	Sara Dickey Associate Dean of Students and Director of Student Conduct	317-274-4431	sadickey@iupui.edu
IUPUC	Karloa Stevens, Director, Office of Equal Opportunity	317-274-2306	karloaas@iupui.edu
IUFW	Karloa Stevens, Director, Office of Equal Opportunity	317-274-2306	karloaas@iupui.edu
IUE	Tracy Amyx, Director of Affirmative Action/EEOC Officer	765-973-8402	trramyx@iue.edu
IUK	Sarah Sarber, Chief of Staff/Deputy Title IX Coordinator	765-455-9204	shawkins@iuk.edu
IUN	Lita Pener, Director of Institutional Equity and Title IX	219-980-6705	Impener@iu.edu
IUS	James J. Wilkerson, Director, Office of Equity and Diversity	812-941-2306	eqdivix@ius.edu

Campus	Contact	Phone	Email
IUSB	Laura Harlow Director of Diversity and Affirmative Action; Director of the Office of Student Conduct	574-520-5536	lewhitne@iusb.edu

IU Police Departments



Office	Contact	Phone	Email
Superintendent of Public Safety	Benjamin Hunter	812-855-4296	bdhunter@iu.edu
IU Office of Public Safety	Richard Erny	317-274-4230	rcerny@iu.edu
IU Office of Public Safety	Yvonna Daily		ydaily@iu.edu
IUB Police	Jill Lees, Chief of Police	812-855-7621	jmlees@iu.edu
IUPUI Police	Doug Johnson, Chief of Police	317-274-4860	johnsodo@iu.edu
IUE Police	Scott Dunning, Chief of Police	765-973-8435	sdunning@iue.edu
IUK Police	Thomas Remender, Chief of Police	765-455-9432	tremende@iu.edu
IUN Police	Monte Davis, Chief of Police	219-980-6969	montdavi@iun.edu
IUS Police	Stephen Miller, Chief of Police	812-941-2400	sfmiller@ius.edu
IUSB Police	Kurt Matz, Chief of Police	574-520-5522	kumatz@iusb.edu

Office	Contact	Phone	Email
IUFW Police	Tim Potts Chief of Police	260-481-6827	police@pfw.edu

Campus Student Affairs



Campus	Contact	Phone	Email
IUB	Dave O'Guinn, Vice Provost for Student Affairs and Dean of Students	812-855-8188	vpsa@indiana.edu
IUPUI	Eric Weldy, Vice Chancellor Division of Student Affairs	317-274-3290	eweldy@iupui.edu
IUE	Amy Jarecki, Dean of Students	765-973-8525	ajarecki@iue.edu
IUK	Audra Dowling, Dean of Students	765-455-9204	iukdos@iuk.edu
IUN	Alexis Montevirgen, Vice Chancellor for Student Affairs	219-980-6586	nwstuaff@iun.edu
IUS	Amanda Stonecipher, Vice Chancellor for Enrollment Management and Student Affairs	812-941-2115	agstone@ius.edu
IUSB	Monica Porter, Vice Chancellor for Student Affairs and Diversity	574-520-4252	moport@iusb.edu

Campus Academic Affairs



Campus	Contact	Phone	Email
IUB	Eliza Pavalko, Vice Provost for Faculty and Academic Affairs	812-855-2809	vpfaa@indiana.edu
IUPUI	Kathy Johnson, Executive Vice Chancellor and Chief Academic Officer	317-274-4500	ofaa@iupui.edu
IUE	Michelle Malott, Executive Vice Chancellor, Academic Affairs	765-973-8320	mimalott@iue.edu
IUK	Mark Canada, Executive Vice Chancellor for Academic Affairs	765-453-2227	marcanad@iuk.edu
IUN	Vicki Román- Lagunas, Executive Vice Chancellor for Academic Affairs	219-980-6761	viroman@iun.edu
IUS	Kelly Ryan, Executive Vice Chancellor for Academic Affairs	812-941-2208	ryanka@ius.edu
IUSB	Jill Pearon Executive Vice Chancellor for Academic Affairs	574-520-4183	jpearon@iusb.edu
IUFW	Ann Obergfell Associate Vice Chancellor of Academic Affairs and Operations	260-481-0512	amobergf@iufw.edu

Campus Human Resources Offices



Campus	Website	Phone	Email
IUB	http://hr.iu.edu/ < http://hr.iu.edu/ >	812-855-2172	uhrs@indiana.edu
IUPUI	http://www.hra.iupui.edu/ < http://www.hra.iupui.edu/ >	317-274-7617	hra@iupui.edu
IUE	http://www.iue.edu/hr/index.php < http://www.iue.edu/hr/index.php >	765-973-8487	iuehr@iue.edu
IUK	http://iuk.edu/hr/index.php < https://www.iuk.edu/human-resources/index.html >	765-455-9226	gvanalst@iuk.edu
IUN	http://www.iun.edu/hr/ < http://www.iun.edu/hr/ >	219-980-6775	hrnw@iun.edu
IUS	http://www.ius.edu/hr/index.php < http://www.ius.edu/hr/index.php >	812-941-2356	HR@ius.edu
IUSB	https://www.iusb.edu/human-resources/ < https://www.iusb.edu/human-resources/ >	574-520-4358	japoelvo@iusb.edu

External Contact Information



Office for Civil Rights

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Bldg

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481

FAX: 202-453-6012; TDD: 877-521-2172

Email: OCR@ed.gov

Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

<<http://www2.ed.gov/about/offices/list/ocr/index.html>>

Equity Officials



Campus	Contact	Phone	Email
IUB	Jennifer Kincaid, University Director of Institutional Equity & Title IX Coordinator	812-855-7559	oi@iu.edu

IUPUI	Karloa Stevens, Director, Office of Equal Opportunity	317-274-2306	karloaas@iupui.edu
IUE	Tracy Amyx, Director of Affirmative Action/EEOC Officer	765-973-8402	trramyx@iue.edu
IUK	Sarah Sarber, Chief of Staff/Deputy Title IX Coordinator	765-455-9204	shawkins@iuk.edu
IUN	Lita Pener, Director of Institutional Equity and Title IX	219-980-6705	lpener@iu.edu
IUS	James J. Wilkerson, Director, Office of Equity and Diversity	812-941-2306	egdivix@ius.edu
IUSB	Laura Harlow, Director of Institutional Equity & Inclusive Excellence	574-520-5536	lewhitne@iusb.edu

[Back to top](#)

History

This policy was established in 2015. It incorporates and supercedes the Indiana University Policy Against Sexual Harassment, </policies/ua-03-discrimination-harassment-and-sexual-misconduct/archived-06151998-03012015.html> which was effective in 1998.

Approved by the University Faculty Council, February 24, 2015 by the attached resolution </policies/ua-03-discrimination-harassment-and-sexual-misconduct/ufc-resolution.html> .

Approved by University President, March 1, 2015.

Revisions to policy approved by UFC and University President, August 25, 2016.

Revision to policy approved by UFC November 29, 2016; approved to be made effective on January 1, 2017, by University President.

Revisions to policy approved by UFC November 28, 2017; approved to be made effective on January 1, 2018 by University President.

Revisions to policy approved by UFC April 23, 2019; approved to be made effective on July 1, 2019 by University President.

Revision to policy approved by UFC on August 10, 2020, and University President on August 14, 2020 to become effective on August 14, 2020. The policy was revised in part to comply with new federal Title IX regulations and in part to articulate procedures related to reports of alleged discrimination, harassment, and/or sexual misconduct that are not covered by the new federal regulations. The procedures in this revised policy apply to reports received by the university on or after the effective date.

Revisions made and approved by the University President effective November 1, 2021.

Revision to add a reference to UA-22, Employee Relationships Involving Students </policies/ua-22-employee-relationships-involving-students/index.html> , was approved by the UFC on April 23, 2024; approved by the University President on May 2, 2024.

Previous Versions by Effective Dates:

03/01/2015 - 08/25/2016 </policies/ua-03-discrimination-harassment-and-sexual-misconduct/archived-03012015-08252016.html>

08/25/2016 - 01/01/2017 </policies/ua-03-discrimination-harassment-and-sexual-misconduct/archived-8252016-01012017.html>

01/01/2017 - 01/01/2018 </policies/ua-03-discrimination-harassment-and-sexual-misconduct/archived-01012017-01012018.html>

01/01/2018 - 07/01/2019 </policies/ua-03-discrimination-harassment-and-sexual-misconduct/archived-01012018-07012019.html>

07/01/2019 - 08/14/2020 </policies/ua-03-discrimination-harassment-and-sexual-misconduct/archived-08142020.html>

08/14/2020 - 11/01/2021 </policies/ua-03-discrimination-harassment-and-sexual-misconduct/archived-08142020-11032021.html>

11/01/2021 - 04/23/2024 </policies/ua-03-discrimination-harassment-and-sexual-misconduct/archived-11012021-04232024.html>

[Back to top](#)

Related Information

[IU's Stop Sexual Violence Website](#)
www.stopsexualviolence.iu.edu

<http://stopsexualviolence.iu.edu/>
[Americans with Disabilities Act \(ADA\)](#)

<http://policies/ua-02-americans-disability-act/archived-12062018-06262024.html>
[Non-Discrimination/Equal Opportunity/Affirmative Action](#)

<http://policies/ua-01-non-discrimination/archived-06142024-01312025.html>
[Clery Act Compliance](#)

<http://policies/ua-16-clery-act-compliance/archived-10122023-05082025.html>
[Code of Student Rights and Responsibilities](#)

<https://studentcode.iu.edu/>
[Academic Appointee Responsibilities and Conduct](#)

<https://policies.iu.edu/policies/aca-33-code-academic-ethics/index.html#:~:text=Academic%20appointees%20shall%20treat%20all,verbal%20abuse%20of%2C%20any%20person.>
[Programs Involving Children](#)

<https://policies.iu.edu/policies/ps-01-programs-involving-children/archived-10122023-08092024.html>

[Annual Security & Fire Safety Reports \(including Clery Crime Statistics\)](#)

<https://policies.iu.edu/policies/ua-03-discrimination-harassment-and-sexual-misconduct/index.html>

UNIVERSITY RESOURCES <[HTTPS://POLICIES.IU.EDU/INDEX.HTML](https://policies.iu.edu/index.html)>

Sexual Misconduct

UA-03

About This Policy

Effective Dates:

03-01-2015

Last Updated:

07-01-2019

Responsible University Administrator:

President, Indiana University University Faculty Council

Policy Contact:

Emily Springston

University Director of Institutional Equity & Title IX Coordinator

oe@iu.edu

Scope

- A. This policy applies to and is designed to protect all members of the Indiana University community:
- all students
 - all academic appointees, staff and temporary (hourly) employees
 - all others while on Indiana University property, including employees of third-party vendors and contractors, volunteers, and visitors
 - all individuals involved in an Indiana University program off-campus.
- B. The policy applies regardless of sex, gender, sexual orientation, gender identity, immigration status and citizenship status. It applies to relationships among peers, as well as to superior-subordinate relationships.
- C. Other university policies and codes related to misconduct remain in effect for complaints of misconduct other than sexual misconduct. However, any report or complaint of misconduct that includes elements defined below will be addressed in accordance with this sexual misconduct policy and included procedures.

Policy Statement

- A. A. Indiana University prohibits discrimination on the basis of sex or gender in its educational programs and activities. Discrimination on the basis of sex or gender is also prohibited by federal laws, including Title VII and Title IX.
- B. This policy governs the university's response to discrimination based on sex or gender, and all forms of sexual misconduct (which includes sexual harassment, sexual assault, other forms of sexual violence, dating violence, domestic violence, sexual exploitation and stalking ([see Definitions below](#))). Such behaviors are against the law and are unacceptable behaviors under Indiana University policy. ([See the Indiana University Non-Discrimination Policy here.](#)) These unacceptable behaviors are hereafter collectively referred to as "sexual misconduct." The university does not tolerate sexual misconduct and will take action to prevent and address such misconduct. The university has jurisdiction over all Title IX and related complaints. Questions about Title IX may be directed to Indiana University's Title IX Coordinator, or the Office of Civil Rights (See Additional Contacts below).
- C. Individuals who have experienced sexual misconduct are strongly urged to promptly report such incidents. Indiana University will respond promptly to all reports of sexual misconduct. In accordance with the procedures below, the university will provide a fair and impartial investigation and resolution for complaints, provide supportive and interim measures, and, where appropriate, impose sanctions and provide remedial

measures. The severity of the corrective action, up to and including termination or expulsion of the offender, will depend on the circumstances of the particular case.

- D. Any individual who is a [Responsible Employee](#) at the university, such as administrators, supervisors, managers, or faculty members, and who has received information or has knowledge of sexual misconduct must make a report to designated university officials or be subject to disciplinary action ([see section on Responsible Employees below](#)).
- E. Retaliation against anyone who makes a report of sexual misconduct is prohibited by university policy as well as Title IX and other state and federal laws.
- F. Procedures for reporting incidents of sexual misconduct, and investigating and adjudicating sexual misconduct complaints are part of this policy and are included or linked below. In appropriate cases, and upon consultation with the Vice President and General Counsel, the university reserves the right to take prompt action in accordance with other university procedures.

G. On- or Off-Campus Behaviors

1. This policy applies to sexual misconduct that occurs on campus, off campus in the context of any university program or activity, or among current members of the university community. This policy also applies to sexual misconduct that has a continuing adverse effect or creates a hostile environment on campus or in any university program or activity whether on or off campus, including but not limited to sexual misconduct in connection with an academic course assignment, internship, practicum, field trip, study abroad program, student teaching, research, or other university activity; or sexual misconduct in connection with any activity sponsored, conducted, or authorized by the university or by a student organization.
2. When a student organization has contributed to or created a hostile environment in connection with an incident of sexual misconduct, the student organization will be subject to discipline and appropriate sanctions.
3. In situations not covered above, but where the sexual misconduct undermines the security of the university community or the integrity of the educational process or poses a serious threat to self or others, other applicable university procedures for general misconduct may be applied.

H. Sexual Harassment

1. Sexual harassment is unwelcome conduct or behavior of a sexual nature. Sexual harassment includes [sexual violence](#). Both violent and non-violent sexual harassment is prohibited. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, written, electronic (e.g., by e-mail, text, social media, etc.), or physical conduct of a sexual nature.
2. Sexual harassment occurs when:
 - a. Submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo), or
 - b. Such conduct is sufficiently severe, pervasive, or persistent to limit or deny an individual's ability to participate in or benefit from the university's educational programs or affects employment, creating a hostile environment.

I. Sex/Gender-Based Discrimination

Sex/gender-based discrimination is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation, or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits an individual's ability to participate in or benefit from the university's education or work programs or activities. For example, persistent disparagement of an individual based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity is prohibited under this policy.

J. Sexual Assault

1. Sexual assault includes:

- a. Non-consensual sexual penetration is committed when an individual subjects another individual to **sexual penetration** without the consent of the individual, and/or by force.
- b. Non-consensual sexual contact is intentional sexual touching by an individual of the intimate area of another individual (i.e., genitals, breasts, buttocks) or intentional sexual touching of another individual with any of these body parts, without the consent of the individual, and/or by force.

K. Consent

Consent is an agreement expressed through affirmative, voluntary words or actions, and mutually understandable to all parties involved, to engage in a specific sexual act at a specific time:

- Consent can be withdrawn at any time, as long as it is clearly communicated.
- Consent cannot be coerced or compelled by force, threat, deception or intimidation.
- Consent cannot be given by someone who is incapacitated, as defined below.
- Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.

L. Incapacitation

- An individual is incapable of consent if they are unable to understand *the facts, nature, extent, or implications* of the situation due to drugs, alcohol, a mental disability, being asleep or unconscious, or based on their age (pursuant to Indiana law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation.
- Consent does not exist when the individual initiating sexual activity *knew or should have known* of the other individual's incapacitation.

M. Intellectual Inquiry and Debate

1. In determining whether sexual misconduct has occurred and what type of remedy, if any, might be appropriate in a given case, the university will also consider the fact that free intellectual inquiry, debate, and constructive dialogue are vital to the university's academic mission and must be protected even when the views expressed are unpopular or controversial. Accordingly, any form of speech or conduct that is protected by state or federal law, including the First Amendment, is not subject to this policy.
2. The definition of sexual harassment in this policy is meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including matters involving sex, gender, sexuality, sexual orientation, sexual behavior, or gender identity or expression, when, in the judgment of a reasonable person, they arise for legitimate pedagogical purposes. This includes intellectual inquiry, debate, and dialogue on issues of sexual misconduct. The mere expression of views, words, symbols, or thoughts that some people find offensive does not create a hostile environment.

N. Awareness, Education, Prevention, and Training Programs

1. Every Indiana University campus shall publicize and provide ongoing educational programming for students, employees and other members of the university community to promote awareness of the problems caused by sexual misconduct and to help prevent and attempt to reduce the risk of the occurrence of sexual misconduct. Educational programs will include information on how and where to report incidents of sexual misconduct, resources available, and safe and positive options for bystander intervention that may be carried out by individuals to prevent harm or intervene when there is a risk of sexual misconduct being inflicted on another individual. Efforts will be made to ensure that educational programs are culturally relevant and inclusive of the diverse communities and identities found at each campus.
2. Employee training shall be provided to those involved in reporting, receiving reports, investigating, adjudicating, and otherwise responding to charges of sexual misconduct at the university. Certain training may be mandated by applicable federal or state law. The appropriate training will be tailored to the audience and will include reporting and response obligations, available resources, and information

about how to prevent and identify sexual misconduct. Individuals specifically involved in implementing the university's sexual misconduct procedures will be trained on issues and applicable policies and procedures relating to sexual misconduct, as well as how to conduct the investigation and hearing process in a manner that protects the safety of all parties and promotes fairness and accountability.

O. Resource Information

The university will disseminate campus-specific information regarding available on- and off-campus resources through various methods including the [university's Stop Sexual Violence Website](#), programing, and other relevant materials such as campus specific brochures. Resource information will include, but is not limited to:

1. University and community medical resources (including the availability of nurses trained in sexual assault response);
2. Resources for non-U.S. citizens (visa, immigration, and translation assistance);
3. How to report an incident of sexual misconduct to the university and to local law enforcement;
4. Available [Confidential Employees](#) and student advocates;
5. Information and assistance regarding adjustments to academics, housing, financial aid, obtaining no contact orders, and other needs on campus;
6. Community resources such as legal assistance and obtaining protective orders.

P. Duties of Title IX Coordinator and Deputy Title IX Coordinators

1. a. Indiana University's [Title IX Coordinator](#) will be informed of all reports of sexual misconduct and will oversee the university's review, investigation, and resolution of those reports to ensure the university's compliance with Title IX and related laws and the effective implementation of this policy. The Title IX Coordinator will have adequate training on what constitutes sexual harassment, including sexual violence.
- b. The Title IX Coordinator is:
 - a. Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual violence, stalking, and domestic and dating violence involving students, staff, and faculty;
 - b. Knowledgeable and trained in university policies and procedures and relevant state and federal laws;
 - c. Available to advise any individual, including a complainant, a respondent, or a third-party, about the courses of action available at the university, both informal and formal, and in the community;
 - d. Available to provide assistance to any university employee regarding how to respond appropriately to a report of sexual misconduct;
 - e. Responsible for monitoring for compliance with all procedural requirements, record-keeping, and timeframes identified in this policy;
 - f. Responsible for overseeing training, prevention, and education efforts, and any reviews of climate and culture; and
- c. Deputy Title IX Coordinators for each campus will be responsible for tracking and reporting to the University Title IX Coordinator all reports of sexual misconduct on their respective campus. Deputy Title IX Coordinators will work with the University Title IX Coordinator to ensure that the appropriate designated campus officials are involved in investigating and adjudicating complaints according to this Sexual Misconduct Policy and other applicable university policies and procedures.
- d. Deputy Title IX Coordinators and senior student affairs professionals on each campus will work with the University Title IX Coordinator to ensure that adequate education, training, sanctions, and appropriate resources are available and provided on their respective campus. Student affairs

professionals are expected to assist in educating the campus community and directing those who report an incident of sexual misconduct to the appropriate campus resources.

Reason For Policy

- A. Indiana University is committed to the safety and well-being of all members of the university community including students, faculty, and staff. Indiana University recognizes that sexual misconduct may result in grave and often long-lasting effects on those involved and is committed to timely investigation of allegations of sexual misconduct, use of interim measures when appropriate, and appropriate actions and consequences following investigations.
- B. Indiana University is committed to compliance with state and federal laws regarding sexual misconduct, to making required reporting to state and federal agencies, and to working with law enforcement officials and agencies. The university is also committed to using its resources in research and education to improve preventative programs.

Procedure

I. Overarching Procedural Tenets

A. Immediate Assistance

In an emergency or if you see a crime in progress, always call 911 immediately.

- B. Each campus of the university shall provide, publicize, and keep updated, information for immediate assistance, including contact information for emergency and medical assistance and counseling services, as well as local law enforcement. Information about ways to report anonymously or to speak to a Confidential Employee will also be provided for each campus ([see Confidential Employee section](#)).
- C. The university and each campus will provide written information to anyone who reports to the university that they have experienced sexual misconduct about:
 - 1. a. University procedures dealing with sexual misconduct, including to whom and how the alleged offense should be reported, as well as the individual's rights and options;
 - b. The importance of preserving evidence that may assist in proving the alleged criminal offense occurred, as well as how to preserve such evidence;
 - c. Options about the involvement of law enforcement;
 - d. Rights and university responsibilities with respect to orders of protection and how to obtain such orders; and
 - e. Available campus and community resources.

This information will also be widely publicized on <http://stopsexualviolence.iu.edu/>.

D. Reporting an Incident

- 1. **In an emergency or where immediate help is needed, call 911.**
- 2. Anyone wishing to report an incident of sexual misconduct can do so using the following methods:
 - a. Reporting directly to campus or local law enforcement if the incident involves sexual violence;
 - b. Reporting directly to the student judicial conduct office or the appropriate Student Affairs official for the campus (See campus-specific Student Affairs information in the Additional Contacts section below);
 - c. Reporting directly to the Deputy Title IX Coordinator for the campus; or
 - d. Reporting directly to the University Title IX Coordinator.
- 3. All reports of sexual misconduct made to a Responsible Employee that are not initially reported to the Deputy Title IX Coordinator(s) for the respective campus will be shared with the Deputy Title IX Coordinator(s) and with the University Title IX Coordinator in a timely manner. In addition, if a report of sexual misconduct is not made initially to the Indiana University Police Department (IUPD), and

the information indicates it may be a crime reportable under the [Clery Act](#), non-identifying information regarding the date, time, location and nature of the crime will be shared with IUPD for purposes of complying with the Clery Act.

4. If the university and/or Deputy Title IX Coordinator(s) receive a report that indicates law enforcement should be informed and involved due to the potential threat to health and safety of an individual or the university community, they may also share the identifying information needed for appropriate response by IUPD (see [Confidential Employees](#) and [Privacy](#) sections).

5. **Sexual Misconduct Involving a Child/Minor**

Sexual misconduct involving a child/minor (anyone under 18 years of age) must be reported. Indiana state law requires that any individual who has reason to believe that a child/minor is a victim of child abuse or neglect (including sexual misconduct) has an affirmative duty to make an oral report to Child Protective Services (CPS) **1-800-800-5556** or to their local law enforcement or to IUPD. Failure to report may result in criminal charges. See the university's policy on [Programs Involving Children](#) for more information.

6. **Amnesty**

- a. The university strongly encourages students to report instances of sexual misconduct. Therefore, students who report an incident of sexual misconduct will not be disciplined by the university for any violations of the Code of Students Rights and Responsibilities related to their drug and/or alcohol consumption in connection with the reported incident of sexual misconduct.
- b. Students are also afforded immunity against certain charges for alcohol-related crimes under Indiana's Lifeline Law in connection with a report of a medical emergency, so long as they cooperate with law enforcement at the scene. ([See IC 7.1-5-1-6.5](#))

E. **Retaliation**

Protections against retaliation are critical to reducing the prevalence of sexual misconduct within the university community. Retaliation against anyone who has reported an incident of sexual misconduct, provided information, or participated in procedures or an investigation into a report of sexual misconduct is prohibited by the university and will not be tolerated. Acts of retaliation include intimidation, threats, and/or harassment, whether physical or communicated verbally or via written communication (including the use of e-mail, texts, and social media), as well as adverse changes in work or academic environments, or other adverse actions or threats. The university will take steps to prevent retaliation and will impose sanctions on anyone or any group who is found to have engaged in retaliation in violation of this policy. Concerns about potential retaliation in connection with a report of sexual misconduct should be reported to a Deputy Title IX Coordinator or the University Title IX Coordinator.

F. **The Role of a Responsible Employee to Report and Respond to Sexual Misconduct**

1. The university encourages anyone who has experienced sexual misconduct to talk to someone about what happened, to ensure they are informed of the available support, resources, and applicable complaint processes, and to allow the university to respond appropriately. The information below explains the obligations of certain employees to report information brought to their attention regarding incidents of sexual misconduct to the appropriate university officials.
2. *Responsible Employees*
 - a. Pursuant to Title IX, a "Responsible Employee" includes those university employees who have the authority to redress sexual misconduct, who have the duty to report incidents of sexual misconduct, or who a student could reasonably believe has this authority or duty.
 - b. The university's Responsible Employees include, but are not limited to:
 - i. All instructors, including full-time professors, adjuncts, lecturers, associate instructors (AIs), teaching assistants (TAs), and any others who offer instruction (whether in-person or online) or office hours to students;
 - ii. All advisors;

- iii. All coaches and other athletic staff who interact directly with students;
 - iv. All student affairs administrators;
 - v. All residential hall staff;
 - vi. All employees who work in offices that interface with students; and
 - vii. All supervisors and university officials.
- c. When an individual tells a Responsible Employee about an incident of sexual misconduct, that individual has the right to expect the university to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. Therefore, Responsible Employees have an obligation to report the information as explained below, as well as to assist the individual in seeking medical attention and emergency response where appropriate, in understanding available resources on and off campus ([see Resource Information section](#)), and in understanding their options in making a criminal complaint as well as a complaint through the university's procedures set forth in this policy.
- d. If the incident is an emergency or poses a serious and continuing threat, the Responsible Employee should first call 911 or campus police immediately. In all situations, a Responsible Employee must report to the Title IX Coordinator or the Deputy Title IX Coordinator for their campus. The Responsible Employee must report all relevant details of the alleged sexual misconduct that are known or reasonably known to them, or that have been shared with them, or that the university will need to be aware of to determine what happened. This includes the names of the individual(s) affected and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. A Responsible Employee should not discuss or share any information related to the incident, including the individual's name, with anyone other than the Deputy and University Title IX Coordinators and those directly involved in handling the university's response, unless they received the individual's prior consent or in the event of an emergency or existing threat to anyone's health and safety.
- e. Supervisors may request a Responsible Employee to notify them if the Responsible Employee has made a report about an incident of sexual misconduct; however, the supervisor may not require the Responsible Employee to share any details about the incident. Supervisors may contact the Deputy Title IX Coordinator or the University Title IX Coordinator with any questions.
- f. Responsible Employees should make every effort to ensure that all individuals, including students, understand that the Responsible Employee is legally obligated to make a report to the University Title IX Coordinator or a Deputy Title IX Coordinator in the event they are made aware of an incident of sexual misconduct.
- g. In some instances, an individual who has experienced sexual misconduct may express a desire that the university not investigate the incident and/or not inform the individual accused. In those situations, the Responsible Employee must still report the information known to them, as required in Section d. above, but should also explain to the individual that the university will strongly consider the request, and will generally honor the request except in limited circumstances where the safety and well-being of the individual or the community outweighs the reasons for the request. ([See Requests for No-University Action below.](#)) In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee should ensure they inform the Coordinator of the individual's request. Responsible Employees who are also [Campus Security Authorities](#) (CSAs) under the [Clery Act](#), will satisfy their CSA reporting obligation by reporting incidents of sexual misconduct to the Deputy Title IX Coordinator for their campus or the University Title IX Coordinator, who will ensure that the appropriate non-identifiable information is conveyed to IUPD for Clery purposes.
- h. If an individual has not yet shared information with a Responsible Employee regarding an incident of sexual misconduct and the individual wishes to maintain anonymity, the Responsible Employee may refer the individual to a Confidential Employee or off-campus resource ([see Confidential](#)

[Employees section](#)). However, once a Responsible Employee has knowledge of an incident of sexual misconduct, they must report according to this policy.

3. Exempt Disclosures

- a. Employees who are considered Responsible Employees will be exempt from reporting disclosures of sexual misconduct when made during limited situations, including:
 - i. Disclosures made as part of participation in research activities that have received human studies approval through the university's Institutional Review Board (IRB);
 - ii. Disclosures made as part of an academic assignment;
 - iii. Disclosures made at public awareness events;
 - iv. Disclosures made during the course of communications protected as privileged communications under applicable law, including attorney-client privilege and medical professional privilege.
- b. Responsible Employees who are uncertain whether a disclosure is exempt from reporting under 3.a. above should contact their Title IX Coordinator for consultation.
- c. Following such disclosures, and when appropriate given the circumstances, the Responsible Employee should offer resources and reporting information and options.
- d. These limited exemptions from reporting do not relieve a university employee from the obligation to report a disclosure of child abuse or neglect, which must be reported to appropriate officials in all instances. ([See Sexual Misconduct Involving a Child/Minor section](#)). Similarly, Responsible Employees who are also Campus Security Authorities may still have an obligation to report information as required by the Clery Act and university policy [UA-16 \(Clery Act Compliance\)](#).

G. Role of Law Enforcement

1. Any individual who has experienced sexual violence is encouraged to contact IUPD or local law enforcement.
2. IUPD responds to emergency situations on Indiana University campuses and typically communicates and works with the University Title IX Coordinator and Deputy Title IX Coordinators to assist in investigations and incident response, as well as to track statistics for Clery Act reporting.
3. Individuals with a possible criminal case who have not made their initial complaint via the police will be provided with information about how to file a complaint with law enforcement. Individuals may also request assistance from campus authorities in notifying law enforcement. Individuals may decide not to notify law enforcement authorities and proceed only with a university investigation.
4. A university investigation under the procedures identified in this policy may be initiated and/or proceed simultaneously with a criminal case. The university will cooperate with law enforcement and, if requested by law enforcement, defer its fact gathering for a brief period during the evidence gathering stage of a criminal investigation. However, the university will not consider its investigation on hold pending a criminal prosecution or investigation, and will continue to communicate with individuals, address the need for any supportive measures regarding safety and well-being and resume its own fact gathering as soon as permitted.
5. The determination by law enforcement whether or not to prosecute a respondent or the outcome of a criminal proceeding does not determine whether a violation of university policy has occurred. Records of university proceedings may be subpoenaed for a criminal prosecution.
6. In some instances, based on a heightened threat or potential threat to the safety of the individual(s) involved or to the larger university community, university officials may determine it is necessary to make a third-party complaint to law enforcement, despite the individual's decision not to do so. In such instances, the university will attempt to inform the individual prior to making a third-party complaint.

H. Confidential Employees

1. Certain university employees – based on their own professional licensure and the nature of their role on campus – have been identified by the university as Confidential Employees and are available to

speaking with individuals about incidents of sexual misconduct and maintain the individual's desire for anonymity and absolute confidentiality. These Confidential Employees are exempt from the reporting requirements that apply to Responsible Employees (see [Responsible Employees section](#)). Individuals who desire anonymity in discussing and seeking assistance about sexual misconduct should contact and/or be referred to a Confidential Employee.

2. The university's Confidential Employees include, but are not limited to:
 - a. Licensed, professional mental health counselors working in that capacity, and those they supervise;
 - b. Health care professionals and staff located in on-campus health care centers; and
 - c. Any staff or specialists on a campus specifically designated as non-professional sexual assault advocates.
3. Faculty, staff, and other employees who are licensed mental health workers or are licensed medical workers, but who are not working in that capacity, such as faculty members in psychology, social work, nursing, etc., are not Confidential Employees under this policy. The university shall identify and publicize Confidential Employees. Any Confidential Employee who is not a licensed mental health counselor or pastoral counselor serving in those roles must provide non-identifying aggregate information regarding any Clery crime known to them directly to IUPD.
4. See the Stop Sexual Violence website at https://stopsexualviolence.iu.edu/help/confidential_resources.html for available Confidential Employees on each university campus.

I. Privacy

1. The university is committed to safeguarding the privacy of the parties in a manner consistent with the objective to effectively investigate and prevent incidents of sexual misconduct. In all cases, the university will share the parties' information and details of the allegation only with university officials, law enforcement personnel, and other individuals who have a legitimate administrative or legal reason to be so informed. Records will not be disclosed outside the university unless required by law or subpoena.
2. All individuals with knowledge of an alleged incident of sexual misconduct are expected to safeguard the privacy of those involved and should refrain from discussing the incident with anyone other than appropriate university officials and law enforcement.

J. Requests for No-University Action

1. If an individual discloses that they have experienced an incident of sexual misconduct to a Responsible Employee, but requests that the university not investigate the particular incident, requests that no disciplinary action be taken, requests that the alleged perpetrator not be notified, or makes any similar request, the university will consider such request(s), and will, in general, work to honor the request(s). The Responsible Employee must still report the information to the designated officials, but also convey the individual's desired request(s). The university will weigh such request(s) against its obligation to provide a safe, non-discriminatory environment for all students, including the individual who experienced the sexual misconduct. If the university determines that it is able to honor the individual's request(s), the individual should understand that the university's ability to meaningfully investigate the incident and/or respond appropriately may be limited. If, however, the university determines it must proceed under the circumstances, it will work to notify the individual in advance.
2. The university has designated the following individual(s) to evaluate an individual's request for no or limited action by the university in connection with a report of sexual misconduct: the University Title IX and Deputy Title IX Coordinator(s), in consultation with relevant administrators on each campus and university legal counsel, where appropriate.

K. Investigation

1. Upon receipt of a report of sexual misconduct, the university will respond promptly to investigate and provide interim measures where appropriate. Procedures after a report of sexual misconduct will follow the steps identified below, depending on whether the respondent is a student or employee. Employees who are students may be subject to procedures for students or employees, or both, at the sole option

of the university. Investigation of the alleged misconduct shall be conducted by the University Title IX Coordinator, a Deputy Title IX Coordinator, a student affairs official (if student misconduct is alleged), or another appropriate designee. Information for the investigation may be provided by the parties, witnesses identified by any party, or the university. Information related to prior sexual history of the parties will be prohibited except in very limited circumstances regarding prior sexual history between the parties where such information may be relevant to the issue of consent. However, consent will not be assumed based solely on evidence of any prior sexual history.

2. Prior or subsequent conduct of the respondent may be considered in determining pattern, knowledge, intent, or motive. For example, evidence of a pattern of prohibited conduct by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of responsibility for the prohibited conduct under investigation. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicated a pattern of similar prohibited conduct.
3. All investigators shall have the appropriate required and ongoing training on conducting sexual misconduct investigations, issues related to sexual misconduct, and applicable university policies and procedures.
4. If the individual identified as having engaged in sexual misconduct is not a student or employee of the university, the university shall take all appropriate measures to determine information regarding the individual, what occurred, whether another entity needs to be contacted to join in or assume an investigation (e.g., another institution of higher education), and to provide assistance in notifying the proper law enforcement authorities. The university will also provide supportive and remedial measures, to the extent possible, to protect the reporting individual and eliminate any hostile environment. If upon investigation, it is determined that an individual is responsible for sexual misconduct and has a continuing relationship with the university, the university shall consider appropriate sanctions to prevent further harm and eliminate the hostile environment.
5. The university reserves the right to investigate circumstances that may involve sexual misconduct in situations where no complaint, formal or informal, has been filed. In limited circumstances, the university reserves the right to reopen a case previously considered closed in the event of new information or other appropriate circumstances.

L. Supportive and Interim Measures

1. Upon receiving a report or notice of alleged sexual misconduct, the university will offer and provide appropriate and necessary supportive measures to parties, depending on the specific needs and circumstances of the situation. These measures may vary depending on an individual's campus, an individual's needs and specific circumstances, and could include no contact orders; assistance in changing academic, living, transportation, and/or work situations; counseling services; advocacy and advising services; and assistance in obtaining protective orders.
2. In the event of an investigation, interim measures may also be taken, depending on the specific allegations and circumstances, and may include suspension of the respondent from campus or some portion of campus, pending completion of the investigation. In the event of a finding of responsibility for sexual misconduct following the university's adjudication of the complaint, the university will take any additional and necessary measures with respect to the complainant and other members of the community, as well as the appropriate disciplinary action with respect to the individual found responsible.

II. Summary of Rights of the Complainant and Respondent in Sexual Misconduct Procedures

A. The rights of the parties to a sexual misconduct proceeding include:

1. To be fully informed of university policies and procedures, as well as the nature and extent of all alleged violations contained within the allegation.
2. To be treated with respect by university officials.

3. To have an advisor present during a university sexual misconduct proceeding, investigation meeting, or related meeting. The role of the advisor will be limited to being present only; they will not be allowed to speak during any university sexual misconduct proceeding, investigation meeting, or related meeting.
4. To have adequate, reliable, and impartial investigation and appropriate resolution of all reports of sexual misconduct.
5. To be informed by the university of options to notify proper law enforcement authorities including on-campus and local police, and the option to be assisted by campus authorities in notifying proper law enforcement, if the individual chooses. (See campus-specific IUPD information in Additional Contacts section below)
6. To be notified of available counseling, mental health, academic, legal and other support services, both at the university and in the community.
7. To have allegations investigated by individuals who are properly trained to investigate and resolve allegations of sexual misconduct.
8. Equitable participation in the investigation and disciplinary process, including the opportunity to identify witnesses and other appropriate evidence.
9. To have allegations investigated and adjudicated in a reasonable timeframe given the circumstances of the specific case.
10. To the use of the preponderance of the evidence standard (more likely than not) in determining responsibility.
11. To appeal as set forth in these procedures.

III. Procedures for Responding to Incidents Involving Allegations of Student Sexual Misconduct

- A. The university will promptly respond to all reports of sexual misconduct alleged against a university student following the procedures identified in this policy. Allegations of sexual misconduct by students will be addressed by the Sexual Misconduct Policy and the Code of Student Rights, Responsibilities and Conduct ("Student Code"). Students may be charged according to specific code violations under the Student Code, which will reference the Sexual Misconduct Policy.
- B. Any individual reporting they have been a victim of sexual violence will be informed of how to, and provided assistance in, making a criminal complaint with the appropriate law enforcement agency. The pursuit of criminal charges may be in addition to (or instead of) pursuing cases through the university process. Individuals who identify as victims/survivors and all members of the Indiana University community are also encouraged to visit the Stop Sexual Violence website at <http://stopsexualviolence.iu.edu> for more information on reporting, campus resources and services available on their campus.
- C. Throughout the process, the parties will have equal opportunities to present information, have an advisor present, and pursue an appeal, if applicable. The university will have as a priority the interests of all parties involved, in regard to fairness, dignity, privacy, and due process.
 - a. **Investigation**
 - a. Upon receipt of a report of sexual misconduct by a **complainant** or third party, and following an initial assessment to determine whether the conduct described falls within the scope of the Sexual Misconduct Policy and rises to the level of an allegation of sexual misconduct, the university will take immediate and appropriate steps to investigate the incident. If the complainant requests confidentiality or asks that the report not be pursued, the university will take all reasonable steps to investigate and respond to the incident consistent with those requests, keeping in mind that the university must weigh such requests against its obligation to provide a safe, non-discriminatory environment for all students, including the complainant.
 - b. If sexual misconduct proceedings are initiated, the Investigator(s) will notify the complainant and the **respondent**. The respondent will be provided a date by which an appointment must be made to discuss the matter. The respondent shall be informed of the allegations made against them and shall be

provided the opportunity to respond. The respondent is expected to participate in the investigation and all related procedures, including the sexual misconduct hearing.

- c. The investigation may include, but is not limited to interviews with the complainant, the respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by complainants, respondents, witnesses identified by any party, or the university. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter. The university shall determine what information and evidence will be included in the Investigation File.
- d. Failure to comply with a request to make and/or keep an appointment related to an investigation may result in a disciplinary hold being placed on a student's account and/or the initiation of student conduct charges for failure to comply.
- e. All members of the university are expected to cooperate with the investigative process. Failure to do so may result in disciplinary measures pursuant to applicable university policy and procedure.
- f. Following the investigation, the Investigator will provide a Preliminary Investigation Report to the parties. At that time, the parties will be provided access to the Investigation File. The parties will be provided 10 calendar days to review the Preliminary Investigation Report and the Investigation File and provide any clarifying information to the Investigator. This period of 10 days will be the final opportunity for parties to submit any additional information to the Investigator.
- g. At the conclusion of the 10-day period, the Investigator will review the information submitted by either party and determine whether and to what extent to incorporate such information into a Final Investigation Report.
- h. At that time, the Investigator will determine the appropriate charge(s), if any, under the Sexual Misconduct Policy and the Student Code to be placed on respondent, and include the charge(s) in the Final Investigation Report. If the Investigator places a charge(s), the Final Investigation Report will be submitted to a hearing panel for the determination of responsibility, and the parties will be provided the Final Investigation Report and notified of next steps of the sexual misconduct process. If the Investigator determines that there is insufficient evidence to support placing a charge, the parties will be provided the Final Investigation Report and notified that no charges will be placed and the case has been closed.
- i. The investigation and determination of responsibility will be conducted in a reasonable timeframe given the circumstances of the specific case.

b. Acceptance of Responsibility

- a. In cases where the respondent expresses a willingness to accept responsibility for any or all charges in a case, the respondent will be offered the opportunity to waive the right to a formal hearing as to the specific charge(s) and all related procedural guarantees, and agree to receive a sanction from the designated student affairs conduct officer. In such situations, the parties will each be provided the opportunity to submit a written statement to the conduct officer for consideration in determining appropriate sanctions.
- b. The conduct officer shall consider only the parties' written statements regarding sanctions, the relevant facts from the investigation, and past conduct history of the respondent (if applicable). In such cases, the right to appeal will be limited to an appeal on the grounds that the sanction is grossly disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

c. Alternative Resolution Options

- a. In appropriate cases, the university may pursue alternative resolution with the consent of all parties at any point in the investigation process. Alternative resolution options may include, but are not limited to, mediation, development of action plans, voluntary resolutions, and/or appropriate sanctions.
- b. Under any alternative resolution, the complainant will not be required to resolve the problem directly with the respondent, unless desired by the complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin the formal process. Face-to-face mediation

may not be used in cases involving any sexual violence. The Investigator shall document the outcome of any alternative resolution and share with the parties.

d. Sexual Misconduct Hearing

- a. A three-person hearing panel will be assembled for a sexual misconduct hearing to make a determination of respondent's responsibility as to the specific charge(s) set forth in the Final Investigation Report.
- b. Hearing panel members will be drawn from the pool of faculty, staff and graduate students who have completed the university's required annual training on issues related to sexual misconduct and university policies and procedures. At a minimum, at least one panel member shall be a student affairs administrator.
- c. The sexual misconduct hearing is closed. However, the complainant and respondent may each select one advisor of their choice and at their expense to accompany them at any point in the disciplinary process. Advisors are limited to an advisory role and may not participate or speak for the parties.
- d. Upon review of the Final Investigation Report, the hearing panel will determine witnesses who may be called, if any, to participate in the hearing.
- e. Procedures for a Sexual Misconduct Hearing
 - i. The Chair of the hearing panel shall review the charge(s) placed against the respondent and the specific facts alleged. The respondent may, but need not, respond to allegations.
 - ii. Both the complainant and the respondent will have equal opportunity to provide a statement to the hearing panel.
 - iii. No one other than the hearing panel members, the complainant, and the respondent may pose questions during the hearing. The complainant and respondent may not directly question each other, but may submit questions to the Chair to be asked of the other party. The Chair or other panel members will review questions prior to posing to the other party to prevent questioning that is not permitted under these proceedings.
 - iv. The sexual misconduct hearing is recorded. Deliberations by the panel, following the hearing, are not recorded.
 - v. If the respondent fails to appear at the sexual misconduct hearing, the hearing may proceed without the respondent's participation. The respondent may explain the failure to appear in writing to the university within two business days of the scheduled hearing. Written documentation supporting the cause of absence must be included. Within three business days after receiving the respondent's letter, the university will notify the respondent and the complainant whether the failure to appear is excused; if so, the hearing may be rescheduled. The failure to appear will only be excused due to extraordinary circumstances.
 - vi. If the respondent fails to appear and such failure is not excused, the respondent's right to appeal the finding and any sanction(s) imposed will be automatically forfeited, and the outcome reached in absentia will go into effect. The respondent shall not lose the right to appeal in the event of a sanction of expulsion from university housing, suspension from the university, or expulsion from the university.
- f. Decision & Sanctions
 - i. At the conclusion of a hearing, the panel shall deliberate without the parties present to determine responsibility for the specific charge(s) based on the evidence.
 - ii. If, after deliberations, the hearing panel determines that the information contained in the Final Investigative Report and gathered during the hearing, does not support by a preponderance of the evidence (more likely than not) that the respondent is responsible for a violation of the Sexual Misconduct Policy and the Student Code, the hearing panel will notify both the respondent and the complainant by means of a written notice. The complainant and/or respondent may request an appeal (see Section 5a.).

- iii. If, after deliberations, the hearing panel determines that the information contained in the Final Investigative Report and gathered during the hearing, does support by a preponderance of the evidence (more likely than not) that the respondent is responsible for a violation of the Sexual Misconduct Policy and the Student Code, the hearing panel will propose sanctions. The proposed sanctions will be reviewed by the [Sanctioning Official](#) (or designee) to ensure that the sanctions are proportional to the severity of the violation and consistent with university standards. In the event of a conflict between the hearing panel and the Sanctioning Official, the Sanctioning Official will make the final determination regarding appropriate sanctions. The hearing panel will then notify the parties of the determination and sanctions by means of a written notice. The respondent and/or the complainant may request an appeal (see Section 5a.).
- iv. Possible sanctions for cases in which students are found in violation of Sexual Misconduct Policy and the Student Code for acts of sexual misconduct include, but are not limited to formal warnings, behavioral assessment and/or counseling, required educational training, disciplinary probation, suspension, and/or permanent expulsion.

e. Appeal

The respondent or the complainant may appeal the decision of the sexual misconduct hearing panel to the Student Affairs official on the respective campus (or designee). To initiate an appeal, a party must send written notice of appeal to the designated official. The written notice must include the basis(es) for seeking the appeal and include information to support such basis(es) (see Section 5b.)

- a. Timing: The notice of appeal must be filed no later than ten calendar days after the date the written decision of the sexual misconduct hearing panel is sent. If an appeal is submitted by either party, the underlying decision and any corresponding sanction will be held in abeyance until final notice of the appeal outcome. During this time, any interim measures in place will remain in effect (e.g., no contact order, no trespass). If no written request for an appeal is received by the university within the time specified, the decision of the hearing panel and any sanction(s) imposed will be final and in effect.
- b. Basis for Appeal: The designated Student Affairs official will have the sole discretion in determining whether the basis for appeal has been met and whether the appeal can move forward. An appeal must be based on one of the following criteria:
 - i. Significant procedural error that reasonably would have affected the outcome of the student's case.
 - ii. The sanction imposed is grossly disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

f. Decision and Sanction

- a. If the basis for appeal has been met, the designated Student Affairs official will review the written appeal and the pertinent part of the sexual misconduct hearing panel record only. The designated Student Affairs official will not consider new evidence or information that is not a part of that record. The designated Student Affairs official must render a decision within 15 calendar days of receipt of the appeal and may take any of the following actions:
 - i. Affirm the original decision regarding responsibility.
 - ii. Affirm the original decision concerning the disciplinary sanction(s) to be imposed.
 - iii. Set aside the original decision regarding responsibility and impose a new decision.
 - iv. Set aside the original decision regarding responsibility and order that a new sexual misconduct hearing be held before a new hearing panel.
 - v. Set aside the original decision concerning the disciplinary sanction(s) to be imposed and impose a different sanction or set of sanctions.
- b. The designated Student Affairs official will notify the respondent and the complainant, in writing, of the decision and will initiate the necessary procedures to effectuate the decision.
- c. The decision of the designated Student Affairs official is final and there will be no further appeals.

g. Notice

The complainant and the respondent will be provided written notice of the outcome of the sexual misconduct hearing, the appeals process, and the appeal decision, if applicable. Written notice may be provided electronically through Indiana University email accounts.

h. Requests for Accommodations and Special Circumstances

- a. Just as students with disabilities may be eligible for accommodations in their classes, accommodations may be available for these procedures as well. Students with disabilities requesting accommodations and services under these procedures will need to present a current accommodation verification letter from the campus disability services office before accommodations can be considered and provided.
- b. In appropriate circumstances, the university may utilize language translation services to assist in the investigation and/or hearing proceedings.
- c. In the event there is a civil protective order in place that precludes the university from conducting a hearing as identified in the student procedures, the university may use an alternative process that will be communicated to both parties.

D. Non-Adversarial Process

Adversarial behavior that includes confrontation and cross-examination by the parties, or active advocacy by attorneys or other advocates, is neither appropriate nor permitted during any phase of these processes.

Further information and definitions of key terms can be found in the University Sexual Misconduct Policy.

IV. Procedures for Responding to Incidents Involving Allegations of Faculty or Staff Sexual Misconduct

- A. The university will promptly respond to all complaints of sexual misconduct alleged against a university **employee**. Any individual reporting that they have been a victim of sexual violence will be informed of how to, and provided assistance in, making a criminal complaint with the appropriate law enforcement agency. Individuals who identify as victims/survivors and all members of the Indiana University community are also encouraged to visit the Stop Sexual Violence website at <http://stopsexualviolence.iu.edu> for more information on reporting and campus resources.
- B. All parties will have equal opportunities to present information, have advisors present, and pursue an appeal, if applicable. All procedures, excluding any appeal, should be conducted in a reasonable timeframe given the circumstances of the specific case.
- C. Throughout this process, the university will have as a priority the interests of all parties involved, in regard to fairness, dignity, privacy, and due process. Students reporting sexual misconduct against an employee will be provided interim and remedial measures as described in this policy, where appropriate and necessary.
- D. For the purpose of these procedures, relevant officials with key responsibilities are:
 - a. **Investigator** – The Deputy Title IX Coordinator(s) for the respective campus, or an appropriate designee, will conduct fact-finding as the Investigator and may coordinate with other offices such as human resources, academic affairs, and student affairs.
 - b. **Decisional Official (DO)** – The DO will issue the decision determining responsibility and assigning appropriate sanctions, if applicable. The DO will be as follows:
 - a. For complaints against staff employees, including temporary (hourly), the DO will be the university employee relations director or designee.
 - b. For complaints against faculty and academic employees, the DO will be the Vice Provost/Vice Chancellor for Academic Affairs of the respective campus.
 - c. For complaints against a Dean, a Vice Provost, or a Vice Chancellor, the DO will be the Provost/Chancellor of the respective campus.
 - d. For complaints against a University Vice President, a Provost, a Chancellor, or equivalent, the DO will be the President.
 - e. For complaints against the President, the DO will be the Board of Trustees.

- c. **Appellate Official (AO)** – The AO may review the action of the campus DO, following appeal by either party. The Appellate Official will be as follows:
 - a. For an appeal in a complaint against staff employees, including temporary (hourly), the Associate Vice President of University Human Resources.
 - b. For an appeal in a complaint against faculty or academic employees, the Provost/Chancellor of the respective campus.
 - c. For an appeal in a complaint against a Dean, a Vice Provost, or a Vice Chancellor, the President.
 - d. For an appeal in a complaint against a Vice President, a Provost, a Chancellor, or equivalent, the Board of Trustees.
- d. **Faculty Board of Review (FBR)** – A Faculty Board of Review is constituted on each campus. In faculty cases, following the decision of the AO, the faculty member may request a review by the campus FBR.
- e. All relevant officials will receive training on issues related to sexual misconduct and will be familiar with university policies and procedures. The University Title IX Coordinator shall be informed of each complaint and will be available to all relevant officials for consultation during this process.

E. Complaint

- a. Initial Assessment: Upon receipt of a report alleging that an employee has engaged in sexual misconduct, an Investigator will conduct an initial assessment to determine whether it falls within the scope of the Sexual Misconduct Policy, and whether the conduct alleged rises to the level of an allegation of sexual misconduct. If a complaint raises allegations that are outside the scope of the Sexual Misconduct Policy, but may violate other university policy(ies), the Investigator will refer the complaint to the appropriate university office.
- b. In the event the Investigator determines not to pursue an investigation under this Policy, that decision may be appealed by either party to the DO, requesting a review of the decision not to proceed with an investigation. Upon review, the DO may uphold that decision or order an Investigation to proceed.
- c. In the event the Investigator determines that the allegations fall within the scope of this policy, the process that follows shall apply.

F. Alternative Resolution Options

In appropriate cases, the university may pursue alternative resolution with the consent of all parties at any point in the investigation process. These resolution options may include, but are not limited to mediation, development of an action plan, and voluntary resolutions. Under alternative resolution, the complainant will not be required to resolve the problem directly with the respondent, unless desired by the complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin the formal process. Face-to-face mediation may not be used in cases involving any sexual violence or where the complaint is made against an employee with a position of authority over the complainant. The Investigator shall document the outcome of any alternative resolution and share with the University Title IX Coordinator and the DO.

G. Acceptance of Responsibility

- a. In cases where the respondent expresses a willingness to accept responsibility for any or all allegations in a case, the respondent will be offered the opportunity to bypass the remainder of the investigative stage and agree to receive a sanction from the DO. In such situations, the parties will each be provided the opportunity to submit a written statement to the DO for consideration in determining appropriate sanctions.
- b. In determining sanctions in such cases, the DO shall consider only the allegations and parties' written statements, the relevant facts gathered from the investigation, and past conduct history of the respondent (if applicable). The right to appeal will be limited to an appeal on the grounds that the sanction is grossly disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

H. Interim Action

If, upon the receipt of a complaint, the University Title IX Coordinator and/or the Deputy Title IX Coordinator(s) for the respective campus, or their designee, determines a need for immediate interim action, e.g. removal, reassignment, administrative leave, or suspension, they shall consult with the appropriate university officials,

which may include the DO. The DO may administer such interim action at any point in this process pending final outcome.

I. Investigation

- a. If an investigation is initiated, the Investigator will conduct fact-finding as to the allegations made against the respondent employee.
- b. The investigation may include, but is not limited to, interviews with the complainant, the respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by complainant, respondent, witnesses identified by any party, or the university. The Investigator shall ensure that the respondent has been informed of all allegations raised and the name of the complainant(s), and is provided the opportunity to respond.
- c. All members of the university are expected to cooperate fully with the investigative process. Interference with the investigation may result in disciplinary measures pursuant to applicable university policy and procedure.

J. Report of Investigation

- a. The Investigator will create a report at the conclusion of the investigation setting forth:
 - a. the specific allegation(s);
 - b. the respondent's response to the allegation(s);
 - c. a summary of the relevant information gathered from the parties, witnesses and other sources;
 - d. an analysis of the information;
 - e. a recommendation as to whether the respondent is responsible or not responsible for the alleged violation(s) of the Sexual Misconduct Policy, using a preponderance of the evidence standard (more likely than not); and
 - f. a recommendation as to appropriate sanctions, if any, as set forth below.
- b. The report will be forwarded to the DO. The parties shall also be provided access to the report, and shall be provided 10 calendar days to submit any comments to the DO in writing.

K. Finding and Decision

- a. Upon receiving the Investigator's report, and any comments received from either party, the DO shall issue a finding. The DO may consult with the Investigator concerning the investigation and recommendations. If the DO wishes further consultation with the parties, the Investigator will facilitate consultations to ensure equal opportunities for the parties to meet with the DO.
- b. The DO will issue one of the following findings, using a preponderance of the evidence standard:
 - a. Finding of "No Violation" of the university's Sexual Misconduct Policy:
 - If there is a determination that the behavior alleged and investigated did not violate the Sexual Misconduct Policy, the DO shall provide the parties written notice of the finding. In the event the investigation reveals that the employee may have violated a different university policy, the DO may address any such potential violation through other applicable university policies. Documentation regarding a finding of "No Violation" shall be maintained with the respective Deputy Title IX Coordinator's office, and not in the employee's personnel file.
 - b. Finding of a "Violation" of the university's Sexual Misconduct Policy:
 - If there is a determination that the behavior alleged and investigated was in violation of the Sexual Misconduct Policy, the DO shall issue the finding and sanction(s) (based on the level of sanctions set forth below).
- c. The DO shall provide the parties written notice of the finding and any sanctions, if applicable.

L. Sanctions

- a. Sanctions for a violation of the university's Sexual Misconduct Policy include the following:

- a. Level One Sanctions include sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to personnel file (other than to promotion and tenure dossier which is included in Level Two Sanctions below). Level One Sanctions shall not be appropriate in the event the respondent was found responsible for sexual assault or other sexual violence.
- b. Level Two Sanctions include sanctions that directly modify job duties, salary or job status, including affecting compensation, consideration in tenure or promotion decisions, suspension, and termination.
- b. When determining the appropriate sanctions, consideration shall be given to the nature and severity of the behavior and the existence of any prior incidents or violations.

M. Appeals

- a. Appeals may be pursued as follows:
 - a. Following a finding of "No Violation," either party may request an appeal to the Appellate Officer (AO) on the basis of:
 - i. Significant procedural error that reasonably would have affected the outcome.
 - ii. Significant bias in the process.
 - b. Following a finding of "Violation" and Level One Sanction, any party may request an appeal to the AO on the basis of:
 - i. Significant procedural error that reasonably would have affected the outcome.
 - ii. Significant bias in the process.
 - c. Following a finding of "Violation" and Level Two Sanction, any party may request an appeal to the AO on the basis of:
 - i. Significant procedural error that reasonably would have affected the outcome.
 - ii. Significant bias in the process.
 - iii. The finding of responsibility is not supported by the evidence in the Report of Investigation.
 - iv. The appropriateness of the sanctions.
- b. A request for appeal must be submitted in writing to the AO within 10 calendar days of receiving the DO's decision. The request must set forth the basis(es) for seeking an appeal and must include information to support such basis(es). If an appeal is requested, all parties will be notified.
- c. The AO shall first determine whether the basis of appeal has been met, and if so, shall review the findings and any applicable sanctions, in making a decision.
- d. The AO shall make a final determination within 15 calendar days of the receipt of any appeal, indicating one of the following:
 - a. Affirming the DO's original finding(s).
 - b. Setting aside the DO's original finding(s) and imposing a new finding and/or sanctions.
 - c. Setting aside the DO's original finding(s) and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
- e. To the extent possible, the parties will be notified simultaneously in writing of the final decision following an appeal.
- f. Request for Faculty Board of Review following the AO's Determination
 - a. In cases involving a faculty member as a party, the faculty member may submit a request for review by the Faculty Board of Review (FBR) following the determination of the AO. The request for review should be made according to the specific campus FBR policy, and campus FBR procedures will apply except as modified by the provisions below.
 - i. Following a finding of "No Violation," the faculty member may request a FBR on the following two bases, and the FBR may choose to either accept or decline the request for review:

1. Significant procedural error that reasonably would have affected the outcome; and/or
 2. Significant bias in the process.
- ii. Following a finding of "Violation" and Level One Sanction, the faculty member may request a FBR on the following two bases, and the FBR may choose to either accept or decline the request for review:
 1. Significant procedural error that reasonably would have affected the outcome; and/or
 2. Significant bias in the process.
 - iii. Following a finding of "Violation" and Level Two Sanction, the faculty member may request a FBR on the following four bases, and the FBR shall grant the request for review:
 1. Significant procedural error that reasonably would have affected the outcome.
 2. Significant bias in the process.
 3. The finding of responsibility is not supported by the evidence in the Report of Investigation; and/or
 4. The appropriateness of the sanctions.
- b. The request for a FBR must set forth the basis(es) for seeking review and be submitted in writing within 15 calendar days of receiving the AO's determination. For good cause shown, and bearing in mind the need for timely resolution, the timeframes set forth within these procedures may be extended. If a request for a FBR is submitted, the FBR shall notify the other party(ies), as well as the DO and the AO.
 - c. The FBR will only receive the Report of the Investigation; the written findings of the DO, along with comments submitted by any party; the written findings of the AO; and any sanctions. The FBR may not conduct new fact-finding. The FBR may seek training and additional information from the University Title IX Coordinator.
 - d. Throughout the FBR process, hearing members and participants shall ensure that the privacy of the matter and the parties is upheld. If a hearing is held, it shall be closed to the public to protect the privacy of all parties. In addition to faculty members serving on the FBR hearing panel, others present during a hearing may include the party requesting review and that individual's advisor, the other party(ies) named in the report and their advisor(s), the University Title IX Coordinator, and other university officials necessary to the proceedings. No witnesses will be allowed in the FBR. The faculty member requesting review, the other party(ies) named in the report, and designated university officials have the right to present a statement to the FBR in writing or orally, either personally or through an advisor. If any party elects to be present and make a statement, the FBR may pose questions related to their statement. Advisors will generally not be allowed to participate in the FBR hearing by speaking to the FBR or asking questions, other than in exceptional circumstances with permission of the FBR or for the purpose of reading a statement prepared by the party they are advising.
 - e. The FBR must be concluded promptly, and generally within 60 days of the request, absent special circumstances. After review, the FBR may recommend one of the following to the AO:
 - i. Affirm the AO's determination.
 - ii. Recommend an alternative finding and/or sanction.
 - iii. Recommend that the determination be set aside and a new investigation be conducted. (This option will generally be reserved for cases where significant procedural error has been identified and determined to have affected the outcome).
 - f. To the extent possible, the parties will be notified simultaneously in writing of the FBR's recommendation to the AO.
 - g. Upon receipt of the FBR's recommendation, along with any materials considered by the FBR, the AO will make a final determination within 10 calendar days, indicating one of the following:
 - i. Affirming the prior determination on appeal.
 - ii. Setting aside the prior determination on appeal and imposing a new finding and/or sanctions.

- iii. Setting aside the prior determination on appeal and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
- h. If the FBR recommends that the AO's prior determination be modified, but the AO affirms the prior determination, the final determination shall be made by the President. To the extent possible, the parties will be notified simultaneously in writing of the final decision. This concludes the appeal process.

N. Non-Adversarial Process

Adversarial behavior that includes confrontation and cross-examination by the parties, or active advocacy by attorneys or other advocates, is neither appropriate nor permitted during any phase of these processes.

Further information and definitions of key terms can be found in the University Sexual Misconduct Policy.

Definitions

For purposes of addressing complaints of sexual misconduct against or by university students, faculty, and staff, the following uniform definitions shall be used by the university:

Advisor: Any individual who may assist, support, guide, and advise the respondent or complainant during the investigation, conduct proceedings, and/or related meetings. Advisors are not permitted to actively participate or speak during the investigation, proceedings and related meetings. In certain circumstances where a party may be unable to speak on their own behalf, an advisor may present a statement prepared by the party.

Bodily Injury: Physical pain, illness, or any impairment of physical condition.

Campus Security Authority (CSA): A term used in the Clery Act to describe someone who has significant responsibility for student and campus activities. The Clery Act (34 CFR 668.46) defines a CSA as:

- a. A campus police department or a campus security department of an institution.
- b. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property.
- c. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- d. An official of an institution who has significant responsibility for student and campus activities, including but not limited to student housing, student discipline, and campus judicial proceedings.

Pastoral and professional counselors are not considered a Campus Security Authority when acting in their roles as a pastoral or professional counselor.

Clery Act: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. section 1092(f)), a federal law that requires institutions such as Indiana University to collect and publish statistics for certain crimes reported to have occurred on the university's "Clery Geography" (i.e., occurring on campus, on public property within or immediately adjacent to campus, and on other non-campus university property), for the purpose of informing current and prospective students, faculty or staff. Each Indiana University campus publishes an Annual Security Report under the Clery Act, which contains these crime statistics, as well as campus-specific information on resources, campus emergency responses, safety and security policies, and disciplinary procedures. These crime statistics include, but are not limited to domestic violence, dating violence, sexual assault, and stalking. Clery also requires "timely warnings" be issued to the campus community for crimes occurring on Clery Geography that are considered a serious or continuing threat to students, faculty or staff. Under Clery, any good-faith report of a crime occurring on Clery Geography must be included in the statistical data.

Complainant: An individual who reports experiencing sexual misconduct committed by a member of the university community, and is named in a complaint of sexual misconduct under this policy and procedures. The

university may serve as the complainant when an individual who has alleged sexual misconduct does not wish to participate and the university has determined it is necessary to move forward under the applicable procedures.

Confidential Employees: Certain university employees who, based on their own professional licensure and the nature of their role on campus, are available to speak with individuals about incidents of sexual misconduct and maintain the individual's desire for anonymity and absolute confidentiality. These Confidential Employees are exempt from the reporting requirements that apply to Responsible Employees. Individuals who desire anonymity in seeking assistance about sexual misconduct should be referred to a Confidential Employee.

The university's Confidential Employees include, but are not limited to:

- Licensed, professional mental health counselors working in that capacity, and those they supervise;
- Health care professionals and staff located in on-campus health care centers; and
- Any staff or specialists on a campus specifically designated as non-professional sexual assault advocates.

Consent: An agreement expressed through affirmative, voluntary words or actions, and mutually understandable to all parties involved, to engage in a specific sexual act at a specific time:

- Consent can be withdrawn at any time, as long as it is clearly communicated.
- Consent cannot be coerced or compelled by force, threat, deception or intimidation.
- Consent cannot be given by someone who is incapacitated, as defined below.
- Consent cannot be assumed based on silence, the absence of "no" or "stop," the existence of a prior or current relationship, or prior sexual activity.

Incapacitated: An individual is incapable of consent if they are unable to *understand the facts, nature, extent, or implications* of the situation due to drugs, alcohol, a mental disability, being asleep or unconscious, or based on their age (pursuant to Indiana law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation. Consent does not exist when the individual initiating sexual activity *knew or should have known* of the other individual's incapacitation.

Dating Violence: Violence or the threat of violence committed by any individual who is or has been in a relationship of a romantic or intimate nature. The existence of such a relationship will be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interactions between the individuals involved in the relationship.

Days: References to days shall mean calendar days unless business days is expressly specified.

Domestic Violence: Violence or the threat of violence by an individual against another individual who:

- a. is or was a spouse of;
- b. is or was living as if a spouse of;
- c. has a child in common with;
- d. is a minor subject to the control of; or
- e. is an incapacitated individual under the guardianship or otherwise subject to the control of the other individual regardless of whether the act or threat has been reported to a law enforcement agency or results in a criminal prosecution.

Employee: This term shall be synonymous with and include all employees working for Indiana University – academic employees, including faculty, and staff, including full-time, part-time, and temporary (hourly) employees at any university campus or working on behalf of the university.

Finding of Responsibility: Means that it is more likely than not that the Respondent has committed one or more acts of sexual misconduct. A preponderance of the evidence standard must be used when determining responsibility for sexual misconduct.

Force or Threat of Force:

- The use of physical force which overcomes the individual's resistance; or
- The threat of physical force, express or implied, against the individual or a third-party that places the individual in fear of death or in fear of serious personal injury to the individual or a third-party where the individual reasonably believes that the actor has the present or future ability to execute the threat.

Hostile Environment: When conduct is sufficiently severe, pervasive or persistent to limit or deny an individual's ability to participate in or benefit from the university's educational programs or affects employment.

Indiana University Property: Buildings, grounds, and land that are owned by Indiana University or controlled by Indiana University via leases or other formal contractual arrangements to house ongoing university operations.

Investigator: A university official authorized to investigate reports of sexual misconduct under the procedures identified in this policy.

Notice: Written notice of the outcome of the sexual misconduct proceeding, the appeals process, and the appeal decision, if applicable. To the extent possible, the parties shall be provided written notices simultaneously. Written notice may be provided electronically through Indiana University email accounts.

Member of the University Community: Any individual who is a student, staff, faculty member, university official, or any other individual employed by, or acting on behalf of, the university; other individuals while on Indiana University property, including employees of third-party vendors and contractors, volunteers, and visitors. An individual's status in a particular situation shall be determined by the Investigator or Title IX Coordinator.

Rape: 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 individual, without the consent of the victim. (FBI definition.)

Respondent: Any member of the university community alleged to have engaged in sexual misconduct as defined in this policy.

Responsible Employee: Pursuant to Title IX, a "Responsible Employee" includes those university employees who have the authority to redress sexual misconduct, who have the duty to report incidents of sexual misconduct, or who a student could reasonably believe has this authority or duty.

The university's Responsible Employees include, but are not limited to:

- All instructors, including full-time professors, adjuncts, lecturers, associate instructors (AIs), teaching assistants (TAs), and any others who offer classroom instruction (whether in-person or online) or office hours to students;
- All advisors;
- All coaches and other athletic staff that interact directly with students;
- All student affairs administrators;
- All residential hall staff;
- All employees who work in offices that interface with students; and
- All supervisors and university officials.

Retaliation: Acts of retaliation include intimidation, threats, and/or harassment, whether physical or communicated verbally or via written communication (including the use of e-mail, texts and social media), as well as adverse changes in work or academic environments or other adverse actions or threats.

Sanctioning Official: An individual with extensive knowledge of the applicability and implementation of the proceedings conducted pursuant to this policy who is authorized by the university to confer with a hearing panel about the range of available sanctions in a particular case, to make sanctioning determinations, and to ensure that the sanctions imposed are proportional to the severity of the violation and consistent with university standards. A Sanctioning Official is designated on each campus by the campus's Senior Student Affairs Administrator in consultation with the University Title IX Coordinator. Subject to the approval of the campus's Senior Student Affairs Administrator and University Title IX Coordinator, a Sanctioning Official is authorized to appoint a designee

who will perform the Sanctioning Official's duties in the event of the absence or unavailability of the Sanctioning Official.

Sexual Assault:

- Non-consensual Sexual Penetration is committed when an individual subjects another individual to sexual penetration ([see below](#)) without the consent of the individual, and/or by force.
- Non-consensual Sexual Contact is intentional sexual touching by an individual of the intimate area of another individual (i.e., genitals, breasts, buttocks) or intentional sexual touching of another individual with any of these body parts, without the consent of the individual, and/or by force.

Sexual Exploitation: Conduct that extends the bounds of consensual sexual activity with or without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose. Examples of sexual exploitation include but are not limited to:

- a. Non-consensual streaming, audio- or video-recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without consent of all parties involved;
- b. Allowing others to view sexual acts (whether in person or via a video camera or other recording device) without the consent of all parties involved;
- c. Engaging in any form of voyeurism (e.g., "peeping");
- d. Prostituting another individual;
- e. Compelling another individual to touch their own or another individual's (third-party) intimate parts without consent;
- f. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge;
- g. Deception regarding contraceptives; and
- h. Inducing incapacitation for the purpose of making another individual vulnerable to non-consensual sexual activity.

Sexual Harassment: Unwelcome conduct or behavior of a sexual nature. Sexual harassment includes sexual violence. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, written, electronic (e.g., by e-mail, text, social media, etc.), or physical conduct of a sexual nature. Sexual harassment occurs when submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo), or when such conduct is sufficiently severe, pervasive, or persistent to limit or deny an individual's ability to participate in or benefit from the university's educational programs or affects employment, creating a hostile environment.

Sexual Misconduct: Sexual harassment, sexual assault, other forms of sexual violence, dating violence, domestic violence, sexual exploitation and stalking. For purposes of this policy, sex- or gender-based discrimination is considered sexual misconduct.

Sexual Penetration: Sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's or individual's body or any object manipulated by the actor into the genital or anal openings of the individual's body.

Sexual Violence: Physical sexual acts perpetrated against an individual's will or where an individual is incapable of giving consent. Sexual violence includes rape and sexual assault.

Stalking: A knowing or an intentional course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity.

Student: Defined by the [Code of Student Rights, Responsibilities, and Conduct \(http://studentcode.iu.edu/appendices/definitions.html\)](http://studentcode.iu.edu/appendices/definitions.html)

Student Affairs Officer: An individual authorized by the university and the campus chancellor or provost to be responsible for the administration of the Student Code of Rights and Responsibilities on a campus, or, in certain circumstances that individual's designee.

Title VII: Title VII of the Civil Rights Act of 1964 (42 U.S.C. section 2000e), which prohibits employment discrimination based on race, color, religion, sex and national origin.

Title IX: The portion of the federal Education Amendments of 1972 (20 U.S.C. section 1681-1688), which provides in part that "no person in the United States shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

Title IX Coordinator: The individual designated by the university to coordinate university's compliance with Title IX and respond to allegations of sexual misconduct by members of the university community. In some circumstances, this can include the Title IX Coordinator's designee. Members of the university community may contact the Title IX Coordinator to raise concerns regarding the Sexual Misconduct policy and process.

Sanctions

Violations of this policy by an individual will be addressed in accordance with applicable university policies and procedures, referenced above, which may include disciplinary actions up to and including expulsion or termination from the university. When determining appropriate sanctions, the university may consider prior findings of misconduct. Violations of law will be addressed by law enforcement and may result in criminal penalties.

Additional Contacts

Title IX Coordinator

Emily Springston
University Director of Institutional Equity & Title IX Coordinator
400 E. 7th Street
Poplars 833
Bloomington, IN 47405
812-855-4889
oie@iu.edu

Title IX Deputy Coordinators

IUB	Emily Springston, University Director of Institutional Equity & Title IX Coordinator	812-855-7559	oie@iu.edu
IUB	Libby Spotts, Director, Office of Student Conduct	812-855-5419	osc@indiana.edu
IUPUI	Anne Mitchell, Director, Office of Equal Opportunity	317-278-9230	amitch29@iupui.edu
IUPUI	Sara Dickey Associate Dean of Students and Director of Student Conduct	317-274-4431	sadickey@iupui.edu

IUPUC	Anne Mitchell, Director, Office of Equal Opportunity	317-278-9230	amitch29@iupui.edu
IUFW	Anne Mitchell, Director, Office of Equal Opportunity	317-278-9230	amitch29@iupui.edu
IUE	Tracy Amyx, Director of Affirmative Action/EEOC Officer	765-973-8402	ttramyx@iue.edu
IUK	Sarah Sarber, Chief of Staff/Deputy Title IX Coordinator	765-455-9204	shawkins@iuk.edu
IUN	Carolyn Hartley, Interim Director of EOAA Programs	219-980-7205	cjhartl@iun.edu
IUS	James J. Wilkerson, Director, Office of Equity and Diversity	812-941-2306	eqdivix@ius.edu
IUSB	Laura Harlow Director of Diversity and Affirmative Action; Director of the Office of Student Conduct	574-520-5536	lewhitne@iusb.edu

IU Police Departments

Superintendent of Public Safety	Benjamin Hunter	812-855-4296	bdhunter@iu.edu
IU Office of Public Safety	Richard Erny	317-274-4230	rcerny@iu.edu
IU Office of Public Safety	Yvonna Daily		ydaily@iu.edu
IUB Police	Jill Lees, Chief of Police	812-855-7621	jmlees@iu.edu
IUPUI Police	Doug Johnson, Chief of Police	317-274-4860	johnsodo@iu.edu
IUE Police	Scott Dunning, Chief of Police	765-973-8435	sdunning@iue.edu
IUK Police	Thomas Remender, Chief of Police	765-455-9432	tremende@iu.edu
IUN Police	Monte Davis, Chief of Police	219-980-6969	montdavi@iun.edu
IUS Police	Stephen Miller, Chief of Police	812-941-2400	sfmiller@ius.edu
IUSB Police	Kurt Matz, Chief of Police	574-520-5522	kumatz@iusb.edu

IUFW Police	Tim Potts Chief of Police	260-481-6827	police@pfw.edu
-------------	------------------------------	--------------	--

Campus Student Affairs

IUB	Dave O'Guinn, Vice Provost for Student Affairs and Dean of Students	812-855-8188	vpsa@indiana.edu
IUPUI	Eric Weldy, Vice Chancellor Division of Student Affairs	317-274-3290	eweldy@iupui.edu
IUE	Amy Jarecki, Dean of Students	765-973-8525	ajarecki@iue.edu
IUK	Audra Dowling, Dean of Students	765-455-9204	iukdos@iuk.edu
IUN	Alexis Montevirgen, Vice Chancellor for Student Affairs	219-980-6586	nwstuaff@iun.edu
IUS	Amanda Stonecipher, Vice Chancellor for Enrollment Management and Student Affairs	812-941-2115	agstone@ius.edu
IUSB	Monica Porter, Vice Chancellor for Student Affairs and Diversity	574-520-4252	moport@iusb.edu

Campus Academic Affairs

IUB	Eliza Pavalko, Vice Provost for Faculty and Academic Affairs	812-855-2809	vpfaa@indiana.edu
IUPUI	Kathy Johnson, Executive Vice Chancellor and Chief Academic Officer	317-274-4500	ofaa@iupui.edu
IUE	Michelle Malott, Executive Vice Chancellor, Academic Affairs	765-973-8320	mimalott@iue.edu
IUK	Mark Canada, Executive Vice Chancellor for Academic Affairs	765-453-2227	marcanad@iuk.edu
IUN	Vicki Román-Lagunas, Executive Vice Chancellor for Academic Affairs	219-980-6761	viroman@iun.edu
IUS	Kelly Ryan, Executive Vice Chancellor for Academic Affairs	812-941-2208	ryanka@ius.edu

IUSB	Linda Chen Interim Executive Vice Chancellor for Academic Affairs	574-520-4183	lchen@iusb.edu
IUFW	Ann Obergfell Associate Vice Chancellor of Academic Affairs and Operations	260-481-0512	amobergf@iufw.edu

Campus Human Resources Offices

IUB	http://hr.iu.edu/	812-855-2172	uhrs@indiana.edu
IUPUI	http://www.hra.iupui.edu/	317-274-7617	hra@iupui.edu
IUE	http://www.iue.edu/hr/ index.php	765-973-8487	iuehr@iue.edu
IUK	http://iuk.edu/hr/index.php	765-455-9226	gvanalst@iuk.edu
IUN	http://www.iun.edu/hr/	219-980-6775	hrnw@iun.edu
IUS	http://www.ius.edu/hr/ index.php	812-941-2356	HR@ius.edu
IUSB	https://www.iusb.edu/ human-resources/	574-520-4358	japoelvo@iusb.edu

Office for Civil Rights

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov
Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

History

This policy was established in 2015. It incorporates and supercedes the Indiana University [Policy Against Sexual Harassment](#), which was effective in 1998.

Approved by the University Faculty Council, February 24, 2015 by the [attached resolution](#).

Approved by University President, March 1, 2015.

Revisions to policy approved by UFC and University President, August 25, 2016.

Revision to policy approved by UFC November 29, 2016; approved to be made effective on January 1, 2017, by University President.

Revisions to policy approved by UFC November 28, 2017; approved to be made effective on January 1, 2018 by University President.

Revisions to policy approved by UFC April 23, 2019; approved to be made effective on July 1, 2019 by University President.

Previous Versions by Effective Dates:

[03/01/2015 - 08/25/2016](#)

[08/25/2016 - 01/01/2017](#)

[01/01/2017 - 01/01/2018](#)

[01/01/2018 - 07/01/2019](#)

Related Information

IU's Stop Sexual Violence Website www.stopsexualviolence.iu.edu

[Non-Discrimination/Equal Opportunity/Affirmative Action policy](#)

[Code of Student Rights and Responsibilities](#)

[Code of Academic Ethics](#)

[Programs Involving Children policy](#)

[Annual Security & Fire Safety Reports \(including Clery Crime Statistics\)](#)

Sexual Misconduct

UA-03

About This Policy

Effective Dates:

03-01-2015

Last Updated:

07-01-2019

Responsible University Administrator:

President, Indiana University University Faculty Council

Policy Contact:

Emily Springston

University Director of Institutional Equity & Title IX Coordinator

oe@iu.edu

Scope

- A. This policy applies to and is designed to protect all members of the Indiana University community:
- all students
 - all academic appointees, staff and temporary (hourly) employees
 - all others while on Indiana University property, including employees of third-party vendors and contractors, volunteers, and visitors
 - all individuals involved in an Indiana University program off-campus.
- B. The policy applies regardless of sex, gender, sexual orientation, gender identity, immigration status and citizenship status. It applies to relationships among peers, as well as to superior-subordinate relationships.
- C. Other university policies and codes related to misconduct remain in effect for complaints of misconduct other than sexual misconduct. However, any report or complaint of misconduct that includes elements defined below will be addressed in accordance with this sexual misconduct policy and included procedures.

Policy Statement

- A. A. Indiana University prohibits discrimination on the basis of sex or gender in its educational programs and activities. Discrimination on the basis of sex or gender is also prohibited by federal laws, including Title VII and Title IX.
- B. This policy governs the university's response to discrimination based on sex or gender, and all forms of sexual misconduct (which includes sexual harassment, sexual assault, other forms of sexual violence, dating violence, domestic violence, sexual exploitation and stalking ([see Definitions below](#))). Such behaviors are against the law and are unacceptable behaviors under Indiana University policy. ([See the Indiana University Non-Discrimination Policy here.](#)) These unacceptable behaviors are hereafter collectively referred to as "sexual misconduct." The university does not tolerate sexual misconduct and will take action to prevent and address such misconduct. The university has jurisdiction over all Title IX and related complaints. Questions about Title IX may be directed to Indiana University's Title IX Coordinator, or the Office of Civil Rights (See Additional Contacts below).
- C. Individuals who have experienced sexual misconduct are strongly urged to promptly report such incidents. Indiana University will respond promptly to all reports of sexual misconduct. In accordance with the procedures below, the university will provide a fair and impartial investigation and resolution for complaints, provide supportive and interim measures, and, where appropriate, impose sanctions and provide remedial

measures. The severity of the corrective action, up to and including termination or expulsion of the offender, will depend on the circumstances of the particular case.

- D. Any individual who is a [Responsible Employee](#) at the university, such as administrators, supervisors, managers, or faculty members, and who has received information or has knowledge of sexual misconduct must make a report to designated university officials or be subject to disciplinary action ([see section on Responsible Employees below](#)).
- E. Retaliation against anyone who makes a report of sexual misconduct is prohibited by university policy as well as Title IX and other state and federal laws.
- F. Procedures for reporting incidents of sexual misconduct, and investigating and adjudicating sexual misconduct complaints are part of this policy and are included or linked below. In appropriate cases, and upon consultation with the Vice President and General Counsel, the university reserves the right to take prompt action in accordance with other university procedures.

G. On- or Off-Campus Behaviors

1. This policy applies to sexual misconduct that occurs on campus, off campus in the context of any university program or activity, or among current members of the university community. This policy also applies to sexual misconduct that has a continuing adverse effect or creates a hostile environment on campus or in any university program or activity whether on or off campus, including but not limited to sexual misconduct in connection with an academic course assignment, internship, practicum, field trip, study abroad program, student teaching, research, or other university activity; or sexual misconduct in connection with any activity sponsored, conducted, or authorized by the university or by a student organization.
2. When a student organization has contributed to or created a hostile environment in connection with an incident of sexual misconduct, the student organization will be subject to discipline and appropriate sanctions.
3. In situations not covered above, but where the sexual misconduct undermines the security of the university community or the integrity of the educational process or poses a serious threat to self or others, other applicable university procedures for general misconduct may be applied.

H. Sexual Harassment

1. Sexual harassment is unwelcome conduct or behavior of a sexual nature. Sexual harassment includes [sexual violence](#). Both violent and non-violent sexual harassment is prohibited. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, written, electronic (e.g., by e-mail, text, social media, etc.), or physical conduct of a sexual nature.
2. Sexual harassment occurs when:
 - a. Submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo), or
 - b. Such conduct is sufficiently severe, pervasive, or persistent to limit or deny an individual's ability to participate in or benefit from the university's educational programs or affects employment, creating a hostile environment.

I. Sex/Gender-Based Discrimination

Sex/gender-based discrimination is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation, or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits an individual's ability to participate in or benefit from the university's education or work programs or activities. For example, persistent disparagement of an individual based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity is prohibited under this policy.

J. Sexual Assault

1. Sexual assault includes:

- a. Non-consensual sexual penetration is committed when an individual subjects another individual to **sexual penetration** without the consent of the individual, and/or by force.
- b. Non-consensual sexual contact is intentional sexual touching by an individual of the intimate area of another individual (i.e., genitals, breasts, buttocks) or intentional sexual touching of another individual with any of these body parts, without the consent of the individual, and/or by force.

K. Consent

Consent is an agreement expressed through affirmative, voluntary words or actions, and mutually understandable to all parties involved, to engage in a specific sexual act at a specific time:

- Consent can be withdrawn at any time, as long as it is clearly communicated.
- Consent cannot be coerced or compelled by force, threat, deception or intimidation.
- Consent cannot be given by someone who is incapacitated, as defined below.
- Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.

L. Incapacitation

- An individual is incapable of consent if they are unable to understand *the facts, nature, extent, or implications* of the situation due to drugs, alcohol, a mental disability, being asleep or unconscious, or based on their age (pursuant to Indiana law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation.
- Consent does not exist when the individual initiating sexual activity *knew or should have known* of the other individual's incapacitation.

M. Intellectual Inquiry and Debate

1. In determining whether sexual misconduct has occurred and what type of remedy, if any, might be appropriate in a given case, the university will also consider the fact that free intellectual inquiry, debate, and constructive dialogue are vital to the university's academic mission and must be protected even when the views expressed are unpopular or controversial. Accordingly, any form of speech or conduct that is protected by state or federal law, including the First Amendment, is not subject to this policy.
2. The definition of sexual harassment in this policy is meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including matters involving sex, gender, sexuality, sexual orientation, sexual behavior, or gender identity or expression, when, in the judgment of a reasonable person, they arise for legitimate pedagogical purposes. This includes intellectual inquiry, debate, and dialogue on issues of sexual misconduct. The mere expression of views, words, symbols, or thoughts that some people find offensive does not create a hostile environment.

N. Awareness, Education, Prevention, and Training Programs

1. Every Indiana University campus shall publicize and provide ongoing educational programming for students, employees and other members of the university community to promote awareness of the problems caused by sexual misconduct and to help prevent and attempt to reduce the risk of the occurrence of sexual misconduct. Educational programs will include information on how and where to report incidents of sexual misconduct, resources available, and safe and positive options for bystander intervention that may be carried out by individuals to prevent harm or intervene when there is a risk of sexual misconduct being inflicted on another individual. Efforts will be made to ensure that educational programs are culturally relevant and inclusive of the diverse communities and identities found at each campus.
2. Employee training shall be provided to those involved in reporting, receiving reports, investigating, adjudicating, and otherwise responding to charges of sexual misconduct at the university. Certain training may be mandated by applicable federal or state law. The appropriate training will be tailored to the audience and will include reporting and response obligations, available resources, and information

about how to prevent and identify sexual misconduct. Individuals specifically involved in implementing the university's sexual misconduct procedures will be trained on issues and applicable policies and procedures relating to sexual misconduct, as well as how to conduct the investigation and hearing process in a manner that protects the safety of all parties and promotes fairness and accountability.

O. Resource Information

The university will disseminate campus-specific information regarding available on- and off-campus resources through various methods including the [university's Stop Sexual Violence Website](#), programing, and other relevant materials such as campus specific brochures. Resource information will include, but is not limited to:

1. University and community medical resources (including the availability of nurses trained in sexual assault response);
2. Resources for non-U.S. citizens (visa, immigration, and translation assistance);
3. How to report an incident of sexual misconduct to the university and to local law enforcement;
4. Available [Confidential Employees](#) and student advocates;
5. Information and assistance regarding adjustments to academics, housing, financial aid, obtaining no contact orders, and other needs on campus;
6. Community resources such as legal assistance and obtaining protective orders.

P. Duties of Title IX Coordinator and Deputy Title IX Coordinators

1. a. Indiana University's [Title IX Coordinator](#) will be informed of all reports of sexual misconduct and will oversee the university's review, investigation, and resolution of those reports to ensure the university's compliance with Title IX and related laws and the effective implementation of this policy. The Title IX Coordinator will have adequate training on what constitutes sexual harassment, including sexual violence.
- b. The Title IX Coordinator is:
 - a. Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual violence, stalking, and domestic and dating violence involving students, staff, and faculty;
 - b. Knowledgeable and trained in university policies and procedures and relevant state and federal laws;
 - c. Available to advise any individual, including a complainant, a respondent, or a third-party, about the courses of action available at the university, both informal and formal, and in the community;
 - d. Available to provide assistance to any university employee regarding how to respond appropriately to a report of sexual misconduct;
 - e. Responsible for monitoring for compliance with all procedural requirements, record-keeping, and timeframes identified in this policy;
 - f. Responsible for overseeing training, prevention, and education efforts, and any reviews of climate and culture; and
- c. Deputy Title IX Coordinators for each campus will be responsible for tracking and reporting to the University Title IX Coordinator all reports of sexual misconduct on their respective campus. Deputy Title IX Coordinators will work with the University Title IX Coordinator to ensure that the appropriate designated campus officials are involved in investigating and adjudicating complaints according to this Sexual Misconduct Policy and other applicable university policies and procedures.
- d. Deputy Title IX Coordinators and senior student affairs professionals on each campus will work with the University Title IX Coordinator to ensure that adequate education, training, sanctions, and appropriate resources are available and provided on their respective campus. Student affairs

professionals are expected to assist in educating the campus community and directing those who report an incident of sexual misconduct to the appropriate campus resources.

Reason For Policy

- A. Indiana University is committed to the safety and well-being of all members of the university community including students, faculty, and staff. Indiana University recognizes that sexual misconduct may result in grave and often long-lasting effects on those involved and is committed to timely investigation of allegations of sexual misconduct, use of interim measures when appropriate, and appropriate actions and consequences following investigations.
- B. Indiana University is committed to compliance with state and federal laws regarding sexual misconduct, to making required reporting to state and federal agencies, and to working with law enforcement officials and agencies. The university is also committed to using its resources in research and education to improve preventative programs.

Procedure

I. Overarching Procedural Tenets

A. Immediate Assistance

In an emergency or if you see a crime in progress, always call 911 immediately.

- B. Each campus of the university shall provide, publicize, and keep updated, information for immediate assistance, including contact information for emergency and medical assistance and counseling services, as well as local law enforcement. Information about ways to report anonymously or to speak to a Confidential Employee will also be provided for each campus ([see Confidential Employee section](#)).
- C. The university and each campus will provide written information to anyone who reports to the university that they have experienced sexual misconduct about:
 - 1. a. University procedures dealing with sexual misconduct, including to whom and how the alleged offense should be reported, as well as the individual's rights and options;
 - b. The importance of preserving evidence that may assist in proving the alleged criminal offense occurred, as well as how to preserve such evidence;
 - c. Options about the involvement of law enforcement;
 - d. Rights and university responsibilities with respect to orders of protection and how to obtain such orders; and
 - e. Available campus and community resources.

This information will also be widely publicized on <http://stopsexualviolence.iu.edu/>.

D. Reporting an Incident

- 1. **In an emergency or where immediate help is needed, call 911.**
- 2. Anyone wishing to report an incident of sexual misconduct can do so using the following methods:
 - a. Reporting directly to campus or local law enforcement if the incident involves sexual violence;
 - b. Reporting directly to the student judicial conduct office or the appropriate Student Affairs official for the campus (See campus-specific Student Affairs information in the Additional Contacts section below);
 - c. Reporting directly to the Deputy Title IX Coordinator for the campus; or
 - d. Reporting directly to the University Title IX Coordinator.
- 3. All reports of sexual misconduct made to a Responsible Employee that are not initially reported to the Deputy Title IX Coordinator(s) for the respective campus will be shared with the Deputy Title IX Coordinator(s) and with the University Title IX Coordinator in a timely manner. In addition, if a report of sexual misconduct is not made initially to the Indiana University Police Department (IUPD), and

the information indicates it may be a crime reportable under the [Clery Act](#), non-identifying information regarding the date, time, location and nature of the crime will be shared with IUPD for purposes of complying with the Clery Act.

4. If the university and/or Deputy Title IX Coordinator(s) receive a report that indicates law enforcement should be informed and involved due to the potential threat to health and safety of an individual or the university community, they may also share the identifying information needed for appropriate response by IUPD (see [Confidential Employees](#) and [Privacy](#) sections).

5. **Sexual Misconduct Involving a Child/Minor**

Sexual misconduct involving a child/minor (anyone under 18 years of age) must be reported. Indiana state law requires that any individual who has reason to believe that a child/minor is a victim of child abuse or neglect (including sexual misconduct) has an affirmative duty to make an oral report to Child Protective Services (CPS) **1-800-800-5556** or to their local law enforcement or to IUPD. Failure to report may result in criminal charges. See the university's policy on [Programs Involving Children](#) for more information.

6. **Amnesty**

- a. The university strongly encourages students to report instances of sexual misconduct. Therefore, students who report an incident of sexual misconduct will not be disciplined by the university for any violations of the Code of Students Rights and Responsibilities related to their drug and/or alcohol consumption in connection with the reported incident of sexual misconduct.
- b. Students are also afforded immunity against certain charges for alcohol-related crimes under Indiana's Lifeline Law in connection with a report of a medical emergency, so long as they cooperate with law enforcement at the scene. ([See IC 7.1-5-1-6.5](#))

E. **Retaliation**

Protections against retaliation are critical to reducing the prevalence of sexual misconduct within the university community. Retaliation against anyone who has reported an incident of sexual misconduct, provided information, or participated in procedures or an investigation into a report of sexual misconduct is prohibited by the university and will not be tolerated. Acts of retaliation include intimidation, threats, and/or harassment, whether physical or communicated verbally or via written communication (including the use of e-mail, texts, and social media), as well as adverse changes in work or academic environments, or other adverse actions or threats. The university will take steps to prevent retaliation and will impose sanctions on anyone or any group who is found to have engaged in retaliation in violation of this policy. Concerns about potential retaliation in connection with a report of sexual misconduct should be reported to a Deputy Title IX Coordinator or the University Title IX Coordinator.

F. **The Role of a Responsible Employee to Report and Respond to Sexual Misconduct**

1. The university encourages anyone who has experienced sexual misconduct to talk to someone about what happened, to ensure they are informed of the available support, resources, and applicable complaint processes, and to allow the university to respond appropriately. The information below explains the obligations of certain employees to report information brought to their attention regarding incidents of sexual misconduct to the appropriate university officials.
2. *Responsible Employees*
 - a. Pursuant to Title IX, a "Responsible Employee" includes those university employees who have the authority to redress sexual misconduct, who have the duty to report incidents of sexual misconduct, or who a student could reasonably believe has this authority or duty.
 - b. The university's Responsible Employees include, but are not limited to:
 - i. All instructors, including full-time professors, adjuncts, lecturers, associate instructors (AIs), teaching assistants (TAs), and any others who offer instruction (whether in-person or online) or office hours to students;
 - ii. All advisors;

- iii. All coaches and other athletic staff who interact directly with students;
 - iv. All student affairs administrators;
 - v. All residential hall staff;
 - vi. All employees who work in offices that interface with students; and
 - vii. All supervisors and university officials.
- c. When an individual tells a Responsible Employee about an incident of sexual misconduct, that individual has the right to expect the university to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. Therefore, Responsible Employees have an obligation to report the information as explained below, as well as to assist the individual in seeking medical attention and emergency response where appropriate, in understanding available resources on and off campus ([see Resource Information section](#)), and in understanding their options in making a criminal complaint as well as a complaint through the university's procedures set forth in this policy.
- d. If the incident is an emergency or poses a serious and continuing threat, the Responsible Employee should first call 911 or campus police immediately. In all situations, a Responsible Employee must report to the Title IX Coordinator or the Deputy Title IX Coordinator for their campus. The Responsible Employee must report all relevant details of the alleged sexual misconduct that are known or reasonably known to them, or that have been shared with them, or that the university will need to be aware of to determine what happened. This includes the names of the individual(s) affected and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. A Responsible Employee should not discuss or share any information related to the incident, including the individual's name, with anyone other than the Deputy and University Title IX Coordinators and those directly involved in handling the university's response, unless they received the individual's prior consent or in the event of an emergency or existing threat to anyone's health and safety.
- e. Supervisors may request a Responsible Employee to notify them if the Responsible Employee has made a report about an incident of sexual misconduct; however, the supervisor may not require the Responsible Employee to share any details about the incident. Supervisors may contact the Deputy Title IX Coordinator or the University Title IX Coordinator with any questions.
- f. Responsible Employees should make every effort to ensure that all individuals, including students, understand that the Responsible Employee is legally obligated to make a report to the University Title IX Coordinator or a Deputy Title IX Coordinator in the event they are made aware of an incident of sexual misconduct.
- g. In some instances, an individual who has experienced sexual misconduct may express a desire that the university not investigate the incident and/or not inform the individual accused. In those situations, the Responsible Employee must still report the information known to them, as required in Section d. above, but should also explain to the individual that the university will strongly consider the request, and will generally honor the request except in limited circumstances where the safety and well-being of the individual or the community outweighs the reasons for the request. ([See Requests for No-University Action below.](#)) In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee should ensure they inform the Coordinator of the individual's request. Responsible Employees who are also [Campus Security Authorities](#) (CSAs) under the [Clery Act](#), will satisfy their CSA reporting obligation by reporting incidents of sexual misconduct to the Deputy Title IX Coordinator for their campus or the University Title IX Coordinator, who will ensure that the appropriate non-identifiable information is conveyed to IUPD for Clery purposes.
- h. If an individual has not yet shared information with a Responsible Employee regarding an incident of sexual misconduct and the individual wishes to maintain anonymity, the Responsible Employee may refer the individual to a Confidential Employee or off-campus resource ([see Confidential](#)

[Employees section](#)). However, once a Responsible Employee has knowledge of an incident of sexual misconduct, they must report according to this policy.

3. Exempt Disclosures

- a. Employees who are considered Responsible Employees will be exempt from reporting disclosures of sexual misconduct when made during limited situations, including:
 - i. Disclosures made as part of participation in research activities that have received human studies approval through the university's Institutional Review Board (IRB);
 - ii. Disclosures made as part of an academic assignment;
 - iii. Disclosures made at public awareness events;
 - iv. Disclosures made during the course of communications protected as privileged communications under applicable law, including attorney-client privilege and medical professional privilege.
- b. Responsible Employees who are uncertain whether a disclosure is exempt from reporting under 3.a. above should contact their Title IX Coordinator for consultation.
- c. Following such disclosures, and when appropriate given the circumstances, the Responsible Employee should offer resources and reporting information and options.
- d. These limited exemptions from reporting do not relieve a university employee from the obligation to report a disclosure of child abuse or neglect, which must be reported to appropriate officials in all instances. ([See Sexual Misconduct Involving a Child/Minor section](#)). Similarly, Responsible Employees who are also Campus Security Authorities may still have an obligation to report information as required by the Clery Act and university policy [UA-16 \(Clery Act Compliance\)](#).

G. Role of Law Enforcement

1. Any individual who has experienced sexual violence is encouraged to contact IUPD or local law enforcement.
2. IUPD responds to emergency situations on Indiana University campuses and typically communicates and works with the University Title IX Coordinator and Deputy Title IX Coordinators to assist in investigations and incident response, as well as to track statistics for Clery Act reporting.
3. Individuals with a possible criminal case who have not made their initial complaint via the police will be provided with information about how to file a complaint with law enforcement. Individuals may also request assistance from campus authorities in notifying law enforcement. Individuals may decide not to notify law enforcement authorities and proceed only with a university investigation.
4. A university investigation under the procedures identified in this policy may be initiated and/or proceed simultaneously with a criminal case. The university will cooperate with law enforcement and, if requested by law enforcement, defer its fact gathering for a brief period during the evidence gathering stage of a criminal investigation. However, the university will not consider its investigation on hold pending a criminal prosecution or investigation, and will continue to communicate with individuals, address the need for any supportive measures regarding safety and well-being and resume its own fact gathering as soon as permitted.
5. The determination by law enforcement whether or not to prosecute a respondent or the outcome of a criminal proceeding does not determine whether a violation of university policy has occurred. Records of university proceedings may be subpoenaed for a criminal prosecution.
6. In some instances, based on a heightened threat or potential threat to the safety of the individual(s) involved or to the larger university community, university officials may determine it is necessary to make a third-party complaint to law enforcement, despite the individual's decision not to do so. In such instances, the university will attempt to inform the individual prior to making a third-party complaint.

H. Confidential Employees

1. Certain university employees – based on their own professional licensure and the nature of their role on campus – have been identified by the university as Confidential Employees and are available to

speaking with individuals about incidents of sexual misconduct and maintain the individual's desire for anonymity and absolute confidentiality. These Confidential Employees are exempt from the reporting requirements that apply to Responsible Employees (see [Responsible Employees section](#)). Individuals who desire anonymity in discussing and seeking assistance about sexual misconduct should contact and/or be referred to a Confidential Employee.

2. The university's Confidential Employees include, but are not limited to:
 - a. Licensed, professional mental health counselors working in that capacity, and those they supervise;
 - b. Health care professionals and staff located in on-campus health care centers; and
 - c. Any staff or specialists on a campus specifically designated as non-professional sexual assault advocates.
3. Faculty, staff, and other employees who are licensed mental health workers or are licensed medical workers, but who are not working in that capacity, such as faculty members in psychology, social work, nursing, etc., are not Confidential Employees under this policy. The university shall identify and publicize Confidential Employees. Any Confidential Employee who is not a licensed mental health counselor or pastoral counselor serving in those roles must provide non-identifying aggregate information regarding any Clery crime known to them directly to IUPD.
4. See the Stop Sexual Violence website at https://stopsexualviolence.iu.edu/help/confidential_resources.html for available Confidential Employees on each university campus.

I. Privacy

1. The university is committed to safeguarding the privacy of the parties in a manner consistent with the objective to effectively investigate and prevent incidents of sexual misconduct. In all cases, the university will share the parties' information and details of the allegation only with university officials, law enforcement personnel, and other individuals who have a legitimate administrative or legal reason to be so informed. Records will not be disclosed outside the university unless required by law or subpoena.
2. All individuals with knowledge of an alleged incident of sexual misconduct are expected to safeguard the privacy of those involved and should refrain from discussing the incident with anyone other than appropriate university officials and law enforcement.

J. Requests for No-University Action

1. If an individual discloses that they have experienced an incident of sexual misconduct to a Responsible Employee, but requests that the university not investigate the particular incident, requests that no disciplinary action be taken, requests that the alleged perpetrator not be notified, or makes any similar request, the university will consider such request(s), and will, in general, work to honor the request(s). The Responsible Employee must still report the information to the designated officials, but also convey the individual's desired request(s). The university will weigh such request(s) against its obligation to provide a safe, non-discriminatory environment for all students, including the individual who experienced the sexual misconduct. If the university determines that it is able to honor the individual's request(s), the individual should understand that the university's ability to meaningfully investigate the incident and/or respond appropriately may be limited. If, however, the university determines it must proceed under the circumstances, it will work to notify the individual in advance.
2. The university has designated the following individual(s) to evaluate an individual's request for no or limited action by the university in connection with a report of sexual misconduct: the University Title IX and Deputy Title IX Coordinator(s), in consultation with relevant administrators on each campus and university legal counsel, where appropriate.

K. Investigation

1. Upon receipt of a report of sexual misconduct, the university will respond promptly to investigate and provide interim measures where appropriate. Procedures after a report of sexual misconduct will follow the steps identified below, depending on whether the respondent is a student or employee. Employees who are students may be subject to procedures for students or employees, or both, at the sole option

of the university. Investigation of the alleged misconduct shall be conducted by the University Title IX Coordinator, a Deputy Title IX Coordinator, a student affairs official (if student misconduct is alleged), or another appropriate designee. Information for the investigation may be provided by the parties, witnesses identified by any party, or the university. Information related to prior sexual history of the parties will be prohibited except in very limited circumstances regarding prior sexual history between the parties where such information may be relevant to the issue of consent. However, consent will not be assumed based solely on evidence of any prior sexual history.

2. Prior or subsequent conduct of the respondent may be considered in determining pattern, knowledge, intent, or motive. For example, evidence of a pattern of prohibited conduct by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of responsibility for the prohibited conduct under investigation. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicated a pattern of similar prohibited conduct.
3. All investigators shall have the appropriate required and ongoing training on conducting sexual misconduct investigations, issues related to sexual misconduct, and applicable university policies and procedures.
4. If the individual identified as having engaged in sexual misconduct is not a student or employee of the university, the university shall take all appropriate measures to determine information regarding the individual, what occurred, whether another entity needs to be contacted to join in or assume an investigation (e.g., another institution of higher education), and to provide assistance in notifying the proper law enforcement authorities. The university will also provide supportive and remedial measures, to the extent possible, to protect the reporting individual and eliminate any hostile environment. If upon investigation, it is determined that an individual is responsible for sexual misconduct and has a continuing relationship with the university, the university shall consider appropriate sanctions to prevent further harm and eliminate the hostile environment.
5. The university reserves the right to investigate circumstances that may involve sexual misconduct in situations where no complaint, formal or informal, has been filed. In limited circumstances, the university reserves the right to reopen a case previously considered closed in the event of new information or other appropriate circumstances.

L. Supportive and Interim Measures

1. Upon receiving a report or notice of alleged sexual misconduct, the university will offer and provide appropriate and necessary supportive measures to parties, depending on the specific needs and circumstances of the situation. These measures may vary depending on an individual's campus, an individual's needs and specific circumstances, and could include no contact orders; assistance in changing academic, living, transportation, and/or work situations; counseling services; advocacy and advising services; and assistance in obtaining protective orders.
2. In the event of an investigation, interim measures may also be taken, depending on the specific allegations and circumstances, and may include suspension of the respondent from campus or some portion of campus, pending completion of the investigation. In the event of a finding of responsibility for sexual misconduct following the university's adjudication of the complaint, the university will take any additional and necessary measures with respect to the complainant and other members of the community, as well as the appropriate disciplinary action with respect to the individual found responsible.

II. Summary of Rights of the Complainant and Respondent in Sexual Misconduct Procedures

A. The rights of the parties to a sexual misconduct proceeding include:

1. To be fully informed of university policies and procedures, as well as the nature and extent of all alleged violations contained within the allegation.
2. To be treated with respect by university officials.

3. To have an advisor present during a university sexual misconduct proceeding, investigation meeting, or related meeting. The role of the advisor will be limited to being present only; they will not be allowed to speak during any university sexual misconduct proceeding, investigation meeting, or related meeting.
4. To have adequate, reliable, and impartial investigation and appropriate resolution of all reports of sexual misconduct.
5. To be informed by the university of options to notify proper law enforcement authorities including on-campus and local police, and the option to be assisted by campus authorities in notifying proper law enforcement, if the individual chooses. (See campus-specific IUPD information in Additional Contacts section below)
6. To be notified of available counseling, mental health, academic, legal and other support services, both at the university and in the community.
7. To have allegations investigated by individuals who are properly trained to investigate and resolve allegations of sexual misconduct.
8. Equitable participation in the investigation and disciplinary process, including the opportunity to identify witnesses and other appropriate evidence.
9. To have allegations investigated and adjudicated in a reasonable timeframe given the circumstances of the specific case.
10. To the use of the preponderance of the evidence standard (more likely than not) in determining responsibility.
11. To appeal as set forth in these procedures.

III. Procedures for Responding to Incidents Involving Allegations of Student Sexual Misconduct

- A. The university will promptly respond to all reports of sexual misconduct alleged against a university student following the procedures identified in this policy. Allegations of sexual misconduct by students will be addressed by the Sexual Misconduct Policy and the Code of Student Rights, Responsibilities and Conduct ("Student Code"). Students may be charged according to specific code violations under the Student Code, which will reference the Sexual Misconduct Policy.
- B. Any individual reporting they have been a victim of sexual violence will be informed of how to, and provided assistance in, making a criminal complaint with the appropriate law enforcement agency. The pursuit of criminal charges may be in addition to (or instead of) pursuing cases through the university process. Individuals who identify as victims/survivors and all members of the Indiana University community are also encouraged to visit the Stop Sexual Violence website at <http://stopsexualviolence.iu.edu> for more information on reporting, campus resources and services available on their campus.
- C. Throughout the process, the parties will have equal opportunities to present information, have an advisor present, and pursue an appeal, if applicable. The university will have as a priority the interests of all parties involved, in regard to fairness, dignity, privacy, and due process.
 - a. **Investigation**
 - a. Upon receipt of a report of sexual misconduct by a **complainant** or third party, and following an initial assessment to determine whether the conduct described falls within the scope of the Sexual Misconduct Policy and rises to the level of an allegation of sexual misconduct, the university will take immediate and appropriate steps to investigate the incident. If the complainant requests confidentiality or asks that the report not be pursued, the university will take all reasonable steps to investigate and respond to the incident consistent with those requests, keeping in mind that the university must weigh such requests against its obligation to provide a safe, non-discriminatory environment for all students, including the complainant.
 - b. If sexual misconduct proceedings are initiated, the Investigator(s) will notify the complainant and the **respondent**. The respondent will be provided a date by which an appointment must be made to discuss the matter. The respondent shall be informed of the allegations made against them and shall be

provided the opportunity to respond. The respondent is expected to participate in the investigation and all related procedures, including the sexual misconduct hearing.

- c. The investigation may include, but is not limited to interviews with the complainant, the respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by complainants, respondents, witnesses identified by any party, or the university. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter. The university shall determine what information and evidence will be included in the Investigation File.
- d. Failure to comply with a request to make and/or keep an appointment related to an investigation may result in a disciplinary hold being placed on a student's account and/or the initiation of student conduct charges for failure to comply.
- e. All members of the university are expected to cooperate with the investigative process. Failure to do so may result in disciplinary measures pursuant to applicable university policy and procedure.
- f. Following the investigation, the Investigator will provide a Preliminary Investigation Report to the parties. At that time, the parties will be provided access to the Investigation File. The parties will be provided 10 calendar days to review the Preliminary Investigation Report and the Investigation File and provide any clarifying information to the Investigator. This period of 10 days will be the final opportunity for parties to submit any additional information to the Investigator.
- g. At the conclusion of the 10-day period, the Investigator will review the information submitted by either party and determine whether and to what extent to incorporate such information into a Final Investigation Report.
- h. At that time, the Investigator will determine the appropriate charge(s), if any, under the Sexual Misconduct Policy and the Student Code to be placed on respondent, and include the charge(s) in the Final Investigation Report. If the Investigator places a charge(s), the Final Investigation Report will be submitted to a hearing panel for the determination of responsibility, and the parties will be provided the Final Investigation Report and notified of next steps of the sexual misconduct process. If the Investigator determines that there is insufficient evidence to support placing a charge, the parties will be provided the Final Investigation Report and notified that no charges will be placed and the case has been closed.
- i. The investigation and determination of responsibility will be conducted in a reasonable timeframe given the circumstances of the specific case.

b. Acceptance of Responsibility

- a. In cases where the respondent expresses a willingness to accept responsibility for any or all charges in a case, the respondent will be offered the opportunity to waive the right to a formal hearing as to the specific charge(s) and all related procedural guarantees, and agree to receive a sanction from the designated student affairs conduct officer. In such situations, the parties will each be provided the opportunity to submit a written statement to the conduct officer for consideration in determining appropriate sanctions.
- b. The conduct officer shall consider only the parties' written statements regarding sanctions, the relevant facts from the investigation, and past conduct history of the respondent (if applicable). In such cases, the right to appeal will be limited to an appeal on the grounds that the sanction is grossly disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

c. Alternative Resolution Options

- a. In appropriate cases, the university may pursue alternative resolution with the consent of all parties at any point in the investigation process. Alternative resolution options may include, but are not limited to, mediation, development of action plans, voluntary resolutions, and/or appropriate sanctions.
- b. Under any alternative resolution, the complainant will not be required to resolve the problem directly with the respondent, unless desired by the complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin the formal process. Face-to-face mediation

may not be used in cases involving any sexual violence. The Investigator shall document the outcome of any alternative resolution and share with the parties.

d. Sexual Misconduct Hearing

- a. A three-person hearing panel will be assembled for a sexual misconduct hearing to make a determination of respondent's responsibility as to the specific charge(s) set forth in the Final Investigation Report.
- b. Hearing panel members will be drawn from the pool of faculty, staff and graduate students who have completed the university's required annual training on issues related to sexual misconduct and university policies and procedures. At a minimum, at least one panel member shall be a student affairs administrator.
- c. The sexual misconduct hearing is closed. However, the complainant and respondent may each select one advisor of their choice and at their expense to accompany them at any point in the disciplinary process. Advisors are limited to an advisory role and may not participate or speak for the parties.
- d. Upon review of the Final Investigation Report, the hearing panel will determine witnesses who may be called, if any, to participate in the hearing.
- e. Procedures for a Sexual Misconduct Hearing
 - i. The Chair of the hearing panel shall review the charge(s) placed against the respondent and the specific facts alleged. The respondent may, but need not, respond to allegations.
 - ii. Both the complainant and the respondent will have equal opportunity to provide a statement to the hearing panel.
 - iii. No one other than the hearing panel members, the complainant, and the respondent may pose questions during the hearing. The complainant and respondent may not directly question each other, but may submit questions to the Chair to be asked of the other party. The Chair or other panel members will review questions prior to posing to the other party to prevent questioning that is not permitted under these proceedings.
 - iv. The sexual misconduct hearing is recorded. Deliberations by the panel, following the hearing, are not recorded.
 - v. If the respondent fails to appear at the sexual misconduct hearing, the hearing may proceed without the respondent's participation. The respondent may explain the failure to appear in writing to the university within two business days of the scheduled hearing. Written documentation supporting the cause of absence must be included. Within three business days after receiving the respondent's letter, the university will notify the respondent and the complainant whether the failure to appear is excused; if so, the hearing may be rescheduled. The failure to appear will only be excused due to extraordinary circumstances.
 - vi. If the respondent fails to appear and such failure is not excused, the respondent's right to appeal the finding and any sanction(s) imposed will be automatically forfeited, and the outcome reached in absentia will go into effect. The respondent shall not lose the right to appeal in the event of a sanction of expulsion from university housing, suspension from the university, or expulsion from the university.
- f. Decision & Sanctions
 - i. At the conclusion of a hearing, the panel shall deliberate without the parties present to determine responsibility for the specific charge(s) based on the evidence.
 - ii. If, after deliberations, the hearing panel determines that the information contained in the Final Investigative Report and gathered during the hearing, does not support by a preponderance of the evidence (more likely than not) that the respondent is responsible for a violation of the Sexual Misconduct Policy and the Student Code, the hearing panel will notify both the respondent and the complainant by means of a written notice. The complainant and/or respondent may request an appeal (see Section 5a.).

- iii. If, after deliberations, the hearing panel determines that the information contained in the Final Investigative Report and gathered during the hearing, does support by a preponderance of the evidence (more likely than not) that the respondent is responsible for a violation of the Sexual Misconduct Policy and the Student Code, the hearing panel will propose sanctions. The proposed sanctions will be reviewed by the [Sanctioning Official](#) (or designee) to ensure that the sanctions are proportional to the severity of the violation and consistent with university standards. In the event of a conflict between the hearing panel and the Sanctioning Official, the Sanctioning Official will make the final determination regarding appropriate sanctions. The hearing panel will then notify the parties of the determination and sanctions by means of a written notice. The respondent and/or the complainant may request an appeal (see Section 5a.).
- iv. Possible sanctions for cases in which students are found in violation of Sexual Misconduct Policy and the Student Code for acts of sexual misconduct include, but are not limited to formal warnings, behavioral assessment and/or counseling, required educational training, disciplinary probation, suspension, and/or permanent expulsion.

e. Appeal

The respondent or the complainant may appeal the decision of the sexual misconduct hearing panel to the Student Affairs official on the respective campus (or designee). To initiate an appeal, a party must send written notice of appeal to the designated official. The written notice must include the basis(es) for seeking the appeal and include information to support such basis(es) (see Section 5b.)

- a. Timing: The notice of appeal must be filed no later than ten calendar days after the date the written decision of the sexual misconduct hearing panel is sent. If an appeal is submitted by either party, the underlying decision and any corresponding sanction will be held in abeyance until final notice of the appeal outcome. During this time, any interim measures in place will remain in effect (e.g., no contact order, no trespass). If no written request for an appeal is received by the university within the time specified, the decision of the hearing panel and any sanction(s) imposed will be final and in effect.
- b. Basis for Appeal: The designated Student Affairs official will have the sole discretion in determining whether the basis for appeal has been met and whether the appeal can move forward. An appeal must be based on one of the following criteria:
 - i. Significant procedural error that reasonably would have affected the outcome of the student's case.
 - ii. The sanction imposed is grossly disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

f. Decision and Sanction

- a. If the basis for appeal has been met, the designated Student Affairs official will review the written appeal and the pertinent part of the sexual misconduct hearing panel record only. The designated Student Affairs official will not consider new evidence or information that is not a part of that record. The designated Student Affairs official must render a decision within 15 calendar days of receipt of the appeal and may take any of the following actions:
 - i. Affirm the original decision regarding responsibility.
 - ii. Affirm the original decision concerning the disciplinary sanction(s) to be imposed.
 - iii. Set aside the original decision regarding responsibility and impose a new decision.
 - iv. Set aside the original decision regarding responsibility and order that a new sexual misconduct hearing be held before a new hearing panel.
 - v. Set aside the original decision concerning the disciplinary sanction(s) to be imposed and impose a different sanction or set of sanctions.
- b. The designated Student Affairs official will notify the respondent and the complainant, in writing, of the decision and will initiate the necessary procedures to effectuate the decision.
- c. The decision of the designated Student Affairs official is final and there will be no further appeals.

g. Notice

The complainant and the respondent will be provided written notice of the outcome of the sexual misconduct hearing, the appeals process, and the appeal decision, if applicable. Written notice may be provided electronically through Indiana University email accounts.

h. Requests for Accommodations and Special Circumstances

- a. Just as students with disabilities may be eligible for accommodations in their classes, accommodations may be available for these procedures as well. Students with disabilities requesting accommodations and services under these procedures will need to present a current accommodation verification letter from the campus disability services office before accommodations can be considered and provided.
- b. In appropriate circumstances, the university may utilize language translation services to assist in the investigation and/or hearing proceedings.
- c. In the event there is a civil protective order in place that precludes the university from conducting a hearing as identified in the student procedures, the university may use an alternative process that will be communicated to both parties.

D. Non-Adversarial Process

Adversarial behavior that includes confrontation and cross-examination by the parties, or active advocacy by attorneys or other advocates, is neither appropriate nor permitted during any phase of these processes.

Further information and definitions of key terms can be found in the University Sexual Misconduct Policy.

IV. Procedures for Responding to Incidents Involving Allegations of Faculty or Staff Sexual Misconduct

- A. The university will promptly respond to all complaints of sexual misconduct alleged against a university **employee**. Any individual reporting that they have been a victim of sexual violence will be informed of how to, and provided assistance in, making a criminal complaint with the appropriate law enforcement agency. Individuals who identify as victims/survivors and all members of the Indiana University community are also encouraged to visit the Stop Sexual Violence website at <http://stopsexualviolence.iu.edu> for more information on reporting and campus resources.
- B. All parties will have equal opportunities to present information, have advisors present, and pursue an appeal, if applicable. All procedures, excluding any appeal, should be conducted in a reasonable timeframe given the circumstances of the specific case.
- C. Throughout this process, the university will have as a priority the interests of all parties involved, in regard to fairness, dignity, privacy, and due process. Students reporting sexual misconduct against an employee will be provided interim and remedial measures as described in this policy, where appropriate and necessary.
- D. For the purpose of these procedures, relevant officials with key responsibilities are:
 - a. **Investigator** – The Deputy Title IX Coordinator(s) for the respective campus, or an appropriate designee, will conduct fact-finding as the Investigator and may coordinate with other offices such as human resources, academic affairs, and student affairs.
 - b. **Decisional Official (DO)** – The DO will issue the decision determining responsibility and assigning appropriate sanctions, if applicable. The DO will be as follows:
 - a. For complaints against staff employees, including temporary (hourly), the DO will be the university employee relations director or designee.
 - b. For complaints against faculty and academic employees, the DO will be the Vice Provost/Vice Chancellor for Academic Affairs of the respective campus.
 - c. For complaints against a Dean, a Vice Provost, or a Vice Chancellor, the DO will be the Provost/Chancellor of the respective campus.
 - d. For complaints against a University Vice President, a Provost, a Chancellor, or equivalent, the DO will be the President.
 - e. For complaints against the President, the DO will be the Board of Trustees.

- c. **Appellate Official (AO)** – The AO may review the action of the campus DO, following appeal by either party. The Appellate Official will be as follows:
 - a. For an appeal in a complaint against staff employees, including temporary (hourly), the Associate Vice President of University Human Resources.
 - b. For an appeal in a complaint against faculty or academic employees, the Provost/Chancellor of the respective campus.
 - c. For an appeal in a complaint against a Dean, a Vice Provost, or a Vice Chancellor, the President.
 - d. For an appeal in a complaint against a Vice President, a Provost, a Chancellor, or equivalent, the Board of Trustees.
- d. **Faculty Board of Review (FBR)** – A Faculty Board of Review is constituted on each campus. In faculty cases, following the decision of the AO, the faculty member may request a review by the campus FBR.
- e. All relevant officials will receive training on issues related to sexual misconduct and will be familiar with university policies and procedures. The University Title IX Coordinator shall be informed of each complaint and will be available to all relevant officials for consultation during this process.

E. Complaint

- a. Initial Assessment: Upon receipt of a report alleging that an employee has engaged in sexual misconduct, an Investigator will conduct an initial assessment to determine whether it falls within the scope of the Sexual Misconduct Policy, and whether the conduct alleged rises to the level of an allegation of sexual misconduct. If a complaint raises allegations that are outside the scope of the Sexual Misconduct Policy, but may violate other university policy(ies), the Investigator will refer the complaint to the appropriate university office.
- b. In the event the Investigator determines not to pursue an investigation under this Policy, that decision may be appealed by either party to the DO, requesting a review of the decision not to proceed with an investigation. Upon review, the DO may uphold that decision or order an Investigation to proceed.
- c. In the event the Investigator determines that the allegations fall within the scope of this policy, the process that follows shall apply.

F. Alternative Resolution Options

In appropriate cases, the university may pursue alternative resolution with the consent of all parties at any point in the investigation process. These resolution options may include, but are not limited to mediation, development of an action plan, and voluntary resolutions. Under alternative resolution, the complainant will not be required to resolve the problem directly with the respondent, unless desired by the complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin the formal process. Face-to-face mediation may not be used in cases involving any sexual violence or where the complaint is made against an employee with a position of authority over the complainant. The Investigator shall document the outcome of any alternative resolution and share with the University Title IX Coordinator and the DO.

G. Acceptance of Responsibility

- a. In cases where the respondent expresses a willingness to accept responsibility for any or all allegations in a case, the respondent will be offered the opportunity to bypass the remainder of the investigative stage and agree to receive a sanction from the DO. In such situations, the parties will each be provided the opportunity to submit a written statement to the DO for consideration in determining appropriate sanctions.
- b. In determining sanctions in such cases, the DO shall consider only the allegations and parties' written statements, the relevant facts gathered from the investigation, and past conduct history of the respondent (if applicable). The right to appeal will be limited to an appeal on the grounds that the sanction is grossly disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

H. Interim Action

If, upon the receipt of a complaint, the University Title IX Coordinator and/or the Deputy Title IX Coordinator(s) for the respective campus, or their designee, determines a need for immediate interim action, e.g. removal, reassignment, administrative leave, or suspension, they shall consult with the appropriate university officials,

which may include the DO. The DO may administer such interim action at any point in this process pending final outcome.

I. Investigation

- a. If an investigation is initiated, the Investigator will conduct fact-finding as to the allegations made against the respondent employee.
- b. The investigation may include, but is not limited to, interviews with the complainant, the respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by complainant, respondent, witnesses identified by any party, or the university. The Investigator shall ensure that the respondent has been informed of all allegations raised and the name of the complainant(s), and is provided the opportunity to respond.
- c. All members of the university are expected to cooperate fully with the investigative process. Interference with the investigation may result in disciplinary measures pursuant to applicable university policy and procedure.

J. Report of Investigation

- a. The Investigator will create a report at the conclusion of the investigation setting forth:
 - a. the specific allegation(s);
 - b. the respondent's response to the allegation(s);
 - c. a summary of the relevant information gathered from the parties, witnesses and other sources;
 - d. an analysis of the information;
 - e. a recommendation as to whether the respondent is responsible or not responsible for the alleged violation(s) of the Sexual Misconduct Policy, using a preponderance of the evidence standard (more likely than not); and
 - f. a recommendation as to appropriate sanctions, if any, as set forth below.
- b. The report will be forwarded to the DO. The parties shall also be provided access to the report, and shall be provided 10 calendar days to submit any comments to the DO in writing.

K. Finding and Decision

- a. Upon receiving the Investigator's report, and any comments received from either party, the DO shall issue a finding. The DO may consult with the Investigator concerning the investigation and recommendations. If the DO wishes further consultation with the parties, the Investigator will facilitate consultations to ensure equal opportunities for the parties to meet with the DO.
- b. The DO will issue one of the following findings, using a preponderance of the evidence standard:
 - a. Finding of "No Violation" of the university's Sexual Misconduct Policy:
 - If there is a determination that the behavior alleged and investigated did not violate the Sexual Misconduct Policy, the DO shall provide the parties written notice of the finding. In the event the investigation reveals that the employee may have violated a different university policy, the DO may address any such potential violation through other applicable university policies. Documentation regarding a finding of "No Violation" shall be maintained with the respective Deputy Title IX Coordinator's office, and not in the employee's personnel file.
 - b. Finding of a "Violation" of the university's Sexual Misconduct Policy:
 - If there is a determination that the behavior alleged and investigated was in violation of the Sexual Misconduct Policy, the DO shall issue the finding and sanction(s) (based on the level of sanctions set forth below).
- c. The DO shall provide the parties written notice of the finding and any sanctions, if applicable.

L. Sanctions

- a. Sanctions for a violation of the university's Sexual Misconduct Policy include the following:

- a. Level One Sanctions include sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to personnel file (other than to promotion and tenure dossier which is included in Level Two Sanctions below). Level One Sanctions shall not be appropriate in the event the respondent was found responsible for sexual assault or other sexual violence.
- b. Level Two Sanctions include sanctions that directly modify job duties, salary or job status, including affecting compensation, consideration in tenure or promotion decisions, suspension, and termination.
- b. When determining the appropriate sanctions, consideration shall be given to the nature and severity of the behavior and the existence of any prior incidents or violations.

M. Appeals

- a. Appeals may be pursued as follows:
 - a. Following a finding of "No Violation," either party may request an appeal to the Appellate Officer (AO) on the basis of:
 - i. Significant procedural error that reasonably would have affected the outcome.
 - ii. Significant bias in the process.
 - b. Following a finding of "Violation" and Level One Sanction, any party may request an appeal to the AO on the basis of:
 - i. Significant procedural error that reasonably would have affected the outcome.
 - ii. Significant bias in the process.
 - c. Following a finding of "Violation" and Level Two Sanction, any party may request an appeal to the AO on the basis of:
 - i. Significant procedural error that reasonably would have affected the outcome.
 - ii. Significant bias in the process.
 - iii. The finding of responsibility is not supported by the evidence in the Report of Investigation.
 - iv. The appropriateness of the sanctions.
- b. A request for appeal must be submitted in writing to the AO within 10 calendar days of receiving the DO's decision. The request must set forth the basis(es) for seeking an appeal and must include information to support such basis(es). If an appeal is requested, all parties will be notified.
- c. The AO shall first determine whether the basis of appeal has been met, and if so, shall review the findings and any applicable sanctions, in making a decision.
- d. The AO shall make a final determination within 15 calendar days of the receipt of any appeal, indicating one of the following:
 - a. Affirming the DO's original finding(s).
 - b. Setting aside the DO's original finding(s) and imposing a new finding and/or sanctions.
 - c. Setting aside the DO's original finding(s) and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
- e. To the extent possible, the parties will be notified simultaneously in writing of the final decision following an appeal.
- f. Request for Faculty Board of Review following the AO's Determination
 - a. In cases involving a faculty member as a party, the faculty member may submit a request for review by the Faculty Board of Review (FBR) following the determination of the AO. The request for review should be made according to the specific campus FBR policy, and campus FBR procedures will apply except as modified by the provisions below.
 - i. Following a finding of "No Violation," the faculty member may request a FBR on the following two bases, and the FBR may choose to either accept or decline the request for review:

1. Significant procedural error that reasonably would have affected the outcome; and/or
 2. Significant bias in the process.
- ii. Following a finding of "Violation" and Level One Sanction, the faculty member may request a FBR on the following two bases, and the FBR may choose to either accept or decline the request for review:
 1. Significant procedural error that reasonably would have affected the outcome; and/or
 2. Significant bias in the process.
 - iii. Following a finding of "Violation" and Level Two Sanction, the faculty member may request a FBR on the following four bases, and the FBR shall grant the request for review:
 1. Significant procedural error that reasonably would have affected the outcome.
 2. Significant bias in the process.
 3. The finding of responsibility is not supported by the evidence in the Report of Investigation; and/or
 4. The appropriateness of the sanctions.
- b. The request for a FBR must set forth the basis(es) for seeking review and be submitted in writing within 15 calendar days of receiving the AO's determination. For good cause shown, and bearing in mind the need for timely resolution, the timeframes set forth within these procedures may be extended. If a request for a FBR is submitted, the FBR shall notify the other party(ies), as well as the DO and the AO.
 - c. The FBR will only receive the Report of the Investigation; the written findings of the DO, along with comments submitted by any party; the written findings of the AO; and any sanctions. The FBR may not conduct new fact-finding. The FBR may seek training and additional information from the University Title IX Coordinator.
 - d. Throughout the FBR process, hearing members and participants shall ensure that the privacy of the matter and the parties is upheld. If a hearing is held, it shall be closed to the public to protect the privacy of all parties. In addition to faculty members serving on the FBR hearing panel, others present during a hearing may include the party requesting review and that individual's advisor, the other party(ies) named in the report and their advisor(s), the University Title IX Coordinator, and other university officials necessary to the proceedings. No witnesses will be allowed in the FBR. The faculty member requesting review, the other party(ies) named in the report, and designated university officials have the right to present a statement to the FBR in writing or orally, either personally or through an advisor. If any party elects to be present and make a statement, the FBR may pose questions related to their statement. Advisors will generally not be allowed to participate in the FBR hearing by speaking to the FBR or asking questions, other than in exceptional circumstances with permission of the FBR or for the purpose of reading a statement prepared by the party they are advising.
 - e. The FBR must be concluded promptly, and generally within 60 days of the request, absent special circumstances. After review, the FBR may recommend one of the following to the AO:
 - i. Affirm the AO's determination.
 - ii. Recommend an alternative finding and/or sanction.
 - iii. Recommend that the determination be set aside and a new investigation be conducted. (This option will generally be reserved for cases where significant procedural error has been identified and determined to have affected the outcome).
 - f. To the extent possible, the parties will be notified simultaneously in writing of the FBR's recommendation to the AO.
 - g. Upon receipt of the FBR's recommendation, along with any materials considered by the FBR, the AO will make a final determination within 10 calendar days, indicating one of the following:
 - i. Affirming the prior determination on appeal.
 - ii. Setting aside the prior determination on appeal and imposing a new finding and/or sanctions.

- iii. Setting aside the prior determination on appeal and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
- h. If the FBR recommends that the AO's prior determination be modified, but the AO affirms the prior determination, the final determination shall be made by the President. To the extent possible, the parties will be notified simultaneously in writing of the final decision. This concludes the appeal process.

N. Non-Adversarial Process

Adversarial behavior that includes confrontation and cross-examination by the parties, or active advocacy by attorneys or other advocates, is neither appropriate nor permitted during any phase of these processes.

Further information and definitions of key terms can be found in the University Sexual Misconduct Policy.

Definitions

For purposes of addressing complaints of sexual misconduct against or by university students, faculty, and staff, the following uniform definitions shall be used by the university:

Advisor: Any individual who may assist, support, guide, and advise the respondent or complainant during the investigation, conduct proceedings, and/or related meetings. Advisors are not permitted to actively participate or speak during the investigation, proceedings and related meetings. In certain circumstances where a party may be unable to speak on their own behalf, an advisor may present a statement prepared by the party.

Bodily Injury: Physical pain, illness, or any impairment of physical condition.

Campus Security Authority (CSA): A term used in the Clery Act to describe someone who has significant responsibility for student and campus activities. The Clery Act (34 CFR 668.46) defines a CSA as:

- a. A campus police department or a campus security department of an institution.
- b. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property.
- c. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- d. An official of an institution who has significant responsibility for student and campus activities, including but not limited to student housing, student discipline, and campus judicial proceedings.

Pastoral and professional counselors are not considered a Campus Security Authority when acting in their roles as a pastoral or professional counselor.

Clery Act: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. section 1092(f)), a federal law that requires institutions such as Indiana University to collect and publish statistics for certain crimes reported to have occurred on the university's "Clery Geography" (i.e., occurring on campus, on public property within or immediately adjacent to campus, and on other non-campus university property), for the purpose of informing current and prospective students, faculty or staff. Each Indiana University campus publishes an Annual Security Report under the Clery Act, which contains these crime statistics, as well as campus-specific information on resources, campus emergency responses, safety and security policies, and disciplinary procedures. These crime statistics include, but are not limited to domestic violence, dating violence, sexual assault, and stalking. Clery also requires "timely warnings" be issued to the campus community for crimes occurring on Clery Geography that are considered a serious or continuing threat to students, faculty or staff. Under Clery, any good-faith report of a crime occurring on Clery Geography must be included in the statistical data.

Complainant: An individual who reports experiencing sexual misconduct committed by a member of the university community, and is named in a complaint of sexual misconduct under this policy and procedures. The

university may serve as the complainant when an individual who has alleged sexual misconduct does not wish to participate and the university has determined it is necessary to move forward under the applicable procedures.

Confidential Employees: Certain university employees who, based on their own professional licensure and the nature of their role on campus, are available to speak with individuals about incidents of sexual misconduct and maintain the individual's desire for anonymity and absolute confidentiality. These Confidential Employees are exempt from the reporting requirements that apply to Responsible Employees. Individuals who desire anonymity in seeking assistance about sexual misconduct should be referred to a Confidential Employee.

The university's Confidential Employees include, but are not limited to:

- Licensed, professional mental health counselors working in that capacity, and those they supervise;
- Health care professionals and staff located in on-campus health care centers; and
- Any staff or specialists on a campus specifically designated as non-professional sexual assault advocates.

Consent: An agreement expressed through affirmative, voluntary words or actions, and mutually understandable to all parties involved, to engage in a specific sexual act at a specific time:

- Consent can be withdrawn at any time, as long as it is clearly communicated.
- Consent cannot be coerced or compelled by force, threat, deception or intimidation.
- Consent cannot be given by someone who is incapacitated, as defined below.
- Consent cannot be assumed based on silence, the absence of "no" or "stop," the existence of a prior or current relationship, or prior sexual activity.

Incapacitated: An individual is incapable of consent if they are unable to *understand the facts, nature, extent, or implications* of the situation due to drugs, alcohol, a mental disability, being asleep or unconscious, or based on their age (pursuant to Indiana law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation. Consent does not exist when the individual initiating sexual activity *knew or should have known* of the other individual's incapacitation.

Dating Violence: Violence or the threat of violence committed by any individual who is or has been in a relationship of a romantic or intimate nature. The existence of such a relationship will be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interactions between the individuals involved in the relationship.

Days: References to days shall mean calendar days unless business days is expressly specified.

Domestic Violence: Violence or the threat of violence by an individual against another individual who:

- a. is or was a spouse of;
- b. is or was living as if a spouse of;
- c. has a child in common with;
- d. is a minor subject to the control of; or
- e. is an incapacitated individual under the guardianship or otherwise subject to the control of the other individual regardless of whether the act or threat has been reported to a law enforcement agency or results in a criminal prosecution.

Employee: This term shall be synonymous with and include all employees working for Indiana University – academic employees, including faculty, and staff, including full-time, part-time, and temporary (hourly) employees at any university campus or working on behalf of the university.

Finding of Responsibility: Means that it is more likely than not that the Respondent has committed one or more acts of sexual misconduct. A preponderance of the evidence standard must be used when determining responsibility for sexual misconduct.

Force or Threat of Force:

- The use of physical force which overcomes the individual's resistance; or
- The threat of physical force, express or implied, against the individual or a third-party that places the individual in fear of death or in fear of serious personal injury to the individual or a third-party where the individual reasonably believes that the actor has the present or future ability to execute the threat.

Hostile Environment: When conduct is sufficiently severe, pervasive or persistent to limit or deny an individual's ability to participate in or benefit from the university's educational programs or affects employment.

Indiana University Property: Buildings, grounds, and land that are owned by Indiana University or controlled by Indiana University via leases or other formal contractual arrangements to house ongoing university operations.

Investigator: A university official authorized to investigate reports of sexual misconduct under the procedures identified in this policy.

Notice: Written notice of the outcome of the sexual misconduct proceeding, the appeals process, and the appeal decision, if applicable. To the extent possible, the parties shall be provided written notices simultaneously. Written notice may be provided electronically through Indiana University email accounts.

Member of the University Community: Any individual who is a student, staff, faculty member, university official, or any other individual employed by, or acting on behalf of, the university; other individuals while on Indiana University property, including employees of third-party vendors and contractors, volunteers, and visitors. An individual's status in a particular situation shall be determined by the Investigator or Title IX Coordinator.

Rape: 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 individual, without the consent of the victim. (FBI definition.)

Respondent: Any member of the university community alleged to have engaged in sexual misconduct as defined in this policy.

Responsible Employee: Pursuant to Title IX, a "Responsible Employee" includes those university employees who have the authority to redress sexual misconduct, who have the duty to report incidents of sexual misconduct, or who a student could reasonably believe has this authority or duty.

The university's Responsible Employees include, but are not limited to:

- All instructors, including full-time professors, adjuncts, lecturers, associate instructors (AIs), teaching assistants (TAs), and any others who offer classroom instruction (whether in-person or online) or office hours to students;
- All advisors;
- All coaches and other athletic staff that interact directly with students;
- All student affairs administrators;
- All residential hall staff;
- All employees who work in offices that interface with students; and
- All supervisors and university officials.

Retaliation: Acts of retaliation include intimidation, threats, and/or harassment, whether physical or communicated verbally or via written communication (including the use of e-mail, texts and social media), as well as adverse changes in work or academic environments or other adverse actions or threats.

Sanctioning Official: An individual with extensive knowledge of the applicability and implementation of the proceedings conducted pursuant to this policy who is authorized by the university to confer with a hearing panel about the range of available sanctions in a particular case, to make sanctioning determinations, and to ensure that the sanctions imposed are proportional to the severity of the violation and consistent with university standards. A Sanctioning Official is designated on each campus by the campus's Senior Student Affairs Administrator in consultation with the University Title IX Coordinator. Subject to the approval of the campus's Senior Student Affairs Administrator and University Title IX Coordinator, a Sanctioning Official is authorized to appoint a designee

who will perform the Sanctioning Official's duties in the event of the absence or unavailability of the Sanctioning Official.

Sexual Assault:

- Non-consensual Sexual Penetration is committed when an individual subjects another individual to sexual penetration ([see below](#)) without the consent of the individual, and/or by force.
- Non-consensual Sexual Contact is intentional sexual touching by an individual of the intimate area of another individual (i.e., genitals, breasts, buttocks) or intentional sexual touching of another individual with any of these body parts, without the consent of the individual, and/or by force.

Sexual Exploitation: Conduct that extends the bounds of consensual sexual activity with or without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose. Examples of sexual exploitation include but are not limited to:

- a. Non-consensual streaming, audio- or video-recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without consent of all parties involved;
- b. Allowing others to view sexual acts (whether in person or via a video camera or other recording device) without the consent of all parties involved;
- c. Engaging in any form of voyeurism (e.g., "peeping");
- d. Prostituting another individual;
- e. Compelling another individual to touch their own or another individual's (third-party) intimate parts without consent;
- f. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge;
- g. Deception regarding contraceptives; and
- h. Inducing incapacitation for the purpose of making another individual vulnerable to non-consensual sexual activity.

Sexual Harassment: Unwelcome conduct or behavior of a sexual nature. Sexual harassment includes sexual violence. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, written, electronic (e.g., by e-mail, text, social media, etc.), or physical conduct of a sexual nature. Sexual harassment occurs when submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo), or when such conduct is sufficiently severe, pervasive, or persistent to limit or deny an individual's ability to participate in or benefit from the university's educational programs or affects employment, creating a hostile environment.

Sexual Misconduct: Sexual harassment, sexual assault, other forms of sexual violence, dating violence, domestic violence, sexual exploitation and stalking. For purposes of this policy, sex- or gender-based discrimination is considered sexual misconduct.

Sexual Penetration: Sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of the actor's or individual's body or any object manipulated by the actor into the genital or anal openings of the individual's body.

Sexual Violence: Physical sexual acts perpetrated against an individual's will or where an individual is incapable of giving consent. Sexual violence includes rape and sexual assault.

Stalking: A knowing or an intentional course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity.

Student: Defined by the [Code of Student Rights, Responsibilities, and Conduct \(http://studentcode.iu.edu/appendices/definitions.html\)](http://studentcode.iu.edu/appendices/definitions.html)

Student Affairs Officer: An individual authorized by the university and the campus chancellor or provost to be responsible for the administration of the Student Code of Rights and Responsibilities on a campus, or, in certain circumstances that individual's designee.

Title VII: Title VII of the Civil Rights Act of 1964 (42 U.S.C. section 2000e), which prohibits employment discrimination based on race, color, religion, sex and national origin.

Title IX: The portion of the federal Education Amendments of 1972 (20 U.S.C. section 1681-1688), which provides in part that "no person in the United States shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

Title IX Coordinator: The individual designated by the university to coordinate university's compliance with Title IX and respond to allegations of sexual misconduct by members of the university community. In some circumstances, this can include the Title IX Coordinator's designee. Members of the university community may contact the Title IX Coordinator to raise concerns regarding the Sexual Misconduct policy and process.

Sanctions

Violations of this policy by an individual will be addressed in accordance with applicable university policies and procedures, referenced above, which may include disciplinary actions up to and including expulsion or termination from the university. When determining appropriate sanctions, the university may consider prior findings of misconduct. Violations of law will be addressed by law enforcement and may result in criminal penalties.

Additional Contacts

Title IX Coordinator

Emily Springston
University Director of Institutional Equity & Title IX Coordinator
400 E. 7th Street
Poplars 833
Bloomington, IN 47405
812-855-4889
oie@iu.edu

Title IX Deputy Coordinators

IUB	Emily Springston, University Director of Institutional Equity & Title IX Coordinator	812-855-7559	oie@iu.edu
IUB	Libby Spotts, Director, Office of Student Conduct	812-855-5419	osc@indiana.edu
IUPUI	Anne Mitchell, Director, Office of Equal Opportunity	317-278-9230	amitch29@iupui.edu
IUPUI	Sara Dickey Associate Dean of Students and Director of Student Conduct	317-274-4431	sadickey@iupui.edu

IUPUC	Anne Mitchell, Director, Office of Equal Opportunity	317-278-9230	amitch29@iupui.edu
IUFW	Anne Mitchell, Director, Office of Equal Opportunity	317-278-9230	amitch29@iupui.edu
IUE	Tracy Amyx, Director of Affirmative Action/EEOC Officer	765-973-8402	ttramyx@iue.edu
IUK	Sarah Sarber, Chief of Staff/Deputy Title IX Coordinator	765-455-9204	shawkins@iuk.edu
IUN	Carolyn Hartley, Interim Director of EOAA Programs	219-980-7205	cjhartl@iun.edu
IUS	James J. Wilkerson, Director, Office of Equity and Diversity	812-941-2306	eqdivix@ius.edu
IUSB	Laura Harlow Director of Diversity and Affirmative Action; Director of the Office of Student Conduct	574-520-5536	lewhitne@iusb.edu

IU Police Departments

Superintendent of Public Safety	Benjamin Hunter	812-855-4296	bdhunter@iu.edu
IU Office of Public Safety	Richard Erny	317-274-4230	rcerny@iu.edu
IU Office of Public Safety	Yvonna Daily		ydaily@iu.edu
IUB Police	Jill Lees, Chief of Police	812-855-7621	jmlees@iu.edu
IUPUI Police	Doug Johnson, Chief of Police	317-274-4860	johnsodo@iu.edu
IUE Police	Scott Dunning, Chief of Police	765-973-8435	sdunning@iue.edu
IUK Police	Thomas Remender, Chief of Police	765-455-9432	tremende@iu.edu
IUN Police	Monte Davis, Chief of Police	219-980-6969	montdavi@iun.edu
IUS Police	Stephen Miller, Chief of Police	812-941-2400	sfmiller@ius.edu
IUSB Police	Kurt Matz, Chief of Police	574-520-5522	kumatz@iusb.edu

IUFW Police	Tim Potts Chief of Police	260-481-6827	police@pfw.edu
-------------	------------------------------	--------------	--

Campus Student Affairs

IUB	Dave O'Guinn, Vice Provost for Student Affairs and Dean of Students	812-855-8188	vpsa@indiana.edu
IUPUI	Eric Weldy, Vice Chancellor Division of Student Affairs	317-274-3290	eweldy@iupui.edu
IUE	Amy Jarecki, Dean of Students	765-973-8525	ajarecki@iue.edu
IUK	Audra Dowling, Dean of Students	765-455-9204	iukdos@iuk.edu
IUN	Alexis Montevirgen, Vice Chancellor for Student Affairs	219-980-6586	nwstuaaff@iun.edu
IUS	Amanda Stonecipher, Vice Chancellor for Enrollment Management and Student Affairs	812-941-2115	agstone@ius.edu
IUSB	Monica Porter, Vice Chancellor for Student Affairs and Diversity	574-520-4252	moport@iusb.edu

Campus Academic Affairs

IUB	Eliza Pavalko, Vice Provost for Faculty and Academic Affairs	812-855-2809	vpfaa@indiana.edu
IUPUI	Kathy Johnson, Executive Vice Chancellor and Chief Academic Officer	317-274-4500	ofaa@iupui.edu
IUE	Michelle Malott, Executive Vice Chancellor, Academic Affairs	765-973-8320	mimalott@iue.edu
IUK	Mark Canada, Executive Vice Chancellor for Academic Affairs	765-453-2227	marcanad@iuk.edu
IUN	Vicki Román-Lagunas, Executive Vice Chancellor for Academic Affairs	219-980-6761	viroman@iun.edu
IUS	Kelly Ryan, Executive Vice Chancellor for Academic Affairs	812-941-2208	ryanka@ius.edu

IUSB	Linda Chen Interim Executive Vice Chancellor for Academic Affairs	574-520-4183	lchen@iusb.edu
IUFW	Ann Obergfell Associate Vice Chancellor of Academic Affairs and Operations	260-481-0512	amobergf@iufw.edu

Campus Human Resources Offices

IUB	http://hr.iu.edu/	812-855-2172	uhrs@indiana.edu
IUPUI	http://www.hra.iupui.edu/	317-274-7617	hra@iupui.edu
IUE	http://www.iue.edu/hr/ index.php	765-973-8487	iuehr@iue.edu
IUK	http://iuk.edu/hr/index.php	765-455-9226	gvanalst@iuk.edu
IUN	http://www.iun.edu/hr/	219-980-6775	hrnw@iun.edu
IUS	http://www.ius.edu/hr/ index.php	812-941-2356	HR@ius.edu
IUSB	https://www.iusb.edu/ human-resources/	574-520-4358	japoelvo@iusb.edu

Office for Civil Rights

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481

FAX: 202-453-6012; TDD: 800-877-8339

Email: OCR@ed.gov

Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

History

This policy was established in 2015. It incorporates and supercedes the Indiana University [Policy Against Sexual Harassment](#), which was effective in 1998.

Approved by the University Faculty Council, February 24, 2015 by the [attached resolution](#).

Approved by University President, March 1, 2015.

Revisions to policy approved by UFC and University President, August 25, 2016.

Revision to policy approved by UFC November 29, 2016; approved to be made effective on January 1, 2017, by University President.

Revisions to policy approved by UFC November 28, 2017; approved to be made effective on January 1, 2018 by University President.

Revisions to policy approved by UFC April 23, 2019; approved to be made effective on July 1, 2019 by University President.

Previous Versions by Effective Dates:

[03/01/2015 - 08/25/2016](#)

[08/25/2016 - 01/01/2017](#)

[01/01/2017 - 01/01/2018](#)

[01/01/2018 - 07/01/2019](#)

Related Information

IU's Stop Sexual Violence Website www.stopsexualviolence.iu.edu

[Non-Discrimination/Equal Opportunity/Affirmative Action policy](#)

[Code of Student Rights and Responsibilities](#)

[Code of Academic Ethics](#)

[Programs Involving Children policy](#)

[Annual Security & Fire Safety Reports \(including Clery Crime Statistics\)](#)

Ivy Tech Community College

Policy Title

Discrimination and Harassment Policy and Procedures

Policy Number

9.2

Primary Responsibility

College Title IX & Title VI Coordinator

Sally Ronald

sronald@ivytech.edu

463-285-8334

Creation/Revision/Effective Dates

July 7, 2025 replacing Student Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures

Purpose

Ivy Tech Community College (the College) is committed to cultivating an inclusive community where every person is valued and respected. We recognize that discrimination and harassment of every kind, including that involving sexual violence, is a direct threat to the effective development of such a community. As such, Ivy Tech Community College prohibits discrimination and harassment against students, employees, or other beneficiaries, *on the basis of race, color, ethnicity, national origin, marital status, religion, sex, gender, sexual orientation, gender identity, disability, age, or veteran status, or any other characteristic protected by local, state, or federal law or regulation*, in admission or access to or employment in its education program and activities.

Generally Applicable Principles

I. Scope

This policy applies to any reported discrimination or harassment that is alleged to have occurred in any Ivy Tech Community College (the College) program or activity, including on campus and in buildings owned by the College, or that creates a hostile environment for any College student or employee.

II. Reporting

Any College employee or student-employee acting in the scope of their employment who is not a Confidential Employee and who has reason to believe that a College student or employee has been the target of or has experienced discrimination or harassment in their employment or in the College's education program or activity must report the behavior. Unless a College employee is designated as a Confidential Employee and received information about discrimination or

harassment in the employee's capacity as a Confidential Employee, all College employees must report non-identifying information regarding any Clery crime¹ know to them to the Vice President for Public Safety and Emergency Preparedness.

In addition to the College Title IX Coordinator, each campus has a Campus Title IX Coordinator tasked with overseeing Title IX compliance on their respective campuses. Below is a list of the Campus Title IX Coordinators:

Dr. Amy Ward (Muncie & Anderson Campuses)

George and Frances Ball Building

125 South High Street, Rm 312

Muncie, IN 47305

award119@ivytech.edu

765-289-2291 ext. 1214

Esthela O'Neill

Connie and Steve Ferguson Academic Building

200 Daniels Way, Rm A137

Bloomington, IN 47404

eonell7@ivytech.edu

812-330-6385

Dr. Jennifer Englert-Copeland

Moravec Hall, Rm 140B

4475 Central Avenue

Columbus, IN 47203

jcopeland58@ivytech.edu

812-374-5222

Dr. MaNesha Stiff

Arts and Science Building

3400 Broadway

Gary, IN 46409

mstiff1@ivytech.edu

219-256-7496

Rebecca McQueen-Ruark

Evansville Main Campus, Room 140A

3501 North First Avenue

Evansville, IN 47710

rmcqueenruark@ivytech.edu

812-429-9849

Nicholas Spangle

3800 North Anthony Blvd

Fort Wayne, IN 46805

260-480-2035

nspangle2@ivytech.edu

Jessica Metz

Hamilton County Campus, Room 121

300 N 17th Street

Noblesville, IN 46060

jmetz19@ivytech.edu

317-916-7524

Dr. Theresa Murphy

Kokomo Main, M102D

1815 East Morgan Street

Kokomo, IN 46901

tmurphy7@ivytech.edu

765-252-5503

Dr. Jessica Pitstick

Ivy Hall Room 1203

3101 South Creasy Lane

Lafayette, IN 47905

jpitstick@ivytech.edu

765-269-5608

Lisa Moorehead

Riverfront Campus, Room 326

50 Walnut Street

Lawrenceburg, IN 47025

lmoorhead1@ivytech.edu

812-537-4010 ext. 5237

¹ The following are Clery crimes: criminal homicide; sexual assault; robbery; aggravated assault; burglary; motor vehicle theft; arson; dating violence; domestic violence; stalking; hate crimes including larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property; and arrests and referrals for disciplinary referrals for violations of weapons, drug, and liquor laws.

Dustin Stewart
Madison Campus, Room 1450
590 Ivy Tech Drive
Madison, IN 47250
dstewart113@ivytech.edu
812-265-2580 X4109

Angelia Forrest
Marion Campus, 202
261 South Commerce Drive
Marion, IN 46952
abaileywebb@ivytech.edu
765-651-3100 ext. 3408

Dr. Tammy Frankland
Johnson Hall Rm. 1113
2357 Chester Boulevard
Richmond, IN 47374
tfrankland1@ivytech.edu
765-966-2656 ext. 1112

Niki Fjeldal
North Meridian Center Rm. 540
50 West Fall Creek Parkway North Drive
Indianapolis, IN 46208
nfjeldal@ivytech.edu
317-921-4800 ext 087916

Ryan Drake
North Meridian Center Rm. 540
50 West Fall Creek Parkway North Drive
Indianapolis, IN 46208
rdrake35@ivytech.edu
317-921-4800 ext 081525

Dr. Charlotte Bingham
8104 Hwy 311, Pfau Hall G12
Sellersburg, IN 47172
cbingham11@ivytech.edu
812-246-3301 x4949

Sandra Senatore-Roberts
Room 120x
220 Dean Johnson Blvd
South Bend, IN 46601
ssenatorerobert@ivytech.edu
574-289-7001 ext 1002

Melissa Kearns
Terre Haute Main Campus, D130D
8000 South Education Drive
Terre Haute, IN 47802
mkearns1@ivytech.edu
812-298-2398

Lora Plank
3100 Ivy Tech Drive
Valparaiso, IN 46383
lplank@ivytech.edu
219-476-4734

Allegations of all forms of discrimination and harassment may be reported directly to the College Title IX Coordinator or the applicable Campus Title IX Coordinator or via the [online reporting form](#).

The College accepts anonymous reports. However, anonymous reports may hamper the College's ability to respond effectively to the allegations.

Indiana law requires that anyone who has reason to believe that a minor is a victim of child abuse or neglect (including sexual abuse) has an affirmative duty to make a report to the Indiana Department of Child Services hotline 1-800-800-5556 or to local law enforcement. This includes suspected abuse that involves a child who is no longer a minor. Failure to report may result in criminal charges.

Individuals with questions regarding nondiscrimination laws may contact the United States Department of Education, Office for Civil Rights' Chicago Office, which serves Indiana, as follows:

Office for Civil Rights, Chicago Office
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: 312-730-1560
Fax: 312-730-1576; TDD: 800-877-8339
Email: OCR.Chicago@ed.gov

III. Training

Employee training will be provided to individuals involved in responding to reports of discrimination and harassment at the College. Individuals specifically involved in implementing this policy and its procedures will be trained on the scope of the College's education program and activities; the applicable roles in implementing the policy, including how to conduct an investigation, the alternative resolution process, the grievance procedures, conducting hearings, and appeals; and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

IV. Retaliation

The College prohibits retaliation against anyone who reports, testifies, assists, or participates or refuses to participate in any manner in an investigation, proceeding, or hearing. Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve discrimination or harassment, but arise out of the same facts or circumstances as a report or complaint of discrimination or harassment for the purpose of interfering with any right or privilege secured by this policy or law.

V. Expressive Activity

Nothing in this policy is intended to infringe upon or limit a person's right to free speech or free intellectual inquiry, debate, and constructive dialogue. The College values the principles of freedom of expression and academic freedom, even when speech or academic discourse is uncomfortable and challenging. Accordingly, speech that is protected by the First Amendment will not be adjudicated according to this policy. However, speech that constitutes harassment or seriously threatens a person's physical safety is not protected and will be subject to investigation and possible disciplinary action as applicable under this policy.

VI. False Information

Any person who in bad faith provides false information or makes a false report related to this policy or a related process may be subject to appropriate discipline up to and including expulsion or termination. Whether a person provided false information or made a false report in bad faith shall not be determined solely by whether there was or was not a finding of responsibility.

VII. Amnesty

The College strongly encourages students to report discrimination and harassment. Accordingly, students who report discrimination or harassment pursuant to this policy will not be disciplined for drug or alcohol consumption connected with the reported discrimination or harassment.

VIII. Emergency Removal

If it is determined that a Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from allegations of discrimination or harassment, the Respondent may be immediately removed from the College on an emergency basis. Respondent will be notified of such emergency removal in writing and provided an opportunity to appeal the decision.

IX. Rights of the Parties

Complainants and Respondents have the following rights for all procedures outlined in this policy:

- A. To be informed of this policy and the applicable procedures, including any options available to them in the policy;
- B. To timely written notice of alleged violations and material adjustments to the allegations;
- C. To be treated with respect by College employees;
- D. To an adequate and equitable investigation and appropriate resolution of all complaints of discrimination and harassment;
- E. To be informed of options to notify proper law enforcement authorities and the option to be assisted in notifying such authorities, if the party chooses;
- F. To be notified of available resources, including counseling, mental health, and academic and other support services at the College;
- G. To participate in the investigation and adjudication process, including the opportunity to identify potential witnesses and present relevant evidence and to be informed of other directly related evidence gathered and to be provided an opportunity to respond to such through the process;
- H. To have allegations investigated and adjudicated in a reasonable time given the facts and circumstances of the specific case;
- I. To have a preponderance of the evidence (more likely than not) standard applied when determining whether a violation of this policy occurred; and
- J. To appeal determinations in the process as specified in this policy.

X. Notice of Allegations

Upon receipt of a Formal Complaint for behavior that constitutes Title IX Sexual Harassment or if proceedings relating to Other Prohibited Discrimination and Harassment are initiated, the Campus Title IX Coordinator or other campus designee will provide written notice to the parties (to the extent known) containing the following information:

1. Notice of the College's grievance process, including the alternative resolution process;
2. Notice of the allegations, including sufficient details known at the time. Sufficient details include: the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment or Other Prohibited

Discrimination and Harassment, and the date and location of the alleged incident(s), if known;

3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
4. If the allegation is of Title IX Sexual Harassment, notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney and the right to an advisor provided by the College for a hearing;
5. Notice that this policy, under “Generally Applicable Principles Section VI,” and the College’s Code of Student Rights & Responsibilities, section C. (1), “Dishonesty,” prohibit making false statements or knowingly submitting false information during grievance processes in bad faith. The College may impose sanctions for such behavior provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a false statement in bad faith.

This Notice must be sent with sufficient time to allow the parties to prepare a response before any initial interview.

XI. Alternative Resolution

Upon receipt of a Formal Complaint or if Other Prohibited Discrimination and Harassment proceedings are initiated and after providing sufficient notice to the parties as described above, the College may, in appropriate cases, facilitate an alternative resolution process. Alternative resolution options may include, but are not limited to, acceptance of responsibility, mediation, and voluntary resolutions. The College may not require the parties to participate in the alternative resolution process, but instead must obtain the parties’ voluntary, written consent to participate.

The alternative resolution process is not available to resolve allegations that an employee engaged in Title IX Sexual Harassment against a student. Further, at any time during the alternative resolution process, any of the parties may end the alternative resolution process and initiate the investigation and determination process.

Investigation and Resolution Process: Complaints of Title IX Sexual Harassment

I. Covered Behaviors

The procedures in this section apply to allegations of Title IX Sexual Harassment and are to be used only when there is a signed Formal Complaint.

II. Response to Reports of Title IX Sexual Harassment

Upon receipt of a report of Title IX Sexual Harassment, the Campus Title IX Coordinator must promptly, usually within two days,² contact the Complainant to schedule an initial intake meeting. The initial intake meeting will take place in person, via phone, or via virtual meeting.

² Any quantity of days reference in this policy refers to business days.

In addition to discussing the availability of supportive measures, the Campus Title IX Coordinator will also consider the Complainant's requests with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

III. Formal Complaint

If the Complainant submits a Formal Complaint that a member of the College community engaged in Title IX Sexual Harassment, the allegations will be addressed pursuant to the Title IX Sexual Harassment procedures.

The College Title IX Coordinator may decide to sign a Formal Complaint to investigate the allegation(s) of Title IX Sexual Harassment even in instances where a potential Complainant does not themselves wish to proceed. In determining whether to do so, the College Title IX Coordinator will weigh the potential Complainant's wishes against the College's obligation to provide a safe, nondiscriminatory environment for all, including the potential Complainant.

Even if a Formal Complaint is not filed, supportive measures may continue at the discretion of the Campus Title IX Coordinator.

If, in the course of an investigation, additional allegations are uncovered that warrant investigation, the Campus Title IX Coordinator will provide a supplemental notice of the additional allegations to the parties as described in section X above.

IV. Dismissal and Consolidation

The College Title IX Coordinator must dismiss a Formal Complaint of Title IX Sexual Harassment when the alleged conduct, even if true, would not constitute Title IX Sexual Harassment. The College Title IX Coordinator may dismiss a Formal Complaint when a Complainant notifies the Campus or College Title IX Coordinator they would like to withdraw the Formal Complaint or when the Respondent is a non-student and non-employee of the College. If the Respondent was a student or employee of the College at the time of the alleged incident but is no longer a student or employee of the College, College may condition rehiring or readmission on the outcome of the Formal Complaint adjudication.

If a Formal Complaint is dismissed, the College Title IX Coordinator will promptly inform the parties of the reason for dismissal and the right to appeal the dismissal. The appeal grounds and procedures are the same as those for appealing the Decisional Official's determination. The complaint may be referred to other applicable College policies and procedures, including those included in this policy, for adjudication and the parties will be notified of any such referral in writing.

The College may consolidate Formal Complaints or complaints where the allegations arise out of the same facts or circumstances. If the allegations include allegations of Title IX Sexual Harassment and Other Prohibited Discrimination and Harassment, the investigation will follow the Title IX Sexual Harassment procedures.

V. Procedures

The procedures in this section apply to allegations of Title IX Sexual Harassment only when there is a signed Formal Complaint.

A. Advisors

The parties may be accompanied to any meeting or proceeding related to this policy by an advisor of their choice. The parties may choose anyone to be an advisor so long as the potential advisor is willing and available and does not have institutionally conflicting roles such as being a witness in the investigation or an administrator or who has an active role in the matter.

Advisors may not present on behalf of their party. Advisors may confer quietly with parties as necessary as long as they do not disrupt the process. An advisor who disrupts the process will receive one warning after which if continued disruption occurs, the advisor will be removed from the meeting or proceeding. In such an event, the parties will be given the opportunity to reschedule the meeting or proceeding and be accompanied by another advisor.

B. Investigation

Unless a Formal Complaint is dismissed or the parties resolve a Formal Complaint through the alternative resolution process, the College will investigate allegations of Title IX Sexual Harassment and make a determination regarding responsibility.

The burden of proof and responsibility for collection of evidence rests with the College.

An investigator will be assigned to investigate the allegations. For investigations involving a student Respondent, the investigator will be the Campus Title IX Coordinator from the Respondent's home campus or that person's designee. For investigations involving an employee Respondent, the investigator will be a Human Resources lead from a campus other than the Respondent's home campus or that person's designee.

The means of investigating a Formal Complaint include, but are not limited to, interviews with Complainant, Respondent, and any witness(es) the investigator believes could potentially have relevant information and review of records and documentation. The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other relevant evidence. Both parties must be permitted to discuss the allegations under investigation and to gather and present relevant evidence while safeguarding the privacy of those involved.

Information related to prior sexual history of the parties will be not relevant unless such information is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the information includes specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is offered to prove consent. However, consent will not be assumed based solely on evidence of any prior sexual history.

When the investigator has completed the collection of evidence, they will provide both parties an equal opportunity to inspect and review the evidence obtained that is directly related to the allegations raised in the Formal Complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The parties will have ten days to submit a written response to the evidence, which the investigator will consider prior to completion of the investigation report. The investigator will create an investigation report that fairly summarizes the relevant evidence and will provide the investigation report and access to any directly related evidence to each party and their advisor at least ten days prior to the hearing. The parties will have ten days to submit a written response.

C. Hearing

For Formal Complaints involving an employee Respondent, a Decisional Official will be appointed to conduct a hearing and determine whether Title IX Sexual Harassment occurred as alleged in the Formal Complaint. For Formal Complaints involving a student Respondent, a three-member hearing panel will be appointed to conduct a hearing and determine by majority vote whether Title IX Sexual Harassment occurred as alleged in the Formal Complaint. One member of the hearing panel will be appointed the hearing panel chair. The Decisional Official/hearing panel will be provided with the investigation report and will have access to all directly related evidence.

The hearing will take place either in-person or remotely via video call at the discretion of the College Title IX Coordinator. The parties and witnesses identified by the Decisional Official are encouraged to be available for the hearing.

The Decisional Official/hearing panel will review the allegations from the Formal Complaint and the investigation report and both parties will have an equal opportunity to provide a statement. The Decisional Official/hearing panel and the parties through their advisors will have an opportunity to ask relevant questions of the parties and appearing witnesses. The Decisional Official/hearing panel will determine whether proposed questions are relevant prior to them being answered.

The hearing will be recorded.

D. Decision and Sanction

After the hearing, the Decisional Official/hearing panel will deliberate and, using a preponderance of the evidence (more likely than not) standard, determine whether the Respondent is responsible for violating this policy by committing Title IX Sexual Harassment. If the Decisional Official/hearing panel determines that the Respondent violated this policy by committing Title IX Sexual Harassment, they will determine appropriate sanctions ranging from probation or coaching to expulsion or termination. When determining the appropriate sanctions, the Decisional Official/hearing panel will consider the nature and severity of the behavior and the existence of any prior incidents or violations.

The Decisional Official/hearing panel will simultaneously notify the parties of its determination on both responsibility and sanctions, as applicable, in writing. The notice will include identification of the allegations potentially constituting Title IX Sexual Harassment; description of the procedural steps taken; findings of fact supporting the determination; conclusions regarding the application of this policy to the facts; a statement of, and rationale for, the result as to each allegation; and the procedures and permissible bases for the Complainant and Respondent to appeal.

E. Appeals

Following the Decisional Official's/hearing panel's determination, either party may submit an appeal to the Appellate Official. The appeal must be in writing and received within ten days of the date the parties were notified of the Decisional Official/hearing panel's determination.

The only grounds for appeal are:

- a. There was a procedural irregularity that affected the outcome of the matter;

- b. New evidence has become available that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the matter; or
- c. The Campus or College Title IX Coordinator, investigator(s), or Decisional Official/hearing panel member(s) had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will have five days after the submission of an appeal to submit a written statement in support of or challenging the Decisional Official's/hearing panel's determination. The Appellate Official will issue a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result within 15 days of the latter of a) the conclusion of the five-day submission period or b) after all parties have submitted statements in support of or challenging the Decisional Official's/hearing panel's determination. Sanctions will not be implemented until the Appellate Official issues an opinion on any pending appeals or if the appeal time period has lapsed with no submitted appeals.

Investigation and Resolution Process: Complaints of Other Prohibited Discrimination and Harassment

I. Covered Behaviors

The procedures in this section apply to all other allegations of Other Prohibited Discrimination and Harassment on the basis of a protected class.

II. Procedures

A. Investigation

The burden of proof and collection of evidence rests with the College. An investigator will be assigned to investigate the allegations.

The means of investigating a complaint include, but are not limited to, interviews with Complainant, Respondent, and any witness(es) the investigator believes could potentially have relevant information. The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other relevant evidence. Both parties must be permitted to discuss the allegations under investigation and to gather and present relevant evidence while safeguarding the privacy of those involved.

B. Student Respondent Procedures

i. Decision and Sanction

Following the investigation, the Decisional Official will meet with the Respondent in a judicial conference to discuss the alleged violations of this policy. During the meeting, the Respondent may choose to accept or deny responsibility for violating this policy. If the Respondent accepts responsibility for the alleged violation, the Respondent waives the right to appeal the finding of responsibility. If the Respondent denies responsibility for the alleged violation, the Decisional Official will determine, based upon a preponderance of the evidence, whether the Respondent violated this policy. If the Respondent is found responsible for violating this policy, the

Decisional Official will impose appropriate sanctions, considering the nature and severity of the behavior and the existence of any prior incidents or violations.

ii. Appeals

Following the Decisional Official's determination, either party may submit an appeal to the Appellate Official. The appeal must be in writing and received within ten days of the date the parties were notified of the investigator's determination.

The only grounds for appeal are:

- a. There was a procedural irregularity that affected the outcome of the matter;
- b. New evidence has become available that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- c. The investigator or Decisional Official had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will have five days after the submission of an appeal to submit a written statement in support of or challenging the investigator's determination. The Appellate Official will issue a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result within 15 days of the latter of a) the conclusion of the five-day submission period or b) after all parties have submitted statements in support of or challenging the Decisional Official's determination.

C. Employee Respondent Procedures

i. Investigation Report

When the investigator has completed their collection of evidence, the investigator will create an investigation report that fairly summarizes the relevant evidence. The investigator will provide both parties an equal opportunity to inspect and review the investigation report and evidence obtained that is directly related to the allegations raised in the complaint so that each party can meaningfully respond. The parties will have ten days to submit a written response.

ii. Decision and Sanction

For matters alleging an employee committed Other Prohibited Discrimination and Harassment but not Title IX Sexual Harassment, the investigator will be the Decisional Official. At least ten days after the parties have been given access to the investigation report and directly related evidence, the Decisional Official will consider all directly related evidence, will deliberate, and, using a preponderance of the evidence (more likely than not) standard, determine whether the Respondent is responsible for violating this policy by committing Other Prohibited Discrimination and Harassment. If the Decisional Official determines that the Respondent violated this policy by committing Other Prohibited Discrimination and Harassment, they will send the finding to the Vice President of Human Resources who will determine appropriate sanctions ranging from coaching to termination. When determining the appropriate sanctions, the Vice President of Human Resources will consider the nature and severity of the behavior and the existence of any prior incidents or violations.

The Decisional Official will simultaneously notify the parties of their determination regarding the allegations and the assigned sanction in writing and include identification of the allegations potentially constituting Other Prohibited Discrimination and Harassment; description of the procedural steps taken; findings of fact supporting the determination; conclusions regarding the application of this policy to the facts; a statement of, and rationale for, the result as to each allegation; and the procedures and permissible bases for the Complainant and Respondent to appeal.

iii. Appeals

Following the Decisional Official's determination, either party may submit an appeal to the Appellate Official. The appeal must be in writing and received within ten days of the date the parties were notified of the investigator's determination.

The only grounds for appeal are:

1. There was a procedural irregularity that affected the outcome of the matter;
2. New evidence has become available that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The investigator/Decisional Official or Vice President of Human Resources had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will have five days after the submission of an appeal to submit a written statement in support of or challenging the Decisional Official's determination or the sanction imposed. The Appellate Official will issue a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result within 15 days of the latter of a) the conclusion of the five-day submission period or b) after all parties have submitted statements in support of or challenging the Decisional Official's/hearing panel's determination.

Definitions

Appellate Official: College employee appointed to hear appeals under this policy.

- For proceedings involving an employee Respondent, the Appellate Official is the Senior Vice President for Business Affairs.
- For proceedings involving a student Respondent, the Appellate Official is the Chancellor for the Respondent's campus.

Complainant: An individual within the College community who may have experienced discrimination or harassment (even if they have not submitted a Formal Complaint).

Confidential Employee includes licensed, professional mental health counselors working in that capacity for the College, health care professionals and staff working in on-campus health care centers, and employees specifically designated as sexual assault advocates. Confidential Employees are not required to report allegations of Title IX Sexual Harassment and will not share information received in their Confidential Employee capacity without permission or as allowed by law.

Consent: Knowing, voluntary, and clear mutual agreement to engage in specific sexual activity. Consent must be freely and actively given and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. Consent may be withdrawn at any time. Consent to some sexual contact cannot be presumed to be consent for other sexual activity. Consent cannot be compelled by force, threat, deception, or intimidation. Consent cannot be given by someone who is incapacitated. Consent does not exist when the individual initiating the sexual activity knew or should have known of the other individual's incapacitation. Consent cannot be given if the person is not legally old enough to give consent.

Dating Violence: Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the Complainant. Factors to consider in determining whether such a relationship exists include the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Decisional Official: The College employee appointed to make a determination regarding a finding of responsibility under this policy.

Discrimination: Treating someone adversely on the basis of their being a part of a protected class. In determining whether discrimination occurred, College will consider whether there was an adverse impact on the Complainant's education or work environment and whether individuals outside of the protected class were treated more favorably.

Domestic Violence: Violence that would constitute a felony or misdemeanor crime of violence committed by an individual who:

- is a current or former spouse or intimate partner of Complainant under the family or domestic violence laws of Indiana;
- shares a common child with Complainant;
- is cohabitating with, or has cohabitated with, Complainant as a spouse or intimate partner; or
- commits acts against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Indiana.

Force: The use of physical violence or the threat of physical violence that causes the fear of death or serious personal injury.

Formal Complaint: A document signed and submitted by a Complainant (or in certain cases the College Title IX Coordinator) alleging discrimination, harassment, or retaliation by Respondent and requesting that the College investigate and adjudicate according to this policy.

Harassment: Conduct on the basis of an individual's belonging to a protected class that has the purpose or effect of substantially interfering with that individual's access to an education program or activity or employment at the College or that creates a hostile environment.

Hostile Environment: Unwelcome conduct on the basis of a protected class that is so severe, pervasive, or objectively offensive that it denies, limits, or interferes with a person's employment or their ability to participate in or benefit from the College's education program or activity.

Incapacitation: When an individual is unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, or being asleep or

unconscious. With respect to alcohol and drugs, intoxication or impairment is not equivalent to incapacitation.

Non-Title IX Sexual Harassment:

- A College community member conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, or objectively offensive that it effectively denies a person equal access to the College's education program or activity.
- Sexual assault (as defined by the Sexual Assault for Other Prohibited Discrimination and Harassment procedures definition), dating violence, domestic violence, and stalking as defined by this policy.

Other Prohibited Discrimination and Harassment: Discrimination or harassment based on an individual's belonging to a protected class that does not constitute Title IX Sexual Harassment. Other Prohibited Discrimination and Harassment includes Non-Title IX Sexual Harassment.

Protected Class: The following are protected classes for purposes of this policy: race, color, ethnicity, national origin, marital status, religion, sex, gender, sexual orientation, gender identity, disability, age, or veteran status.

Respondent: a member of the College community alleged to have engaged in conduct that could constitute discrimination, harassment, or retaliation under this policy.

Sexual Assault:

For Title IX Sexual Harassment procedures includes:

- Sex Offenses, Forcible—Any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent. It includes:
 - Forcible Rape -- 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 Complainant;
 - Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
 - Sexual Assault With An Object—To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity; or
 - Forcible Fondling—The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent

because of age or because of temporary or permanent mental or physical incapacity.

- Sex Offenses, Nonforcible— Nonforcible sexual intercourse. It includes:
 - Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Indiana law; or
 - Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent according to Indiana law IC 35-42-4-9.

For Other Prohibited Discrimination and Harassment procedures includes:

- Non-consensual sexual penetration—Sexual penetration of another individual without the consent of the individual or by force.
- Non-consensual sexual contact—Intentional sexual touching of the intimate area of another individual (i.e., genitals, breasts, buttocks) or intentional sexual touching of another individual with any of these body parts, without the consent of the individual or by force.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety, the safety of others or suffer substantial emotional distress. Stalking can occur in person or using technology, and the duration, frequency, and intensity of the conduct should be considered. Stalking tactics can include, but are not limited to watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks. Merely annoying conduct, even if repeated, is a nuisance, but is not typically chargeable as stalking.

For purposes of the stalking definition, a course of conduct requires that there be more than one incident, and the conduct must be directed at a specific person. Reasonable person is an objective standard meaning a person in the Complainant's situation and circumstances (having similar characteristics/demographics to the Complainant). Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Student: For purposes of this policy a student is a person enrolled in a degree or certificate program at the College.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered to both Complainant and Respondent as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment or to deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absence in the case of employees, increased security and monitoring of certain areas of the campus, and other similar measures.

Title IX Sexual Harassment: Conduct on the basis of sex or sexual in nature that is any of the following:

- An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.
- Sexual assault (as defined by the Sexual Assault for Title IX Sexual Harassment procedures definition), dating violence, domestic violence, and stalking as defined by this policy applicable to Title IX Sexual Harassment procedures.

Ivy Tech Community College

Policy Title

Interim Discrimination and Harassment Policy and Procedures

Policy Number

9.2

Primary Responsibility

College Title IX & Title VI Coordinator

Sally Ronald

sronald@ivytech.edu

Creation/Revision/Effective Dates

December 3, 2024 replacing Student Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures

Purpose

Ivy Tech Community College (the College) is committed to cultivating an inclusive community where every person is valued and respected. We recognize that discrimination and harassment of every kind, including that involving sexual violence, is a direct threat to the effective development of such a community. As such, Ivy Tech Community College prohibits discrimination and harassment against students, employees, or other beneficiaries, *on the basis of race, color, ethnicity, national origin, marital status, religion, sex, gender, sexual orientation, gender identity, disability, age, or veteran status, or any other characteristic protected by local, state, or federal law or regulation*, in admission or access to or employment in its education program and activities.

Generally Applicable Principles

I. Scope

This policy applies to any reported discrimination or harassment that is alleged to have occurred in any Ivy Tech Community College (the College) program or activity, including on campus and in buildings owned by the College, or that creates a hostile environment for any College student or employee.

II. Reporting

Any College employee or student-employee acting in the scope of their employment who is not a Confidential Employee and who has reason to believe that a College student or employee has been the target of or has experienced discrimination or harassment in their employment or in the College's education program or activity must report the behavior. Unless a College employee is designated as a Confidential Employee and received information about discrimination or harassment in the employee's capacity as a Confidential Employee, all College employees must

report non-identifying information regarding any Clery crime¹ know to them to the Vice President for Public Safety and Emergency Preparedness.

In addition to the College Title IX Coordinator, each campus has a Campus Title IX Coordinator tasked with overseeing Title IX compliance on their respective campuses. Below is a list of the Campus Title IX Coordinators:

Dr. Amy Ward (Muncie & Anderson Campuses)

George and Frances Ball Building

125 South High Street, Rm 312

Muncie, IN 47305

award119@ivytech.edu

765-289-2291 ext. 1214

Esthela O'Neil

Connie and Steve Ferguson Academic Building

200 Daniels Way

Bloomington, IN 47404

eonell7@ivytech.edu

812-330-6385

Dr. Jennifer Englert-Copeland

Moravec Hall, Rm 140B

4475 Central Avenue

Columbus, IN 47203

jcopeland58@ivytech.edu

812-374-5222

Keisha White

Arts and Science Building

3400 Broadway

Gary, IN 46409

kwhite112@ivytech.edu

219-981-4440

Rebecca McQueen-Ruark

Evansville Main Campus, Room 140A

3501 North First Avenue

Evansville, IN 47710

rmcqueenruark@ivytech.edu

812-429-9849

Nicholas Spangle

3800 North Anthony Blvd

Fort Wayne, IN 46805

260-480-2035

nspangle2@ivytech.edu

Jessica Metz

Hamilton County Campus, Room 121

300 N 17th Street

Noblesville, IN 46060

jmetz19@ivytech.edu

317-916-7524

Dr. Theresa Murphy

Kokomo Main, M102D

1815 East Morgan Street

Kokomo, IN 46901

tmurphy7@ivytech.edu

765-252-5503

Dr. Jessica Pitstick

Ivy Hall Room 1203

3101 South Creasy Lane

Lafayette, IN 47905

jpitstick@ivytech.edu

765-269-5608

Lisa Moorehead

Riverfront Campus, Room 326

50 Walnut Street

Lawrenceburg, IN 47025

lmoorhead1@ivytech.edu

812-537-4010 ext. 5237

Dustin Stewart

Madison Campus, Room 1450

¹ The following are Clery crimes: criminal homicide; sexual assault; robbery; aggravated assault; burglary; motor vehicle theft; arson; dating violence; domestic violence; stalking; hate crimes including larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property; and arrests and referrals for disciplinary referrals for violations of weapons, drug, and liquor laws.

590 Ivy Tech Drive
Madison, IN 47250
dstewart113@ivytech.edu
812-265-2580 X4109

Dr. Alexia Bailey-Web
Marion Campus, 202
261 South Commerce Drive
Marion, IN 46952
abaileywebb@ivytech.edu
765-651-3100 ext. 3408

Dr. Tammy Frankland
Johnson Hall Rm. 1113
2357 Chester Boulevard
Richmond, IN 47374
tfrankland1@ivytech.edu
765-966-2656 ext. 1112

Dr. Charlotte Bingham
8104 Hwy 311, Pfau Hall G12

Sellersburg, IN 47172
cbingham11@ivytech.edu
812-246-3301 x4949

Sandra Senatore-Roberts
Room 120x
220 Dean Johnson Blvd
South Bend, IN 46601
ssenatorerobert@ivytech.edu
574-289-7001 ext 1002

Melissa Kearns
Terre Haute Main Campus, D130D
8000 South Education Drive
Terre Haute, IN 47802
mkearns1@ivytech.edu
812-298-2398

Lora Plank
3100 Ivy Tech Drive
Valparaiso, IN 46383
lplank@ivytech.edu
219-476-4734

Allegations of all forms of discrimination and harassment may be reported directly to the College Title IX Coordinator or the applicable Campus Title IX Coordinator or via the [online reporting form](#).

The College accepts anonymous reports. However, anonymous reports may hamper the College's ability to respond effectively to the allegations.

Indiana law requires that anyone who has reason to believe that a minor is a victim of child abuse or neglect (including sexual abuse) has an affirmative duty to make a report to the Indiana Department of Child Services hotline 1-800-800-5556 or to local law enforcement. This includes suspected abuse that involves a child who is no longer a minor. Failure to report may result in criminal charges.

Individuals with questions regarding nondiscrimination laws may contact the United States Department of Education, Office for Civil Rights' Chicago Office, which serves Indiana, as follows:

Office for Civil Rights, Chicago Office
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544

Telephone: 312-730-1560
Fax: 312-730-1576; TDD: 800-877-8339
Email: OCR.Chicago@ed.gov

III. Training

Employee training will be provided to individuals involved in responding to reports of discrimination and harassment at the College. Individuals specifically involved in implementing this policy and its procedures will be trained on the scope of the College's education program and activities; the applicable roles in implementing the policy, including how to conduct an investigation, the alternative resolution process, the grievance procedures, conducting hearings, and appeals; and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

IV. Retaliation

The College prohibits retaliation against anyone who reports, testifies, assists, or participates or refuses to participate in any manner in an investigation, proceeding, or hearing. Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve discrimination or harassment, but arise out of the same facts or circumstances as a report or complaint of discrimination or harassment for the purpose of interfering with any right or privilege secured by this policy or law.

V. Expressive Activity

Nothing in this policy is intended to infringe upon or limit a person's right to free speech or free intellectual inquiry, debate, and constructive dialogue. The College values the principles of freedom of expression and academic freedom, even when speech or academic discourse is uncomfortable and challenging. Accordingly, speech that is protected by the First Amendment will not be adjudicated according to this policy. However, speech that constitutes harassment or seriously threatens a person's physical safety is not protected and will be subject to investigation and possible disciplinary action as applicable under this policy.

VI. False Information

Any person who in bad faith provides false information or makes a false report related to this policy or a related process may be subject to appropriate discipline up to and including expulsion or termination. Whether a person provided false information or made a false report in bad faith shall not be determined solely by whether there was or was not a finding of responsibility.

VII. Amnesty

The College strongly encourages students to report discrimination and harassment. Accordingly, students who report discrimination or harassment pursuant to this policy will not be disciplined for drug or alcohol consumption connected with the reported discrimination or harassment.

VIII. Emergency Removal

If it is determined that a Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from allegations of discrimination or harassment, the

Respondent may be immediately removed from the College on an emergency basis. Respondent will be notified of such emergency removal in writing and provided an opportunity to appeal the decision.

IX. Rights of the Parties

Complainants and Respondents have the following rights for all procedures outlined in this policy:

- A. To be informed of this policy and the applicable procedures, including any options available to them in the policy;
- B. To timely written notice of alleged violations and material adjustments to the allegations;
- C. To be treated with respect by College employees;
- D. To an adequate and equitable investigation and appropriate resolution of all complaints of discrimination and harassment;
- E. To be informed of options to notify proper law enforcement authorities and the option to be assisted in notifying such authorities, if the party chooses;
- F. To be notified of available resources, including counseling, mental health, and academic and other support services at the College;
- G. To participate in the investigation and adjudication process, including the opportunity to identify potential witnesses and present relevant evidence and to be informed of other directly related evidence gathered and to be provided an opportunity to respond to such through the process;
- H. To have allegations investigated and adjudicated in a reasonable time given the facts and circumstances of the specific case;
- I. To have a preponderance of the evidence (more likely than not) standard applied when determining whether a violation of this policy occurred; and
- J. To appeal determinations in the process as specified in this policy.

X. Notice of Allegations

Upon receipt of a Formal Complaint for behavior that constitutes Title IX Sexual Harassment or if proceedings relating to Other Prohibited Discrimination and Harassment are initiated, the Campus Title IX Coordinator or other campus designee will provide written notice to the parties (to the extent known) containing the following information:

1. Notice of the College's grievance process, including the alternative resolution process;
2. Notice of the allegations, including sufficient details known at the time. Sufficient details include: the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment or Other Prohibited Discrimination and Harassment, and the date and location of the alleged incident(s), if known;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

4. If the allegation is of Title IX Sexual Harassment, notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney and the right to an advisor provided by the College for a hearing;
5. Notice that this policy, under “Generally Applicable Principles Section VI,” and the College’s Code of Student Rights & Responsibilities, section C. (1), “Dishonesty,” prohibit making false statements or knowingly submitting false information during grievance processes in bad faith. The College may impose sanctions for such behavior provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a false statement in bad faith.

This Notice must be sent with sufficient time to allow the parties to prepare a response before any initial interview.

XI. Alternative Resolution

Upon receipt of a Formal Complaint or if Other Prohibited Discrimination and Harassment proceedings are initiated and after providing sufficient notice to the parties as described above, the College may, in appropriate cases, facilitate an alternative resolution process. Alternative resolution options may include, but are not limited to, acceptance of responsibility, mediation, and voluntary resolutions. The College may not require the parties to participate in the alternative resolution process, but instead must obtain the parties’ voluntary, written consent to participate.

The alternative resolution process is not available to resolve allegations that an employee engaged in Title IX Sexual Harassment against a student. Further, at any time during the alternative resolution process, any of the parties may end the alternative resolution process and initiate the investigation and determination process.

Investigation and Resolution Process: Complaints of Title IX Sexual Harassment

I. Covered Behaviors

The procedures in this section apply to allegations of Title IX Sexual Harassment and are to be used only when there is a signed Formal Complaint.

II. Response to Reports of Title IX Sexual Harassment

Upon receipt of a report of Title IX Sexual Harassment, the Campus Title IX Coordinator must promptly, usually within two days,² contact the Complainant to schedule an initial intake meeting. The initial intake meeting will take place in person, via phone, or via virtual meeting. In addition to discussing the availability of supportive measures, the Campus Title IX Coordinator will also consider the Complainant’s requests with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

III. Formal Complaint

² Any quantity of days reference in this policy refers to business days.

If the Complainant submits a Formal Complaint that a member of the College community engaged in Title IX Sexual Harassment, the allegations will be addressed pursuant to the Title IX Sexual Harassment procedures.

The College Title IX Coordinator may decide to sign a Formal Complaint to investigate the allegation(s) of Title IX Sexual Harassment even in instances where a potential Complainant does not themselves wish to proceed. In determining whether to do so, the College Title IX Coordinator will weigh the potential Complainant's wishes against the College's obligation to provide a safe, nondiscriminatory environment for all, including the potential Complainant.

Even if a Formal Complaint is not filed, supportive measures may continue at the discretion of the Campus Title IX Coordinator.

If, in the course of an investigation, additional allegations are uncovered that warrant investigation, the Campus Title IX Coordinator will provide a supplemental notice of the additional allegations to the parties as described in section X above.

IV. Dismissal and Consolidation

The College Title IX Coordinator must dismiss a Formal Complaint of Title IX Sexual Harassment when the alleged conduct, even if true, would not constitute Title IX Sexual Harassment. The College Title IX Coordinator may dismiss a Formal Complaint when a Complainant notifies the Campus or College Title IX Coordinator they would like to withdraw the Formal Complaint or when the Respondent is a non-student and non-employee of the College. If the Respondent was a student or employee of the College at the time of the alleged incident but is no longer a student or employee of the College, College may condition rehiring or readmission on the outcome of the Formal Complaint adjudication.

If a Formal Complaint is dismissed, the College Title IX Coordinator will promptly inform the parties of the reason for dismissal and the right to appeal the dismissal. The appeal grounds and procedures are the same as those for appealing the Decisional Official's determination. The complaint may be referred to other applicable College policies and procedures, including those included in this policy, for adjudication and the parties will be notified of any such referral in writing.

The College may consolidate Formal Complaints or complaints where the allegations arise out of the same facts or circumstances. If the allegations include allegations of Title IX Sexual Harassment and Other Prohibited Discrimination and Harassment, the investigation will follow the Title IX Sexual Harassment procedures.

V. Procedures

The procedures in this section apply to allegations of Title IX Sexual Harassment only when there is a signed Formal Complaint.

A. Advisors

The parties may be accompanied to any meeting or proceeding related to this policy by an advisor of their choice. The parties may choose anyone to be an advisor so long as the potential advisor is willing and available and does not have institutionally conflicting roles such as being a witness in the investigation or an administrator or who has an active role in the matter.

Advisors may not present on behalf of their party. Advisors may confer quietly with parties as necessary as long as they do not disrupt the process. An advisor who disrupts the process will receive one warning after which if continued disruption occurs, the advisor will be removed from the meeting or proceeding. In such an event, the parties will be given the opportunity to reschedule the meeting or proceeding and be accompanied by another advisor.

B. Investigation

Unless a Formal Complaint is dismissed or the parties resolve a Formal Complaint through the alternative resolution process, the College will investigate allegations of Title IX Sexual Harassment and make a determination regarding responsibility.

The burden of proof and responsibility for collection of evidence rests with the College.

An investigator will be assigned to investigate the allegations. For investigations involving a student Respondent, the investigator will be the Campus Title IX Coordinator from the Respondent's home campus or that person's designee. For investigations involving an employee Respondent, the investigator will be a Human Resources lead from a campus other than the Respondent's home campus.

The means of investigating a Formal Complaint include, but are not limited to, interviews with Complainant, Respondent, and any witness(es) the investigator believes could potentially have relevant information and review of records and documentation. The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other relevant evidence. Both parties must be permitted to discuss the allegations under investigation and to gather and present relevant evidence while safeguarding the privacy of those involved.

Information related to prior sexual history of the parties will be not relevant unless such information is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the information includes specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is offered to prove consent. However, consent will not be assumed based solely on evidence of any prior sexual history.

When the investigator has completed the collection of evidence, they will provide both parties an equal opportunity to inspect and review the evidence obtained that is directly related to the allegations raised in the Formal Complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The parties will have ten days to submit a written response to the evidence, which the investigator will consider prior to completion of the investigation report. The investigator will create an investigation report that fairly summarizes the relevant evidence and will provide the investigation report and access to any directly related evidence to each party and their advisor at least ten days prior to the hearing. The parties will have ten days to submit a written response.

C. Hearing

For Formal Complaints involving an employee Respondent, a Decisional Official will be appointed to conduct a hearing and determine whether Title IX Sexual Harassment occurred as alleged in the Formal Complaint. For Formal Complaints involving a student Respondent, a three-member hearing panel will be appointed to conduct a hearing and determine by majority vote whether Title IX Sexual Harassment occurred as alleged in the Formal Complaint. One

member of the hearing panel will be appointed the hearing panel chair. The Decisional Official/hearing panel will be provided with the investigation report and will have access to all directly related evidence.

The hearing will take place either in-person or remotely via video call at the discretion of the College Title IX Coordinator. The parties and witnesses identified by the Decisional Official are encouraged to be available for the hearing.

The Decisional Official/hearing panel will review the allegations from the Formal Complaint and the investigation report and both parties will have an equal opportunity to provide a statement. The Decisional Official/hearing panel and the parties through their advisors will have an opportunity to ask relevant questions of the parties and appearing witnesses. The Decisional Official/hearing panel will determine whether proposed questions are relevant prior to them being answered.

The hearing will be recorded.

D. Decision and Sanction

After the hearing, the Decisional Official/hearing panel will deliberate and, using a preponderance of the evidence (more likely than not) standard, determine whether the Respondent is responsible for violating this policy by committing Title IX Sexual Harassment. If the Decisional Official/hearing panel determines that the Respondent violated this policy by committing Title IX Sexual Harassment, they will determine appropriate sanctions ranging from probation or coaching to expulsion or termination. When determining the appropriate sanctions, the Decisional Official/hearing panel will consider the nature and severity of the behavior and the existence of any prior incidents or violations.

The Decisional Official/hearing panel will simultaneously notify the parties of its determination on both responsibility and sanctions, as applicable, in writing. The notice will include identification of the allegations potentially constituting Title IX Sexual Harassment; description of the procedural steps taken; findings of fact supporting the determination; conclusions regarding the application of this policy to the facts; a statement of, and rationale for, the result as to each allegation; and the procedures and permissible bases for the Complainant and Respondent to appeal.

E. Appeals

Following the Decisional Official's/hearing panel's determination, either party may submit an appeal to the Appellate Official. The appeal must be in writing and received within ten days of the date the parties were notified of the Decisional Official/hearing panel's determination.

The only grounds for appeal are:

- a. There was a procedural irregularity that affected the outcome of the matter;
- b. New evidence has become available that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the matter; or
- c. The Campus or College Title IX Coordinator, investigator(s), or Decisional Official/hearing panel member(s) had a conflict of interest or bias for or against

Complainants or Respondents generally or for or against the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will have five days after the submission of an appeal to submit a written statement in support of or challenging the Decisional Official's/hearing panel's determination. The Appellate Official will issue a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result within 15 days of the latter of a) the conclusion of the five-day submission period or b) after all parties have submitted statements in support of or challenging the Decisional Official's/hearing panel's determination. Sanctions will not be implemented until the Appellate Official issues an opinion on any pending appeals or if the appeal time period has lapsed with no submitted appeals.

Investigation and Resolution Process: Complaints of Other Prohibited Discrimination and Harassment

I. Covered Behaviors

The procedures in this section apply to all other allegations of Other Prohibited Discrimination and Harassment on the basis of a protected class.

II. Procedures

A. Investigation

The burden of proof and collection of evidence rests with the College. An investigator will be assigned to investigate the allegations.

The means of investigating a complaint include, but are not limited to, interviews with Complainant, Respondent, and any witness(es) the investigator believes could potentially have relevant information. The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other relevant evidence. Both parties must be permitted to discuss the allegations under investigation and to gather and present relevant evidence while safeguarding the privacy of those involved.

B. Student Respondent Procedures

i. Decision and Sanction

Following the investigation, the Decisional Official will meet with the Respondent in a judicial conference to discuss the alleged violations of this policy. During the meeting, the Respondent may choose to accept or deny responsibility for violating this policy. If the Respondent accepts responsibility for the alleged violation, the Respondent waives the right to appeal the finding of responsibility. If the Respondent denies responsibility for the alleged violation, the Decisional Official will determine, based upon a preponderance of the evidence, whether the Respondent violated this policy. If the Respondent is found responsible for violating this policy, the Decisional Official will impose appropriate sanctions, considering the nature and severity of the behavior and the existence of any prior incidents or violations.

ii. Appeals

Following the Decisional Official's determination, either party may submit an appeal to the Appellate Official. The appeal must be in writing and received within ten days of the date the parties were notified of the investigator's determination.

The only grounds for appeal are:

- a. There was a procedural irregularity that affected the outcome of the matter;
- b. New evidence has become available that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- c. The investigator or Decisional Official had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will have five days after the submission of an appeal to submit a written statement in support of or challenging the investigator's determination. The Appellate Official will issue a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result within 15 days of the latter of a) the conclusion of the five-day submission period or b) after all parties have submitted statements in support of or challenging the Decisional Official's determination.

C. Employee Respondent Procedures

i. Investigation Report

When the investigator has completed their collection of evidence, the investigator will create an investigation report that fairly summarizes the relevant evidence. The investigator will provide both parties an equal opportunity to inspect and review the investigation report and evidence obtained that is directly related to the allegations raised in the complaint so that each party can meaningfully respond. The parties will have ten days to submit a written response.

ii. Decision and Sanction

For matters alleging an employee committed Other Prohibited Discrimination and Harassment but not Title IX Sexual Harassment, the investigator will be the Decisional Official. At least ten days after the parties have been given access to the investigation report and directly related evidence, the Decisional Official will consider all directly related evidence, will deliberate, and, using a preponderance of the evidence (more likely than not) standard, determine whether the Respondent is responsible for violating this policy by committing Other Prohibited Discrimination and Harassment. If the Decisional Official determines that the Respondent violated this policy by committing Other Prohibited Discrimination and Harassment, they will send the finding to the Vice President of Human Resources who will determine appropriate sanctions ranging from coaching to termination. When determining the appropriate sanctions, the Vice President of Human Resources will consider the nature and severity of the behavior and the existence of any prior incidents or violations.

The Decisional Official will simultaneously notify the parties of their determination regarding the allegations and the assigned sanction in writing and include identification of the allegations potentially constituting Other Prohibited Discrimination and Harassment; description of the procedural steps taken; findings of fact supporting the determination; conclusions regarding the

application of this policy to the facts; a statement of, and rationale for, the result as to each allegation; and the procedures and permissible bases for the Complainant and Respondent to appeal.

iii. Appeals

Following the Decisional Official's determination, either party may submit an appeal to the Appellate Official. The appeal must be in writing and received within ten days of the date the parties were notified of the investigator's determination.

The only grounds for appeal are:

1. There was a procedural irregularity that affected the outcome of the matter;
2. New evidence has become available that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The investigator/Decisional Official or Vice President of Human Resources had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will have five days after the submission of an appeal to submit a written statement in support of or challenging the Decisional Official's determination or the sanction imposed. The Appellate Official will issue a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result within 15 days of the latter of a) the conclusion of the five-day submission period or b) after all parties have submitted statements in support of or challenging the Decisional Official's/hearing panel's determination.

Definitions

Appellate Official: College employee appointed to hear appeals under this policy.

- For proceedings involving an employee Respondent, the Appellate Official is the Senior Vice President for Business Affairs.
- For proceedings involving a student Respondent, the Appellate Official is the Chancellor for the Respondent's campus.

Complainant: An individual within the College community who may have experienced discrimination or harassment (even if they have not submitted a Formal Complaint).

Confidential Employee includes licensed, professional mental health counselors working in that capacity for the College, health care professionals and staff working in on-campus health care centers, and employees specifically designated as sexual assault advocates. Confidential Employees are not required to report allegations of Title IX Sexual Harassment and will not share information received in their Confidential Employee capacity without permission or as allowed by law.

Consent: Knowing, voluntary, and clear mutual agreement to engage in specific sexual activity. Consent must be freely and actively given and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. Consent may be withdrawn at any time. Consent to some sexual contact cannot be presumed to be consent for other sexual activity. Consent cannot be compelled by force, threat, deception, or intimidation.

Consent cannot be given by someone who is incapacitated. Consent does not exist when the individual initiating the sexual activity knew or should have known of the other individual's incapacitation. Consent cannot be given if the person is not legally old enough to give consent.

Dating Violence: Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the Complainant. Factors to consider in determining whether such a relationship exists include the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Decisional Official: The College employee appointed to make a determination regarding a finding of responsibility under this policy.

Discrimination: Treating someone adversely on the basis of their being a part of a protected class. In determining whether discrimination occurred, College will consider whether there was an adverse impact on the Complainant's education or work environment and whether individuals outside of the protected class were treated more favorably.

Domestic Violence: Violence that would constitute a felony or misdemeanor crime of violence committed by an individual who:

- is a current or former spouse or intimate partner of Complainant under the family or domestic violence laws of Indiana;
- shares a common child with Complainant;
- is cohabitating with, or has cohabitated with, Complainant as a spouse or intimate partner; or
- commits acts against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Indiana.

Force: The use of physical violence or the threat of physical violence that causes the fear of death or serious personal injury.

Formal Complaint: A document signed and submitted by a Complainant (or in certain cases the College Title IX Coordinator) alleging discrimination, harassment, or retaliation by Respondent and requesting that the College investigate and adjudicate according to this policy.

Harassment: Conduct on the basis of an individual's belonging to a protected class that has the purpose or effect of substantially interfering with that individual's access to an education program or activity or employment at the College or that creates a hostile environment.

Hostile Environment: Unwelcome conduct on the basis of a protected class that is so severe, pervasive, or objectively offensive that it denies, limits, or interferes with a person's employment or their ability to participate in or benefit from the College's education program or activity.

Incapacitation: When an individual is unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, or being asleep or unconscious. With respect to alcohol and drugs, intoxication or impairment is not equivalent to incapacitation.

Non-Title IX Sexual Harassment:

- A College community member conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, or objectively offensive that it effectively denies a person equal access to the College's education program or activity.
- Sexual assault (as defined by the Sexual Assault for Other Prohibited Discrimination and Harassment procedures definition), dating violence, domestic violence, and stalking as defined by this policy.

Other Prohibited Discrimination and Harassment: Discrimination or harassment based on an individual's belonging to a protected class that does not constitute Title IX Sexual Harassment. Other Prohibited Discrimination and Harassment includes Non-Title IX Sexual Harassment.

Protected Class: The following are protected classes for purposes of this policy: race, color, ethnicity, national origin, marital status, religion, sex, gender, sexual orientation, gender identity, disability, age, or veteran status.

Respondent: a member of the College community alleged to have engaged in conduct that could constitute discrimination, harassment, or retaliation under this policy.

Sexual Assault:

For Title IX Sexual Harassment procedures includes:

- Sex Offenses, Forcible—Any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent. It includes:
 - Forcible Rape -- 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 Complainant;
 - Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
 - Sexual Assault With An Object—To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity; or
 - Forcible Fondling—The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Sex Offenses, Nonforcible— Nonforcible sexual intercourse. It includes:
 - Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Indiana law; or
 - Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent according to Indiana law IC 35-42-4-9.

For Other Prohibited Discrimination and Harassment procedures includes:

- Non-consensual sexual penetration—Sexual penetration of another individual without the consent of the individual or by force.
- Non-consensual sexual contact—Intentional sexual touching of the intimate area of another individual (i.e., genitals, breasts, buttocks) or intentional sexual touching of another individual with any of these body parts, without the consent of the individual or by force.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety, the safety of others or suffer substantial emotional distress. Stalking can occur in person or using technology, and the duration, frequency, and intensity of the conduct should be considered. Stalking tactics can include, but are not limited to watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks. Merely annoying conduct, even if repeated, is a nuisance, but is not typically chargeable as stalking.

For purposes of the stalking definition, a course of conduct requires that there be more than one incident, and the conduct must be directed at a specific person. Reasonable person is an objective standard meaning a person in the Complainant's situation and circumstances (having similar characteristics/demographics to the Complainant). Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Student: For purposes of this policy a student is a person enrolled in a degree or certificate program at the College.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered to both Complainant and Respondent as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment or to deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absence in the case of employees, increased security and monitoring of certain areas of the campus, and other similar measures.

Title IX Sexual Harassment: Conduct on the basis of sex or sexual in nature that is any of the following:

- An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.
- Sexual assault (as defined by the Sexual Assault for Title IX Sexual Harassment procedures definition), dating violence, domestic violence, and stalking as defined by this policy applicable to Title IX Sexual Harassment procedures.

EO 25-35: ENSURING COMPLIANCE WITH COMMON-SENSE PROTECTIONS FOR WOMEN AND GIRLS IN EDUCATION AND SPORTS

Purdue University
June 30, 2025

Introduction

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages individuals to strive to reach their potential. Title IX Harassment in the workplace or the educational environment is unacceptable and will not be tolerated, and we are happy to share copies of our current and prior versions of our Title IX Harassment Policy (III.C.4) and Procedures for Resolving Complaints of Title IX Harassment. The following report includes information for the entire Purdue University system, including the West Lafayette campus (including Indianapolis and statewide locations), Purdue Fort Wayne, and Purdue University Northwest.

Title IX Harassment Policy (III.C.4), Procedures for Resolving Complaints of Title IX Harassment, and Procedures for Gender Participation in Sports

A copy of Purdue University's current *Title IX Harassment Policy* (III.C.4) (Revised June 30, 2025) is attached as Appendix A. The initial effective date of the *Title IX Harassment Policy* (III.C.4) was August 14, 2020 (See Appendix B). Revisions to this Policy took effect on:

- August 1, 2021 (Interim status removed) (See Appendix C);
- October 1, 2024 (Contacts section updated) (See Appendix D); and
- April 21, 2025 (Clarified that good faith reports are not considered false if unsubstantiated. Updated links and references) (See Appendix E).

A copy of Purdue University's current Procedures for Resolving Complaints of Title IX Harassment (Revised June 30, 2025) is attached as Appendix F. The initial effective date of the Procedures for Resolving Complaints of Title IX Harassment was August 14, 2020 (See Appendix G). Revisions to these Procedures took effect on:

- September 2, 2021 (See Appendix H); and
- April 21, 2025 (See Appendix I).

A copy of Purdue University's Procedures for Gender Participation in Sports (Effective June 30, 2025) is attached as Appendix J.

APPENDIX A

Title IX Harassment (III.C.4)

Volume III: Ethics

Chapter C: Equal Opportunity

Responsible Executive: Vice President for Ethics and Compliance

Responsible Office: Office of the Vice President for Ethics and Compliance

Date Issued: August 14, 2020

Date Last Revised: June 30, 2025

Table of Contents

Contacts

Statement of Policy

Reason for This Policy

Individuals and Entities Affected

Exclusions

Responsibilities

Definitions (defined terms are capitalized throughout the document)

Related Documents, Forms and Tools

Website Address for This Policy

History and Updates

Appendix

Contacts

Policy Clarification

Title/Office	Telephone	Email/Webpage

Vice President for Ethics and Compliance	765-494-5830	<u>vpec@purdue.edu</u> <u>(mailto:vpec@purdue.edu)www.purdue.edu/ethics</u> <u>(https://www.purdue.edu/ethics)</u> Office address: Ernest C. Young Hall 155 S. Grant St. West Lafayette, IN 47907
--	--------------	--

Title IX Harassment Complaints

Title/Office	Telephone	Email/Webpage
Fort Wayne: Office for Civil Rights Compliance	260-481-6107	<u>hr@pfw.edu</u> (<u>(mailto:hr@pfw.edu)</u>) <u>HR and OCRC Staff</u> <u>(https://www.pfw.edu/offices/human-resources/about/staff)</u>
PNW Hammond Campus: Office for Civil Rights	219-989-3169	<u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u>
PNW Westville Campus: Office for Civil Rights	219-785-5545	<u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u>
West Lafayette: Office for Civil Rights	765-494-7255	<u>ocr@purdue.edu</u> <u>(mailto:ocr@purdue.edu)</u>

Reports of Sexual Violence

Title/Office	Telephone	Email/Webpage
For all emergencies, dial 911. Non-emergency reports may be made using the contacts below.		
Fort Wayne: Title IX Coordinator – Christine M. Marcuccilli	260-481-6107	Kettler Hall, Room 144 2101 E. Coliseum Blvd. Fort Wayne, IN 46805 <u>marcuccc@pfw.edu</u> <u>(mailto:marcuccc@pfw.edu)</u>
PNW Hammond Campus: Title IX Coordinator – Laura Odom	219-989-3169	Lawshe Hall, Room 218 2200 169th St. Hammond, IN 46323 <u>odoml@pnw.edu</u> <u>(mailto:odoml@pnw.edu)</u>
PNW Westville Campus: Title IX Coordinator – Laura Odom	219-785-5545	Schwarz Hall, Room 150 1401 S. U.S. Highway 421 Westville, IN 46391 <u>odoml@pnw.edu</u> <u>(mailto:odoml@pnw.edu)</u>
West Lafayette: Title IX Coordinator – Christina Wright	765-494-7255	Ernest C. Young Hall 155 S. Grant St. West Lafayette, IN 47907 <u>titleix@purdue.edu</u> <u>(mailto:titleix@purdue.edu)</u>

Fort Wayne: • Police Department • Office of Student Conduct and Care • Student Housing • Center for Healthy Living	• 260-481-6827 • 260-481-6601 • 260-481-4180 • 765-494-0111	• <u>police@pfw.edu</u> (<u>mailto:police@pfw.edu</u>) • <u>scc@pfw.edu</u> (<u>mailto:scc@pfw.edu</u>) • <u>housing@pfw.edu</u> (<u>mailto:housing@pfw.edu</u>) • <u>CHL Appointments and Services</u> (<u>https://www.pfw.edu/center-healthy-living/appointments-and-services</u>)
PNW Hammond Campus: • Police Department • Office of the Dean of Students • Housing • Center for Healthy Living	• 219-989-2220 • 219-989-4141 • 219-989-4150 • 765-494-0111	• <u>University Police Department</u> (<u>https://www.pnw.edu/public-safety/</u>) • <u>dos@pnw.edu</u> (<u>mailto:dos@pnw.edu</u>) • <u>Housing</u> (<u>https://www.pnw.edu/housing/</u>) • <u>Center for Healthy Living at PNW</u> (<u>https://www.pnw.edu/center-for-healthy-living/</u>)
PNW Westville Campus: • Police Department • Office of the Dean of Students	• 219-785-5220 • 219-785-5230	(<u>https://www.pnw.edu/health-care-facilities/</u>) • <u>University Police Department</u> (<u>https://www.pnw.edu/public-safety/</u>) • <u>dos@pnw.edu</u> (<u>mailto:dos@pnw.edu</u>)

West Lafayette: • Police Department • Office of the Dean of Students • University Residences • Student Health Center (PUSH)	• 765-494-8221 • 765-494-1747 • 765-494-1000 • 765-494-1700	• <u>police@purdue.edu</u> (<u>mailto:police@purdue.edu</u>) • <u>odos@purdue.edu</u> (<u>mailto:odos@purdue.edu</u>) • <u>housing@purdue.edu</u> (<u>mailto:housing@purdue.edu</u>) • <u>shc@purdue.edu</u> (<u>mailto:shc@purdue.edu</u>)
---	--	--

Statement of Policy

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages its members to strive to reach their potential. The most effective way to work toward preventing Title IX Harassment is through education that emphasizes respect for every individual.

It is essential that Purdue University demonstrate its intellectual and ethical leadership by reaffirming its strong position against Title IX Harassment in all forms. All members of the University community must be able to pursue their goals, educational needs and working lives without intimidation or injury generated by Title IX Harassment.

Title IX Harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated. Purdue University is committed to maintaining an educational and work climate for faculty, staff and students that is positive and free from all forms of Title IX Harassment. This policy addresses Title IX Harassment toward individuals for reasons of sex, sexual orientation, gender identity and/or gender expression. The University will not tolerate Title IX Harassment of its faculty, staff or students by persons conducting business with or visiting the University, even though such persons are not directly affiliated with the University.

Jurisdiction

This policy applies to the programs and activities of Purdue University in the United States, to conduct that takes place on the campus or on property owned or controlled by the University in the United States, at University-sponsored events in the United States, or in buildings located in the United States that are owned or controlled by a Recognized Student Organization.

Reporting and Addressing Title IX Harassment

This policy seeks to encourage faculty, staff and students to report and address incidents of Title IX Harassment. The **Procedures for Resolving Complaints of Title IX Harassment (<https://www.purdue.edu/ethics/resources/titleIX-complaints.php>)**, as issued and updated from time to time by the Vice President for Ethics and Compliance, describe the necessary steps for filing complaints of Title IX Harassment.

The University reserves the right to investigate circumstances that may involve Title IX Harassment in situations where the impacted party declines to file a Formal Complaint. In appropriate circumstances, sanctions in accordance with this policy will be implemented where the Title IX Coordinator has filed a Formal Complaint.

To determine whether a particular act or course of conduct constitutes Title IX Harassment under this policy, the alleged behavior will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context and duration of the questioned behavior. Such behavior must be so severe, pervasive and objectively offensive that it effectively denies an individual equal access to a program or activity of the University.

Academic Freedom and Freedom of Speech

Freedom of thought and expression are the lifeblood of our academic community and require an atmosphere of mutual respect among diverse persons, groups and ideas. The maintenance of mutually respectful behavior is a precondition for the vigorous exchange of ideas, and it is the policy of the University to promote such behavior in all forms of

expression and conduct. The University reaffirms its commitment to freedom of speech as guaranteed by the First Amendment to the United States Constitution. Accordingly, any form of speech or conduct that is protected by the First Amendment is not subject to this policy. The University reaffirms its commitment to academic freedom, which is essential to its educational mission and is critical to diversity and intellectual life.

Violations of Policy and Sanctions

Any individual or group of individuals found to have violated this policy will be subject to disciplinary and/or remedial action, up to and including termination of employment or expulsion from the University. Faculty and staff who are determined to have violated this policy also may be held personally liable for any damages, settlement costs or expenses, including attorney fees incurred by the University.

The University strongly encourages students to report instances of Sexual Assault, Dating Violence, Domestic Violence or Stalking. Therefore, students who provide information regarding Sexual Assault, Dating Violence, Domestic Violence or Stalking will not be disciplined by the University for any violation of the Regulations Governing Student Conduct relating to drug or alcohol possession or consumption in which they might have engaged in connection with the reported incident of possible Sexual Assault, Dating Violence, Domestic Violence or Stalking.

False Allegations, Statements and Evidence

This policy may not be used to bring charges against any faculty, staff, students or Recognized Student Organizations, including fraternities, sororities and/or cooperatives, in bad faith. Disciplinary action will be taken against any person or group found to have brought a charge of Title IX Harassment in bad faith or any person who, in bad faith, is found to have encouraged another person or group to bring such a charge. In addition, individuals who, in bad faith, provide false statements or evidence, or who deliberately mislead a University official conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

Making a good faith report of Title IX Harassment that is not later substantiated is not considered a false statement. Similarly, a determination regarding responsibility, alone, is not sufficient to conclude that any individual made a materially false statement in bad faith.

Retaliation Prohibited

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX Harassment investigation, proceeding or hearing.

Education and Prevention

The University offers education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning Sexual Assault, Dating Violence, Domestic Violence and Stalking.

Coordination with Other University Policies

This policy augments, but does not supersede, other University policies covering discrimination or harassment. Although Title IX Harassment as described and prohibited by this policy includes a wide range of behavior, it does not include certain harassing or discriminatory conduct, even though that conduct may be otherwise unlawful, offensive or prohibited by other University policies.

Reason for This Policy

This policy is designed to prevent and sanction incidents of Title IX Harassment within the Purdue University community. The University believes that Title IX Harassment is repugnant and inimical to our most basic values.

As a land-grant university, Purdue University is committed to the principles of equal opportunity in education and employment. We take seriously our responsibility to provide leadership in ensuring that equal opportunity is the norm rather than an aspiration.

This policy helps to promote this commitment through compliance with Title IX of the Education Amendments of 1972.

Individuals and Entities Affected

All Purdue University community members.

Exclusions

There are no exclusions to this policy.

Responsibilities

Vice President for Ethics and Compliance

- In consultation with Title IX Coordinators, University officers, Chancellors and legal counsel, oversee and coordinate enforcement of policies and procedures dealing with Title IX Harassment for all campuses and operations within the Purdue University system.
- In consultation with Title IX Coordinators, University officers, Chancellors and legal counsel, oversee and coordinate the provision of education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning Sexual Assault, Dating Violence, Domestic Violence and Stalking within the University system.

Chancellors

- Maintain an educational and employment environment free from Title IX Harassment.

Vice Presidents, Vice Chancellors, Vice Provosts and Deans

- Maintain an educational and employment environment free from Title IX Harassment.
- Communicate to all members of their unit the individuals and offices designated as a resource for people seeking assistance with Title IX Harassment.

Title IX Coordinators

- Coordinate the University's efforts related to the intake, investigation, resolution and implementation of supportive measures to stop, remediate and prevent Title IX Harassment prohibited under this policy on their respective campuses involving students, staff, faculty and persons participating in or attempting to participate in a program or activity of the University.
- Oversee the investigation and resolution of all reports of sexual misconduct on their respective campuses involving students, staff, faculty consultants and contractors under the Anti-Harassment policy, as amended from time to time.
- Be knowledgeable and trained in University policies and procedures and relevant state and federal laws.
- Be available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the University, both informally and formally, and in the community.
- Be available to provide assistance to any University employee regarding how to respond appropriately to a report of Sexual Assault, Dating Violence, Domestic Violence or Stalking.
- Monitor full compliance with all applicable procedural requirements, record keeping and timeframes.
- Oversee training, prevention and education efforts, and periodic reviews of climate and culture for their respective campuses.

Mandatory Reporters

- Report all incidents of Title IX Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.

Administrators, Supervisors, and Individuals and Offices Designated as a Resource for Assistance with Title IX Harassment

- Report all incidents of Title IX Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.
- Take immediate steps in accordance with University policy and procedure to respond to any conduct involving Title IX Harassment or complaints of Title IX Harassment brought to their attention that involve University faculty, staff or students under their administrative jurisdiction.

Individuals Who Believe They Have Experienced or Witnessed Title IX Harassment

- Report the incident as described in the **Procedures for Resolving Complaints of Title IX Harassment (<https://www.purdue.edu/ethics/resources/titleIX-complaints.php>)**.

Definitions

All defined terms are capitalized throughout the document. Refer to the central **Policy Glossary ([../glossary.html](https://www.purdue.edu/ethics/resources/policy_glossary.html))** for additional defined terms.

Consent/Consensual

Affirmative, clear communication given by words or actions that shows an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is given freely and voluntarily. Consent may not be inferred from silence, passivity or when an individual is Incapacitated or otherwise prevented from giving Consent as a result of impairment due to a mental or physical condition or age. No Consent exists when there is a threat of force or physical or psychological violence.

Although Consent may be given initially, it may be withdrawn at any point without regard to activity preceding the withdrawal of Consent.

The voluntary nature of Consent will be subject to heightened scrutiny in circumstances where someone who has power or authority within the University over another person engages in a sexual relationship with that person.

Dating Violence

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

1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purposes of this definition:
Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

Domestic Violence

Felony or misdemeanor crimes of violence (including threats or attempts) committed:

1. by a current or former spouse of the victim,
2. by a person with whom the victim shares a child in common,
3. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
4. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Indiana, or
5. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Incapacitated/Incapacitation

A mental state in which an individual cannot make rational decisions because they lack the capacity to give knowing Consent (e.g., to understand the who, what, where, why and how of their sexual interaction). Such Incapacitation may be caused by alcohol or other drug use, sleep or unconsciousness. Intoxication is not equivalent to Incapacitation.

Mandatory Reporters

Individuals employed by the University who hold a title of or equivalent to President, Chancellor, vice president, vice chancellor, vice provost, dean, department head and

director, as well as employees in supervisory or management roles, and staff who have authority to institute corrective measures on behalf of the University.

Retaliation

Any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against any person or group for reporting or complaining of Title IX Harassment, assisting, participating, or refusing to participate in the investigation of a complaint of Title IX Harassment, or enforcing this policy.

Sexual Assault

An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. As indicated in the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress.

For the purposes of this definition:

1. *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
2. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
3. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Title IX Harassment

Conduct on the basis of sex that satisfies one or more of the following:

1. A University employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., *quid pro quo*); or
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's educational programs or activities; or
3. Sexual Assault, Dating Violence, Domestic Violence or Stalking.

Related Documents, Forms and Tools

Board of Trustees resolution dated December 18, 2010

Policies

- **Equal Opportunity and Equal Access (III.C.2) (iiic2.html)**
- **Amorous Relationships (III.A.1) (iiia1.html)**
- **Anti-Harassment (III.C.1) (iiic1.html)**

- **University Nondiscrimination Policy Statement**
(https://www.purdue.edu/purdue/ea_eou_statement.php)

Procedures for Resolving Complaints of Title IX Harassment

(<https://www.purdue.edu/ethics/resources/titleIX-complaints.php>)

University Title IX website (<https://www.purdue.edu/vpec/ocr/title-ix/>)

Regulations Governing Student Conduct:

- **Fort Wayne** (<https://www.pfw.edu/student-conduct-care/student-conduct>) - see Academic and Student Policies
- **Northwest** (<https://www.pnw.edu/dean-of-students/policies/code-of-conduct/>)
- **West Lafayette** (<https://www.purdue.edu/odos/osrr/conduct/code.html>)

Websites for governing bodies with oversight for applicable laws and regulations:

- **Indiana Civil Rights Commission** (<https://www.in.gov/icrc>)
- **U.S. Department of Education Civil Rights Laws** (<https://www.ed.gov/laws-and-policy/civil-rights-laws>)
- **U.S. Department of Justice, Americans with Disabilities Act**
(<https://www.ada.gov/>)
- **U.S. Department of Labor Office of Federal Contractor Compliance Programs**
(<https://www.dol.gov/agencies/ofccp>)
- **U.S. Equal Employment Opportunity Commission** (<https://www.eeoc.gov>)

Website Address for This Policy

www.purdue.edu/policies/ethics/iiic4.html ([iiic4.html](https://www.purdue.edu/policies/ethics/iiic4.html))

History and Updates

June 30, 2025: Further clarified false statements and the definition of Domestic Violence.

April 21, 2025: Clarified that good faith reports are not considered false if unsubstantiated.
Updated links and references.

October 1, 2024: Contacts section updated.

August 1, 2021: Interim status removed.

August 14, 2020: Policy adopted.

Appendix

There are no appendices to this policy.

APPENDIX B



Title IX Harassment, Interim (III.C.4)

Volume III: Ethics

Chapter C: Equal Opportunity

Responsible Executive: Vice President for Ethics and Compliance

Responsible Office: Office of the Vice President for Ethics and Compliance

Date Issued: August 14, 2020

Date Last Revised: N/A

TABLE OF CONTENTS

Contacts

Statement of Policy

Reason for This Policy

Individuals and Entities Affected by This Policy

Exclusions

Responsibilities

Definitions (defined terms are capitalized throughout the document)

Related Documents, Forms and Tools

Website Address for This Policy

History and Updates

Appendix

CONTACTS

Policy Clarification		
Title/Office	Telephone	Email/Webpage
Vice President for Ethics and Compliance	765-494-5830	vpec@purdue.edu www.purdue.edu/ethics Office address: Ernest C. Young Hall, 10 th floor 155 S. Grant St. West Lafayette, IN 47907

Title IX Harassment Complaints		
Title/Office	Telephone	Email/Webpage
Fort Wayne: Human Resources and Institutional Equity	260-481-6677	www.pfw.edu/equity
PNW Hammond Campus: Office of Equity, Diversity and Inclusion	219-989-3169	www.pnw.edu/diversity
PNW Westville Campus: Office of Equity, Diversity and Inclusion	219-785-5545	www.pnw.edu/diversity
West Lafayette: Office of Institutional Equity	765-494-7255	equity@purdue.edu www.purdue.edu/oie

Archiving
Version

Reports of Sexual Violence		
Title/Office	Telephone	Email/Webpage
For all emergencies, dial 911. Non-emergency reports may be made using the contacts below.		
Fort Wayne: Title IX Coordinator – Christine M. Marcuccilli	260-481-6107	Kettler Hall, Room 252 2101 E. Coliseum Blvd. Fort Wayne, IN 46805 marcuccc@pfw.edu
PNW Hammond Campus: Title IX Coordinator – Linda B. Knox	219-989-3169	Lawshe Hall, Room 231 2200 169 th St. Hammond, IN 46323 lbknox@pnw.edu
PNW Westville Campus: Title IX Coordinator – Laura Odom	219-785-5545	Schwarz Hall, Room 25 1401 S. U.S. Highway 421 Westville, IN 46391 odoml@pnw.edu
West Lafayette: Title IX Coordinator –Christina Wright	765-494-7255	Ernest C. Young Hall, 10 th floor 155 S. Grant St. West Lafayette, IN 47907 titleix@purdue.edu
Fort Wayne: • Police Department • Office of the Dean of Students • Student Housing • Health and Wellness Clinic	• 260-481-6827 • 260-481-6601 • 260-481-4180 • 260-481-5748	• www.pfw.edu/police/ • www.pfw.edu/offices/dean-of-students/index.html • www.pfw.edu/housing/ • www.pfw.edu/clinic/
PNW Hammond Campus: • Police Department • Office of the Dean of Students • Housing • Regional Health Clinic	• 219-989-2220 • 219-989-4141 • 219-989-4150 • 219-989-1235	• www.pnw.edu/public-safety/ • www.pnw.edu/dean-of-students • www.pnw.edu/housing/ • www.pnw.edu/health-care-facilities/
PNW Westville Campus: • Police Department • Office of the Dean of Students • LaPorte Physician Network	• 219-785-5220 • 219-785-5230 • 219-304-6100	• www.pnw.edu/public-safety/ • www.pnw.edu/dean-of-students • www.pnw.edu/health-care-facilities/
West Lafayette: • Police Department • Office of the Dean of Students • University Residences • Student Health Center (PUSH)	• 765-494-8221 • 765-494-1747 • 765-494-1000 • 765-494-1700	• www.purdue.edu/ehps/police/ • www.purdue.edu/odos/ • www.housing.purdue.edu/ • www.purdue.edu/push/

STATEMENT OF POLICY

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages its members to strive to reach their potential. The most effective way to work toward preventing Title IX Harassment is through education that emphasizes respect for every individual.

It is essential that Purdue University demonstrate its intellectual and ethical leadership by reaffirming its strong position against Title IX Harassment in all forms. All members of the University community must be able to pursue their goals, educational needs and working lives without intimidation or injury generated by Title IX Harassment.

Title IX Harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated. Purdue University is committed to maintaining an educational and work climate for faculty, staff and students that is positive and free from all forms of Title IX Harassment. This policy addresses Title IX Harassment toward individuals for reasons of sex, sexual orientation, gender identity and/or gender expression. The University will not tolerate Title IX Harassment of its faculty, staff or students by persons conducting business with or visiting the University, even though such persons are not directly affiliated with the University.

Jurisdiction

This policy applies to the programs and activities of Purdue University in the United States, to conduct that takes place on the campus or on property owned or controlled by the University in the United States, at University-sponsored events in the United States, or in buildings located in the United States that are owned or controlled by a Recognized Student Organization.

Reporting and Addressing Title IX Harassment

This policy seeks to encourage faculty, staff and students to report and address incidents of Title IX Harassment. The [Procedures for Resolving Complaints of Title IX Harassment](#), as issued and updated from time to time by the Vice President for Ethics and Compliance, describe the necessary steps for filing complaints of Title IX Harassment.

The University reserves the right to investigate circumstances that may involve Title IX Harassment in situations where the impacted party declines to file a Formal Complaint. In appropriate circumstances, sanctions in accordance with this policy will be implemented where the Title IX Coordinator has filed a Formal Complaint.

To determine whether a particular act or course of conduct constitutes Title IX Harassment under this policy, the alleged behavior will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context and duration of the questioned behavior. Such behavior must be so severe, pervasive and objectively offensive that it effectively denies an individual equal access to a program or activity of the University.

Academic Freedom and Freedom of Speech

Freedom of thought and expression are the lifeblood of our academic community and require an atmosphere of mutual respect among diverse persons, groups and ideas. The maintenance of mutually respectful behavior is a precondition for the vigorous exchange of ideas, and it is the policy of the University to promote such behavior in all forms of expression and conduct. The University reaffirms its commitment to freedom of speech as guaranteed by the First Amendment to the United States Constitution. Accordingly, any form of speech or conduct that is protected by the First Amendment is not subject to this policy. The University reaffirms its commitment to academic freedom, which is essential to its educational mission and is critical to diversity and intellectual life.

Violations of Policy and Sanctions

Any individual or group of individuals found to have violated this policy will be subject to disciplinary and/or remedial action, up to and including termination of employment or expulsion from the University. Faculty and staff who are determined to have violated this policy also may be held personally liable for any damages, settlement costs or expenses, including attorney fees incurred by the University.

The University strongly encourages students to report instances of Sexual Assault, Dating Violence, Domestic Violence or Stalking. Therefore, students who provide information regarding Sexual Assault, Dating Violence, Domestic Violence or Stalking will not be disciplined by the University for any violation of the Regulations Governing Student Conduct relating to drug or alcohol possession or consumption in which they might have engaged in connection with the reported incident of possible Sexual Assault, Dating Violence, Domestic Violence or Stalking.

False Allegations, Statements and Evidence

This policy may not be used to bring charges against any faculty, staff, students or Recognized Student Organizations, including fraternities, sororities and/or cooperatives, in bad faith. Disciplinary action will be taken against any person or group found to have brought a charge of Title IX Harassment in bad faith or any person who, in bad faith, is found to have encouraged another person or group to bring such a charge. In addition, individuals who, in bad faith, provide false statements or evidence, or who deliberately mislead a University official conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

Retaliation Prohibited

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX Harassment investigation, proceeding or hearing.

Education and Prevention

The University offers education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning Sexual Assault, Dating Violence, Domestic Violence and Stalking.

Coordination with Other University Policies

This policy augments, but does not supersede, other University policies covering discrimination or harassment. Although Title IX Harassment as described and prohibited by this policy includes a wide range of behavior, it does not include certain harassing or discriminatory conduct, even though that conduct may be otherwise unlawful, offensive or prohibited by other University policies.

REASON FOR THIS POLICY

This policy is designed to prevent and sanction incidents of Title IX Harassment within the Purdue University community. The University believes that Title IX Harassment is repugnant and inimical to our most basic values.

As a land-grant university, Purdue University is committed to the principles of equal opportunity in education and employment. We take seriously our responsibility to provide leadership in ensuring that equal opportunity is the norm rather than an aspiration.

This policy helps to promote this commitment through compliance with Title IX of the Education Amendments of 1972.

INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All Purdue University community members.

EXCLUSIONS

There are no exclusions to this policy.

RESPONSIBILITIES

Vice President for Ethics and Compliance

- In consultation with Title IX Coordinators, University officers, Chancellors and legal counsel, oversee and coordinate enforcement of policies and procedures dealing with Title IX Harassment for all campuses and operations within the Purdue University system.
- In consultation with Title IX Coordinators, University officers, Chancellors and legal counsel, oversee and coordinate the provision of education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning Sexual Assault, Dating Violence, Domestic Violence and Stalking within the University system.

Chancellors

- Maintain an educational and employment environment free from Title IX Harassment.

Vice Presidents, Vice Chancellors, Vice Provosts and Deans

- Maintain an educational and employment environment free from Title IX Harassment.
- Communicate to all members of their unit the individuals and offices designated as a resource for people seeking assistance with Title IX Harassment.

Title IX Coordinators

- Coordinate the University's efforts related to the intake, investigation, resolution and implementation of supportive measures to stop, remediate and prevent Title IX Harassment prohibited under this policy on their respective campuses involving students, staff, faculty and persons participating in or attempting to participate in a program or activity of the University.
- Oversee the investigation and resolution of all reports of sexual misconduct on their respective campuses involving students, staff, faculty consultants and contractors under the Anti-Harassment policy, as amended from time to time.
- Be knowledgeable and trained in University policies and procedures and relevant state and federal laws.
- Be available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the University, both informally and formally, and in the community.
- Be available to provide assistance to any University employee regarding how to respond appropriately to a report of Sexual Assault, Dating Violence, Domestic Violence or Stalking.
- Monitor full compliance with all applicable procedural requirements, record keeping and timeframes.
- Oversee training, prevention and education efforts, and periodic reviews of climate and culture for their respective campuses.

Mandatory Reporters

- Report all incidents of Title IX Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.

Administrators, Supervisors, and Individuals and Offices Designated as a Resource for Assistance with Title IX Harassment

- Report all incidents of Title IX Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.
- Take immediate steps in accordance with University policy and procedure to respond to any conduct involving Title IX Harassment or complaints of Title IX Harassment brought to their attention that involve University faculty, staff or students under their administrative jurisdiction.

Individuals Who Believe They Have Experienced or Witnessed Title IX Harassment

- Report the incident as described in the [Procedures for Resolving Complaints of Title IX Harassment](#).

DEFINITIONS

All defined terms are capitalized throughout the document. Refer to the central [Policy Glossary](#) for additional defined terms.

Consent/Consensual

Affirmative, clear communication given by words or actions that shows an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is given freely and voluntarily. Consent may not be inferred from silence, passivity or when an individual is Incapacitated or otherwise prevented from giving Consent as a result of impairment due to a mental or physical condition or age. No Consent exists when there is a threat of force or physical or psychological violence.

Although Consent may be given initially, it may be withdrawn at any point without regard to activity preceding the withdrawal of Consent.

The voluntary nature of Consent will be subject to heightened scrutiny in circumstances where someone who has power or authority within the University over another person engages in a sexual relationship with that person.

Dating Violence

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

1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purposes of this definition:
Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

Domestic Violence

Violence committed:

1. by a current or former spouse or intimate partner of the victim,
2. by a person with whom the victim shares a child in common,
3. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
4. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Indiana, or

5. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Incapacitated/Incapacitation

A mental state in which an individual cannot make rational decisions because they lack the capacity to give knowing Consent (e.g., to understand the who, what, where, why and how of their sexual interaction). Such Incapacitation may be caused by alcohol or other drug use, sleep or unconsciousness. Intoxication is not equivalent to Incapacitation.

Mandatory Reporters

Individuals employed by the University who hold a title of or equivalent to President, Chancellor, vice president, vice chancellor, vice provost, dean, department head and director, as well as employees in supervisory or management roles, and staff who have authority to institute corrective measures on behalf of the University.

Retaliation

Any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against any person or group for reporting or complaining of Title IX Harassment, assisting, participating, or refusing to participate in the investigation of a complaint of Title IX Harassment, or enforcing this policy.

Sexual Assault

An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. As indicated in the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress.

For the purposes of this definition:

- A. *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- B. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- C. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Title IX Harassment

Conduct on the basis of sex that satisfies one or more of the following:

1. A University employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., *quid pro quo*); or
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's educational programs or activities; or
3. Sexual Assault, Dating Violence, Domestic Violence or Stalking.

RELATED DOCUMENTS, FORMS AND TOOLS

Board of Trustees resolution dated December 18, 2010

Policies

- [Equal Opportunity, Equal Access and Affirmative Action \(III.C.2\)](http://www.purdue.edu/policies/ethics/iic2.html): www.purdue.edu/policies/ethics/iic2.html
- [Amorous Relationships \(III.A.1\)](http://www.purdue.edu/policies/ethics/iii1.html): www.purdue.edu/policies/ethics/iii1.html
- [Anti-Harassment \(III.C.1\)](http://www.purdue.edu/policies/ethics/iic1.html): www.purdue.edu/policies/ethics/iic1.html
- [University Nondiscrimination Policy Statement](http://www.purdue.edu/purdue/ea_eou_statement.html): www.purdue.edu/purdue/ea_eou_statement.html

[Procedures for Resolving Complaints of Title IX Harassment](http://www.purdue.edu/ethics/resources/titleIX-complaints.php):

www.purdue.edu/ethics/resources/titleIX-complaints.php

[Sexual Violence Awareness website](http://www.purdue.edu/sexual_assault/): www.purdue.edu/sexual_assault/

[University Title IX website](http://www.purdue.edu/titleix/index.php): www.purdue.edu/titleix/index.php

Regulations Governing Student Conduct:

- [Fort Wayne](http://www.pfw.edu/committees/senate/code/?_ga=2.94649308.1951212460.1567775697-2036197937.1567775697#Code): www.pfw.edu/committees/senate/code/?_ga=2.94649308.1951212460.1567775697-2036197937.1567775697#Code
- [Northwest](http://www.pnw.edu/dean-of-students/policies/code-of-conduct/): www.pnw.edu/dean-of-students/policies/code-of-conduct/
- [West Lafayette](http://catalog.purdue.edu/content.php?catoid=13&navoid=16335): catalog.purdue.edu/content.php?catoid=13&navoid=16335

Websites for governing bodies with oversight for applicable laws and regulations:

- [Indiana Civil Rights Commission](http://www.in.gov/icrc): www.in.gov/icrc
- [U.S. Department of Education Office for Civil Rights](http://www2.ed.gov/about/offices/list/ocr/index.html): www2.ed.gov/about/offices/list/ocr/index.html
- [U.S. Department of Justice, Americans with Disabilities Act](http://www.ada.gov/): www.ada.gov/
- [U.S. Department of Labor Office of Federal Contractor Compliance Programs](http://www.dol.gov/agencies/ofccp): www.dol.gov/agencies/ofccp
- [U.S. Equal Employment Opportunity Commission](http://www.eeoc.gov): www.eeoc.gov

WEBSITE ADDRESS FOR THIS POLICY

www.purdue.edu/policies/ethics/iic4.html

HISTORY AND UPDATES

August 14, 2020: Policy adopted.

APPENDIX

There are no appendices to this policy.

APPENDIX C



Title IX Harassment (III.C.4)

Volume III: Ethics

Chapter C: Equal Opportunity

Responsible Executive: Vice President for Ethics and Compliance

Responsible Office: Office of the Vice President for Ethics and Compliance

Date Issued: August 14, 2020

Date Last Revised: August 1, 2021

TABLE OF CONTENTS

Contacts

Statement of Policy

Reason for This Policy

Individuals and Entities Affected by This Policy

Exclusions

Responsibilities

Definitions (defined terms are capitalized throughout the document)

Related Documents, Forms and Tools

Website Address for This Policy

History and Updates

Appendix

CONTACTS

Policy Clarification		
Title/Office	Telephone	Email/Webpage
Vice President for Ethics and Compliance	765-494-5830	vpec@purdue.edu www.purdue.edu/ethics Office address: Ernest C. Young Hall, 10 th floor 155 S. Grant St. West Lafayette, IN 47907

Title IX Harassment Complaints		
Title/Office	Telephone	Email/Webpage
Fort Wayne: Human Resources and Institutional Equity	260-481-6677	https://www.pfw.edu/hr-oie
PNW Hammond Campus: Office of Equity, Diversity and Inclusion	219-989-3169	www.pnw.edu/diversity
PNW Westville Campus: Office of Equity, Diversity and Inclusion	219-785-5545	www.pnw.edu/diversity

West Lafayette: Office of Institutional Equity	765-494-7255	equity@purdue.edu www.purdue.edu/oie
--	--------------	--

Reports of Sexual Violence		
Title/Office	Telephone	Email/Webpage
For all emergencies, dial 911. Non-emergency reports may be made using the contacts below.		
Fort Wayne: Title IX Coordinator – Christine M. Marcuccilli	260-481-6107	Kettler Hall, Room 252 2101 E. Coliseum Blvd. Fort Wayne, IN 46805 marcuccc@pfw.edu
PNW Hammond Campus: Title IX Coordinator – Laura Odom	219-989-2337	Lawshe Hall, Room 218 2200 169 th St. Hammond, IN 46323 odoml@pnw.edu
PNW Westville Campus: Title IX Coordinator – Laura Odom	219-785-5545	Schwarz Hall, Room 160 1401 S. U.S. Highway 421 Westville, IN 46391 odoml@pnw.edu
West Lafayette: Title IX Coordinator – Christina Wright	765-494-7255	Ernest C. Young Hall, 10 th floor 155 S. Grant St. West Lafayette, IN 47907 titleix@purdue.edu
Fort Wayne: • Police Department • Office of the Dean of Students • Student Housing • Health and Wellness Clinic	• 260-481-6827 • 260-481-6601 • 260-481-4180 • 260-481-5748	• www.pfw.edu/police/ • www.pfw.edu/offices/dean-of-students/index.html • www.pfw.edu/housing/ • www.pfw.edu/clinic/
PNW Hammond Campus: • Police Department • Office of the Dean of Students • Housing • Regional Health Clinic	• 219-989-2220 • 219-989-4141 • 219-989-4150 • 219-989-1235	• www.pnw.edu/public-safety/ • www.pnw.edu/dean-of-students • www.pnw.edu/housing/ • www.pnw.edu/health-care-facilities/
PNW Westville Campus: • Police Department • Office of the Dean of Students • LaPorte Physician Network	• 219-785-5220 • 219-785-5230 • 219-304-6100	• www.pnw.edu/public-safety/ • www.pnw.edu/dean-of-students • www.pnw.edu/health-care-facilities/

West Lafayette: • Police Department • Office of the Dean of Students • University Residences • Student Health Center (PUSH)	• 765-494-8221 • 765-494-1747 • 765-494-1000 • 765-494-1700	• www.purdue.edu/ehps/police/ • www.purdue.edu/odos/ • www.housing.purdue.edu/ • www.purdue.edu/push/
---	--	--

STATEMENT OF POLICY

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages its members to strive to reach their potential. The most effective way to work toward preventing Title IX Harassment is through education that emphasizes respect for every individual.

It is essential that Purdue University demonstrate its intellectual and ethical leadership by reaffirming its strong position against Title IX Harassment in all forms. All members of the University community must be able to pursue their goals, educational needs and working lives without intimidation or injury generated by Title IX Harassment.

Title IX Harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated. Purdue University is committed to maintaining an educational and work climate for faculty, staff and students that is positive and free from all forms of Title IX Harassment. This policy addresses Title IX Harassment toward individuals for reasons of sex, sexual orientation, gender identity and/or gender expression. The University will not tolerate Title IX Harassment of its faculty, staff or students by persons conducting business with or visiting the University, even though such persons are not directly affiliated with the University.

Jurisdiction

This policy applies to the programs and activities of Purdue University in the United States, to conduct that takes place on the campus or on property owned or controlled by the University in the United States, at University-sponsored events in the United States, or in buildings located in the United States that are owned or controlled by a Recognized Student Organization.

Reporting and Addressing Title IX Harassment

This policy seeks to encourage faculty, staff and students to report and address incidents of Title IX Harassment. The [Procedures for Resolving Complaints of Title IX Harassment](#), as issued and updated from time to time by the Vice President for Ethics and Compliance, describe the necessary steps for filing complaints of Title IX Harassment.

The University reserves the right to investigate circumstances that may involve Title IX Harassment in situations where the impacted party declines to file a Formal Complaint. In

appropriate circumstances, sanctions in accordance with this policy will be implemented where the Title IX Coordinator has filed a Formal Complaint.

To determine whether a particular act or course of conduct constitutes Title IX Harassment under this policy, the alleged behavior will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context and duration of the questioned behavior. Such behavior must be so severe, pervasive and objectively offensive that it effectively denies an individual equal access to a program or activity of the University.

Academic Freedom and Freedom of Speech

Freedom of thought and expression are the lifeblood of our academic community and require an atmosphere of mutual respect among diverse persons, groups and ideas. The maintenance of mutually respectful behavior is a precondition for the vigorous exchange of ideas, and it is the policy of the University to promote such behavior in all forms of expression and conduct. The University reaffirms its commitment to freedom of speech as guaranteed by the First Amendment to the United States Constitution. Accordingly, any form of speech or conduct that is protected by the First Amendment is not subject to this policy. The University reaffirms its commitment to academic freedom, which is essential to its educational mission and is critical to diversity and intellectual life.

Violations of Policy and Sanctions

Any individual or group of individuals found to have violated this policy will be subject to disciplinary and/or remedial action, up to and including termination of employment or expulsion from the University. Faculty and staff who are determined to have violated this policy also may be held personally liable for any damages, settlement costs or expenses, including attorney fees incurred by the University.

The University strongly encourages students to report instances of Sexual Assault, Dating Violence, Domestic Violence or Stalking. Therefore, students who provide information regarding Sexual Assault, Dating Violence, Domestic Violence or Stalking will not be disciplined by the University for any violation of the Regulations Governing Student Conduct relating to drug or alcohol possession or consumption in which they might have engaged in connection with the reported incident of possible Sexual Assault, Dating Violence, Domestic Violence or Stalking.

False Allegations, Statements and Evidence

This policy may not be used to bring charges against any faculty, staff, students or Recognized Student Organizations, including fraternities, sororities and/or cooperatives, in bad faith. Disciplinary action will be taken against any person or group found to have brought a charge of Title IX Harassment in bad faith or any person who, in bad faith, is found to have encouraged another person or group to bring such a charge. In addition, individuals who, in bad faith, provide false statements or evidence, or who deliberately mislead a University official

conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

Retaliation Prohibited

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX Harassment investigation, proceeding or hearing.

Education and Prevention

The University offers education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning Sexual Assault, Dating Violence, Domestic Violence and Stalking.

Coordination with Other University Policies

This policy augments, but does not supersede, other University policies covering discrimination or harassment. Although Title IX Harassment as described and prohibited by this policy includes a wide range of behavior, it does not include certain harassing or discriminatory conduct, even though that conduct may be otherwise unlawful, offensive or prohibited by other University policies.

REASON FOR THIS POLICY

This policy is designed to prevent and sanction incidents of Title IX Harassment within the Purdue University community. The University believes that Title IX Harassment is repugnant and inimical to our most basic values.

As a land-grant university, Purdue University is committed to the principles of equal opportunity in education and employment. We take seriously our responsibility to provide leadership in ensuring that equal opportunity is the norm rather than an aspiration.

This policy helps to promote this commitment through compliance with Title IX of the Education Amendments of 1972.

INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All Purdue University community members.

EXCLUSIONS

There are no exclusions to this policy.

RESPONSIBILITIES

Vice President for Ethics and Compliance

- In consultation with Title IX Coordinators, University officers, Chancellors and legal counsel, oversee and coordinate enforcement of policies and procedures dealing with Title IX Harassment for all campuses and operations within the Purdue University system.
- In consultation with Title IX Coordinators, University officers, Chancellors and legal counsel, oversee and coordinate the provision of education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning Sexual Assault, Dating Violence, Domestic Violence and Stalking within the University system.

Chancellors

- Maintain an educational and employment environment free from Title IX Harassment.

Vice Presidents, Vice Chancellors, Vice Provosts and Deans

- Maintain an educational and employment environment free from Title IX Harassment.
- Communicate to all members of their unit the individuals and offices designated as a resource for people seeking assistance with Title IX Harassment.

Title IX Coordinators

- Coordinate the University's efforts related to the intake, investigation, resolution and implementation of supportive measures to stop, remediate and prevent Title IX Harassment prohibited under this policy on their respective campuses involving students, staff, faculty and persons participating in or attempting to participate in a program or activity of the University.
- Oversee the investigation and resolution of all reports of sexual misconduct on their respective campuses involving students, staff, faculty consultants and contractors under the Anti-Harassment policy, as amended from time to time.
- Be knowledgeable and trained in University policies and procedures and relevant state and federal laws.
- Be available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the University, both informally and formally, and in the community.
- Be available to provide assistance to any University employee regarding how to respond appropriately to a report of Sexual Assault, Dating Violence, Domestic Violence or Stalking.
- Monitor full compliance with all applicable procedural requirements, record keeping and timeframes.
- Oversee training, prevention and education efforts, and periodic reviews of climate and culture for their respective campuses.

Mandatory Reporters

- Report all incidents of Title IX Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.

Administrators, Supervisors, and Individuals and Offices Designated as a Resource for Assistance with Title IX Harassment

- Report all incidents of Title IX Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.
- Take immediate steps in accordance with University policy and procedure to respond to any conduct involving Title IX Harassment or complaints of Title IX Harassment brought to their attention that involve University faculty, staff or students under their administrative jurisdiction.

Individuals Who Believe They Have Experienced or Witnessed Title IX Harassment

- Report the incident as described in the [Procedures for Resolving Complaints of Title IX Harassment](#).

DEFINITIONS

All defined terms are capitalized throughout the document. Refer to the central [Policy Glossary](#) for additional defined terms.

Consent/Consensual

Affirmative, clear communication given by words or actions that shows an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is given freely and voluntarily. Consent may not be inferred from silence, passivity or when an individual is Incapacitated or otherwise prevented from giving Consent as a result of impairment due to a mental or physical condition or age. No Consent exists when there is a threat of force or physical or psychological violence.

Although Consent may be given initially, it may be withdrawn at any point without regard to activity preceding the withdrawal of Consent.

The voluntary nature of Consent will be subject to heightened scrutiny in circumstances where someone who has power or authority within the University over another person engages in a sexual relationship with that person.

Dating Violence

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

1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purposes of this definition:
Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of

such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

Domestic Violence

Violence committed:

1. by a current or former spouse or intimate partner of the victim,
2. by a person with whom the victim shares a child in common,
3. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
4. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Indiana, or
5. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Incapacitated/Incapacitation

A mental state in which an individual cannot make rational decisions because they lack the capacity to give knowing Consent (e.g., to understand the who, what, where, why and how of their sexual interaction). Such Incapacitation may be caused by alcohol or other drug use, sleep or unconsciousness. Intoxication is not equivalent to Incapacitation.

Mandatory Reporters

Individuals employed by the University who hold a title of or equivalent to President, Chancellor, vice president, vice chancellor, vice provost, dean, department head and director, as well as employees in supervisory or management roles, and staff who have authority to institute corrective measures on behalf of the University.

Retaliation

Any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against any person or group for reporting or complaining of Title IX Harassment, assisting, participating, or refusing to participate in the investigation of a complaint of Title IX Harassment, or enforcing this policy.

Sexual Assault

An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. As indicated in the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress.

For the purposes of this definition:

- A. *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- B. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- C. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Title IX Harassment

Conduct on the basis of sex that satisfies one or more of the following:

1. A University employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., *quid pro quo*); or
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's educational programs or activities; or
3. Sexual Assault, Dating Violence, Domestic Violence or Stalking.

RELATED DOCUMENTS, FORMS AND TOOLS

Board of Trustees resolution dated December 18, 2010

Policies

- [Equal Opportunity, Equal Access and Affirmative Action \(III.C.2\)](http://www.purdue.edu/policies/ethics/iic2.html): www.purdue.edu/policies/ethics/iic2.html
- [Amorous Relationships \(III.A.1\)](http://www.purdue.edu/policies/ethics/iiia1.html): www.purdue.edu/policies/ethics/iiia1.html

- [Anti-Harassment \(III.C.1\)](http://www.purdue.edu/policies/ethics/iic1.html): www.purdue.edu/policies/ethics/iic1.html
- [University Nondiscrimination Policy Statement](http://www.purdue.edu/purdue/ea_eou_statement.html): www.purdue.edu/purdue/ea_eou_statement.html

[Procedures for Resolving Complaints of Title IX Harassment](http://www.purdue.edu/ethics/resources/titleIX-complaints.php):
www.purdue.edu/ethics/resources/titleIX-complaints.php

[Sexual Violence Awareness website](http://www.purdue.edu/sexual_assault/): www.purdue.edu/sexual_assault/

[University Title IX website](http://www.purdue.edu/titleix/index.php): www.purdue.edu/titleix/index.php

Regulations Governing Student Conduct:

- [Fort Wayne](http://www.pfw.edu/committees/senate/code/?_ga=2.94649308.1951212460.1567775697-2036197937.1567775697#Code): www.pfw.edu/committees/senate/code/?_ga=2.94649308.1951212460.1567775697-2036197937.1567775697#Code
- [Northwest](http://www.pnw.edu/dean-of-students/policies/code-of-conduct/): www.pnw.edu/dean-of-students/policies/code-of-conduct/
- [West Lafayette](http://catalog.purdue.edu/content.php?catoid=13&navoid=16335): catalog.purdue.edu/content.php?catoid=13&navoid=16335

Websites for governing bodies with oversight for applicable laws and regulations:

- [Indiana Civil Rights Commission](http://www.in.gov/icrc): www.in.gov/icrc
- [U.S. Department of Education Office for Civil Rights](http://www2.ed.gov/about/offices/list/ocr/index.html): www2.ed.gov/about/offices/list/ocr/index.html
- [U.S. Department of Justice, Americans with Disabilities Act](http://www.ada.gov/): www.ada.gov/
- [U.S. Department of Labor Office of Federal Contractor Compliance Programs](http://www.dol.gov/agencies/ofccp): www.dol.gov/agencies/ofccp
- [U.S. Equal Employment Opportunity Commission](http://www.eeoc.gov): www.eeoc.gov

WEBSITE ADDRESS FOR THIS POLICY

www.purdue.edu/policies/ethics/iic4.html

HISTORY AND UPDATES

August 1, 2021: Interim status removed.

August 14, 2020: Policy adopted.

APPENDIX

There are no appendices to this policy.

APPENDIX D

Title IX Harassment (III.C.4)

Volume III: Ethics
Chapter C: Equal Opportunity
Responsible Executive: Vice President for Ethics and Compliance
Responsible Office: Office of the Vice President for Ethics and Compliance
Date Issued: August 14, 2020
Date Last Revised: October 1, 2024

TABLE OF CONTENTS

- Contacts**
- Statement of Policy**
- Reason for This Policy**
- Individuals and Entities Affected by This Policy**
- Exclusions**
- Responsibilities**
- Definitions** (defined terms are capitalized throughout the document)
- Related Documents, Forms and Tools**
- Website Address for This Policy**
- History and Updates**
- Appendix**

CONTACTS

Policy Clarification

Title/Office	Telephone	Email/Webpage

Vice President for Ethics and Compliance	765-494-5830	<u>vpec@purdue.edu</u> <u>(mailto:vpec@purdue.edu)www.purdue.edu/ethics</u> <u>(https://www.purdue.edu/ethics)</u> Office address: Ernest C. Young Hall, 10 th floor 155 S. Grant St. West Lafayette, IN 47907
--	--------------	--

Title IX Harassment Complaints

Title/Office	Telephone	Email/Webpage
Fort Wayne: Human Resources and Office of Institutional Equity	260-481-6677	<u>hr@pfw.edu</u> (<u>mailto:hr@pfw.edu</u>) <u>HR and OIE Staff</u> <u>(https://www.pfw.edu/offices/human-resources/about/staff)</u>
PNW Hammond Campus: Office of Institutional Equity	219-989-3169	<u>OIE About Us (https://www.pnw.edu/office-institutional-equity/about-us/)</u>
PNW Westville Campus: Office of Institutional Equity	219-785-5545	<u>OIE About Us (https://www.pnw.edu/office-institutional-equity/about-us/)</u>

West Lafayette: Office of Institutional Equity	765-494-7255	<u>equity@purdue.edu</u> <u>(mailto:equity@purdue.edu)</u> <u>OIE Contact Us</u> <u>(https://www.purdue.edu/oie/Contact_Us.php)</u>
--	--------------	---

Reports of Sexual Violence

Title/Office	Telephone	Email/Webpage
For all emergencies, dial 911. Non-emergency reports may be made using the contacts below.		
Fort Wayne: Title IX Coordinator – Christine M. Marcuccilli	260-481-6107	Kettler Hall, Room 139 2101 E. Coliseum Blvd. Fort Wayne, IN 46805 <u>marcuccc@pfw.edu</u> <u>(mailto:marcuccc@pfw.edu)</u>
PNW Hammond Campus: Title IX Coordinator – Laura Odom	219-989-3169	Lawshe Hall, Room 218 2200 169 th St. Hammond, IN 46323 <u>odoml@pnw.edu</u> <u>(mailto:odoml@pnw.edu)</u>

PNW Westville Campus: Title IX Coordinator – Laura Odom	219-785-5545	Schwarz Hall, Room 150 1401 S. U.S. Highway 421 Westville, IN 46391 <u>odoml@pnw.edu</u> <u>(mailto:odoml@pnw.edu)</u>
West Lafayette: Title IX Coordinator – Christina Wright	765-494-7255	Ernest C. Young Hall, 10th floor 155 S. Grant St. West Lafayette, IN 47907 <u>titleix@purdue.edu</u> <u>(mailto:titleix@purdue.edu)</u>
Fort Wayne: - Police Department - Office of Student Conduct and Care - Student Housing - Center for Healthy Living	260-481-6827 260-481-6601 260-481-4180 765-494-0111	<u>police@pfw.edu</u> <u>(mailto:police@pfw.edu)</u> <u>scc@pfw.edu</u> <u>(mailto:scc@pfw.edu)</u> <u>housing@pfw.edu</u> <u>(mailto:housing@pfw.edu)</u> <u>CHL Appointments and Services</u> <u>(https://www.pfw.edu/center-healthy-living/appointments-and-services)</u>
PNW Hammond Campus: - Police Department - Office of the Dean of Students - Housing - Center for Healthy Living	219-989-2220 219-989-4141 219-989-4150 765-494-0111	<u>University Police Department</u> <u>(https://www.pnw.edu/public-safety/)</u> <u>dos@pnw.edu</u> <u>(mailto:dos@pnw.edu)</u> <u>Housing</u> <u>(https://www.pnw.edu/housing/)</u> <u>Center for Healthy Living at PNW</u> <u>(https://www.pnw.edu/center-for-healthy-living/)</u>

PNW Westville Campus: - Police Department - Office of the Dean of Students	219-785-5220 219-785-5230	(https://www.pnw.edu/health-care-facilities/) University Police Department (https://www.pnw.edu/public-safety/) dos@pnw.edu (mailto:dos@pnw.edu)
West Lafayette: - Police Department - Office of the Dean of Students - University Residences - Student Health Center (PUSH)	765-494-8221 765-494-1747 765-494-1000 765-494-1700	police@purdue.edu (mailto:police@purdue.edu) odos@purdue.edu (mailto:odos@purdue.edu) housing@purdue.edu (mailto:housing@purdue.edu) shc@purdue.edu (mailto:shc@purdue.edu)

STATEMENT OF POLICY

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages its members to strive to reach their potential. The most effective way to work toward preventing Title IX Harassment is through education that emphasizes respect for every individual.

It is essential that Purdue University demonstrate its intellectual and ethical leadership by reaffirming its strong position against Title IX Harassment in all forms. All members of the University community must be able to pursue their goals, educational needs and working lives without intimidation or injury generated by Title IX Harassment.

Title IX Harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated. Purdue University is committed to maintaining an educational and work climate for faculty, staff and students that is positive and free from all forms of Title IX Harassment. This policy addresses Title IX Harassment toward individuals for reasons of sex, sexual orientation, gender identity and/or gender expression. The University will not tolerate Title IX Harassment of its faculty, staff or students by persons conducting business with or visiting the University, even though such persons are not directly affiliated with the University.

Jurisdiction

This policy applies to the programs and activities of Purdue University in the United States, to conduct that takes place on the campus or on property owned or controlled by the University in the United States, at University-sponsored events in the United States, or in buildings located in the United States that are owned or controlled by a Recognized Student Organization.

Reporting and Addressing Title IX Harassment

This policy seeks to encourage faculty, staff and students to report and address incidents of Title IX Harassment. The **Procedures for Resolving Complaints of Title IX Harassment (<https://www.purdue.edu/ethics/resources/titleIX-complaints.php>)**, as issued and updated from time to time by the Vice President for Ethics and Compliance, describe the necessary steps for filing complaints of Title IX Harassment.

The University reserves the right to investigate circumstances that may involve Title IX Harassment in situations where the impacted party declines to file a Formal Complaint. In appropriate circumstances, sanctions in accordance with this policy will be implemented where the Title IX Coordinator has filed a Formal Complaint.

To determine whether a particular act or course of conduct constitutes Title IX Harassment under this policy, the alleged behavior will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location,

context and duration of the questioned behavior. Such behavior must be so severe, pervasive and objectively offensive that it effectively denies an individual equal access to a program or activity of the University.

Academic Freedom and Freedom of Speech

Freedom of thought and expression are the lifeblood of our academic community and require an atmosphere of mutual respect among diverse persons, groups and ideas. The maintenance of mutually respectful behavior is a precondition for the vigorous exchange of ideas, and it is the policy of the University to promote such behavior in all forms of expression and conduct. The University reaffirms its commitment to freedom of speech as guaranteed by the First Amendment to the United States Constitution. Accordingly, any form of speech or conduct that is protected by the First Amendment is not subject to this policy. The University reaffirms its commitment to academic freedom, which is essential to its educational mission and is critical to diversity and intellectual life.

Violations of Policy and Sanctions

Any individual or group of individuals found to have violated this policy will be subject to disciplinary and/or remedial action, up to and including termination of employment or expulsion from the University. Faculty and staff who are determined to have violated this policy also may be held personally liable for any damages, settlement costs or expenses, including attorney fees incurred by the University.

The University strongly encourages students to report instances of Sexual Assault, Dating Violence, Domestic Violence or Stalking. Therefore, students who provide information regarding Sexual Assault, Dating Violence, Domestic Violence or Stalking will not be disciplined by the University for any violation of the Regulations Governing Student Conduct relating to drug or alcohol possession or consumption in which they might have engaged in connection with the reported incident of possible Sexual Assault, Dating Violence, Domestic Violence or Stalking.

False Allegations, Statements and Evidence

This policy may not be used to bring charges against any faculty, staff, students or Recognized Student Organizations, including fraternities, sororities and/or cooperatives, in bad faith. Disciplinary action will be taken against any person or group found to have brought a charge of Title IX Harassment in bad faith or any person who, in bad faith, is found to have encouraged another person or group to bring such a charge. In addition, individuals who, in bad faith, provide false statements or evidence, or who deliberately mislead a University official conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

Retaliation Prohibited

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX Harassment investigation, proceeding or hearing.

Education and Prevention

The University offers education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning Sexual Assault, Dating Violence, Domestic Violence and Stalking.

Coordination with Other University Policies

This policy augments, but does not supersede, other University policies covering discrimination or harassment. Although Title IX Harassment as described and prohibited by this policy includes a wide range of behavior, it does not include certain harassing or discriminatory conduct, even though that conduct may be otherwise unlawful, offensive or prohibited by other University policies.

REASON FOR THIS POLICY

This policy is designed to prevent and sanction incidents of Title IX Harassment within the Purdue University community. The University believes that Title IX Harassment is repugnant and inimical to our most basic values.

As a land-grant university, Purdue University is committed to the principles of equal opportunity in education and employment. We take seriously our responsibility to provide leadership in ensuring that equal opportunity is the norm rather than an aspiration.

This policy helps to promote this commitment through compliance with Title IX of the Education Amendments of 1972.

INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All Purdue University community members.

EXCLUSIONS

There are no exclusions to this policy.

RESPONSIBILITIES

Vice President for Ethics and Compliance

- In consultation with Title IX Coordinators, University officers, Chancellors and legal counsel, oversee and coordinate enforcement of policies and procedures dealing with Title IX Harassment for all campuses and operations within the Purdue University system.
- In consultation with Title IX Coordinators, University officers, Chancellors and legal counsel, oversee and coordinate the provision of education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning

Sexual Assault, Dating Violence, Domestic Violence and Stalking within the University system.

Chancellors

- Maintain an educational and employment environment free from Title IX Harassment.

Vice Presidents, Vice Chancellors, Vice Provosts and Deans

- Maintain an educational and employment environment free from Title IX Harassment.
- Communicate to all members of their unit the individuals and offices designated as a resource for people seeking assistance with Title IX Harassment.

Title IX Coordinators

- Coordinate the University's efforts related to the intake, investigation, resolution and implementation of supportive measures to stop, remediate and prevent Title IX Harassment prohibited under this policy on their respective campuses involving students, staff, faculty and persons participating in or attempting to participate in a program or activity of the University.
- Oversee the investigation and resolution of all reports of sexual misconduct on their respective campuses involving students, staff, faculty consultants and contractors under the Anti-Harassment policy, as amended from time to time.
- Be knowledgeable and trained in University policies and procedures and relevant state and federal laws.
- Be available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the University, both informally and formally, and in the community.
- Be available to provide assistance to any University employee regarding how to respond appropriately to a report of Sexual Assault, Dating Violence, Domestic Violence or Stalking.
- Monitor full compliance with all applicable procedural requirements, record keeping and timeframes.
- Oversee training, prevention and education efforts, and periodic reviews of climate and culture for their respective campuses.

Mandatory Reporters

- Report all incidents of Title IX Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.

Administrators, Supervisors, and Individuals and Offices Designated as a Resource for Assistance with Title IX Harassment

- Report all incidents of Title IX Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.
- Take immediate steps in accordance with University policy and procedure to respond to any conduct involving Title IX Harassment or complaints of Title IX Harassment brought to their attention that involve University faculty, staff or students under their administrative jurisdiction.

Individuals Who Believe They Have Experienced or Witnessed Title IX Harassment

- Report the incident as described in the **Procedures for Resolving Complaints of Title IX Harassment (<https://www.purdue.edu/ethics/resources/titleIX-complaints.php>)**.

DEFINITIONS

All defined terms are capitalized throughout the document. Refer to the central **Policy Glossary ([../glossary.html](https://www.purdue.edu/ethics/resources/policy_glossary.html))** for additional defined terms.

Consent/Consensual

Affirmative, clear communication given by words or actions that shows an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is given freely and voluntarily. Consent may not be inferred from silence, passivity or when an individual is Incapacitated or otherwise prevented from giving Consent as a result of impairment due to a mental or physical condition or age. No Consent exists when there is a threat of force or physical or psychological violence.

Although Consent may be given initially, it may be withdrawn at any point without regard to activity preceding the withdrawal of Consent.

The voluntary nature of Consent will be subject to heightened scrutiny in circumstances where someone who has power or authority within the University over another person engages in a sexual relationship with that person.

Dating Violence

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

1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purposes of this definition:
Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

Domestic Violence

Violence committed:

1. by a current or former spouse or intimate partner of the victim,
2. by a person with whom the victim shares a child in common,
3. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
4. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Indiana, or
5. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Incapacitated/Incapacitation

A mental state in which an individual cannot make rational decisions because they lack the capacity to give knowing Consent (e.g., to understand the who, what, where, why and

how of their sexual interaction). Such Incapacitation may be caused by alcohol or other drug use, sleep or unconsciousness. Intoxication is not equivalent to Incapacitation.

Mandatory Reporters

Individuals employed by the University who hold a title of or equivalent to President, Chancellor, vice president, vice chancellor, vice provost, dean, department head and director, as well as employees in supervisory or management roles, and staff who have authority to institute corrective measures on behalf of the University.

Retaliation

Any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against any person or group for reporting or complaining of Title IX Harassment, assisting, participating, or refusing to participate in the investigation of a complaint of Title IX Harassment, or enforcing this policy.

Sexual Assault

An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. As indicated in the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress.

For the purposes of this definition:

1. *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
2. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
3. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Title IX Harassment

Conduct on the basis of sex that satisfies one or more of the following:

1. A University employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., *quid pro quo*); or
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's educational programs or activities; or
3. Sexual Assault, Dating Violence, Domestic Violence or Stalking.

RELATED DOCUMENTS, FORMS AND TOOLS

Board of Trustees resolution dated December 18, 2010

Policies

- **Equal Opportunity, Equal Access and Affirmative Action (III.C.2) (iic2.html)**:
www.purdue.edu/policies/ethics/iic2.html
- **Amorous Relationships (III.A.1) (iia1.html)**:
www.purdue.edu/policies/ethics/iia1.html
- **Anti-Harassment (III.C.1) (iic1.html)**: www.purdue.edu/policies/ethics/iic1.html
- **University Nondiscrimination Policy Statement**
(https://www.purdue.edu/purdue/ea_eou_statement.html):
www.purdue.edu/purdue/ea_eou_statement.html

Procedures for Resolving Complaints of Title IX Harassment

(<https://www.purdue.edu/ethics/resources/titleIX-complaints.php>):

www.purdue.edu/ethics/resources/titleIX-complaints.php

Sexual Violence Awareness website (https://www.purdue.edu/sexual_assault/):

www.purdue.edu/sexual_assault/

University Title IX website (<https://www.purdue.edu/titleix/index.php>):

www.purdue.edu/titleix/index.php

Regulations Governing Student Conduct:

- **Fort Wayne (https://www.pfw.edu/committees/senate/code/?_ga=2.94649308.1951212460.1567775697-2036197937.1567775697#Code):**
pfw.edu/committees/senate/code/?_ga=2.94649308.1951212460.1567775697-2036197937.1567775697#Code
- **Northwest (<https://www.pnw.edu/dean-of-students/policies/code-of-conduct/>):** www.pnw.edu/dean-of-students/policies/code-of-conduct/
- **West Lafayette (<https://catalog.purdue.edu/content.php?catoid=13&navoid=16335>):** catalog.purdue.edu/content.php?catoid=13&navoid=16335

Websites for governing bodies with oversight for applicable laws and regulations:

- **Indiana Civil Rights Commission (<https://www.in.gov/icrc>):** www.in.gov/icrc

- **U.S. Department of Education Office for Civil Rights**
(<https://www2.ed.gov/about/offices/list/ocr/index.html>):
www2.ed.gov/about/offices/list/ocr/index.html
- **U.S. Department of Justice, Americans with Disabilities Act**
(<https://www.ada.gov/>): www.ada.gov/
- **U.S. Department of Labor Office of Federal Contractor Compliance Programs**
(<https://www.dol.gov/agencies/ofccp>): www.dol.gov/agencies/ofccp
- **U.S. Equal Employment Opportunity Commission** (<https://www.eeoc.gov>):
www.eeoc.gov

WEBSITE ADDRESS FOR THIS POLICY

www.purdue.edu/policies/ethics/iic4.html (iic4.html)

HISTORY AND UPDATES

October 1, 2024: Contacts section updated.

August 1, 2021: Interim status removed.

August 14, 2020: Policy adopted.

APPENDIX

There are no appendices to this policy.

APPENDIX E

Title IX Harassment (III.C.4)

Volume III: Ethics

Chapter C: Equal Opportunity

Responsible Executive: Vice President for Ethics and Compliance

Responsible Office: Office of the Vice President for Ethics and Compliance

Date Issued: August 14, 2020

Date Last Revised: April 21, 2025

Table of Contents

Contacts

Statement of Policy

Reason for This Policy

Individuals and Entities Affected

Exclusions

Responsibilities

Definitions (defined terms are capitalized throughout the document)

Related Documents, Forms and Tools

Website Address for This Policy

History and Updates

Appendix

Contacts

Policy Clarification

Title/Office	Telephone	Email/Webpage

Vice President for Ethics and Compliance	765-494-5830	<u>vpec@purdue.edu</u> <u>(mailto:vpec@purdue.edu)www.purdue.edu/ethics</u> <u>(https://www.purdue.edu/ethics)</u> Office address: Ernest C. Young Hall 155 S. Grant St. West Lafayette, IN 47907
--	--------------	--

Title IX Harassment Complaints

Title/Office	Telephone	Email/Webpage
Fort Wayne: Office for Civil Rights Compliance	260-481-6107	<u>hr@pfw.edu</u> (<u>(mailto:hr@pfw.edu)</u>) <u>HR and OCRC Staff</u> <u>(https://www.pfw.edu/offices/human-resources/about/staff)</u>
PNW Hammond Campus: Office for Civil Rights	219-989-3169	<u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u>
PNW Westville Campus: Office for Civil Rights	219-785-5545	<u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u>
West Lafayette: Office for Civil Rights	765-494-7255	<u>ocr@purdue.edu</u> <u>(mailto:ocr@purdue.edu)</u>

Reports of Sexual Violence

Title/Office	Telephone	Email/Webpage
For all emergencies, dial 911. Non-emergency reports may be made using the contacts below.		
Fort Wayne: Title IX Coordinator – Christine M. Marcuccilli	260-481-6107	Kettler Hall, Room 144 2101 E. Coliseum Blvd. Fort Wayne, IN 46805 <u>marcuccc@pfw.edu</u> <u>(mailto:marcuccc@pfw.edu)</u>
PNW Hammond Campus: Title IX Coordinator – Laura Odom	219-989-3169	Lawshe Hall, Room 218 2200 169th St. Hammond, IN 46323 <u>odoml@pnw.edu</u> <u>(mailto:odoml@pnw.edu)</u>
PNW Westville Campus: Title IX Coordinator – Laura Odom	219-785-5545	Schwarz Hall, Room 150 1401 S. U.S. Highway 421 Westville, IN 46391 <u>odoml@pnw.edu</u> <u>(mailto:odoml@pnw.edu)</u>
West Lafayette: Title IX Coordinator – Christina Wright	765-494-7255	Ernest C. Young Hall 155 S. Grant St. West Lafayette, IN 47907 <u>titleix@purdue.edu</u> <u>(mailto:titleix@purdue.edu)</u>

Fort Wayne: • Police Department • Office of Student Conduct and Care • Student Housing • Center for Healthy Living	• 260-481-6827 • 260-481-6601 • 260-481-4180 • 765-494-0111	• <u>police@pfw.edu</u> (<u>mailto:police@pfw.edu</u>) • <u>scc@pfw.edu</u> (<u>mailto:scc@pfw.edu</u>) • <u>housing@pfw.edu</u> (<u>mailto:housing@pfw.edu</u>) • <u>CHL Appointments and Services</u> (<u>https://www.pfw.edu/center-healthy-living/appointments-and-services</u>)
PNW Hammond Campus: • Police Department • Office of the Dean of Students • Housing • Center for Healthy Living	• 219-989-2220 • 219-989-4141 • 219-989-4150 • 765-494-0111	• <u>University Police Department</u> (<u>https://www.pnw.edu/public-safety/</u>) • <u>dos@pnw.edu</u> (<u>mailto:dos@pnw.edu</u>) • <u>Housing</u> (<u>https://www.pnw.edu/housing/</u>) • <u>Center for Healthy Living at PNW</u> (<u>https://www.pnw.edu/center-for-healthy-living/</u>)
PNW Westville Campus: • Police Department • Office of the Dean of Students	• 219-785-5220 • 219-785-5230	(<u>https://www.pnw.edu/health-care-facilities/</u>) • <u>University Police Department</u> (<u>https://www.pnw.edu/public-safety/</u>) • <u>dos@pnw.edu</u> (<u>mailto:dos@pnw.edu</u>)

West Lafayette: • Police Department • Office of the Dean of Students • University Residences • Student Health Center (PUSH)	• 765-494-8221 • 765-494-1747 • 765-494-1000 • 765-494-1700	• <u>police@purdue.edu</u> (<u>mailto:police@purdue.edu</u>) • <u>odos@purdue.edu</u> (<u>mailto:odos@purdue.edu</u>) • <u>housing@purdue.edu</u> (<u>mailto:housing@purdue.edu</u>) • <u>shc@purdue.edu</u> (<u>mailto:shc@purdue.edu</u>)
---	--	--

Statement of Policy

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages its members to strive to reach their potential. The most effective way to work toward preventing Title IX Harassment is through education that emphasizes respect for every individual.

It is essential that Purdue University demonstrate its intellectual and ethical leadership by reaffirming its strong position against Title IX Harassment in all forms. All members of the University community must be able to pursue their goals, educational needs and working lives without intimidation or injury generated by Title IX Harassment.

Title IX Harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated. Purdue University is committed to maintaining an educational and work climate for faculty, staff and students that is positive and free from all forms of Title IX Harassment. This policy addresses Title IX Harassment toward individuals for reasons of sex, sexual orientation, gender identity and/or gender expression. The University will not tolerate Title IX Harassment of its faculty, staff or students by persons conducting business with or visiting the University, even though such persons are not directly affiliated with the University.

Jurisdiction

This policy applies to the programs and activities of Purdue University in the United States, to conduct that takes place on the campus or on property owned or controlled by the University in the United States, at University-sponsored events in the United States, or in buildings located in the United States that are owned or controlled by a Recognized Student Organization.

Reporting and Addressing Title IX Harassment

This policy seeks to encourage faculty, staff and students to report and address incidents of Title IX Harassment. The **Procedures for Resolving Complaints of Title IX Harassment (<https://www.purdue.edu/ethics/resources/titleIX-complaints.php>)**, as issued and updated from time to time by the Vice President for Ethics and Compliance, describe the necessary steps for filing complaints of Title IX Harassment.

The University reserves the right to investigate circumstances that may involve Title IX Harassment in situations where the impacted party declines to file a Formal Complaint. In appropriate circumstances, sanctions in accordance with this policy will be implemented where the Title IX Coordinator has filed a Formal Complaint.

To determine whether a particular act or course of conduct constitutes Title IX Harassment under this policy, the alleged behavior will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context and duration of the questioned behavior. Such behavior must be so severe, pervasive and objectively offensive that it effectively denies an individual equal access to a program or activity of the University.

Academic Freedom and Freedom of Speech

Freedom of thought and expression are the lifeblood of our academic community and require an atmosphere of mutual respect among diverse persons, groups and ideas. The maintenance of mutually respectful behavior is a precondition for the vigorous exchange of ideas, and it is the policy of the University to promote such behavior in all forms of

expression and conduct. The University reaffirms its commitment to freedom of speech as guaranteed by the First Amendment to the United States Constitution. Accordingly, any form of speech or conduct that is protected by the First Amendment is not subject to this policy. The University reaffirms its commitment to academic freedom, which is essential to its educational mission and is critical to diversity and intellectual life.

Violations of Policy and Sanctions

Any individual or group of individuals found to have violated this policy will be subject to disciplinary and/or remedial action, up to and including termination of employment or expulsion from the University. Faculty and staff who are determined to have violated this policy also may be held personally liable for any damages, settlement costs or expenses, including attorney fees incurred by the University.

The University strongly encourages students to report instances of Sexual Assault, Dating Violence, Domestic Violence or Stalking. Therefore, students who provide information regarding Sexual Assault, Dating Violence, Domestic Violence or Stalking will not be disciplined by the University for any violation of the Regulations Governing Student Conduct relating to drug or alcohol possession or consumption in which they might have engaged in connection with the reported incident of possible Sexual Assault, Dating Violence, Domestic Violence or Stalking.

False Allegations, Statements and Evidence

This policy may not be used to bring charges against any faculty, staff, students or Recognized Student Organizations, including fraternities, sororities and/or cooperatives, in bad faith. Disciplinary action will be taken against any person or group found to have brought a charge of Title IX Harassment in bad faith or any person who, in bad faith, is found to have encouraged another person or group to bring such a charge. In addition, individuals who, in bad faith, provide false statements or evidence, or who deliberately mislead a University official conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

Making a good faith report of discrimination or harassment that is not later substantiated is not considered a false statement.

Retaliation Prohibited

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX Harassment investigation, proceeding or hearing.

Education and Prevention

The University offers education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning Sexual Assault, Dating Violence, Domestic Violence and Stalking.

Coordination with Other University Policies

This policy augments, but does not supersede, other University policies covering discrimination or harassment. Although Title IX Harassment as described and prohibited by this policy includes a wide range of behavior, it does not include certain harassing or discriminatory conduct, even though that conduct may be otherwise unlawful, offensive or prohibited by other University policies.

Reason for This Policy

This policy is designed to prevent and sanction incidents of Title IX Harassment within the Purdue University community. The University believes that Title IX Harassment is repugnant and inimical to our most basic values.

As a land-grant university, Purdue University is committed to the principles of equal opportunity in education and employment. We take seriously our responsibility to provide leadership in ensuring that equal opportunity is the norm rather than an aspiration.

This policy helps to promote this commitment through compliance with Title IX of the Education Amendments of 1972.

Individuals and Entities Affected

All Purdue University community members.

Exclusions

There are no exclusions to this policy.

Responsibilities

Vice President for Ethics and Compliance

- In consultation with Title IX Coordinators, University officers, Chancellors and legal counsel, oversee and coordinate enforcement of policies and procedures dealing with Title IX Harassment for all campuses and operations within the Purdue University system.
- In consultation with Title IX Coordinators, University officers, Chancellors and legal counsel, oversee and coordinate the provision of education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning Sexual Assault, Dating Violence, Domestic Violence and Stalking within the University system.

Chancellors

- Maintain an educational and employment environment free from Title IX Harassment.

Vice Presidents, Vice Chancellors, Vice Provosts and Deans

- Maintain an educational and employment environment free from Title IX Harassment.
- Communicate to all members of their unit the individuals and offices designated as a resource for people seeking assistance with Title IX Harassment.

Title IX Coordinators

- Coordinate the University's efforts related to the intake, investigation, resolution and implementation of supportive measures to stop, remediate and prevent Title IX Harassment prohibited under this policy on their respective campuses involving students, staff, faculty and persons participating in or attempting to participate in a program or activity of the University.
- Oversee the investigation and resolution of all reports of sexual misconduct on their respective campuses involving students, staff, faculty consultants and contractors under the Anti-Harassment policy, as amended from time to time.
- Be knowledgeable and trained in University policies and procedures and relevant state and federal laws.
- Be available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the University, both informally and formally, and in the community.
- Be available to provide assistance to any University employee regarding how to respond appropriately to a report of Sexual Assault, Dating Violence, Domestic Violence or Stalking.
- Monitor full compliance with all applicable procedural requirements, record keeping and timeframes.
- Oversee training, prevention and education efforts, and periodic reviews of climate and culture for their respective campuses.

Mandatory Reporters

- Report all incidents of Title IX Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.

Administrators, Supervisors, and Individuals and Offices Designated as a Resource for Assistance with Title IX Harassment

- Report all incidents of Title IX Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.
- Take immediate steps in accordance with University policy and procedure to respond to any conduct involving Title IX Harassment or complaints of Title IX Harassment

brought to their attention that involve University faculty, staff or students under their administrative jurisdiction.

Individuals Who Believe They Have Experienced or Witnessed Title IX Harassment

- Report the incident as described in the **Procedures for Resolving Complaints of Title IX Harassment (<https://www.purdue.edu/ethics/resources/titleIX-complaints.php>)**.

Definitions

All defined terms are capitalized throughout the document. Refer to the central **Policy Glossary ([../glossary.html](https://www.purdue.edu/ethics/resources/policy-glossary.html))** for additional defined terms.

Consent/Consensual

Affirmative, clear communication given by words or actions that shows an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is given freely and voluntarily. Consent may not be inferred from silence, passivity or when an individual is Incapacitated or otherwise prevented from giving Consent as a result of impairment due to a mental or physical condition or age. No Consent exists when there is a threat of force or physical or psychological violence.

Although Consent may be given initially, it may be withdrawn at any point without regard to activity preceding the withdrawal of Consent.

The voluntary nature of Consent will be subject to heightened scrutiny in circumstances where someone who has power or authority within the University over another person engages in a sexual relationship with that person.

Dating Violence

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

1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purposes of this definition:
Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

Domestic Violence

Violence (including threats or attempts) committed:

1. by a current or former spouse of the victim,
2. by a person with whom the victim shares a child in common,
3. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
4. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Indiana, or
5. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Incapacitated/Incapacitation

A mental state in which an individual cannot make rational decisions because they lack the capacity to give knowing Consent (e.g., to understand the who, what, where, why and how of their sexual interaction). Such Incapacitation may be caused by alcohol or other drug use, sleep or unconsciousness. Intoxication is not equivalent to Incapacitation.

Mandatory Reporters

Individuals employed by the University who hold a title of or equivalent to President, Chancellor, vice president, vice chancellor, vice provost, dean, department head and director, as well as employees in supervisory or management roles, and staff who have authority to institute corrective measures on behalf of the University.

Retaliation

Any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against any person or group for reporting or complaining of Title IX Harassment, assisting, participating, or refusing to participate in the investigation of a complaint of Title IX Harassment, or enforcing this policy.

Sexual Assault

An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. As indicated in the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress.

For the purposes of this definition:

1. *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
2. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
3. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Title IX Harassment

Conduct on the basis of sex that satisfies one or more of the following:

1. A University employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., *quid pro quo*); or
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's educational programs or activities; or
3. Sexual Assault, Dating Violence, Domestic Violence or Stalking.

Related Documents, Forms and Tools

Board of Trustees resolution dated December 18, 2010

Policies

- **Equal Opportunity and Equal Access (III.C.2) (iic2.html)**
- **Amorous Relationships (III.A.1) (iia1.html)**
- **Anti-Harassment (III.C.1) (iic1.html)**
- **University Nondiscrimination Policy Statement**
(https://www.purdue.edu/purdue/ea_eou_statement.php)

Procedures for Resolving Complaints of Title IX Harassment

(<https://www.purdue.edu/ethics/resources/titleIX-complaints.php>)

University Title IX website (<https://www.purdue.edu/vpec/ocr/title-ix/>)

Regulations Governing Student Conduct:

- **Fort Wayne (<https://www.pfw.edu/student-conduct-care/student-conduct>)** - see Academic and Student Policies
- **Northwest (<https://www.pnw.edu/dean-of-students/policies/code-of-conduct/>)**
- **West Lafayette (<https://www.purdue.edu/odos/osrr/conduct/code.html>)**

Websites for governing bodies with oversight for applicable laws and regulations:

- **Indiana Civil Rights Commission (<https://www.in.gov/icrc>)**
- **U.S. Department of Education Civil Rights Laws (<https://www.ed.gov/laws-and-policy/civil-rights-laws>)**
- **U.S. Department of Justice, Americans with Disabilities Act (<https://www.ada.gov/>)**
- **U.S. Department of Labor Office of Federal Contractor Compliance Programs (<https://www.dol.gov/agencies/ofccp>)**
- **U.S. Equal Employment Opportunity Commission (<https://www.eeoc.gov>)**

Website Address for This Policy

www.purdue.edu/policies/ethics/iic4.html (iic4.html)

History and Updates

April 21, 2025: Clarified that good faith reports are not considered false if unsubstantiated.
Updated links and references.

October 1, 2024: Contacts section updated.

August 1, 2021: Interim status removed.

August 14, 2020: Policy adopted.

Appendix

There are no appendices to this policy.

APPENDIX F

Procedures for Resolving Complaints of Title IX Harassment

Revised June 30, 2025

A. INTRODUCTION

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages individuals to strive to reach their potential. Title IX Harassment in the workplace or the educational environment is unacceptable and will not be tolerated.

Any employee, student, campus visitor or person participating in a University activity, who has experienced or witnessed discrimination and/or harassment is encouraged to report the incident(s) promptly. Prompt reporting of complaints is vital to the University's ability to resolve the matter.

Once the University has received a report of Title IX Harassment, the University will take any and all necessary and immediate steps to protect the Complainant. Such actions may include taking interim steps and/or providing Supportive Measures before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

There are both formal and informal processes for resolving complaints of Title IX Harassment; however, the informal process is not available unless a Formal Complaint has been filed.

The University has an obligation to respond to information of which it becomes aware, whether received directly or indirectly. That is, the University's obligation may

be triggered by a direct disclosure by those who have experienced potential discrimination or harassment or by gaining indirect knowledge of such information. For this reason, the University may initiate an investigation of circumstances that involve potential discrimination and/or harassment even where no complaint, formal or informal, has been filed. In those circumstances, the University may elect to investigate and, if warranted, impose disciplinary sanctions pursuant to these or other established University procedures.

In matters involving alleged criminal conduct, the Complainant may notify, or decline to notify, local law enforcement at any time. The University may also make an independent determination to notify law enforcement and/or other authorities based on the nature of the complaint.

B. SCOPE

These Title IX Procedures outline the resolution processes that will be used to investigate and/or resolve a report of Title IX Harassment committed against a student, employee, or a person participating in or attempting to participate in a program or activity of Purdue University under the University's policy on **Title IX Harassment (III.C.4)** (the "Title IX Harassment Policy"). These Title IX Procedures apply to allegations of conduct on the basis of sex addressed by the University in accordance with its obligations under Title IX of the Education Amendments of 1972 ("Title IX"). These Title IX Procedures incorporate the regulations governing educational institutions' Title IX obligations, as promulgated by the Department of Education's Office for Civil Rights. Other harassment and discrimination not covered by Title IX are addressed under the University's policies on **Anti-Harassment (III.C.1)** and on **Equal Opportunity and Equal Access (III.C.2)** and the **Procedures for Resolving Complaints of Discrimination and Harassment**. If a Formal Complaint is dismissed under these Title IX Procedures, the Procedures for Resolving Complaints of Discrimination and Harassment may be implemented.

For these procedures to be applicable, all of the following conditions must be met:

1. The alleged Title IX Harassment occurred on a University premises or property, at a University-sponsored event, or in buildings owned or controlled by the University's recognized student organizations; or if the alleged conduct took place outside the aforementioned locations, it effectively deprived someone of access to the University's educational program, or the Title IX Coordinator determines that the conduct affects a substantial University interest.
2. The Respondent is a member of the University's community.
3. At the time of filing a Formal Complaint, the Complainant was participating in or attempting to participate in an education program or activity of the University.
4. The alleged misconduct occurred after August 14, 2020.

If any of the above conditions are not met, and if a Formal Complaint is dismissed under these Title IX Procedures, the Procedures for Resolving Complaints of Discrimination and Harassment may be implemented if applicable. For reports in which the alleged misconduct occurred before August 14, 2020, the University will apply the policy definitions of misconduct that were in effect at the time of the alleged misconduct.

C. RESOURCES FOR RESOLVING COMPLAINTS OF TITLE IX HARASSMENT

Inquiries and complaints about Title IX Harassment, including, but not limited to, inquiries and complaints about Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking may be brought to the Title IX Coordinator. Information about the Title IX Coordinator for each campus is available in the Title IX Harassment Policy.

The management of all complaints of Title IX Harassment, regardless of where they are initially received, and the implementation of these Title IX Procedures is the responsibility of the Title IX Coordinator.

Any question of interpretation regarding these Title IX Procedures shall be referred to the Vice President for Ethics and Compliance for final determination.

D. DEFINITIONS

All defined terms are capitalized throughout the document. Additional defined terms may be found in the **Title IX Harassment Policy (III.C.4)** and the central **Policy Glossary**.

Advisor

An individual selected by the Complainant or the Respondent to accompany the Party to any interview or meeting under these Title IX Procedures. The individual may be, but is not required to be, an attorney. The same individual may also serve as the Hearing Advisor.

Associate Vice President for Civil Rights

The Associate Vice President for Civil Rights at the West Lafayette campus.

Complainant(s)

A person or persons (1) employed by University or (2) participating in or attempting to participate in a Purdue University program or activity, who is alleged to be the victim of conduct that could constitute Title IX Harassment whether or not a Formal Complaint has been filed.

Campus Civil Rights Office

The following University offices: (1) on the West Lafayette campus, the Office for Civil Rights; (2) on the Fort Wayne campus, the Office for Civil Rights Compliance; and (3) on the Purdue Northwest Hammond and Westville campuses, the Office for Civil Rights.

Days

Calendar days.

Eligible Designee

An individual to whom the Title IX Coordinator delegates their authority under these Title IX Procedures. All Eligible Designees must receive appropriate annual training and be approved to serve in this role by the Vice President for Ethics and Compliance.

Formal Complaint

A document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Harassment against a named Respondent(s) that requests the University investigate the allegations. See Section I of these Title IX Procedures.

Formal Resolution Process

The process for resolving complaints of Title IX Harassment set forth in Section I of these Title IX Procedures. The Formal Resolution Process involves the filing of a Formal Complaint, an investigation, a Hearing, a determination as to whether the Title IX Harassment Policy has been violated and, as appropriate, the imposition of sanctions and remedial measures.

Hearing

The formal live meeting during which the Parties, witnesses and other participants appear virtually with technology enabling participants simultaneously to see and hear each other. Evidence is presented and witnesses are heard.

Hearing Advisor

An individual selected by the Complainant or the Respondent to accompany the Party to the Hearing and conduct cross examination of witnesses under these Title IX Procedures. The individual may be, but is not required to be, an attorney. The same individual may also serve as the Advisor. If a Party does not have a Hearing Advisor, the University will provide someone who is not an attorney to serve in this role.

Hearing Officer

The individual responsible for administering the Hearing and issuing decisions concerning responsibility and sanctions, if applicable, in Title IX Harassment matters. The Hearing Officer cannot be a University Investigator in a matter or the University's Title IX Coordinator.

Informal Resolution Process

The process for resolving complaints of Title IX Harassment set forth in Section H of these Title IX Procedures. The Informal Resolution Process is designed to empower the Parties to reach a mutually satisfactory agreement.

Investigation Report

A written report prepared by the University Investigator(s) that fairly summarizes relevant evidence.

Party or Parties

The Complainant(s) and Respondent(s) in a Title IX Harassment matter.

Respondent(s)

The person or persons who has been reported to be the perpetrator of conduct that could constitute Title IX Harassment.

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing

locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Title IX Coordinator

A University employee who is responsible for the implementation of the University's Title IX Harassment Policy.

Title IX Harassment Policy

The University's policy on **Title IX Harassment (III.C.4)**.

Title IX Procedures

The procedures set forth in this document.

University Investigator

A person appointed by the Associate Vice President for Civil Rights to investigate a Formal Complaint pursuant to Section I of these Title IX Procedures. Any individual designated to conduct an investigation must receive appropriate annual training and be approved to serve in this role by the Vice President for Ethics and Compliance. A University Investigator may be a University employee or an external professional.

E. GENERAL PROVISIONS

- **Presumption of Innocence and Burden of Proof**

The University administers these Title IX Procedures with the presumption that the Respondent is not responsible for the alleged Title IX Harassment unless and until the Respondent is determined to be responsible for a violation of the Title IX

Harassment Policy by a preponderance of the evidence. The University has the burden of proof to establish each element of any alleged Title IX Harassment Policy violation by the Respondent.

- **Delegation**

The Title IX Coordinator may delegate their authority under these Title IX Procedures to an Eligible Designee.

- **Requests for Anonymity or No Action**

To protect both the Complainant and the Respondent, every effort will be made to protect the privacy interests of the persons involved in a manner consistent with the need for a thorough review of a report or Formal Complaint.

If the Complainant requests that their name or other identifiable information not be shared with the Respondent, or requests that the University take no formal action in response to a report, the Title IX Coordinator shall evaluate such request and notify the individual of the University's response to their request.

The University will honor the Complainant's request to the extent possible based on a careful balancing of the request with any legal reporting requirements, the risk of harm to any individual, and the University's duty to maintain a safe and non-discriminatory environment for all.

If the University honors the request for anonymity, federal law prohibits the University from pursuing disciplinary action against a Respondent. The University will, however, take other appropriate steps to eliminate any such Title IX Harassment, prevent its recurrence and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate Supportive Measures and/or providing targeted training and prevention programs.

If the University is unable to honor the request for anonymity or the request to take no formal action in response to a report, the University may be obligated to move forward with a Formal Complaint signed by the Title IX Coordinator if there is an individual or public safety concern and sufficient independent information exists to establish that the Title IX Harassment Policy has been violated.

The Title IX Coordinator will assess requests for the University to take no formal action by examining the seriousness of the reported conduct, whether the reported misconduct was perpetrated with a weapon, the respective ages and roles of the Complainant and Respondent, whether there have been other reports of harassment or discrimination by the Respondent, whether the University possesses other means to obtain relevant evidence, whether the report reveals a pattern of perpetration at a given location or by a particular group, and the rights of the Respondent to receive notice and relevant information before disciplinary action is initiated.

- **Advisor**

Both a Complainant and a Respondent are entitled to an Advisor of their choice, and the Advisor may accompany the Party to any meeting or proceeding under these Title IX Procedures. A Complainant may have an Advisor present when reporting Title IX Harassment or at any point. An Advisor may be an attorney, but an advisor or support person may not speak for or stand in place of either the Complainant or the Respondent, act as legal counsel for a Party in the Informal Resolution Process or the Formal Resolution Process, or otherwise participate in the Informal Resolution Process or the Formal Resolution Process, except as a Party's Hearing Advisor. In the event that an attorney is retained to serve as a Hearing Advisor, the attorney may conduct cross-examination of a Party or witness and may provide legal advice to their client during the Hearing.

The University has the discretion to impose reasonable conditions upon the

participation of an Advisor or support person and Hearing Advisor.

Any fees and/or expenses charged by an Advisor or Hearing Advisor for services under these Title IX Procedures are the responsibility of the Party who retained the Advisor or Hearing Advisor.

- **Time Frames**

The University encourages prompt reporting. Persons who have experienced or witnessed harassment are encouraged to report the incident to the Title IX Coordinator as soon as possible. There is no time limitation on reporting an allegation to the Title IX Coordinator, however, unreasonable filing delays could result in the dulling of memories and a loss of relevant evidence and witness testimony. If the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be limited. Delays in filing shall not affect the Complainant's eligibility for Supportive Measures from the University.

When extenuating circumstances warrant, the Title IX Coordinator has the authority and discretion to extend any of the time limits contained in these Title IX Procedures for good cause except those relating to the filing of appeals.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in these Title IX Procedures. In the event that good cause exists for the investigation and resolution to exceed these time frames, the University will notify all Parties of the reason(s) for the delay and the expected adjustment in time frames. Good cause may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case, including the number of witnesses and

volume of information provided by the Parties, or for other legitimate reasons. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness, due process and fairness with promptness.

- **Expectations Regarding Participation**

All University community members are expected to provide truthful information in any report or proceeding under these Title IX Procedures. Any person who, in bad faith, makes a false statement or submits false information in connection with the initiation or resolution of a Formal Complaint under these Title IX Procedures may be subject to appropriate discipline. Making a good faith report of Title IX Harassment that is not later substantiated is not considered a false statement. Similarly, a determination regarding responsibility, alone, is not sufficient to conclude that any individual made a materially false statement in bad faith.

- **Formal Complaints involving University Officers and/or Administrators with Responsibilities under these Title IX Procedures**

In the event that a complaint concerns the conduct of the Title IX Coordinator or Hearing Officer (or the Title IX Coordinator or Hearing Officer has a conflict of interest), the Vice President for Ethics and Compliance shall designate an individual to be responsible for implementing the responsibilities of the Title IX Coordinator or Hearing Officer pursuant to these Title IX Procedures. In the event that a complaint concerns the conduct of the Vice President for Ethics and Compliance (or the Vice President for Ethics and Compliance has a conflict of interest), the President shall designate an individual to be responsible for implementing the responsibilities of the Vice President for Ethics and Compliance pursuant to these Title IX Procedures. In the event that a complaint concerns the President (or the President has a conflict of interest), the Chairman

of the Board of Trustees shall be responsible for implementing the responsibilities of the President pursuant to these Title IX Procedures. In the event that the President or other member of senior administration is a Respondent under these Title IX Procedures, the University may, in its sole discretion, modify these Title IX Procedures to provide for an investigation by an independent University Investigator to be selected by the Board of Trustees and for final decision making by the Board of Trustees or a subcommittee of the Board of Trustees.

- **Conflicts of Interest and Bias Concerns**

Administrators of these Title IX Procedures may not have a conflict of interest or bias for or against a Party generally or for or against a specific Complainant or Respondent.

In the event that a Party has concerns that a University Investigator or decision maker under these Title IX Procedures cannot conduct an unbiased review or render a determination free from bias, the Party may report their concerns to the Title IX Coordinator who will assess the circumstances and determine whether a different University Investigator or decision maker ought to be assigned to the matter. Concerns should be reported promptly. In reaching such decision, the Title IX Coordinator will consider whether a reasonable person would believe bias exists.

- **Coordination with Law Enforcement**

A Complainant may seek recourse under these Title IX Procedures and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, is determinative of whether a violation of the University's Title IX Harassment Policy has occurred. Proceedings under these Title IX Procedures may be carried out prior to, simultaneously with, or following civil or criminal proceedings off

campus.

At the request of law enforcement, the University may agree to defer its fact gathering for a brief period during the evidence gathering stage of a criminal investigation. The University will nevertheless communicate with the Complainant and Respondent regarding Supportive Measures, options for resolution, and concerns regarding safety and well-being. The University may also take immediate and prompt steps that it deems necessary to protect the University community. The University will promptly resume its fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

- **Requests by Individuals with Disabilities**

Purdue is committed to providing equal access under these Title IX Procedures to individuals with disabilities. Individuals who require academic adjustments, auxiliary aids and services and/or reasonable accommodations to participate in any part of the resolution process should contact the Title IX Coordinator.

F. REPORTING OPTIONS AND RESOURCES FOR TITLE IX HARASSMENT

The University is committed to treating all members of the community with dignity, care and respect. Any individual affected by Title IX Harassment whether as a Complainant or a Respondent will have equal access to Supportive Measures.

A first step for any Complainant may be choosing how to proceed following an incident of Title IX Harassment. The University recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The University encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information

about available resources and procedural options and assistance to either Party in the event that a report and/or resolution under the Title IX Harassment Policy or these Title IX Procedures are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

- **Confidential Resources**

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual. Those campus and community professionals include medical providers, mental health providers, ordained clergy and rape crisis counselors, all of whom have privileged confidentiality that has been recognized by the law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor under the age of 18. A list of on-campus confidential resources is listed in **Appendix A** to these Title IX Procedures.

It is important to understand that other University employees involved in the University's sexual misconduct response do not have the same level of privileged confidentiality as the designated campus or community professionals described above. In fact, any other University employee who is not one of these confidential reporting resources may be ***required*** to share a report of Title IX Harassment with the Title IX Coordinator.

- **Non-Confidential Campus Reporting Resources and Mandatory Reporters**

The University is committed to providing a variety of welcoming and accessible means to encourage the reporting of all instances of Title IX Harassment. All University community members are encouraged to report all incidents of

discrimination, harassment or retaliation directly to the Title IX Coordinator.

In contrast to the designated campus or community professionals described above under “Confidential Resources,” who are obligated to refrain from revealing confidential information shared within the scope of their privilege, some University employees are **required** to report all incidents of discrimination, harassment or retaliation directly to the Title IX Coordinator. Mandatory reporters receive annual required training to ensure that they understand their obligations and the resources available to University community members who report such incidents. University employees who are mandatory reporters include administrators, supervisors, and other staff who have authority to initiate corrective measures on behalf of the University. Mandatory reporters are required to share with the Title IX Coordinator all information they receive or of which they become aware, including the identities of the Parties, if known. A list of campus reporting options, by campus, to whom individuals are encouraged to report any incidents, is available in **Appendix A**.

- **Privacy**

The privacy of the Parties will be respected and safeguarded at all times. All University employees who are involved in the University’s Title IX response receive specific training and guidance about safeguarding private information. Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those University employees who “need to know” in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

- **Release of Information**

If a report of misconduct discloses a serious and immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The University also may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the University release the name of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

Pursuant to the Clery Act, anonymous statistical information must be shared with the campus police department where required by the Clery Act. Annual Clery Act reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at campus locations. The information contained in the Clery report tracks the number of Clery reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident.

All University proceedings are conducted in compliance with the requirements of Title IX, the Clery Act, VAWA, FERPA, state and local law, and University policy. No information shall be released from proceedings under the Title IX Harassment Policy or the Title IX Procedures except as required or permitted by law and University policy. The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly probation, loss of housing, suspension and expulsion.

- **Reporting to Law Enforcement**

In matters involving alleged criminal conduct, the Complainant may notify, or decline to notify, local law enforcement at any time. The University encourages Complainants to pursue criminal action for Title IX Harassment that also may be crimes under state criminal statutes (see legal definitions on the **Title IX website** at **www.purdue.edu/vpec/ocr/title-ix**). The University will assist a Complainant, at the Complainant's request, in contacting local law enforcement

and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process. A list of law enforcement resources for each campus is available in **Appendix A**.

- **Anonymous Reporting**

Any individual may make an anonymous report concerning an act of Title IX Harassment. A report can be made without disclosing one's own name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the University's ability to respond or take further action.

Anonymous reports can be made through the Purdue Hotline, an online reporting service that allows direct interaction with the Title IX Coordinator without providing identifying information. Access the **Purdue Hotline** at www.purdue.edu/hotline or by calling 1-866-818-2620.

As with all other reports, all anonymous reports will go to the Title IX Coordinator for review and appropriate response and action. Where there is sufficient information, the University will ensure that anonymous reports are reviewed and included for compliance with the Clery Act.

G. COUNSELING, ADVOCACY AND SUPPORT FOR STUDENTS

The University is committed to providing a number of support services to University community members. Resources available to University community members include a variety of campus and community-based service providers and professionals.

Additionally, Purdue provides its students with professional staff who can assist students who have been involved in a Title IX Harassment incident or participated in a resolution process under these Title IX Procedures with academic and

advocacy/support services. The professional staff within the Office of the Dean of Students are available to assist students with Supportive Measures, including the following:

- Coordination of services.
- Academic adjustments, including processing absence notifications.
- Assistance with emergency housing needs.
- Support during the campus disciplinary process, including in-person attendance at all meetings and ongoing in-person support.
- Support during the law enforcement process, including in-person attendance at meetings with law enforcement and/or the prosecutor's office.
- Assistance in obtaining a protective order through the local court system.

A list of counseling, advocacy and other support services for each campus is listed in **Appendix A**.

H. INFORMAL RESOLUTION PROCESS

After the filing of a Formal Complaint and at any time before there is a determination of responsibility, either Party may submit a written request to the Title IX Coordinator or the Title IX Coordinator may offer an Informal Resolution Process. Participation in the Informal Resolution Process is voluntary. In order to participate in the Informal Resolution Process, the Parties must provide their voluntary written consent to the Informal Resolution Process, including the confidential nature of the Informal Resolution Process. A Complainant or Respondent has the right to withdraw from the Informal Resolution Process at any time and resume the process with respect to the Formal Complaint.

The Informal Resolution Process does not require an investigation or Hearing. Possible resolutions by agreement of the parties may include, but are not limited to:

an apology to the Complainant; assisting the Respondent to better understand the effects of their conduct and ways in which this behavior could be changed; participation in educational programs about Title IX Harassment; verbal or written reprimands; or other interventions or actions aimed at ending the Title IX Harassment, preventing its recurrence, and addressing its effects.

The Informal Resolution Process is not available in matters in which a student is a Complainant and a faculty or staff member is a Respondent.

I. FORMAL RESOLUTION PROCESS

1. Filing a Formal Complaint

A Formal Complaint may be filed by a Complainant by completing the Formal Complaint Form online, in person or via electronic mail. A document alleging a violation of the Title IX Harassment Policy against a Respondent and seeking an investigation may be submitted to the Title IX Coordinator in person, by mail, by electronic mail, and the document will be considered a Formal Complaint. Any Complainant who does not initiate this Formal Resolution Process by filing a Formal Complaint Form will be asked to do so.

The University also may initiate an investigation in the absence of a Formal Complaint by a Complainant, in which case the Title IX Coordinator will sign a document alleging a violation of the Title IX Harassment Policy against a Respondent and initiate an investigation.

The Formal Complaint should contain the following:

- a. The identities of the Parties involved, if known;
- b. The date of the alleged incident, if known;

- c. The location of the alleged incident, if known; and
- d. A description of the conduct that is alleged to violate the Title IX Harassment Policy.

2. Notification of Formal Complaint and Response

Upon receipt of a Formal Complaint, the Title IX Coordinator must provide the following written notice to the Complainant and Respondent. The notice shall include:

- a. An electronic copy of the Title IX Harassment Policy and these Title IX Procedures and/or a link to the Title IX Harassment Policy and these Title IX Procedures;
- b. A copy of the Formal Complaint;
- c. The identities of the Parties involved, if known;
- d. The date of the alleged incident, if known;
- e. The location of the alleged incident, if known;
- f. The conduct that is alleged to violate the Title IX Harassment Policy;
- g. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will not be made until an investigation is completed and a Hearing is held subject to any determination on appeal as provided under these Title IX Procedures;
- h. The Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- i. The Parties will be provided, for their inspection and review, with an electronic copy or hard copy of any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including the evidence upon which the University does not

intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory whether obtained from a Party or other source;

- j. The Title IX Harassment Policy prohibits bringing knowingly false or malicious charges and prohibits knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation. The University's Regulations Governing Student Conduct, Disciplinary Proceedings, and Appeals provide that "dishonesty in connection with any University activity" constitutes conduct for which students may be subject to informal action or disciplinary sanctions; and
- k. A statement explaining that the Title IX Coordinator will review the Formal Complaint to determine if it is subject to mandatory dismissal or discretionary dismissal as described in Sections I.3 and I.4.

In cases where the Respondent is a faculty or staff member, the Title IX Coordinator will also provide prompt notification, including the items listed above, to the department head or supervisor and to the appropriate Vice President, Dean or head of another major unit.

The Formal Complaint or notice of allegations will be delivered through certified or express mail, electronic mail or hand delivery.

3. **Mandatory Dismissal**

The Title IX Coordinator shall dismiss a Formal Complaint if, at any time during the investigation or Hearing, it is determined that the factual allegations of the Formal Complaint, if taken as true:

- a. Fail to constitute Title IX Harassment, or
- b. Occur outside the University's jurisdiction as stated in the Title IX

Harassment Policy.

The Title IX Coordinator shall review a Formal Complaint filed by a Complainant to determine if the Formal Complaint is subject to mandatory dismissal as provided in this section and notify the Parties of the dismissal in writing within 14 days of the receipt of the Formal Complaint.

If the Title IX Coordinator determines that a Formal Complaint is subject to mandatory dismissal at any other point during the investigation or Hearing, the Title IX Coordinator shall notify the Parties of the dismissal in writing as soon as reasonably practicable. A mandatory dismissal does not preclude action under the University's policies on Anti-Harassment (III.C.1) or on Equal Opportunity and Equal Access (III.C.2) or the Regulations Governing Student Conduct.

A mandatory dismissal may be appealed in accordance with Section M of these Title IX Procedures.

4. Discretionary Dismissal

The Title IX Coordinator may dismiss a Formal Complaint or any allegations contained in the Formal Complaint if, at any time during the investigation or Hearing:

- a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- b. The Respondent is no longer enrolled in or employed by the University; or
- c. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

The Title IX Coordinator shall provide the Complainant and Respondent(s) with written notice of the dismissal. Such a dismissal does not preclude action under the University's policies on Anti-Harassment (III.C.1) or on Equal Opportunity and Equal Access (III.C.2) or the Regulations Governing Student Conduct.

A discretionary dismissal may be appealed in accordance with Section M of these Title IX Procedures.

5. Investigation of Formal Complaints

In the event that, following an initial assessment, the Title IX Coordinator decides that the Formal Complaint is not subject to mandatory dismissal, the Title IX Coordinator will assign a University Investigator and notify the Parties:

- a. The Respondent(s) will be requested to respond in writing to the Formal Complaint within a reasonable time, not to exceed 10 days from the date of certified or express mailing, electronic mailing or hand delivery of the notification. Any extension of time must be approved by the Title IX Coordinator. A copy of the Respondent(s) written response will be provided to the Complainant.
- b. A statement that the Title IX Coordinator (or Eligible Designee) will contact the Complainant and Respondent separately to arrange individual meetings to discuss the allegation and any Informal Resolution Process for immediately resolving the dispute in a way Parties might agree upon, precluding the need for further action. The Title IX Coordinator (or Eligible Designee) shall also explain the Formal Resolution Process and answer any questions the Parties may have.
- c. A statement that the initial interview of the Respondent will not be scheduled until the time for the Respondent to provide a response to the Formal Complaint has expired;

- d. The name of the University Investigator(s) assigned to the matter;
 - e. A statement regarding the opportunity to have an Advisor for all meetings during the investigation. Contact information for all campus student defenders groups;
 - f. Guidance regarding Supportive Measures, if applicable; and
 - g. A statement of the rights and resources to which Parties are entitled.
- The University Investigator will conduct a thorough fact-finding investigation and will meet separately with both the Complainant and the Respondent(s), interview pertinent witnesses and review relevant documents regarding the Formal Complaint. The University Investigator may consider all relevant information. Both Parties will be provided the opportunity to provide information and names of witnesses to the University Investigator.

The University Investigator shall preserve all evidence. All interviews must be recorded.

While investigating a Formal Complaint, the University must:

- a. Ensure that both the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the Parties;
- b. Provide equal opportunity for Parties to present witnesses and other inculpatory and exculpatory evidence;
- c. Not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence; and
- d. Provide to the Party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with a Party, with sufficient time for the Party to prepare to participate.

The investigation shall be completed within 60 days following the assignment of the Formal Complaint to the University Investigator, unless an extension of time for good cause is approved by the Title IX Coordinator.

6. Investigation Report and Evidence

At least 20 days before a Hearing, the Title IX Coordinator shall ensure that Parties and their Hearing Advisor are provided with an electronic copy or hard copy of any and all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including both inculpatory and exculpatory evidence, regardless of whether any Party or the University intends to present such evidence in the Hearing. This shall include the identities of Parties and any witnesses.

Parties shall have at least 10 days to submit to the University Investigator a written response, which the University Investigator will consider prior to completing the Investigation Report. At least 10 days prior to the Hearing, the University Investigator will prepare and complete an Investigation Report that fairly summarizes the relevant evidence and submit it to the Parties and their Hearing Advisors, if any, the Title IX Coordinator, and the Hearing Officer in an electronic format or a hard copy for their review. Parties may submit a written response to the Hearing Officer at or before the Hearing.

J. HEARING

Parties have the right to a Hearing Advisor of their choosing. The Hearing Advisor may actively participate in the Hearing.

If a Party does not have a Hearing Advisor present at the Hearing, the University will provide, without fee or charge to that Party, a Hearing Advisor of the University's choice to conduct cross-examination on behalf of that Party. The University-provided

Hearing Advisors will not be attorneys.

At least 10 days after the Investigation Report is provided, the Hearing Officer shall convene a live Hearing. The Hearing Officer will provide to the Parties and any witnesses whose participation is invited or expected written notice of the date, time and manner of the Hearing. All Parties, witnesses and other participants will appear at the live Hearing virtually, with technology enabling the Hearing Officer and participants to simultaneously see and hear the Party and witnesses answering questions. The University will create an audio or audiovisual recording or a transcript of the Hearing and make it available to Parties for inspection and review upon request.

At the hearing, each Party's Hearing Advisor will conduct cross-examination of the other Party and any adverse witnesses. Such cross-examination must be conducted directly, orally, and in real time by the Party's Hearing Advisor and never by a Party personally.

Before a Party or witness answers a cross-examination question, the Hearing Officer must determine whether the question is relevant and, if the Hearing Officer refuses to allow a particular question, the Hearing Officer must explain their decision to the Parties and document the reasons for refusal on the record.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live Hearing or refusal to answer cross-examination or other questions.

K. DETERMINATION, SANCTIONS AND REMEDIES

Within 14 days following the Hearing, the Hearing Officer shall make a written determination whether a violation of the Title IX Harassment Policy has occurred and shall simultaneously send the Complainant and the Respondent the written determination and final outcome of the matter, including sanctions, if any, by certified or express mail, electronic mail or hand delivery. That written determination shall include:

1. An identification of the section(s) of the Title IX Harassment Policy alleged to have been violated;
2. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and Hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the Title IX Harassment Policy to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
6. Any sanctions the University imposes on the Respondent;
7. Any remedies provided to the Complainant designed to restore or preserve access to the University's education program or activity;
8. A determination of whether the Formal Complaint was knowingly false or malicious; and
9. The University's procedures and permissible bases for Parties to appeal.

The determination regarding responsibility becomes final either on the date that the Vice President for Ethics and Compliance provides the Parties with the written

determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The appropriate Vice President, Vice Chancellor, Vice Provost or Dean is responsible for imposing the sanction. In the case of a student as the Respondent, the appropriate Dean is the Dean of Students.

Sanctions will be decided on a case-by-case basis, must be reasonable and proportionate to the seriousness of the violation, and will be in accordance with University policy. Possible sanctions for employees include, but are not limited to, the following: a letter of reprimand, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, removal of graduate faculty certification, denial of a merit pay increase, demotion, probation or termination. Sanctions for students are listed in the Regulations Governing Student Conduct and include, without limitation, verbal or written warnings, restrictions, probation, probated suspension, suspension, degree deferral or expulsion as well as restrictions on employment and/or access to University property and related organizations.

Except as provided herein, sanctions imposed pursuant to these Title IX Procedures may not be appealed or made the subject of a grievance under any other University policy.

Failure to abide by the sanctions imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions, up to and including expulsion or termination from the University.

If the accused is a faculty member and the sanction is to recommend termination of employment, the procedures for termination of a faculty member (as outlined in Executive Memorandum No. B-48 or its successor) will be followed; provided, however, that the report of the University Investigator and the written determination of the Hearing Officer shall be accepted into evidence at the faculty member's termination hearing without the necessity of the Complainant testifying as a witness.

Remedial measures for students, faculty and staff will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement on

campus; ensuring that the Complainant and Respondent do not share classes or extracurricular activities; reassignment of residence halls; tutoring or other academic support; arranging for extra time to complete or re-take a class or withdraw from a class without academic or financial penalty; job reassignment; targeted training for a group of students, faculty or staff; and other remedies that can be tailored to the needs of the Parties. The Title IX Coordinator is responsible for the effective implementation of any remedies.

In the event the charge of Title IX Harassment is not substantiated following the written determination of the Hearing Officer, reasonable efforts may be taken to restore the Respondent(s) to their prior status.

L. RETALIATION PROHIBITED

Retaliation against any person for reporting or complaining of discrimination and/or harassment, assisting or participating in the investigation of a complaint of discrimination and/or harassment, refusing to participate in any manner in an investigation, proceeding or Hearing under these Title IX Procedures or enforcing University Policies with respect to discrimination and/or harassment is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against an individual or group for exercising rights or performing duties under these Title IX Procedures will be subject to appropriate and prompt disciplinary or remedial action.

M. APPEAL

The Complainant and the Respondent each have the right to appeal any mandatory or discretionary dismissal as well as the decision of the Hearing Officer and imposition of any sanction to the Vice President for Ethics and Compliance. The appeal must be in writing with all supporting materials attached and filed in person, via courier, or via postal or electronic mail within ten days of the issuance of notification of the decision. Decisions not appealed within such time are deemed

final. The Vice President for Ethics and Compliance will notify the other Party in writing when an appeal is filed and furnish a copy of the appeal. Each Party may provide a response to the appeal. The response to the appeal must be in writing with all supporting materials attached and received in person, via courier, or via postal or electronic mail within ten days of the issuance of notification of the appeal.

The grounds for appeals are limited to the following:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, University Investigator(s), Hearing Officer, or the Vice President for Ethics and Compliance had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The appeal shall consist of a concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Appeals are not intended to open a new investigation of the complaint. In most cases, appeals are confined to a review of the written documentation and pertinent documentation regarding the grounds for appeal. The appeal will be conducted in an impartial manner.

The Vice President for Ethics and Compliance will issue a decision on the appeal to all Parties involved. Normally this decision will be made within 30 days from the date the appeal was received. The Vice President for Ethics and Compliance may (1) uphold or reverse the finding, (2) decrease or increase the sanction(s), and/or (3) take other action as deemed appropriate by the Vice President for Ethics and Compliance. The written decision of the Vice President for Ethics and Compliance on the appeal shall constitute the University's final action.

N. FILING WITH EXTERNAL AGENCIES

Any person may file a complaint with the Indiana Civil Rights Commission, the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's Office for Civil Rights. Information regarding filing charges with any of these agencies may be obtained from the Office for Civil Rights on the West Lafayette campus.

O. RELATED DOCUMENTS, FORMS AND TOOLS

Title IX Harassment Policy (III.C.4)

Equal Opportunity and Equal Access Policy (III.C.2)

Anti-Harassment Policy (III.C.1)

Procedures for Resolving Complaints of Discrimination and Harassment

P. VERSION HISTORY

The initial effective date of these procedures is August 14, 2020. Revisions to these procedures took effect on the following dates:

- June 30, 2025
- April 21, 2025
- September 2, 2021

Appendix A: Quick Reference Guide

APPENDIX G

**PURDUE UNIVERSITY
PROCEDURES FOR RESOLVING COMPLAINTS OF
TITLE IX HARASSMENT
(Implemented August 14, 2020)**

A. INTRODUCTION

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages individuals to strive to reach their potential. Title IX Harassment in the workplace or the educational environment is unacceptable and will not be tolerated.

Any employee, student, campus visitor or person participating in a University activity, who has experienced or witnessed discrimination and/or harassment is encouraged to report the incident(s) promptly. Prompt reporting of complaints is vital to the University's ability to resolve the matter.

Once the University has received a report of Title IX Harassment, the University will take any and all necessary and immediate steps to protect the Complainant. Such actions may include taking interim steps and/or providing Supportive Measures before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

There are both formal and informal processes for resolving complaints of Title IX Harassment; however, the informal process is not available unless a Formal Complaint has been filed.

The University has an obligation to respond to information of which it becomes aware, whether received directly or indirectly. That is, the University's obligation may be triggered by a direct disclosure by those who have experienced potential discrimination or harassment or by gaining indirect knowledge of such information. For this reason, the University may initiate an investigation of circumstances that involve potential discrimination and/or harassment even where no complaint, formal or informal, has been filed. In those circumstances, the University may elect to investigate and, if warranted, impose disciplinary sanctions pursuant to these or other established University procedures.

In matters involving alleged criminal conduct, the Complainant may notify, or decline to notify, local law enforcement at any time. The University may also make an independent determination to notify law enforcement and/or other authorities based on the nature of the complaint.

B. SCOPE

These Title IX Procedures outline the resolution processes that will be used to investigate and/or resolve a report of Title IX Harassment committed against a student, employee, or a

person participating in or attempting to participate in a program or activity of Purdue University under the University's policy on [Title IX Harassment \(III.C.4\)](#) (the "Title IX Harassment Policy"). These Title IX Procedures apply to allegations of conduct on the basis of sex addressed by the University in accordance with its obligations under Title IX of the Education Amendments of 1972 ("Title IX"). These Title IX Procedures incorporate the regulations governing educational institutions' Title IX obligations, as promulgated by the Department of Education's Office for Civil Rights. Other harassment and discrimination not covered by Title IX are addressed under the University's policies on [Anti-Harassment \(III.C.1\)](#) and on [Equal Opportunity, Equal Access and Affirmative Action \(III.C.2\)](#) and the [Procedures for Resolving Complaints of Discrimination and Harassment](#). If a Formal Complaint is dismissed under these Title IX Procedures, the Procedures for Resolving Complaints of Discrimination and Harassment may be implemented.

C. RESOURCES FOR RESOLVING COMPLAINTS OF TITLE IX HARASSMENT

Inquiries and complaints about Title IX Harassment, including, but not limited to, inquiries and complaints about Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking may be brought to the Title IX Coordinator. Information about the Title IX Coordinator for each campus is available in the Title IX Harassment Policy.

The management of all complaints of Title IX Harassment, regardless of where they are initially received, and the implementation of these Title IX Procedures is the responsibility of the Title IX Coordinator.

Any question of interpretation regarding these Title IX Procedures shall be referred to the Vice President for Ethics and Compliance for final determination.

D. DEFINITIONS

All defined terms are capitalized throughout the document. Additional defined terms may be found in the [Title IX Harassment Policy \(III.C.4\)](#) and the central [Policy Glossary](#).

Advisor

An individual selected by the Complainant or the Respondent to accompany the Party to any interview or meeting under these Title IX Procedures. The individual may be, but is not required to be, an attorney. The same individual may also serve as the Hearing Advisor.

Complainant(s)

A person or persons (1) employed by University or (2) participating in or attempting to participate in a Purdue University program or activity, who is alleged to be the victim of conduct that could constitute Title IX Harassment whether or not a Formal Complaint has been filed.

Campus Equity Office

The following University offices: (1) on the West Lafayette campus, the Office of Institutional Equity; (2) on the Fort Wayne campus, Human Resources and Institutional

Equity; and (3) on the Purdue Northwest Hammond and Westville campuses, the Office of Equity, Diversity and Inclusion.

Days

Calendar days.

Director

The Director of the Office of Institutional Equity of the West Lafayette campus.

Eligible Designee

An individual to whom the Title IX Coordinator delegates their authority under these Title IX Procedures. All Eligible Designees must receive appropriate annual training and be approved to serve in this role by the Vice President for Ethics and Compliance.

Formal Complaint

A document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Harassment against a named Respondent(s) that requests the University investigate the allegations. See Section I of these Title IX Procedures.

Formal Resolution Process

The process for resolving complaints of Title IX Harassment set forth in Section I of these Title IX Procedures. The Formal Resolution Process involves the filing of a Formal Complaint, an investigation, a Hearing, a determination as to whether the Title IX Harassment Policy has been violated and, as appropriate, the imposition of sanctions and remedial measures.

Hearing

The formal live meeting during which the Parties, witnesses and other participants appear virtually with technology enabling participants simultaneously to see and hear each other. Evidence is presented and witnesses are heard.

Hearing Advisor

An individual selected by the Complainant or the Respondent to accompany the Party to the Hearing and conduct cross examination of witnesses under these Title IX Procedures. The individual may be, but is not required to be, an attorney. The same individual may also serve as the Advisor. If a Party does not have a Hearing Advisor, the University will provide someone who is not an attorney to serve in this role.

Hearing Officer

The individual responsible for administering the Hearing and issuing decisions concerning responsibility and sanctions, if applicable, in Title IX Harassment matters. The Hearing Officer cannot be a University Investigator in a matter or the University's Title IX Coordinator.

Informal Resolution Process

The process for resolving complaints of Title IX Harassment set forth in Section H of these

Title IX Procedures. The Informal Resolution Process is designed to empower the Parties to reach a mutually satisfactory agreement.

Investigation Report

A written report prepared by the University Investigator(s) that fairly summarizes relevant evidence.

Party or Parties

The Complainant(s) and Respondent(s) in a Title IX Harassment matter.

Respondent(s)

The person or persons who has been reported to be the perpetrator of conduct that could constitute Title IX Harassment.

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Title IX Coordinator

A University employee who is responsible for the implementation of the University's Title IX Harassment Policy.

Title IX Harassment Policy

The University's policy on [Title IX Harassment \(III.C.4\)](#).

Title IX Procedures

The procedures set forth in this document.

University Investigator

A person appointed by the Director to investigate a Formal Complaint pursuant to Section I of these Title IX Procedures. Any individual designated to conduct an investigation must receive appropriate annual training and be approved to serve in this role by the Vice

President for Ethics and Compliance. A University Investigator may be a University employee or an external professional.

E. GENERAL PROVISIONS

- **Presumption of Innocence and Burden of Proof**

The University administers these Title IX Procedures with the presumption that the Respondent is not responsible for the alleged Title IX Harassment unless and until the Respondent is determined to be responsible for a violation of the Title IX Harassment Policy by a preponderance of the evidence. The University has the burden of proof to establish each element of any alleged Title IX Harassment Policy violation by the Respondent.

- **Delegation**

The Title IX Coordinator may delegate their authority under these Title IX Procedures to an Eligible Designee.

- **Requests for Anonymity or No Action**

To protect both the Complainant and the Respondent, every effort will be made to protect the privacy interests of the persons involved in a manner consistent with the need for a thorough review of a report or Formal Complaint.

If the Complainant requests that their name or other identifiable information not be shared with the Respondent, or requests that the University take no formal action in response to a report, the Title IX Coordinator shall evaluate such request and notify the individual of the University's response to their request.

The University will honor the Complainant's request to the extent possible based on a careful balancing of the request with any legal reporting requirements, the risk of harm to any individual, and the University's duty to maintain a safe and non-discriminatory environment for all.

If the University honors the request for anonymity, federal law prohibits the University from pursuing disciplinary action against a Respondent. The University will, however, take other appropriate steps to eliminate any such Title IX Harassment, prevent its recurrence and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate Supportive Measures and/or providing targeted training and prevention programs.

If the University is unable to honor the request for anonymity or the request to take no formal action in response to a report, the University may be obligated to move forward with a Formal Complaint signed by the Title IX Coordinator if there is an individual or public safety concern and sufficient independent information exists to establish that the

Title IX Harassment Policy has been violated.

The Title IX Coordinator will assess requests for the University to take no formal action by examining the seriousness of the reported conduct, whether the reported misconduct was perpetrated with a weapon, the respective ages and roles of the Complainant and Respondent, whether there have been other reports of harassment or discrimination by the Respondent, whether the University possesses other means to obtain relevant evidence, whether the report reveals a pattern of perpetration at a given location or by a particular group, and the rights of the Respondent to receive notice and relevant information before disciplinary action is initiated.

- **Advisor**

Both a Complainant and a Respondent are entitled to an Advisor of their choice, and the Advisor may accompany the Party to any meeting or proceeding under these Title IX Procedures. A Complainant may have an Advisor present when reporting Title IX Harassment or at any point. An Advisor may be an attorney, but an advisor or support person may not speak for or stand in place of either the Complainant or the Respondent, act as legal counsel for a Party in the Informal Resolution Process or the Formal Resolution Process, or otherwise participate in the Informal Resolution Process or the Formal Resolution Process, except as a Party's Hearing Advisor. In the event that an attorney is retained to serve as a Hearing Advisor, the attorney may participate in, speak for, or stand in the place of the Complainant or the Respondent and may act as legal counsel for a Party during the Hearing.

The University has the discretion to impose reasonable conditions upon the participation of an Advisor or support person and Hearing Advisor.

Any fees and/or expenses charged by an Advisor or Hearing Advisor for services under these Title IX Procedures are the responsibility of the Party who retained the Advisor or Hearing Advisor.

- **Time Frames**

The University encourages prompt reporting. Persons who have experienced or witnessed harassment are encouraged to report the incident to the Title IX Coordinator as soon as possible. Unreasonable filing delays could result in the dulling of memories and a loss of relevant evidence and witness testimony. Delays in filing shall not affect the Complainant's eligibility for Supportive Measures from the University.

When extenuating circumstances warrant, the Title IX Coordinator has the authority and discretion to extend any of the time limits contained in these Title IX Procedures for good cause except those relating to the filing of appeals.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in these Title IX Procedures. In the event that good

cause exists for the investigation and resolution to exceed these time frames, the University will notify all Parties of the reason(s) for the delay and the expected adjustment in time frames. Good cause may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the Parties, or for other legitimate reasons. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness, due process and fairness with promptness.

- **Expectations Regarding Participation**

All University community members are expected to provide truthful information in any report or proceeding under these Title IX Procedures. Any person who, in bad faith, makes a false statement or submits false information in connection with the initiation or resolution of a Formal Complaint under these Title IX Procedures may be subject to appropriate discipline. Making a good faith report of Title IX Harassment that is not later substantiated is not considered a false statement. Similarly, a determination regarding responsibility, alone, is not sufficient to conclude that any individual made a materially false statement in bad faith.

- **Formal Complaints involving University Officers and/or Administrators with Responsibilities under these Title IX Procedures**

In the event that a complaint concerns the conduct of the Title IX Coordinator or Hearing Officer (or the Title IX Coordinator or Hearing Officer has a conflict of interest), the Vice President for Ethics and Compliance shall designate an individual to be responsible for implementing the responsibilities of the Title IX Coordinator or Hearing Officer pursuant to these Title IX Procedures. In the event that a complaint concerns the conduct of the Vice President for Ethics and Compliance (or the Vice President for Ethics and Compliance has a conflict of interest), the President shall designate an individual to be responsible for implementing the responsibilities of the Vice President for Ethics and Compliance pursuant to these Title IX Procedures. In the event that a complaint concerns the President (or the President has a conflict of interest), the Chairman of the Board of Trustees shall be responsible for implementing the responsibilities of the President pursuant to these Title IX Procedures. In the event that the President or other member of senior administration is a Respondent under these Title IX Procedures, the University may, in its sole discretion, modify these Title IX Procedures to provide for an investigation by an independent University Investigator to be selected by the Board of Trustees and for final decision making by the Board of Trustees or a subcommittee of the Board of Trustees.

- **Conflicts of Interest and Bias Concerns**

Administrators of these Title IX Procedures may not have a conflict of interest or bias for or against a Party generally or for or against a specific Complainant or Respondent.

In the event that a Party has concerns that a University Investigator or decision maker under these Title IX Procedures cannot conduct an unbiased review or render a determination free from bias, the Party may report their concerns to the Title IX Coordinator who will assess the circumstances and determine whether a different University Investigator or decision maker ought to be assigned to the matter. Concerns should be reported promptly. In reaching such decision, the Title IX Coordinator will consider whether a reasonable person would believe bias exists.

- **Coordination with Law Enforcement**

A Complainant may seek recourse under these Title IX Procedures and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, is determinative of whether a violation of the University's Title IX Harassment Policy has occurred. Proceedings under these Title IX Procedures may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

At the request of law enforcement, the University may agree to defer its fact gathering for a brief period during the evidence gathering stage of a criminal investigation. The University will nevertheless communicate with the Complainant and Respondent regarding Supportive Measures, options for resolution, and concerns regarding safety and well-being. The University may also take immediate and prompt steps that it deems necessary to protect the University community. The University will promptly resume its fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

- **Requests by Individuals with Disabilities**

Purdue is committed to providing equal access under these Title IX Procedures to individuals with disabilities. Individuals who require academic adjustments, auxiliary aids and services and/or reasonable accommodations to participate in any part of the resolution process should contact the Title IX Coordinator.

F. REPORTING OPTIONS AND RESOURCES FOR TITLE IX HARASSMENT

The University is committed to treating all members of the community with dignity, care and respect. Any individual affected by Title IX Harassment whether as a Complainant or a Respondent will have equal access to Supportive Measures.

A first step for any Complainant may be choosing how to proceed following an incident of Title IX Harassment. The University recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The University encourages any individual who has questions or concerns to seek the support of campus and community

resources. These professionals can provide information about available resources and procedural options and assistance to either Party in the event that a report and/or resolution under the Title IX Harassment Policy or these Title IX Procedures are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

- **Confidential Resources**

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual. Those campus and community professionals include medical providers, mental health providers, ordained clergy and rape crisis counselors, all of whom have privileged confidentiality that has been recognized by the law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor under the age of 18. A list of on-campus confidential resources is listed in Appendix A to these Title IX Procedures.

It is important to understand that other University employees involved in the University's sexual misconduct response do not have the same level of privileged confidentiality as the designated campus or community professionals described above. In fact, any other University employee who is not one of these confidential reporting resources may be **required** to share a report of Title IX Harassment with the Title IX Coordinator.

- **Non-Confidential Campus Reporting Resources and Mandatory Reporters**

The University is committed to providing a variety of welcoming and accessible means to encourage the reporting of all instances of Title IX Harassment. All University community members are encouraged to report all incidents of discrimination, harassment or retaliation directly to the Title IX Coordinator.

In contrast to the designated campus or community professionals described above under "Confidential Resources," who are obligated to refrain from revealing confidential information shared within the scope of their privilege, some University employees are **required** to report all incidents of discrimination, harassment or retaliation directly to the Title IX Coordinator. Mandatory reporters receive annual required training to ensure that they understand their obligations and the resources available to University community members who report such incidents. University employees who are mandatory reporters include administrators, supervisors, and other staff who have authority to initiate corrective measures on behalf of the University. Mandatory reporters are required to share with the Title IX Coordinator all information they receive or of which they become aware, including the identities of the Parties, if known. A list of campus reporting options, by campus, to whom individuals are encouraged to report any incidents, is available in Appendix A.

- **Privacy**

The privacy of the Parties will be respected and safeguarded at all times. All University employees who are involved in the University's Title IX response receive specific training and guidance about safeguarding private information. Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those University employees who "need to know" in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

- **Release of Information**

If a report of misconduct discloses a serious and immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The University also may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the University release the name of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

Pursuant to the Clery Act, anonymous statistical information must be shared with the campus police department where required by the Clery Act. Annual Clery Act reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at campus locations. The information contained in the Clery report tracks the number of Clery reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident.

All University proceedings are conducted in compliance with the requirements of Title IX, the Clery Act, VAWA, FERPA, state and local law, and University policy. No information shall be released from proceedings under the Title IX Harassment Policy or the Title IX Procedures except as required or permitted by law and University policy. The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly probation, loss of housing, suspension and expulsion.

- **Reporting to Law Enforcement**

In matters involving alleged criminal conduct, the Complainant may notify, or decline to notify, local law enforcement at any time. The University encourages Complainants to pursue criminal action for Title IX Harassment that also may be crimes under state criminal statutes (see legal definitions on the [Title IX website](http://www.purdue.edu/titleix/index.php) at www.purdue.edu/titleix/index.php). The University will assist a Complainant, at the Complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process. A list of

law enforcement resources for each campus is available in Appendix A.

- **Anonymous Reporting**

Any individual may make an anonymous report concerning an act of Title IX Harassment. A report can be made without disclosing one's own name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the University's ability to respond or take further action.

Anonymous reports can be made through the Purdue Hotline, an online reporting service that allows direct interaction with the Title IX Coordinator without providing identifying information. Access the [Purdue Hotline](http://www.purdue.edu/hotline) at www.purdue.edu/hotline or by calling 1-866-818-2620.

As with all other reports, all anonymous reports will go to the Title IX Coordinator for review and appropriate response and action. Where there is sufficient information, the University will ensure that anonymous reports are reviewed and included for compliance with the Clery Act.

G. COUNSELING, ADVOCACY AND SUPPORT FOR STUDENTS

The University is committed to providing a number of support services to University community members. Resources available to University community members include a variety of campus and community-based service providers and professionals.

Additionally, Purdue provides its students with professional staff who can assist students who have been involved in a Title IX Harassment incident or participated in a resolution process under these Title IX Procedures with academic and advocacy/support services. The professional staff within the Office of the Dean of Students are available to assist students with Supportive Measures, including the following:

- Coordination of services.
- Academic adjustments, including processing absence notifications.
- Assistance with emergency housing needs.
- Support during the campus disciplinary process, including in-person attendance at all meetings and ongoing in-person support.
- Support during the law enforcement process, including in-person attendance at meetings with law enforcement and/or the prosecutor's office.
- Assistance in obtaining a protective order through the local court system.

A list of counseling, advocacy and other support services for each campus is listed in Appendix A.

H. INFORMAL RESOLUTION PROCESS

After the filing of a Formal Complaint and at any time before there is a determination of responsibility, either Party may submit a written request to the Title IX Coordinator or the Title IX Coordinator may offer an Informal Resolution Process. Participation in the Informal Resolution Process is voluntary. In order to participate in the Informal Resolution Process, the Parties must provide their voluntary written consent to the Informal Resolution Process, including the confidential nature of the Informal Resolution Process. A Complainant or Respondent has the right to withdraw from the Informal Resolution Process at any time and resume the process with respect to the Formal Complaint.

The Informal Resolution Process does not require an investigation or Hearing. Possible resolutions by agreement of the parties may include, but are not limited to: an apology to the Complainant; assisting the Respondent to better understand the effects of their conduct and ways in which this behavior could be changed; participation in educational programs about Title IX Harassment; verbal or written reprimands; or other interventions or actions aimed at ending the Title IX Harassment, preventing its recurrence, and addressing its effects.

The Informal Resolution Process is not available in matters in which a student is a Complainant and a faculty or staff member is a Respondent.

I. FORMAL RESOLUTION PROCESS

1. Filing a Formal Complaint

A Formal Complaint may be filed by a Complainant by completing the Complaint Information Form online, in person or via electronic mail. A document alleging a violation of the Title IX Harassment Policy against a Respondent and seeking an investigation may be submitted to the Title IX Coordinator in person, by mail, by electronic mail, and the document will be considered a Formal Complaint. Any Complainant who does not initiate this Formal Resolution Process by filing a Complaint Information Form will be asked to do so.

The University also may initiate an investigation in the absence of a Formal Complaint by a Complainant, in which case the Title IX Coordinator will sign a document alleging a violation of the Title IX Harassment Policy against a Respondent and initiate an investigation.

The Formal Complaint should contain the following:

- a. The identities of the Parties involved, if known;
- b. The date of the alleged incident, if known;
- c. The location of the alleged incident, if known; and
- d. A description of the conduct that is alleged to violate the Title IX Harassment Policy.

2. Notification of Formal Complaint and Response

Upon receipt of a Formal Complaint, the Title IX Coordinator must provide the following written notice to the Complainant and Respondent. The notice shall include:

- a. An electronic copy of the Title IX Harassment Policy and these Title IX Procedures and/or a link to the Title IX Harassment Policy and these Title IX Procedures;
- b. A copy of the Formal Complaint;
- c. The identities of the Parties involved, if known;
- d. The date of the alleged incident, if known;
- e. The location of the alleged incident, if known;
- f. The conduct that is alleged to violate the Title IX Harassment Policy;
- g. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will not be made until an investigation is completed and a Hearing is held subject to any determination on appeal as provided under these Title IX Procedures;
- h. The Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- i. The Parties will be provided, for their inspection and review, with an electronic copy or hard copy of any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory whether obtained from a Party or other source;
- j. The Title IX Harassment Policy prohibits bringing knowingly false or malicious charges and prohibits knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation. The University's Regulations Governing Student Conduct, Disciplinary Proceedings, and Appeals provide that "dishonesty in connection with any University activity" constitutes conduct for which students may be subject to informal action or disciplinary sanctions; and
- k. A statement explaining that the Title IX Coordinator will review the Formal Complaint to determine if it is subject to mandatory dismissal or discretionary dismissal as described in Sections I.3 and I.4.

In cases where the Respondent is a faculty or staff member, the Title IX Coordinator will also provide prompt notification, including the items listed above, to the department head or supervisor and to the appropriate Vice President, Dean or head of another major unit.

The Formal Complaint or notice of allegations will be delivered through certified or express mail, electronic mail or hand delivery.

3. Mandatory Dismissal

The Title IX Coordinator shall dismiss a Formal Complaint if, at any time during the investigation or Hearing, it is determined that the factual allegations of the Formal Complaint, if taken as true:

- a. Fail to constitute Title IX Harassment, or
- b. Occur outside the University's jurisdiction as stated in the Title IX Harassment Policy.

The Title IX Coordinator shall review a Formal Complaint filed by a Complainant to determine if the Formal Complaint is subject to mandatory dismissal as provided in this section and notify the Parties of the dismissal in writing within 14 days of the receipt of the Formal Complaint.

If the Title IX Coordinator determines that a Formal Complaint is subject to mandatory dismissal at any other point during the investigation or Hearing, the Title IX Coordinator shall notify the Parties of the dismissal in writing as soon as reasonably practicable. A mandatory dismissal does not preclude action under the University's policies on Anti-Harassment (III.C.1) or on Equal Opportunity, Equal Access and Affirmative Action (III.C.2) or the Regulations Governing Student Conduct.

A mandatory dismissal may be appealed in accordance with Section M of these Title IX Procedures.

4. Discretionary Dismissal

The Title IX Coordinator may dismiss a Formal Complaint or any allegations contained in the Formal Complaint if, at any time during the investigation or Hearing:

- a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- b. The Respondent is no longer enrolled in or employed by the University; or
- c. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

The Title IX Coordinator shall provide the Complainant and Respondent(s) with written notice of the dismissal. Such a dismissal does not preclude action under the University's policies on Anti-Harassment (III.C.1) or on Equal Opportunity, Equal Access and Affirmative Action (III.C.2) or the Regulations Governing Student Conduct.

A discretionary dismissal may be appealed in accordance with Section M of these Title IX Procedures.

5. Investigation of Formal Complaints

In the event that, following an initial assessment, the Title IX Coordinator decides that the Formal Complaint is not subject to mandatory dismissal, the Title IX Coordinator will assign a University Investigator and notify the Parties:

- a. The Respondent(s) will be requested to respond in writing to the Formal Complaint within a reasonable time, not to exceed 10 days from the date of certified or express mailing, electronic mailing or hand delivery of the notification. Any extension of time must be approved by the Title IX Coordinator. A copy of the Respondent(s) written response will be provided to the Complainant.
- b. A statement that the Title IX Coordinator (or Eligible Designee) will contact the Complainant and Respondent separately to arrange individual meetings to discuss the allegation and any Informal Resolution Process for immediately resolving the dispute in a way Parties might agree upon, precluding the need for further action. The Title IX Coordinator (or Eligible Designee) shall also explain the Formal Resolution Process and answer any questions the Parties may have.
- c. A statement that the initial interview of the Respondent will not be scheduled until the time for the Respondent to provide a response to the Formal Complaint has expired;
- d. The name of the University Investigator(s) assigned to the matter;
- e. A statement regarding the opportunity to have an Advisor for all meetings during the investigation. Contact information for all campus student defenders groups;
- f. Guidance regarding Supportive Measures, if applicable; and
- g. A statement of the rights and resources to which Parties are entitled.

The University Investigator will conduct a thorough fact-finding investigation and will meet separately with both the Complainant and the Respondent(s), interview pertinent witnesses and review relevant documents regarding the Formal Complaint. The University Investigator may consider all relevant information. Both Parties will be provided the opportunity to provide information and names of witnesses to the University Investigator.

The University Investigator shall preserve all evidence. All interviews must be recorded.

While investigating a Formal Complaint, the University must:

- a. Ensure that both the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the Parties;
- b. Provide equal opportunity for Parties to present witnesses and other inculpatory and exculpatory evidence;
- c. Not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence; and
- d. Provide to the Party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with a Party, with sufficient time for the Party to prepare to participate.

The investigation shall be completed within 60 days following the assignment of the Formal Complaint to the University Investigator, unless an extension of time for good cause is approved by the Title IX Coordinator.

6. Investigation Report and Evidence

At least 20 days before a Hearing, the Title IX Coordinator shall ensure that Parties and their Hearing Advisor are provided with an electronic copy or hard copy of any and all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including both inculpatory and exculpatory evidence, regardless of whether any Party or the University intends to present such evidence in the Hearing. This shall include the identities of Parties and any witnesses.

Parties shall have at least 10 days to submit to the University Investigator a written response, which the University Investigator will consider prior to completing the Investigation Report. At least 10 days prior to the Hearing, the University Investigator will prepare and complete an Investigation Report that fairly summarizes the relevant evidence and submit it to the Parties and their Hearing Advisors, if any, the Title IX Coordinator, and the Hearing Officer in an electronic format or a hard copy for their review. Parties may submit a written response to the Hearing Officer at or before the Hearing.

J. HEARING

Parties have the right to a Hearing Advisor of their choosing. The Hearing Advisor may actively participate in the Hearing.

If a Party does not have a Hearing Advisor present at the Hearing, the University will provide, without fee or charge to that Party, a Hearing Advisor of the University's choice to conduct cross-examination on behalf of that Party. The University-provided Hearing Advisors will not be attorneys.

At least 10 days after the Investigation Report is provided, the Hearing Officer shall convene a live Hearing. The Hearing Officer will provide to the Parties and any witnesses whose participation is invited or expected written notice of the date, time and manner of the Hearing. All Parties, witnesses and other participants will appear at the live Hearing virtually, with technology enabling the Hearing Officer and participants to simultaneously see and hear the Party and witnesses answering questions. The University will create an audio or audiovisual recording or a transcript of the Hearing and make it available to Parties for inspection and review upon request.

At the hearing, each Party's Hearing Advisor will conduct cross-examination of the other Party and any adverse witnesses. Such cross-examination must be conducted directly, orally, and in real time by the Party's Hearing Advisor and never by a Party personally.

Before a Party or witness answers a cross-examination question, the Hearing Officer must determine whether the question is relevant and, if the Hearing Officer refuses to allow a particular question, the Hearing Officer must explain their decision to the Parties and document the reasons for refusal on the record.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a Party or witness does not submit to cross-examination at the Hearing, the Hearing Officer must not rely on any statement of that Party or witness in reaching a determination regarding responsibility. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live Hearing or refusal to answer cross-examination or other questions.

K. DETERMINATION, SANCTIONS AND REMEDIES

Within 14 days following the Hearing, the Hearing Officer shall make a written determination whether a violation of the Title IX Harassment Policy has occurred and shall simultaneously send the Complainant and the Respondent the written determination and final outcome of the matter, including sanctions, if any, by certified or express mail, electronic mail or hand delivery. That written determination shall include:

1. An identification of the section(s) of the Title IX Harassment Policy alleged to have been violated;
2. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and Hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the Title IX Harassment Policy to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
6. Any sanctions the University imposes on the Respondent;
7. Any remedies provided to the Complainant designed to restore or preserve access to the University's education program or activity;
8. A determination of whether the Formal Complaint was knowingly false or malicious; and
9. The University's procedures and permissible bases for Parties to appeal.

The determination regarding responsibility becomes final either on the date that the Vice President for Ethics and Compliance provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The appropriate Vice President, Vice Chancellor, Vice Provost or Dean is responsible for imposing the sanction. In the case of a student as the Respondent, the appropriate Dean is the Dean of Students.

Sanctions will be decided on a case-by-case basis, must be reasonable and proportionate to the seriousness of the violation, and will be in accordance with University policy. Possible sanctions for employees include, but are not limited to, the following: a letter of reprimand, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, removal of graduate faculty certification, denial of a merit pay increase, demotion, probation or termination. Sanctions for students are listed in the Regulations Governing Student Conduct and include, without limitation, verbal or written warnings, restrictions, probation, probated suspension, suspension, degree deferral or expulsion as well as restrictions on employment and/or access to University property and related organizations.

Except as provided herein, sanctions imposed pursuant to these Title IX Procedures may not be appealed or made the subject of a grievance under any other University policy.

If the accused is a faculty member and the sanction is to recommend termination of

employment, the procedures for termination of a faculty member (as outlined in Executive Memorandum No. B-48 or its successor) will be followed; provided, however, that the report of the University Investigator and the written determination of the Hearing Officer shall be accepted into evidence at the faculty member's termination hearing without the necessity of the Complainant testifying as a witness.

Remedial measures for students, faculty and staff will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement on campus; ensuring that the Complainant and Respondent do not share classes or extracurricular activities; reassignment of residence halls; tutoring or other academic support; arranging for extra time to complete or re-take a class or withdraw from a class without academic or financial penalty; job reassignment; targeted training for a group of students, faculty or staff; and other remedies that can be tailored to the needs of the Parties. The Title IX Coordinator is responsible for the effective implementation of any remedies.

In the event the charge of Title IX Harassment is not substantiated following the written determination of the Hearing Officer, reasonable efforts may be taken to restore the Respondent(s) to their prior status.

L. RETALIATION PROHIBITED

Retaliation against any person for reporting or complaining of discrimination and/or harassment, assisting or participating in the investigation of a complaint of discrimination and/or harassment, refusing to participate in any manner in an investigation, proceeding or Hearing under these Title IX Procedures or enforcing University Policies with respect to discrimination and/or harassment is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against an individual or group for exercising rights or performing duties under these Title IX Procedures will be subject to appropriate and prompt disciplinary or remedial action.

M. APPEAL

The Complainant and the Respondent each have the right to appeal any mandatory or discretionary dismissal as well as the decision of the Hearing Officer and imposition of any sanction to the Vice President for Ethics and Compliance. The appeal must be in writing with all supporting materials attached and filed in person, via courier, or via postal or electronic mail within ten days of the issuance of notification of the decision. Decisions not appealed within such time are deemed final. The Vice President for Ethics and Compliance will notify the other Party in writing when an appeal is filed and furnish a copy of the appeal. Each Party may provide a response to the appeal. The response to the appeal must be in writing with all supporting materials attached and received in person, via courier, or via postal or electronic mail within ten days of the issuance of notification of the appeal.

The grounds for appeals are limited to the following:

1. Procedural irregularity that affected the outcome of the matter;|
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, University Investigator(s), Hearing Officer, or the Vice President for Ethics and Compliance had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The appeal shall consist of a concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Appeals are not intended to open a new investigation of the complaint. In most cases, appeals are confined to a review of the written documentation and pertinent documentation regarding the grounds for appeal. The appeal will be conducted in an impartial manner.

The Vice President for Ethics and Compliance will issue a decision on the appeal to all Parties involved. Normally this decision will be made within 30 days from the date the appeal was received. The Vice President for Ethics and Compliance may (1) uphold or reverse the finding, (2) decrease or increase the sanction(s), and/or (3) take other action as deemed appropriate by the Vice President for Ethics and Compliance. The written decision of the Vice President for Ethics and Compliance on the appeal shall constitute the University's final action.

N. FILING WITH EXTERNAL AGENCIES

Any person may file a complaint with the Indiana Civil Rights Commission, the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's Office for Civil Rights. Information regarding filing charges with any of these agencies may be obtained from the Office of Institutional Equity on the West Lafayette campus.

O. RELATED DOCUMENTS, FORMS AND TOOLS

[Title IX Harassment Policy \(III.C.4\)](http://www.purdue.edu/policies/ethics/iic4.html): www.purdue.edu/policies/ethics/iic4.html

[Equal Opportunity, Equal Access and Affirmative Action Policy \(III.C.2\)](http://www.purdue.edu/policies/ethics/iic2.html):
www.purdue.edu/policies/ethics/iic2.html

[Anti-Harassment Policy \(III.C.1\)](http://www.purdue.edu/policies/ethics/iic1.html): www.purdue.edu/policies/ethics/iic1.html

[Procedures for Resolving Complaints of Discrimination and Harassment](http://www.purdue.edu/ethics/resources/resolving-complaints.php):
www.purdue.edu/ethics/resources/resolving-complaints.php

P. VERSION HISTORY

The initial effective date of these procedures is August 14, 2020.

Archive
Version

APPENDIX A: QUICK REFERENCE GUIDE

Hammond Campus

Confidential Resources

	Address	Hours	Phone
Regional Health Clinic	2250 173rd St.	M-Sat, hours vary daily	219-769-4005
Counseling Center	Gyte Building, Room 005	M-Th, 8 a.m.-5 p.m. Fri., 8 a.m.-4 p.m.	219-989-2366

Non-Confidential Reporting Resources

	Address	Hours	Phone
Title IX Coordinator Office of Equity & Diversity	Lawshe Hall, Room 218	M-F, 8 a.m.-5 p.m.	219-989-3169 219-989-2337
Police Department	2450 169th St., Schneider Avenue Building Hammond, IN	24/7	219-989-2220
Office of the Dean of Students	SULB 313	M-F, 8 a.m.-4:30 p.m.	219-989-4141
Housing	2440 173rd Street Hammond, IN	M-F, 8 a.m.-5 p.m.	219-989-4150

Medical Services (Confidential)

	Address	Hours	Phone
Regional Health Clinic	2250 173rd St.	M-Sat, hours vary daily	219-769-4005
Methodist Hospital	600 Grant St. Gary	24/7	219-886-4000
Advocate South Suburban Hospital	17800 S. Kedzie Ave. Hazel Crest	24/7	708-799-8000
Franciscan Health — Hammond Emergency Dept.	5454 Hohman Ave. Hammond	24/7	219-933-2300
Franciscan Health — Dyer Emergency Dept.	24 Joliet St. Dyer	24/7	219-865-2141
Franciscan Health — Crown Point Emergency Dept.	1201 S. Main St. Crown Point	24/7	219-757-6310
Franciscan Health — Michigan City Emergency Dept.	3500 Franciscan Way Michigan City	24/7	219-879-8511
Chesterton Health & Emergency Center	770 Indian Boundary Rd. Chesterton	24/7	219-921-2012

Counseling Services (Confidential)

	Address	Hours	Phone
Counseling Center	Gyte Building, Room 005	M-Th, 8 a.m.-5 p.m. Fri., 8 a.m.-4 p.m.	219-989-2366

Advocacy and Support Services

	Address	Hours	Phone
Office of the Dean of Students	SULB	M-F, 8 a.m.-4:30 p.m.	219-989-4141

Community Resources

	Address	Hours	Phone
The Caring Place	Valparaiso	24/7	219-464-2128
The Crisis Center Inc.	Gary	24/7	219-938-0900 800-519-0469

Law Enforcement Resources

	Address	Hours	Phone
Police Department	2450 169th St., Schneider Avenue Building Hammond, IN	24/7	219-989-2220
Hammond Police Department	509 Douglas St. Hammond, IN	24/7	219-853-6490

Fort Wayne Campus***Confidential Resources***

	Address	Hours	Phone
Campus Health Clinic	Walb Student Union, Room 234	M-F, 8:30 a.m.-4:30 p.m.	260-481- 5748

Non-Confidential Reporting Resources

	Address	Hours	Phone
Title IX Coordinator	South Campus, Room 300C	M-F, 8 a.m.-5 p.m.	260-481-6107
Police Department	Support Services Building	24/7	260-481-6827
Office of the Dean of Students	Walb Student Union, Room 111	M-F, 8 a.m.-5 p.m.	260-481-6601
Student Housing	410 Crescent Avenue Fort Wayne, IN	M-F, 8 a.m.-5 p.m.	260-481-4180

Medical Services (Confidential)

	Address	Hours	Phone
Campus Health Clinic	Walb Student Union, Room 234	M-F, 8:30 a.m.-4:30 p.m.	260-481-5748
Parkview Hospital Randallia	2200 Randallia Drive Fort Wayne, IN	24/7	260-373-4000
Parkview Regional Medical Center	11109 Parkview Plaza Dr, Entrance 1, Fort Wayne, IN	24/7	260-266-1000
Lutheran Hospital	7950 W Jefferson Blvd Fort Wayne, IN 46804	24/7	260-435-7001

Counseling Services (Confidential)

	Address	Hours	Phone/Website
Student Assistance Program	Walb Student Union, Room 234	M-F, 8:30 a.m.-4:30 p.m.	800-342-5653 www.bowencenter.org/ sapreferrals@bowencenter.org

Advocacy and Support Services

	Address	Hours	Phone
Office of the Dean of Students	Walb Student Union, Room 111	M-F, 8 a.m.-5 p.m.	260-481-6601

Community Resources

	Address	Hours	Phone
Sexual Assault Treatment Center	1420 Kerrway Ct Fort Wayne	24/7	260-423-2222
YWCA Domestic Violence Crisis Line	5920 Decatur Road Fort Wayne	24/7	800-441-4073

Law Enforcement Resources

	Address	Hours	Phone
Police Department	Support Services Building	24/7	260-481-6827
Fort Wayne Police Department	1 E. Main St. Fort Wayne	24/7	260-427-1222

Westville Campus***Confidential Resources***

	Address	Hours	Phone
Counseling Center	Technology Building, Room 101	M-F, 9 a.m.-3:00 p.m.	219-989-2366
LaPorte Physician Network	Dworkin Student Services & Activities Center, 1401 S. US Hwy 421, Westville, IN	Wednesday 7:30 am – 6:00 pm	219-304-6100

Non-Confidential Reporting Resources

	Address	Hours	Phone
Title IX Coordinator	Schwarz Hall, Room 25D	M-F, 8 a.m.-4:30 p.m.	219-785-5545
Police Department	Physical Facility/Campus Police Building, Room 101	24/7	219-785-5220
Office of the Dean of Students	Library-Student-Faculty Building, Room 103	M-F, 8 a.m.-4:30 p.m.	219-785-5230

Medical Services (Confidential)

	Address	Hours	Phone
Franciscan Emergency Center Chesterton	770 Indian Boundary Road Chesterton	24/7	219-921-2000
IU Health LaPorte Hospital	1007 Lincolnway LaPorte	24/7	219-326-1234
IU Health Starke Hospital	102 E. Culver Road Knox	24/7	574-772-6231
Porter Hospital	85 E. U.S. 6 Frontage Road Valparaiso	24/7	219-263-8300
Methodist Hospital	8701 Broadway Merrillville	24/7	219-738-5510
Franciscan Health- Michigan City	3500 Franciscan Way Michigan City	24/7	219-879-8511

Counseling Services (Confidential)

	Address	Hours	Phone
Counseling Center	Technology Building, Room 101	M-F, 9 a.m.-3:00 p.m.	219-989-2366

Advocacy and Support Services

	Address	Hours	Phone
Office of the Dean of Students	Library-Student-Faculty Building, Room 103	M-F, 8 a.m.-4:30 p.m.	219-785-5230

Community Resources

	Address	Hours	Phone
National Domestic Violence Hotline	N/A	24/7	800-799-SAFE (7233)
Crisis Hotline	LaPorte/Starke Counties	24/7	219-324-6263
Crisis Hotline	Lake County	24/7	219-938-0900
Victim's Assistance Services	Porter County	M-F, 8:30 a.m.-4:30 p.m.	219-364-1312
Stepping Stones for Women	Michigan City	24/7 (Crisis Hotline)	219-879-4615 800-248-1151
The Caring Place	Lake, Porter and Starke Counties	24/7 (Crisis Hotline)	219-464-2128 800-933-0466

Law Enforcement Resources

	Address	Hours	Phone
PNW Westville Campus Police Department	Physical Facility/Campus Police Building, Room 101	24/7	219-785-5220
LaPorte County Sheriff	LaPorte	24/7	219-326-7700
Westville Police Department	Westville	24/7	219-785-4177

West Lafayette Campus

Confidential Resources

	Address	Hours	Phone
Purdue Crisis Line	N/A	24/7	765-495-HELP (4357)
Student Health Center (PUSH)	601 Stadium Mall Drive West Lafayette	M-F, 8 a.m.-5 p.m.	765-494-1700
Counseling and Psychological Services (CAPS)	PUSH Room 246 DUHM Room 151 PSGC Room 101	M-F, 8 a.m.-5 p.m.	765-494-6995
Center for Advocacy, Response, and Education (CARE)	Duhme Hall, Room 139	M-F, 8 a.m.-5 p.m.	765-495-CARE (2273) 24/7

Non-Confidential Reporting Resources

	Address	Hours	Phone
Title IX Coordinator	Young Hall, Room 1053	M-F, 8 a.m.-5 p.m.	765-494-7255
Police Department	Terry House	24/7	765-494-8221
Office of the Dean of Students	Schleman Hall, 2nd Floor	M-F, 8 a.m.-5 p.m.	765-494-1747
University Residences	Smalley Center	M-F, 8 a.m.-5 p.m.	765-494-1000

Medical Services (Confidential)

	Address	Hours	Phone
PUSH Women's Clinic	PUSH	M-F, 8 a.m.-5 p.m.	765-494-1700
PUSH Extended Care	PUSH	M-F, 8 a.m.-5 p.m. Sat 10 a.m.-5:30 p.m.	765-494-1724
Franciscan Health Hospital-East	1701 S. Creasy Lane Lafayette	24/7	765-502-4000
IU Health Arnett Hospital	5165 McCarty Lane Lafayette	24/7	765-448-8000

Counseling Services (Confidential)

	Address	Hours	Phone
CAPS	PUSH	M-F, 8 a.m.-5 p.m.	765-494-6995

Advocacy and Support Services

	Address	Hours	Phone
Office of the Dean of Students	Schleman Hall, 2nd Floor	M-F, 8 a.m.-5 p.m.	765-494-1747

Community Resources

	Address	Hours	Phone
Mental Health America Crisis Center	914 South St. Lafayette, IN	24/7	765-742-0244 800-985-5990
YWCA Domestic Violence Intervention and Prevention Hotline	N/A	24/7	765-423-1118* <i>accepts collect calls</i> 888-345-1118

Law Enforcement Resources

	Address	Hours	Phone
Police Department	205 S. Martin Jischke Dr. West Lafayette	24/7	765-494-8221
West Lafayette Police Dept.	711 W. Navajo St. West Lafayette	24/7	765-775-5200
Tippecanoe County Sheriff	2640 Duncan Road Lafayette	24/7	765-423-9388
Lafayette Police Dept.	20 N. 6th St. Lafayette	24/7	765-807-1200

Archived
Version

APPENDIX H

PURDUE UNIVERSITY PROCEDURES FOR RESOLVING COMPLAINTS OF TITLE IX HARASSMENT

Revised September 2, 2021

A. INTRODUCTION

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages individuals to strive to reach their potential. Title IX Harassment in the workplace or the educational environment is unacceptable and will not be tolerated.

Any employee, student, campus visitor or person participating in a University activity, who has experienced or witnessed discrimination and/or harassment is encouraged to report the incident(s) promptly. Prompt reporting of complaints is vital to the University's ability to resolve the matter.

Once the University has received a report of Title IX Harassment, the University will take any and all necessary and immediate steps to protect the Complainant. Such actions may include taking interim steps and/or providing Supportive Measures before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

There are both formal and informal processes for resolving complaints of Title IX Harassment; however, the informal process is not available unless a Formal Complaint has been filed.

The University has an obligation to respond to information of which it becomes aware, whether received directly or indirectly. That is, the University's obligation may be triggered by a direct disclosure by those who have experienced potential discrimination or harassment or by gaining indirect knowledge of such information. For this reason, the University may initiate an investigation of circumstances that involve potential discrimination and/or harassment even where no complaint, formal or informal, has been filed. In those circumstances, the University may elect to investigate and, if warranted, impose disciplinary sanctions pursuant to these or other established University procedures.

In matters involving alleged criminal conduct, the Complainant may notify, or decline to notify, local law enforcement at any time. The University may also make an independent determination to notify law enforcement and/or other authorities based on the nature of the complaint.

B. SCOPE

These Title IX Procedures outline the resolution processes that will be used to investigate and/or resolve a report of Title IX Harassment committed against a student, employee, or a person participating in or attempting to participate in a program or activity of Purdue

University under the University's policy on [Title IX Harassment \(III.C.4\)](#) (the "Title IX Harassment Policy"). These Title IX Procedures apply to allegations of conduct on the basis of sex addressed by the University in accordance with its obligations under Title IX of the Education Amendments of 1972 ("Title IX"). These Title IX Procedures incorporate the regulations governing educational institutions' Title IX obligations, as promulgated by the Department of Education's Office for Civil Rights. Other harassment and discrimination not covered by Title IX are addressed under the University's policies on [Anti-Harassment \(III.C.1\)](#) and on [Equal Opportunity, Equal Access and Affirmative Action \(III.C.2\)](#) and the [Procedures for Resolving Complaints of Discrimination and Harassment](#). If a Formal Complaint is dismissed under these Title IX Procedures, the Procedures for Resolving Complaints of Discrimination and Harassment may be implemented.

C. RESOURCES FOR RESOLVING COMPLAINTS OF TITLE IX HARASSMENT

Inquiries and complaints about Title IX Harassment, including, but not limited to, inquiries and complaints about Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking may be brought to the Title IX Coordinator. Information about the Title IX Coordinator for each campus is available in the Title IX Harassment Policy.

The management of all complaints of Title IX Harassment, regardless of where they are initially received, and the implementation of these Title IX Procedures is the responsibility of the Title IX Coordinator.

Any question of interpretation regarding these Title IX Procedures shall be referred to the Vice President for Ethics and Compliance for final determination.

D. DEFINITIONS

All defined terms are capitalized throughout the document. Additional defined terms may be found in the [Title IX Harassment Policy \(III.C.4\)](#) and the central [Policy Glossary](#).

Advisor

An individual selected by the Complainant or the Respondent to accompany the Party to any interview or meeting under these Title IX Procedures. The individual may be, but is not required to be, an attorney. The same individual may also serve as the Hearing Advisor.

Complainant(s)

A person or persons (1) employed by University or (2) participating in or attempting to participate in a Purdue University program or activity, who is alleged to be the victim of conduct that could constitute Title IX Harassment whether or not a Formal Complaint has been filed.

Campus Equity Office

The following University offices: (1) on the West Lafayette campus, the Office of Institutional Equity; (2) on the Fort Wayne campus, Human Resources and Institutional Equity; and (3) on the Purdue Northwest Hammond and Westville campuses, the Office of

Equity, Diversity and Inclusion.

Days

Calendar days.

Director

The Director of the Office of Institutional Equity of the West Lafayette campus.

Eligible Designee

An individual to whom the Title IX Coordinator delegates their authority under these Title IX Procedures. All Eligible Designees must receive appropriate annual training and be approved to serve in this role by the Vice President for Ethics and Compliance.

Formal Complaint

A document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Harassment against a named Respondent(s) that requests the University investigate the allegations. See Section I of these Title IX Procedures.

Formal Resolution Process

The process for resolving complaints of Title IX Harassment set forth in Section I of these Title IX Procedures. The Formal Resolution Process involves the filing of a Formal Complaint, an investigation, a Hearing, a determination as to whether the Title IX Harassment Policy has been violated and, as appropriate, the imposition of sanctions and remedial measures.

Hearing

The formal live meeting during which the Parties, witnesses and other participants appear virtually with technology enabling participants simultaneously to see and hear each other. Evidence is presented and witnesses are heard.

Hearing Advisor

An individual selected by the Complainant or the Respondent to accompany the Party to the Hearing and conduct cross examination of witnesses under these Title IX Procedures. The individual may be, but is not required to be, an attorney. The same individual may also serve as the Advisor. If a Party does not have a Hearing Advisor, the University will provide someone who is not an attorney to serve in this role.

Hearing Officer

The individual responsible for administering the Hearing and issuing decisions concerning responsibility and sanctions, if applicable, in Title IX Harassment matters. The Hearing Officer cannot be a University Investigator in a matter or the University's Title IX Coordinator.

Informal Resolution Process

The process for resolving complaints of Title IX Harassment set forth in Section H of these

Title IX Procedures. The Informal Resolution Process is designed to empower the Parties to reach a mutually satisfactory agreement.

Investigation Report

A written report prepared by the University Investigator(s) that fairly summarizes relevant evidence.

Party or Parties

The Complainant(s) and Respondent(s) in a Title IX Harassment matter.

Respondent(s)

The person or persons who has been reported to be the perpetrator of conduct that could constitute Title IX Harassment.

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Title IX Coordinator

A University employee who is responsible for the implementation of the University's Title IX Harassment Policy.

Title IX Harassment Policy

The University's policy on [Title IX Harassment \(III.C.4\)](#).

Title IX Procedures

The procedures set forth in this document.

University Investigator

A person appointed by the Director to investigate a Formal Complaint pursuant to Section I of these Title IX Procedures. Any individual designated to conduct an investigation must receive appropriate annual training and be approved to serve in this role by the Vice

President for Ethics and Compliance. A University Investigator may be a University employee or an external professional.

E. GENERAL PROVISIONS

- **Presumption of Innocence and Burden of Proof**

The University administers these Title IX Procedures with the presumption that the Respondent is not responsible for the alleged Title IX Harassment unless and until the Respondent is determined to be responsible for a violation of the Title IX Harassment Policy by a preponderance of the evidence. The University has the burden of proof to establish each element of any alleged Title IX Harassment Policy violation by the Respondent.

- **Delegation**

The Title IX Coordinator may delegate their authority under these Title IX Procedures to an Eligible Designee.

- **Requests for Anonymity or No Action**

To protect both the Complainant and the Respondent, every effort will be made to protect the privacy interests of the persons involved in a manner consistent with the need for a thorough review of a report or Formal Complaint.

If the Complainant requests that their name or other identifiable information not be shared with the Respondent, or requests that the University take no formal action in response to a report, the Title IX Coordinator shall evaluate such request and notify the individual of the University's response to their request.

The University will honor the Complainant's request to the extent possible based on a careful balancing of the request with any legal reporting requirements, the risk of harm to any individual, and the University's duty to maintain a safe and non-discriminatory environment for all.

If the University honors the request for anonymity, federal law prohibits the University from pursuing disciplinary action against a Respondent. The University will, however, take other appropriate steps to eliminate any such Title IX Harassment, prevent its recurrence and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate Supportive Measures and/or providing targeted training and prevention programs.

If the University is unable to honor the request for anonymity or the request to take no formal action in response to a report, the University may be obligated to move forward with a Formal Complaint signed by the Title IX Coordinator if there is an individual or public safety concern and sufficient independent information exists to establish that the

Title IX Harassment Policy has been violated.

The Title IX Coordinator will assess requests for the University to take no formal action by examining the seriousness of the reported conduct, whether the reported misconduct was perpetrated with a weapon, the respective ages and roles of the Complainant and Respondent, whether there have been other reports of harassment or discrimination by the Respondent, whether the University possesses other means to obtain relevant evidence, whether the report reveals a pattern of perpetration at a given location or by a particular group, and the rights of the Respondent to receive notice and relevant information before disciplinary action is initiated.

- **Advisor**

Both a Complainant and a Respondent are entitled to an Advisor of their choice, and the Advisor may accompany the Party to any meeting or proceeding under these Title IX Procedures. A Complainant may have an Advisor present when reporting Title IX Harassment or at any point. An Advisor may be an attorney, but an advisor or support person may not speak for or stand in place of either the Complainant or the Respondent, act as legal counsel for a Party in the Informal Resolution Process or the Formal Resolution Process, or otherwise participate in the Informal Resolution Process or the Formal Resolution Process, except as a Party's Hearing Advisor. In the event that an attorney is retained to serve as a Hearing Advisor, the attorney may conduct cross-examination of a Party or witness and may provide legal advice to their client during the Hearing.

The University has the discretion to impose reasonable conditions upon the participation of an Advisor or support person and Hearing Advisor.

Any fees and/or expenses charged by an Advisor or Hearing Advisor for services under these Title IX Procedures are the responsibility of the Party who retained the Advisor or Hearing Advisor.

- **Time Frames**

The University encourages prompt reporting. Persons who have experienced or witnessed harassment are encouraged to report the incident to the Title IX Coordinator as soon as possible. Unreasonable filing delays could result in the dulling of memories and a loss of relevant evidence and witness testimony. Delays in filing shall not affect the Complainant's eligibility for Supportive Measures from the University.

When extenuating circumstances warrant, the Title IX Coordinator has the authority and discretion to extend any of the time limits contained in these Title IX Procedures for good cause except those relating to the filing of appeals.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in these Title IX Procedures. In the event that good

cause exists for the investigation and resolution to exceed these time frames, the University will notify all Parties of the reason(s) for the delay and the expected adjustment in time frames. Good cause may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the Parties, or for other legitimate reasons. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness, due process and fairness with promptness.

- **Expectations Regarding Participation**

All University community members are expected to provide truthful information in any report or proceeding under these Title IX Procedures. Any person who, in bad faith, makes a false statement or submits false information in connection with the initiation or resolution of a Formal Complaint under these Title IX Procedures may be subject to appropriate discipline. Making a good faith report of Title IX Harassment that is not later substantiated is not considered a false statement. Similarly, a determination regarding responsibility, alone, is not sufficient to conclude that any individual made a materially false statement in bad faith.

- **Formal Complaints involving University Officers and/or Administrators with Responsibilities under these Title IX Procedures**

In the event that a complaint concerns the conduct of the Title IX Coordinator or Hearing Officer (or the Title IX Coordinator or Hearing Officer has a conflict of interest), the Vice President for Ethics and Compliance shall designate an individual to be responsible for implementing the responsibilities of the Title IX Coordinator or Hearing Officer pursuant to these Title IX Procedures. In the event that a complaint concerns the conduct of the Vice President for Ethics and Compliance (or the Vice President for Ethics and Compliance has a conflict of interest), the President shall designate an individual to be responsible for implementing the responsibilities of the Vice President for Ethics and Compliance pursuant to these Title IX Procedures. In the event that a complaint concerns the President (or the President has a conflict of interest), the Chairman of the Board of Trustees shall be responsible for implementing the responsibilities of the President pursuant to these Title IX Procedures. In the event that the President or other member of senior administration is a Respondent under these Title IX Procedures, the University may, in its sole discretion, modify these Title IX Procedures to provide for an investigation by an independent University Investigator to be selected by the Board of Trustees and for final decision making by the Board of Trustees or a subcommittee of the Board of Trustees.

- **Conflicts of Interest and Bias Concerns**

Administrators of these Title IX Procedures may not have a conflict of interest or bias for or against a Party generally or for or against a specific Complainant or Respondent.

In the event that a Party has concerns that a University Investigator or decision maker under these Title IX Procedures cannot conduct an unbiased review or render a determination free from bias, the Party may report their concerns to the Title IX Coordinator who will assess the circumstances and determine whether a different University Investigator or decision maker ought to be assigned to the matter. Concerns should be reported promptly. In reaching such decision, the Title IX Coordinator will consider whether a reasonable person would believe bias exists.

- **Coordination with Law Enforcement**

A Complainant may seek recourse under these Title IX Procedures and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, is determinative of whether a violation of the University's Title IX Harassment Policy has occurred. Proceedings under these Title IX Procedures may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

At the request of law enforcement, the University may agree to defer its fact gathering for a brief period during the evidence gathering stage of a criminal investigation. The University will nevertheless communicate with the Complainant and Respondent regarding Supportive Measures, options for resolution, and concerns regarding safety and well-being. The University may also take immediate and prompt steps that it deems necessary to protect the University community. The University will promptly resume its fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

- **Requests by Individuals with Disabilities**

Purdue is committed to providing equal access under these Title IX Procedures to individuals with disabilities. Individuals who require academic adjustments, auxiliary aids and services and/or reasonable accommodations to participate in any part of the resolution process should contact the Title IX Coordinator.

F. REPORTING OPTIONS AND RESOURCES FOR TITLE IX HARASSMENT

The University is committed to treating all members of the community with dignity, care and respect. Any individual affected by Title IX Harassment whether as a Complainant or a Respondent will have equal access to Supportive Measures.

A first step for any Complainant may be choosing how to proceed following an incident of Title IX Harassment. The University recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The University encourages any individual who has questions or concerns to seek the support of campus and community

resources. These professionals can provide information about available resources and procedural options and assistance to either Party in the event that a report and/or resolution under the Title IX Harassment Policy or these Title IX Procedures are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

- **Confidential Resources**

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual. Those campus and community professionals include medical providers, mental health providers, ordained clergy and rape crisis counselors, all of whom have privileged confidentiality that has been recognized by the law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor under the age of 18. A list of on-campus confidential resources is listed in Appendix A to these Title IX Procedures.

It is important to understand that other University employees involved in the University's sexual misconduct response do not have the same level of privileged confidentiality as the designated campus or community professionals described above. In fact, any other University employee who is not one of these confidential reporting resources may be *required* to share a report of Title IX Harassment with the Title IX Coordinator.

- **Non-Confidential Campus Reporting Resources and Mandatory Reporters**

The University is committed to providing a variety of welcoming and accessible means to encourage the reporting of all instances of Title IX Harassment. All University community members are encouraged to report all incidents of discrimination, harassment or retaliation directly to the Title IX Coordinator.

In contrast to the designated campus or community professionals described above under "Confidential Resources," who are obligated to refrain from revealing confidential information shared within the scope of their privilege, some University employees are *required* to report all incidents of discrimination, harassment or retaliation directly to the Title IX Coordinator. Mandatory reporters receive annual required training to ensure that they understand their obligations and the resources available to University community members who report such incidents. University employees who are mandatory reporters include administrators, supervisors, and other staff who have authority to initiate corrective measures on behalf of the University. Mandatory reporters are required to share with the Title IX Coordinator all information they receive or of which they become aware, including the identities of the Parties, if known. A list of campus reporting options, by campus, to whom individuals are encouraged to report any incidents, is available in Appendix A.

- **Privacy**

The privacy of the Parties will be respected and safeguarded at all times. All University employees who are involved in the University's Title IX response receive specific training and guidance about safeguarding private information. Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those University employees who "need to know" in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

- **Release of Information**

If a report of misconduct discloses a serious and immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The University also may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the University release the name of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

Pursuant to the Clery Act, anonymous statistical information must be shared with the campus police department where required by the Clery Act. Annual Clery Act reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at campus locations. The information contained in the Clery report tracks the number of Clery reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident.

All University proceedings are conducted in compliance with the requirements of Title IX, the Clery Act, VAWA, FERPA, state and local law, and University policy. No information shall be released from proceedings under the Title IX Harassment Policy or the Title IX Procedures except as required or permitted by law and University policy. The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly probation, loss of housing, suspension and expulsion.

- **Reporting to Law Enforcement**

In matters involving alleged criminal conduct, the Complainant may notify, or decline to notify, local law enforcement at any time. The University encourages Complainants to pursue criminal action for Title IX Harassment that also may be crimes under state criminal statutes (see legal definitions on the [Title IX website](http://www.purdue.edu/titleix/index.php) at www.purdue.edu/titleix/index.php). The University will assist a Complainant, at the Complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process. A list of

law enforcement resources for each campus is available in Appendix A.

- **Anonymous Reporting**

Any individual may make an anonymous report concerning an act of Title IX Harassment. A report can be made without disclosing one's own name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the University's ability to respond or take further action.

Anonymous reports can be made through the Purdue Hotline, an online reporting service that allows direct interaction with the Title IX Coordinator without providing identifying information. Access the [Purdue Hotline](http://www.purdue.edu/hotline) at www.purdue.edu/hotline or by calling 1-866-818-2620.

As with all other reports, all anonymous reports will go to the Title IX Coordinator for review and appropriate response and action. Where there is sufficient information, the University will ensure that anonymous reports are reviewed and included for compliance with the Clery Act.

G. COUNSELING, ADVOCACY AND SUPPORT FOR STUDENTS

The University is committed to providing a number of support services to University community members. Resources available to University community members include a variety of campus and community-based service providers and professionals.

Additionally, Purdue provides its students with professional staff who can assist students who have been involved in a Title IX Harassment incident or participated in a resolution process under these Title IX Procedures with academic and advocacy/support services. The professional staff within the Office of the Dean of Students are available to assist students with Supportive Measures, including the following:

- Coordination of services.
- Academic adjustments, including processing absence notifications.
- Assistance with emergency housing needs.
- Support during the campus disciplinary process, including in-person attendance at all meetings and ongoing in-person support.
- Support during the law enforcement process, including in-person attendance at meetings with law enforcement and/or the prosecutor's office.
- Assistance in obtaining a protective order through the local court system.

A list of counseling, advocacy and other support services for each campus is listed in Appendix A.

H. INFORMAL RESOLUTION PROCESS

After the filing of a Formal Complaint and at any time before there is a determination of responsibility, either Party may submit a written request to the Title IX Coordinator or the Title IX Coordinator may offer an Informal Resolution Process. Participation in the Informal Resolution Process is voluntary. In order to participate in the Informal Resolution Process, the Parties must provide their voluntary written consent to the Informal Resolution Process, including the confidential nature of the Informal Resolution Process. A Complainant or Respondent has the right to withdraw from the Informal Resolution Process at any time and resume the process with respect to the Formal Complaint.

The Informal Resolution Process does not require an investigation or Hearing. Possible resolutions by agreement of the parties may include, but are not limited to: an apology to the Complainant; assisting the Respondent to better understand the effects of their conduct and ways in which this behavior could be changed; participation in educational programs about Title IX Harassment; verbal or written reprimands; or other interventions or actions aimed at ending the Title IX Harassment, preventing its recurrence, and addressing its effects.

The Informal Resolution Process is not available in matters in which a student is a Complainant and a faculty or staff member is a Respondent.

I. FORMAL RESOLUTION PROCESS

1. Filing a Formal Complaint

A Formal Complaint may be filed by a Complainant by completing the Complaint Information Form online, in person or via electronic mail. A document alleging a violation of the Title IX Harassment Policy against a Respondent and seeking an investigation may be submitted to the Title IX Coordinator in person, by mail, by electronic mail, and the document will be considered a Formal Complaint. Any Complainant who does not initiate this Formal Resolution Process by filing a Complaint Information Form will be asked to do so.

The University also may initiate an investigation in the absence of a Formal Complaint by a Complainant, in which case the Title IX Coordinator will sign a document alleging a violation of the Title IX Harassment Policy against a Respondent and initiate an investigation.

The Formal Complaint should contain the following:

- a. The identities of the Parties involved, if known;
- b. The date of the alleged incident, if known;
- c. The location of the alleged incident, if known; and
- d. A description of the conduct that is alleged to violate the Title IX Harassment Policy.

2. Notification of Formal Complaint and Response

Upon receipt of a Formal Complaint, the Title IX Coordinator must provide the following written notice to the Complainant and Respondent. The notice shall include:

- a. An electronic copy of the Title IX Harassment Policy and these Title IX Procedures and/or a link to the Title IX Harassment Policy and these Title IX Procedures;
- b. A copy of the Formal Complaint;
- c. The identities of the Parties involved, if known;
- d. The date of the alleged incident, if known;
- e. The location of the alleged incident, if known;
- f. The conduct that is alleged to violate the Title IX Harassment Policy;
- g. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will not be made until an investigation is completed and a Hearing is held subject to any determination on appeal as provided under these Title IX Procedures;
- h. The Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- i. The Parties will be provided, for their inspection and review, with an electronic copy or hard copy of any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory whether obtained from a Party or other source;
- j. The Title IX Harassment Policy prohibits bringing knowingly false or malicious charges and prohibits knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation. The University's Regulations Governing Student Conduct, Disciplinary Proceedings, and Appeals provide that "dishonesty in connection with any University activity" constitutes conduct for which students may be subject to informal action or disciplinary sanctions; and
- k. A statement explaining that the Title IX Coordinator will review the Formal Complaint to determine if it is subject to mandatory dismissal or discretionary dismissal as described in Sections I.3 and I.4.

In cases where the Respondent is a faculty or staff member, the Title IX Coordinator will

3. Mandatory Dismissal

The Title IX Coordinator shall dismiss a Formal Complaint if, at any time during the investigation or Hearing, it is determined that the factual allegations of the Formal Complaint, if taken as true:

- a. Fail to constitute Title IX Harassment, or
- b. Occur outside the University's jurisdiction as stated in the Title IX Harassment Policy.

The Title IX Coordinator shall review a Formal Complaint filed by a Complainant to determine if the Formal Complaint is subject to mandatory dismissal as provided in this section and notify the Parties of the dismissal in writing within 14 days of the receipt of the Formal Complaint.

If the Title IX Coordinator determines that a Formal Complaint is subject to mandatory dismissal at any other point during the investigation or Hearing, the Title IX Coordinator shall notify the Parties of the dismissal in writing as soon as reasonably practicable. A mandatory dismissal does not preclude action under the University's policies on Anti-Harassment (III.C.1) or on Equal Opportunity, Equal Access and Affirmative Action (III.C.2) or the Regulations Governing Student Conduct.

A mandatory dismissal may be appealed in accordance with Section M of these Title IX Procedures.

4. Discretionary Dismissal

The Title IX Coordinator may dismiss a Formal Complaint or any allegations contained in the Formal Complaint if, at any time during the investigation or Hearing:

- a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- b. The Respondent is no longer enrolled in or employed by the University; or
- c. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

The Title IX Coordinator shall provide the Complainant and Respondent(s) with written notice of the dismissal. Such a dismissal does not preclude action under the University's policies on Anti-Harassment (III.C.1) or on Equal Opportunity, Equal Access and Affirmative Action (III.C.2) or the Regulations Governing Student Conduct.

A discretionary dismissal may be appealed in accordance with Section M of these Title IX Procedures.

5. Investigation of Formal Complaints

In the event that, following an initial assessment, the Title IX Coordinator decides that the Formal Complaint is not subject to mandatory dismissal, the Title IX Coordinator will assign a University Investigator and notify the Parties:

- a. The Respondent(s) will be requested to respond in writing to the Formal Complaint within a reasonable time, not to exceed 10 days from the date of certified or express mailing, electronic mailing or hand delivery of the notification. Any extension of time must be approved by the Title IX Coordinator. A copy of the Respondent(s) written response will be provided to the Complainant.
- b. A statement that the Title IX Coordinator (or Eligible Designee) will contact the Complainant and Respondent separately to arrange individual meetings to discuss the allegation and any Informal Resolution Process for immediately resolving the dispute in a way Parties might agree upon, precluding the need for further action. The Title IX Coordinator (or Eligible Designee) shall also explain the Formal Resolution Process and answer any questions the Parties may have.
- c. A statement that the initial interview of the Respondent will not be scheduled until the time for the Respondent to provide a response to the Formal Complaint has expired;
- d. The name of the University Investigator(s) assigned to the matter;
- e. A statement regarding the opportunity to have an Advisor for all meetings during the investigation. Contact information for all campus student defenders groups;
- f. Guidance regarding Supportive Measures, if applicable; and
- g. A statement of the rights and resources to which Parties are entitled.

The University Investigator will conduct a thorough fact-finding investigation and will meet separately with both the Complainant and the Respondent(s), interview pertinent witnesses and review relevant documents regarding the Formal Complaint. The University Investigator may consider all relevant information. Both Parties will be provided the opportunity to provide information and names of witnesses to the University Investigator.

The University Investigator shall preserve all evidence. All interviews must be recorded.

- a. Ensure that both the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the Parties;
- b. Provide equal opportunity for Parties to present witnesses and other inculpatory and exculpatory evidence;
- c. Not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence; and
- d. Provide to the Party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with a Party, with sufficient time for the Party to prepare to participate.

The investigation shall be completed within 60 days following the assignment of the Formal Complaint to the University Investigator, unless an extension of time for good cause is approved by the Title IX Coordinator.

6. Investigation Report and Evidence

At least 20 days before a Hearing, the Title IX Coordinator shall ensure that Parties and their Hearing Advisor are provided with an electronic copy or hard copy of any and all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including both inculpatory and exculpatory evidence, regardless of whether any Party or the University intends to present such evidence in the Hearing. This shall include the identities of Parties and any witnesses.

Parties shall have at least 10 days to submit to the University Investigator a written response, which the University Investigator will consider prior to completing the Investigation Report. At least 10 days prior to the Hearing, the University Investigator will prepare and complete an Investigation Report that fairly summarizes the relevant evidence and submit it to the Parties and their Hearing Advisors, if any, the Title IX Coordinator, and the Hearing Officer in an electronic format or a hard copy for their review. Parties may submit a written response to the Hearing Officer at or before the Hearing.

J. HEARING

Parties have the right to a Hearing Advisor of their choosing. The Hearing Advisor may actively participate in the Hearing.

If a Party does not have a Hearing Advisor present at the Hearing, the University will provide, without fee or charge to that Party, a Hearing Advisor of the University's choice to conduct cross-examination on behalf of that Party. The University-provided Hearing Advisors will not be attorneys.

At least 10 days after the Investigation Report is provided, the Hearing Officer shall convene a live Hearing. The Hearing Officer will provide to the Parties and any witnesses whose participation is invited or expected written notice of the date, time and manner of the Hearing. All Parties, witnesses and other participants will appear at the live Hearing virtually, with technology enabling the Hearing Officer and participants to simultaneously see and hear the Party and witnesses answering questions. The University will create an audio or audiovisual recording or a transcript of the Hearing and make it available to Parties for inspection and review upon request.

At the hearing, each Party's Hearing Advisor will conduct cross-examination of the other Party and any adverse witnesses. Such cross-examination must be conducted directly, orally, and in real time by the Party's Hearing Advisor and never by a Party personally.

Before a Party or witness answers a cross-examination question, the Hearing Officer must determine whether the question is relevant and, if the Hearing Officer refuses to allow a particular question, the Hearing Officer must explain their decision to the Parties and document the reasons for refusal on the record.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live Hearing or refusal to answer cross-examination or other questions.

K. DETERMINATION, SANCTIONS AND REMEDIES

Within 14 days following the Hearing, the Hearing Officer shall make a written determination whether a violation of the Title IX Harassment Policy has occurred and shall simultaneously send the Complainant and the Respondent the written determination and final outcome of the matter, including sanctions, if any, by certified or express mail, electronic mail or hand delivery. That written determination shall include:

1. An identification of the section(s) of the Title IX Harassment Policy alleged to have been violated;

2. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and Hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the Title IX Harassment Policy to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
6. Any sanctions the University imposes on the Respondent;
7. Any remedies provided to the Complainant designed to restore or preserve access to the University's education program or activity;
8. A determination of whether the Formal Complaint was knowingly false or malicious; and
9. The University's procedures and permissible bases for Parties to appeal.

The determination regarding responsibility becomes final either on the date that the Vice President for Ethics and Compliance provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The appropriate Vice President, Vice Chancellor, Vice Provost or Dean is responsible for imposing the sanction. In the case of a student as the Respondent, the appropriate Dean is the Dean of Students.

Sanctions will be decided on a case-by-case basis, must be reasonable and proportionate to the seriousness of the violation, and will be in accordance with University policy. Possible sanctions for employees include, but are not limited to, the following: a letter of reprimand, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, removal of graduate faculty certification, denial of a merit pay increase, demotion, probation or termination. Sanctions for students are listed in the Regulations Governing Student Conduct and include, without limitation, verbal or written warnings, restrictions, probation, probated suspension, suspension, degree deferral or expulsion as well as restrictions on employment and/or access to University property and related organizations.

Except as provided herein, sanctions imposed pursuant to these Title IX Procedures may not be appealed or made the subject of a grievance under any other University policy.

If the accused is a faculty member and the sanction is to recommend termination of employment, the procedures for termination of a faculty member (as outlined in Executive Memorandum No. B-48 or its successor) will be followed; provided, however, that the report of the University Investigator and the written determination of the Hearing Officer shall be

accepted into evidence at the faculty member's termination hearing without the necessity of the Complainant testifying as a witness.

Remedial measures for students, faculty and staff will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement on campus; ensuring that the Complainant and Respondent do not share classes or extracurricular activities; reassignment of residence halls; tutoring or other academic support; arranging for extra time to complete or re-take a class or withdraw from a class without academic or financial penalty; job reassignment; targeted training for a group of students, faculty or staff; and other remedies that can be tailored to the needs of the Parties. The Title IX Coordinator is responsible for the effective implementation of any remedies.

In the event the charge of Title IX Harassment is not substantiated following the written determination of the Hearing Officer, reasonable efforts may be taken to restore the Respondent(s) to their prior status.

L. RETALIATION PROHIBITED

Retaliation against any person for reporting or complaining of discrimination and/or harassment, assisting or participating in the investigation of a complaint of discrimination and/or harassment, refusing to participate in any manner in an investigation, proceeding or Hearing under these Title IX Procedures or enforcing University Policies with respect to discrimination and/or harassment is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against an individual or group for exercising rights or performing duties under these Title IX Procedures will be subject to appropriate and prompt disciplinary or remedial action.

M. APPEAL

The Complainant and the Respondent each have the right to appeal any mandatory or discretionary dismissal as well as the decision of the Hearing Officer and imposition of any sanction to the Vice President for Ethics and Compliance. The appeal must be in writing with all supporting materials attached and filed in person, via courier, or via postal or electronic mail within ten days of the issuance of notification of the decision. Decisions not appealed within such time are deemed final. The Vice President for Ethics and Compliance will notify the other Party in writing when an appeal is filed and furnish a copy of the appeal. Each Party may provide a response to the appeal. The response to the appeal must be in writing with all supporting materials attached and received in person, via courier, or via postal or electronic mail within ten days of the issuance of notification of the appeal.

The grounds for appeals are limited to the following:

1. Procedural irregularity that affected the outcome of the matter;|

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, University Investigator(s), Hearing Officer, or the Vice President for Ethics and Compliance had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The appeal shall consist of a concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Appeals are not intended to open a new investigation of the complaint. In most cases, appeals are confined to a review of the written documentation and pertinent documentation regarding the grounds for appeal. The appeal will be conducted in an impartial manner.

The Vice President for Ethics and Compliance will issue a decision on the appeal to all Parties involved. Normally this decision will be made within 30 days from the date the appeal was received. The Vice President for Ethics and Compliance may (1) uphold or reverse the finding, (2) decrease or increase the sanction(s), and/or (3) take other action as deemed appropriate by the Vice President for Ethics and Compliance. The written decision of the Vice President for Ethics and Compliance on the appeal shall constitute the University's final action.

N. FILING WITH EXTERNAL AGENCIES

Any person may file a complaint with the Indiana Civil Rights Commission, the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's Office for Civil Rights. Information regarding filing charges with any of these agencies may be obtained from the Office of Institutional Equity on the West Lafayette campus.

O. RELATED DOCUMENTS, FORMS AND TOOLS

[Title IX Harassment Policy \(III.C.4\)](http://www.purdue.edu/policies/ethics/iic4.html): www.purdue.edu/policies/ethics/iic4.html

[Equal Opportunity, Equal Access and Affirmative Action Policy \(III.C.2\)](http://www.purdue.edu/policies/ethics/iic2.html): www.purdue.edu/policies/ethics/iic2.html

[Anti-Harassment Policy \(III.C.1\)](http://www.purdue.edu/policies/ethics/iic1.html): www.purdue.edu/policies/ethics/iic1.html

[Procedures for Resolving Complaints of Discrimination and Harassment](http://www.purdue.edu/ethics/resources/resolving-complaints.php): www.purdue.edu/ethics/resources/resolving-complaints.php

P. VERSION HISTORY

The initial effective date of these procedures is August 14, 2020. Revisions to these procedures took effect on the following dates:

- September 2, 2021

[APPENDIX A: QUICK REFERENCE GUIDE](#)

Archive
Version

APPENDIX I

Procedures for Resolving Complaints of Title IX Harassment

Revised April 21, 2025

A. INTRODUCTION

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages individuals to strive to reach their potential. Title IX Harassment in the workplace or the educational environment is unacceptable and will not be tolerated.

Any employee, student, campus visitor or person participating in a University activity, who has experienced or witnessed discrimination and/or harassment is encouraged to report the incident(s) promptly. Prompt reporting of complaints is vital to the University's ability to resolve the matter.

Once the University has received a report of Title IX Harassment, the University will take any and all necessary and immediate steps to protect the Complainant. Such actions may include taking interim steps and/or providing Supportive Measures before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

There are both formal and informal processes for resolving complaints of Title IX Harassment; however, the informal process is not available unless a Formal Complaint has been filed.

The University has an obligation to respond to information of which it becomes aware, whether received directly or indirectly. That is, the University's obligation may

be triggered by a direct disclosure by those who have experienced potential discrimination or harassment or by gaining indirect knowledge of such information. For this reason, the University may initiate an investigation of circumstances that involve potential discrimination and/or harassment even where no complaint, formal or informal, has been filed. In those circumstances, the University may elect to investigate and, if warranted, impose disciplinary sanctions pursuant to these or other established University procedures.

In matters involving alleged criminal conduct, the Complainant may notify, or decline to notify, local law enforcement at any time. The University may also make an independent determination to notify law enforcement and/or other authorities based on the nature of the complaint.

B. SCOPE

These Title IX Procedures outline the resolution processes that will be used to investigate and/or resolve a report of Title IX Harassment committed against a student, employee, or a person participating in or attempting to participate in a program or activity of Purdue University under the University's policy on **Title IX Harassment (III.C.4)** (the "Title IX Harassment Policy"). These Title IX Procedures apply to allegations of conduct on the basis of sex addressed by the University in accordance with its obligations under Title IX of the Education Amendments of 1972 ("Title IX"). These Title IX Procedures incorporate the regulations governing educational institutions' Title IX obligations, as promulgated by the Department of Education's Office for Civil Rights. Other harassment and discrimination not covered by Title IX are addressed under the University's policies on **Anti-Harassment (III.C.1)** and on **Equal Opportunity and Equal Access (III.C.2)** and the **Procedures for Resolving Complaints of Discrimination and Harassment**. If a Formal Complaint is dismissed under these Title IX Procedures, the Procedures for Resolving Complaints of Discrimination and Harassment may be implemented.

C. RESOURCES FOR RESOLVING COMPLAINTS OF TITLE IX HARASSMENT

Inquiries and complaints about Title IX Harassment, including, but not limited to, inquiries and complaints about Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking may be brought to the Title IX Coordinator. Information about the Title IX Coordinator for each campus is available in the Title IX Harassment Policy.

The management of all complaints of Title IX Harassment, regardless of where they are initially received, and the implementation of these Title IX Procedures is the responsibility of the Title IX Coordinator.

Any question of interpretation regarding these Title IX Procedures shall be referred to the Vice President for Ethics and Compliance for final determination.

D. DEFINITIONS

All defined terms are capitalized throughout the document. Additional defined terms may be found in the **Title IX Harassment Policy (III.C.4)** and the central **Policy Glossary**.

Advisor

An individual selected by the Complainant or the Respondent to accompany the Party to any interview or meeting under these Title IX Procedures. The individual may be, but is not required to be, an attorney. The same individual may also serve as the Hearing Advisor.

Complainant(s)

A person or persons (1) employed by University or (2) participating in or attempting to participate in a Purdue University program or activity, who is alleged to be the victim of conduct that could constitute Title IX Harassment whether or not a Formal

Complaint has been filed.

Campus Equity Office

The following University offices: (1) on the West Lafayette campus, the Office of Institutional Equity; (2) on the Fort Wayne campus, Human Resources and Institutional Equity; and (3) on the Purdue Northwest Hammond and Westville campuses, the Office of Equity, Diversity and Inclusion.

Days

Calendar days.

Eligible Designee

An individual to whom the Title IX Coordinator delegates their authority under these Title IX Procedures. All Eligible Designees must receive appropriate annual training and be approved to serve in this role by the Vice President for Ethics and Compliance.

Formal Complaint

A document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Harassment against a named Respondent(s) that requests the University investigate the allegations. See Section I of these Title IX Procedures.

Formal Resolution Process

The process for resolving complaints of Title IX Harassment set forth in Section I of these Title IX Procedures. The Formal Resolution Process involves the filing of a Formal Complaint, an investigation, a Hearing, a determination as to whether the Title IX Harassment Policy has been violated and, as appropriate, the imposition of sanctions and remedial measures.

Hearing

The formal live meeting during which the Parties, witnesses and other participants appear virtually with technology enabling participants simultaneously to see and

hear each other. Evidence is presented and witnesses are heard.

Hearing Advisor

An individual selected by the Complainant or the Respondent to accompany the Party to the Hearing and conduct cross examination of witnesses under these Title IX Procedures. The individual may be, but is not required to be, an attorney. The same individual may also serve as the Advisor. If a Party does not have a Hearing Advisor, the University will provide someone who is not an attorney to serve in this role.

Hearing Officer

The individual responsible for administering the Hearing and issuing decisions concerning responsibility and sanctions, if applicable, in Title IX Harassment matters. The Hearing Officer cannot be a University Investigator in a matter or the University's Title IX Coordinator.

Informal Resolution Process

The process for resolving complaints of Title IX Harassment set forth in Section H of these Title IX Procedures. The Informal Resolution Process is designed to empower the Parties to reach a mutually satisfactory agreement.

Investigation Report

A written report prepared by the University Investigator(s) that fairly summarizes relevant evidence.

Party or Parties

The Complainant(s) and Respondent(s) in a Title IX Harassment matter.

Respondent(s)

The person or persons who has been reported to be the perpetrator of conduct that could constitute Title IX Harassment.

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Title IX Coordinator

A University employee who is responsible for the implementation of the University's Title IX Harassment Policy.

Title IX Harassment Policy

The University's policy on **Title IX Harassment (III.C.4)**.

Title IX Procedures

The procedures set forth in this document.

University Investigator

A person appointed by the Associate Vice President for Institutional Equity to investigate a Formal Complaint pursuant to Section I of these Title IX Procedures. Any individual designated to conduct an investigation must receive appropriate annual training and be approved to serve in this role by the Vice President for Ethics

and Compliance. A University Investigator may be a University employee or an external professional.

E. GENERAL PROVISIONS

- **Presumption of Innocence and Burden of Proof**

The University administers these Title IX Procedures with the presumption that the Respondent is not responsible for the alleged Title IX Harassment unless and until the Respondent is determined to be responsible for a violation of the Title IX Harassment Policy by a preponderance of the evidence. The University has the burden of proof to establish each element of any alleged Title IX Harassment Policy violation by the Respondent.

- **Delegation**

The Title IX Coordinator may delegate their authority under these Title IX Procedures to an Eligible Designee.

- **Requests for Anonymity or No Action**

To protect both the Complainant and the Respondent, every effort will be made to protect the privacy interests of the persons involved in a manner consistent with the need for a thorough review of a report or Formal Complaint.

If the Complainant requests that their name or other identifiable information not be shared with the Respondent, or requests that the University take no formal action in response to a report, the Title IX Coordinator shall evaluate such request and notify the individual of the University's response to their request.

The University will honor the Complainant's request to the extent possible based

on a careful balancing of the request with any legal reporting requirements, the risk of harm to any individual, and the University's duty to maintain a safe and non-discriminatory environment for all.

If the University honors the request for anonymity, federal law prohibits the University from pursuing disciplinary action against a Respondent. The University will, however, take other appropriate steps to eliminate any such Title IX Harassment, prevent its recurrence and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate Supportive Measures and/or providing targeted training and prevention programs.

If the University is unable to honor the request for anonymity or the request to take no formal action in response to a report, the University may be obligated to move forward with a Formal Complaint signed by the Title IX Coordinator if there is an individual or public safety concern and sufficient independent information exists to establish that the Title IX Harassment Policy has been violated.

The Title IX Coordinator will assess requests for the University to take no formal action by examining the seriousness of the reported conduct, whether the reported misconduct was perpetrated with a weapon, the respective ages and roles of the Complainant and Respondent, whether there have been other reports of harassment or discrimination by the Respondent, whether the University possesses other means to obtain relevant evidence, whether the report reveals a pattern of perpetration at a given location or by a particular group, and the rights of the Respondent to receive notice and relevant information before disciplinary action is initiated.

- **Advisor**

Both a Complainant and a Respondent are entitled to an Advisor of their choice, and the Advisor may accompany the Party to any meeting or proceeding under

these Title IX Procedures. A Complainant may have an Advisor present when reporting Title IX Harassment or at any point. An Advisor may be an attorney, but an advisor or support person may not speak for or stand in place of either the Complainant or the Respondent, act as legal counsel for a Party in the Informal Resolution Process or the Formal Resolution Process, or otherwise participate in the Informal Resolution Process or the Formal Resolution Process, except as a Party's Hearing Advisor. In the event that an attorney is retained to serve as a Hearing Advisor, the attorney may conduct cross-examination of a Party or witness and may provide legal advice to their client during the Hearing.

The University has the discretion to impose reasonable conditions upon the participation of an Advisor or support person and Hearing Advisor.

Any fees and/or expenses charged by an Advisor or Hearing Advisor for services under these Title IX Procedures are the responsibility of the Party who retained the Advisor or Hearing Advisor.

- **Time Frames**

The University encourages prompt reporting. Persons who have experienced or witnessed harassment are encouraged to report the incident to the Title IX Coordinator as soon as possible. Unreasonable filing delays could result in the dulling of memories and a loss of relevant evidence and witness testimony. Delays in filing shall not affect the Complainant's eligibility for Supportive Measures from the University.

When extenuating circumstances warrant, the Title IX Coordinator has the authority and discretion to extend any of the time limits contained in these Title IX Procedures for good cause except those relating to the filing of appeals.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in these Title IX Procedures. In

the event that good cause exists for the investigation and resolution to exceed these time frames, the University will notify all Parties of the reason(s) for the delay and the expected adjustment in time frames. Good cause may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the Parties, or for other legitimate reasons. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness, due process and fairness with promptness.

- **Expectations Regarding Participation**

All University community members are expected to provide truthful information in any report or proceeding under these Title IX Procedures. Any person who, in bad faith, makes a false statement or submits false information in connection with the initiation or resolution of a Formal Complaint under these Title IX Procedures may be subject to appropriate discipline. Making a good faith report of Title IX Harassment that is not later substantiated is not considered a false statement. Similarly, a determination regarding responsibility, alone, is not sufficient to conclude that any individual made a materially false statement in bad faith.

- **Formal Complaints involving University Officers and/or Administrators with Responsibilities under these Title IX Procedures**

In the event that a complaint concerns the conduct of the Title IX Coordinator or Hearing Officer (or the Title IX Coordinator or Hearing Officer has a conflict of interest), the Vice President for Ethics and Compliance shall designate an

individual to be responsible for implementing the responsibilities of the Title IX Coordinator or Hearing Officer pursuant to these Title IX Procedures. In the event that a complaint concerns the conduct of the Vice President for Ethics and Compliance (or the Vice President for Ethics and Compliance has a conflict of interest), the President shall designate an individual to be responsible for implementing the responsibilities of the Vice President for Ethics and Compliance pursuant to these Title IX Procedures. In the event that a complaint concerns the President (or the President has a conflict of interest), the Chairman of the Board of Trustees shall be responsible for implementing the responsibilities of the President pursuant to these Title IX Procedures. In the event that the President or other member of senior administration is a Respondent under these Title IX Procedures, the University may, in its sole discretion, modify these Title IX Procedures to provide for an investigation by an independent University Investigator to be selected by the Board of Trustees and for final decision making by the Board of Trustees or a subcommittee of the Board of Trustees.

- **Conflicts of Interest and Bias Concerns**

Administrators of these Title IX Procedures may not have a conflict of interest or bias for or against a Party generally or for or against a specific Complainant or Respondent.

In the event that a Party has concerns that a University Investigator or decision maker under these Title IX Procedures cannot conduct an unbiased review or render a determination free from bias, the Party may report their concerns to the Title IX Coordinator who will assess the circumstances and determine whether a different University Investigator or decision maker ought to be assigned to the matter. Concerns should be reported promptly. In reaching such decision, the Title IX Coordinator will consider whether a reasonable person would believe bias exists.

- **Coordination with Law Enforcement**

A Complainant may seek recourse under these Title IX Procedures and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, is determinative of whether a violation of the University's Title IX Harassment Policy has occurred. Proceedings under these Title IX Procedures may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

At the request of law enforcement, the University may agree to defer its fact gathering for a brief period during the evidence gathering stage of a criminal investigation. The University will nevertheless communicate with the Complainant and Respondent regarding Supportive Measures, options for resolution, and concerns regarding safety and well-being. The University may also take immediate and prompt steps that it deems necessary to protect the University community. The University will promptly resume its fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

- **Requests by Individuals with Disabilities**

Purdue is committed to providing equal access under these Title IX Procedures to individuals with disabilities. Individuals who require academic adjustments, auxiliary aids and services and/or reasonable accommodations to participate in any part of the resolution process should contact the Title IX Coordinator.

F. REPORTING OPTIONS AND RESOURCES FOR TITLE IX HARASSMENT

The University is committed to treating all members of the community with dignity, care and respect. Any individual affected by Title IX Harassment whether as a Complainant or a Respondent will have equal access to Supportive Measures.

A first step for any Complainant may be choosing how to proceed following an incident of Title IX Harassment. The University recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The University encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources and procedural options and assistance to either Party in the event that a report and/or resolution under the Title IX Harassment Policy or these Title IX Procedures are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

- **Confidential Resources**

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual. Those campus and community professionals include medical providers, mental health providers, ordained clergy and rape crisis counselors, all of whom have privileged confidentiality that has been recognized by the law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor under the age of 18. A list of on-campus confidential resources is listed in **Appendix A** to these Title IX Procedures.

It is important to understand that other University employees involved in the University's sexual misconduct response do not have the same level of privileged confidentiality as the designated campus or community professionals described above. In fact, any other University employee who is not one of these confidential

reporting resources may be **required** to share a report of Title IX Harassment with the Title IX Coordinator.

- **Non-Confidential Campus Reporting Resources and Mandatory Reporters**

The University is committed to providing a variety of welcoming and accessible means to encourage the reporting of all instances of Title IX Harassment. All University community members are encouraged to report all incidents of discrimination, harassment or retaliation directly to the Title IX Coordinator.

In contrast to the designated campus or community professionals described above under “Confidential Resources,” who are obligated to refrain from revealing confidential information shared within the scope of their privilege, some University employees are **required** to report all incidents of discrimination, harassment or retaliation directly to the Title IX Coordinator. Mandatory reporters receive annual required training to ensure that they understand their obligations and the resources available to University community members who report such incidents. University employees who are mandatory reporters include administrators, supervisors, and other staff who have authority to initiate corrective measures on behalf of the University. Mandatory reporters are required to share with the Title IX Coordinator all information they receive or of which they become aware, including the identities of the Parties, if known. A list of campus reporting options, by campus, to whom individuals are encouraged to report any incidents, is available in **Appendix A**.

- **Privacy**

The privacy of the Parties will be respected and safeguarded at all times. All University employees who are involved in the University’s Title IX response receive specific training and guidance about safeguarding private information. Privacy generally means that information related to a report of misconduct will

only be shared with a limited circle of individuals. The use of this information is limited to those University employees who “need to know” in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

- **Release of Information**

If a report of misconduct discloses a serious and immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The University also may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the University release the name of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

Pursuant to the Clery Act, anonymous statistical information must be shared with the campus police department where required by the Clery Act. Annual Clery Act reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at campus locations. The information contained in the Clery report tracks the number of Clery reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident.

All University proceedings are conducted in compliance with the requirements of Title IX, the Clery Act, VAWA, FERPA, state and local law, and University policy. No information shall be released from proceedings under the Title IX Harassment Policy or the Title IX Procedures except as required or permitted by law and University policy. The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly probation, loss of housing, suspension and expulsion.

- **Reporting to Law Enforcement**

In matters involving alleged criminal conduct, the Complainant may notify, or decline to notify, local law enforcement at any time. The University encourages Complainants to pursue criminal action for Title IX Harassment that also may be crimes under state criminal statutes (see legal definitions on the **Title IX website** at www.purdue.edu/titleix/index.php). The University will assist a Complainant, at the Complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process. A list of law enforcement resources for each campus is available in **Appendix A**.

- **Anonymous Reporting**

Any individual may make an anonymous report concerning an act of Title IX Harassment. A report can be made without disclosing one's own name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the University's ability to respond or take further action.

Anonymous reports can be made through the Purdue Hotline, an online reporting service that allows direct interaction with the Title IX Coordinator without providing identifying information. Access the **Purdue Hotline** at www.purdue.edu/hotline or by calling 1-866-818-2620.

As with all other reports, all anonymous reports will go to the Title IX Coordinator for review and appropriate response and action. Where there is sufficient information, the University will ensure that anonymous reports are reviewed and included for compliance with the Clery Act.

G. COUNSELING, ADVOCACY AND SUPPORT FOR STUDENTS

The University is committed to providing a number of support services to University community members. Resources available to University community members include a variety of campus and community-based service providers and professionals.

Additionally, Purdue provides its students with professional staff who can assist students who have been involved in a Title IX Harassment incident or participated in a resolution process under these Title IX Procedures with academic and advocacy/support services. The professional staff within the Office of the Dean of Students are available to assist students with Supportive Measures, including the following:

- Coordination of services.
- Academic adjustments, including processing absence notifications.
- Assistance with emergency housing needs.
- Support during the campus disciplinary process, including in-person attendance at all meetings and ongoing in-person support.
- Support during the law enforcement process, including in-person attendance at meetings with law enforcement and/or the prosecutor's office.
- Assistance in obtaining a protective order through the local court system.

A list of counseling, advocacy and other support services for each campus is listed in **Appendix A**.

H. INFORMAL RESOLUTION PROCESS

After the filing of a Formal Complaint and at any time before there is a determination of responsibility, either Party may submit a written request to the Title IX Coordinator or the Title IX Coordinator may offer an Informal Resolution Process. Participation in

the Informal Resolution Process is voluntary. In order to participate in the Informal Resolution Process, the Parties must provide their voluntary written consent to the Informal Resolution Process, including the confidential nature of the Informal Resolution Process. A Complainant or Respondent has the right to withdraw from the Informal Resolution Process at any time and resume the process with respect to the Formal Complaint.

The Informal Resolution Process does not require an investigation or Hearing. Possible resolutions by agreement of the parties may include, but are not limited to: an apology to the Complainant; assisting the Respondent to better understand the effects of their conduct and ways in which this behavior could be changed; participation in educational programs about Title IX Harassment; verbal or written reprimands; or other interventions or actions aimed at ending the Title IX Harassment, preventing its recurrence, and addressing its effects.

The Informal Resolution Process is not available in matters in which a student is a Complainant and a faculty or staff member is a Respondent.

I. FORMAL RESOLUTION PROCESS

1. Filing a Formal Complaint

A Formal Complaint may be filed by a Complainant by completing the Complaint Information Form online, in person or via electronic mail. A document alleging a violation of the Title IX Harassment Policy against a Respondent and seeking an investigation may be submitted to the Title IX Coordinator in person, by mail, by electronic mail, and the document will be considered a Formal Complaint. Any Complainant who does not initiate this Formal Resolution Process by filing a Complaint Information Form will be asked to do so.

The University also may initiate an investigation in the absence of a Formal

Complaint by a Complainant, in which case the Title IX Coordinator will sign a document alleging a violation of the Title IX Harassment Policy against a Respondent and initiate an investigation.

The Formal Complaint should contain the following:

- a. The identities of the Parties involved, if known;
- b. The date of the alleged incident, if known;
- c. The location of the alleged incident, if known; and
- d. A description of the conduct that is alleged to violate the Title IX Harassment Policy.

2. Notification of Formal Complaint and Response

Upon receipt of a Formal Complaint, the Title IX Coordinator must provide the following written notice to the Complainant and Respondent. The notice shall include:

- a. An electronic copy of the Title IX Harassment Policy and these Title IX Procedures and/or a link to the Title IX Harassment Policy and these Title IX Procedures;
- b. A copy of the Formal Complaint;
- c. The identities of the Parties involved, if known;
- d. The date of the alleged incident, if known;
- e. The location of the alleged incident, if known;
- f. The conduct that is alleged to violate the Title IX Harassment Policy;
- g. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will not be

made until an investigation is completed and a Hearing is held subject to any determination on appeal as provided under these Title IX Procedures;

- h. The Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- i. The Parties will be provided, for their inspection and review, with an electronic copy or hard copy of any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory whether obtained from a Party or other source;
- j. The Title IX Harassment Policy prohibits bringing knowingly false or malicious charges and prohibits knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation. The University's Regulations Governing Student Conduct, Disciplinary Proceedings, and Appeals provide that "dishonesty in connection with any University activity" constitutes conduct for which students may be subject to informal action or disciplinary sanctions; and
- k. A statement explaining that the Title IX Coordinator will review the Formal Complaint to determine if it is subject to mandatory dismissal or discretionary dismissal as described in Sections I.3 and I.4.

In cases where the Respondent is a faculty or staff member, the Title IX Coordinator will also provide prompt notification, including the items listed above, to the department head or supervisor and to the appropriate Vice President, Dean or head of another major unit.

The Formal Complaint or notice of allegations will be delivered through certified or express mail, electronic mail or hand delivery.

3. Mandatory Dismissal

The Title IX Coordinator shall dismiss a Formal Complaint if, at any time during the investigation or Hearing, it is determined that the factual allegations of the Formal Complaint, if taken as true:

- a. Fail to constitute Title IX Harassment, or
- b. Occur outside the University's jurisdiction as stated in the Title IX Harassment Policy.

The Title IX Coordinator shall review a Formal Complaint filed by a Complainant to determine if the Formal Complaint is subject to mandatory dismissal as provided in this section and notify the Parties of the dismissal in writing within 14 days of the receipt of the Formal Complaint.

If the Title IX Coordinator determines that a Formal Complaint is subject to mandatory dismissal at any other point during the investigation or Hearing, the Title IX Coordinator shall notify the Parties of the dismissal in writing as soon as reasonably practicable. A mandatory dismissal does not preclude action under the University's policies on Anti-Harassment (III.C.1) or on Equal Opportunity and Equal Access (III.C.2) or the Regulations Governing Student Conduct.

A mandatory dismissal may be appealed in accordance with Section M of these Title IX Procedures.

4. Discretionary Dismissal

The Title IX Coordinator may dismiss a Formal Complaint or any allegations contained in the Formal Complaint if, at any time during the investigation or

Hearing:

- a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- b. The Respondent is no longer enrolled in or employed by the University; or
- c. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

The Title IX Coordinator shall provide the Complainant and Respondent(s) with written notice of the dismissal. Such a dismissal does not preclude action under the University's policies on Anti-Harassment (III.C.1) or on Equal Opportunity and Equal Access (III.C.2) or the Regulations Governing Student Conduct.

A discretionary dismissal may be appealed in accordance with Section M of these Title IX Procedures.

5. Investigation of Formal Complaints

In the event that, following an initial assessment, the Title IX Coordinator decides that the Formal Complaint is not subject to mandatory dismissal, the Title IX Coordinator will assign a University Investigator and notify the Parties:

- a. The Respondent(s) will be requested to respond in writing to the Formal Complaint within a reasonable time, not to exceed 10 days from the date of certified or express mailing, electronic mailing or hand delivery of the notification. Any extension of time must be approved by the Title IX Coordinator. A copy of the Respondent(s) written response will be provided to the Complainant.

- b. A statement that the Title IX Coordinator (or Eligible Designee) will contact the Complainant and Respondent separately to arrange individual meetings to discuss the allegation and any Informal Resolution Process for immediately resolving the dispute in a way Parties might agree upon, precluding the need for further action. The Title IX Coordinator (or Eligible Designee) shall also explain the Formal Resolution Process and answer any questions the Parties may have.
- c. A statement that the initial interview of the Respondent will not be scheduled until the time for the Respondent to provide a response to the Formal Complaint has expired;
- d. The name of the University Investigator(s) assigned to the matter;
- e. A statement regarding the opportunity to have an Advisor for all meetings during the investigation. Contact information for all campus student defenders groups;
- f. Guidance regarding Supportive Measures, if applicable; and
- g. A statement of the rights and resources to which Parties are entitled. The University Investigator will conduct a thorough fact-finding investigation and will meet separately with both the Complainant and the Respondent(s), interview pertinent witnesses and review relevant documents regarding the Formal Complaint. The University Investigator may consider all relevant information. Both Parties will be provided the opportunity to provide information and names of witnesses to the University Investigator.

The University Investigator shall preserve all evidence. All interviews must be recorded.

While investigating a Formal Complaint, the University must:

- a. Ensure that both the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the

University and not on the Parties;

- b. Provide equal opportunity for Parties to present witnesses and other inculpatory and exculpatory evidence;
- c. Not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence; and
- d. Provide to the Party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with a Party, with sufficient time for the Party to prepare to participate.

The investigation shall be completed within 60 days following the assignment of the Formal Complaint to the University Investigator, unless an extension of time for good cause is approved by the Title IX Coordinator.

6. Investigation Report and Evidence

At least 20 days before a Hearing, the Title IX Coordinator shall ensure that Parties and their Hearing Advisor are provided with an electronic copy or hard copy of any and all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including both inculpatory and exculpatory evidence, regardless of whether any Party or the University intends to present such evidence in the Hearing. This shall include the identities of Parties and any witnesses.

Parties shall have at least 10 days to submit to the University Investigator a written response, which the University Investigator will consider prior to completing the Investigation Report. At least 10 days prior to the Hearing, the University Investigator will prepare and complete an Investigation Report that fairly summarizes the relevant evidence and submit it to the Parties and their Hearing Advisors, if any, the Title IX Coordinator, and the Hearing Officer in an

electronic format or a hard copy for their review. Parties may submit a written response to the Hearing Officer at or before the Hearing.

J. HEARING

Parties have the right to a Hearing Advisor of their choosing. The Hearing Advisor may actively participate in the Hearing.

If a Party does not have a Hearing Advisor present at the Hearing, the University will provide, without fee or charge to that Party, a Hearing Advisor of the University's choice to conduct cross-examination on behalf of that Party. The University-provided Hearing Advisors will not be attorneys.

At least 10 days after the Investigation Report is provided, the Hearing Officer shall convene a live Hearing. The Hearing Officer will provide to the Parties and any witnesses whose participation is invited or expected written notice of the date, time and manner of the Hearing. All Parties, witnesses and other participants will appear at the live Hearing virtually, with technology enabling the Hearing Officer and participants to simultaneously see and hear the Party and witnesses answering questions. The University will create an audio or audiovisual recording or a transcript of the Hearing and make it available to Parties for inspection and review upon request.

At the hearing, each Party's Hearing Advisor will conduct cross-examination of the other Party and any adverse witnesses. Such cross-examination must be conducted directly, orally, and in real time by the Party's Hearing Advisor and never by a Party personally.

Before a Party or witness answers a cross-examination question, the Hearing Officer must determine whether the question is relevant and, if the Hearing Officer refuses to allow a particular question, the Hearing Officer must explain their decision to the Parties and document the reasons for refusal on the record.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live Hearing or refusal to answer cross-examination or other questions.

K. DETERMINATION, SANCTIONS AND REMEDIES

Within 14 days following the Hearing, the Hearing Officer shall make a written determination whether a violation of the Title IX Harassment Policy has occurred and shall simultaneously send the Complainant and the Respondent the written determination and final outcome of the matter, including sanctions, if any, by certified or express mail, electronic mail or hand delivery. That written determination shall include:

1. An identification of the section(s) of the Title IX Harassment Policy alleged to have been violated;
2. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and Hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the Title IX Harassment Policy to the facts;

5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
6. Any sanctions the University imposes on the Respondent;
7. Any remedies provided to the Complainant designed to restore or preserve access to the University's education program or activity;
8. A determination of whether the Formal Complaint was knowingly false or malicious; and
9. The University's procedures and permissible bases for Parties to appeal.

The determination regarding responsibility becomes final either on the date that the Vice President for Ethics and Compliance provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The appropriate Vice President, Vice Chancellor, Vice Provost or Dean is responsible for imposing the sanction. In the case of a student as the Respondent, the appropriate Dean is the Dean of Students.

Sanctions will be decided on a case-by-case basis, must be reasonable and proportionate to the seriousness of the violation, and will be in accordance with University policy. Possible sanctions for employees include, but are not limited to, the following: a letter of reprimand, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, removal of graduate faculty certification, denial of a merit pay increase, demotion, probation or termination. Sanctions for students are listed in the Regulations Governing Student Conduct and include, without limitation, verbal or written warnings, restrictions, probation, probated suspension, suspension, degree deferral or expulsion as well as restrictions on employment and/or access to University property and related organizations.

Except as provided herein, sanctions imposed pursuant to these Title IX Procedures may not be appealed or made the subject of a grievance under any other University policy.

If the accused is a faculty member and the sanction is to recommend termination of employment, the procedures for termination of a faculty member (as outlined in Executive Memorandum No. B-48 or its successor) will be followed; provided, however, that the report of the University Investigator and the written determination of the Hearing Officer shall be accepted into evidence at the faculty member's termination hearing without the necessity of the Complainant testifying as a witness.

Remedial measures for students, faculty and staff will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement on campus; ensuring that the Complainant and Respondent do not share classes or extracurricular activities; reassignment of residence halls; tutoring or other academic support; arranging for extra time to complete or re-take a class or withdraw from a class without academic or financial penalty; job reassignment; targeted training for a group of students, faculty or staff; and other remedies that can be tailored to the needs of the Parties. The Title IX Coordinator is responsible for the effective implementation of any remedies.

In the event the charge of Title IX Harassment is not substantiated following the written determination of the Hearing Officer, reasonable efforts may be taken to restore the Respondent(s) to their prior status.

L. RETALIATION PROHIBITED

Retaliation against any person for reporting or complaining of discrimination and/or harassment, assisting or participating in the investigation of a complaint of discrimination and/or harassment, refusing to participate in any manner in an investigation, proceeding or Hearing under these Title IX Procedures or enforcing University Policies with respect to discrimination and/or harassment is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against an individual or group for exercising rights or performing duties under these Title IX Procedures will be subject to appropriate and prompt disciplinary or remedial action.

M. APPEAL

The Complainant and the Respondent each have the right to appeal any mandatory or discretionary dismissal as well as the decision of the Hearing Officer and imposition of any sanction to the Vice President for Ethics and Compliance. The appeal must be in writing with all supporting materials attached and filed in person, via courier, or via postal or electronic mail within ten days of the issuance of notification of the decision. Decisions not appealed within such time are deemed final. The Vice President for Ethics and Compliance will notify the other Party in writing when an appeal is filed and furnish a copy of the appeal. Each Party may provide a response to the appeal. The response to the appeal must be in writing with all supporting materials attached and received in person, via courier, or via postal or electronic mail within ten days of the issuance of notification of the appeal.

The grounds for appeals are limited to the following:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, University Investigator(s), Hearing Officer, or the Vice President for Ethics and Compliance had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The appeal shall consist of a concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Appeals are not intended to open a new investigation of the complaint. In most cases, appeals are confined to a review of the written documentation and pertinent documentation regarding the grounds for appeal. The appeal will be conducted in an impartial manner.

The Vice President for Ethics and Compliance will issue a decision on the appeal to all Parties involved. Normally this decision will be made within 30 days from the date the appeal was received. The Vice President for Ethics and Compliance may (1) uphold or reverse the finding, (2) decrease or increase the sanction(s), and/or (3) take other action as deemed appropriate by the Vice President for Ethics and Compliance. The written decision of the Vice President for Ethics and Compliance on the appeal shall constitute the University's final action.

N. FILING WITH EXTERNAL AGENCIES

Any person may file a complaint with the Indiana Civil Rights Commission, the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's Office for Civil Rights. Information regarding filing charges with any of these agencies may be obtained from the Office of Institutional Equity on the West Lafayette campus.

O. RELATED DOCUMENTS, FORMS AND TOOLS

Title IX Harassment Policy (III.C.4)

Equal Opportunity and Equal Access Policy (III.C.2)

Anti-Harassment Policy (III.C.1)

Procedures for Resolving Complaints of Discrimination and Harassment

P. VERSION HISTORY

The initial effective date of these procedures is August 14, 2020. Revisions to these procedures took effect on the following dates:

- April 21, 2025

- September 2, 2021

Appendix A: Quick Reference Guide

APPENDIX J

Procedures for Gender Participation in Sports

These operating procedures support the policy on [Equal Opportunity and Equal Access \(III.C.2\)](#).

Effective Date: June 30, 2025

Purdue University complies with Indiana state law regarding participation on athletic teams by designating its teams as being either men's, women's or mixed. In accordance with that law, "a male, based on . . . biological sex at birth in accordance with the student's genetics and reproductive biology," may not participate on an athletic team designated as women's.

Athletic teams covered by these procedures are those that are organized, sanctioned or sponsored by Purdue University in which the participating students compete against students on an athletic team or in a sport organized, sanctioned or sponsored by another postsecondary educational institution. This includes intercollegiate/varsity sports and may include club sports whose participants play against students from other colleges or universities.

Directors of Athletics on each campus and directors of recreational/fitness centers on each campus will ensure that any teams/sports that meet the definition of an athletic team under their authority have accurate designations and otherwise follow these procedures.

Complaints

Written complaints by students or their parents may be directed to the University. The written complaint must be filed in a timely manner and be addressed to the Vice President for Ethics and Compliance. The Vice President for Ethics and Compliance, or designee, will provide a copy of the complaint to the sponsor of the athletic team within 10 days of receipt and afford the sponsor an opportunity to provide a written response.

The Vice President for Ethics and Compliance, or their designee, will review complaints and communicate with the complainant and sponsor regarding their determination, including any appropriate remedies or sanctions.

F.1 Sexual Harassment Policy

Date

7/25

Scope

1.1 Introduction

The University of Southern Indiana (“University” or “USI”) embraces and celebrates the many differences that exist among the members of a dynamic, intellectual, and inclusive community, and strives to maintain an environment that respects differences and provides a sense of belonging and inclusion for everyone. In accordance with Title IX of the Educational Amendments Act of 1972 and its implementing regulations, the University prohibits discrimination on the basis of sex, including Sexual Harassment (as defined below), in its education programs or activities. This prohibition on sex discrimination includes, but is not limited to, admission and employment.

For discrimination or harassment that is not on the basis of sex, does not meet the definitions of Prohibited Conduct in this Policy, or does not meet the jurisdictional requirements for Title IX, the University will utilize the University Handbook, specifically the Equal Opportunity and Non-discrimination Policy (F.3) or the Student Rights and Responsibilities (3.0) or other appropriate University policies.

1.2 Scope and Jurisdiction of Policy

This Policy prohibits sexual harassment including sexual assault, domestic violence, dating violence, stalking, and also sexual exploitation. It applies to conduct that occurs on University property or at University-sponsored activities. The University may also address “Non-Title IX” complaints that occur off-campus, at study abroad programs, and/or online when the conduct affects a substantial University interest.

All actions by a member of the University community that involve the use of the University’s computing and network resources from a remote location, including but not limited to accessing email accounts, digital platforms, and computer hardware or software owned or operated by USI will be deemed to have occurred on campus. On-line and/or social media conduct may violate this Policy if it meets the definition of Prohibited Conduct. These postings may subject an individual to allegations of Prohibited Conduct or other misconduct, including violations of the Data Communication and Computer Use Policy.

This Policy applies to all University students, employees, or program participants at the University of Southern Indiana as well as affiliated vendors and volunteers. Other third parties are both protected by and subject to this Policy. However, the University’s response may be impacted by the status of the parties involved and their relationship with the University. Under federal law, universities are required to distinguish between Prohibited Conduct that meets the definition and jurisdiction as outlined in the Title IX regulations and behaviors that do not meet that threshold but are otherwise prohibited by codes of conduct. Under Title IX, the University must dismiss a Formal Complaint or the part of the allegations in a Formal Complaint, if applicable, where Sexual Harassment is alleged and where:

1. The Respondent is not a current student or employee;
2. The Complainant is not a current student or employee;
3. The conduct alleged does not meet the definition of Sexual Harassment;
4. The alleged conduct did not occur in the University’s education program or activity; or
5. The alleged conduct did not occur in the United States.

These Complaints may still be adjudicated, however, through the grievance processes provided for in this Policy. However, Complainants alleging discrimination based on pregnancy, different treatment based on sex, or other

forms of sex discrimination will be adjudicated under a separate process. Specifically, such complaints involving Respondents who are students will be addressed by the Students Rights and Responsibilities (3.0), and by the University Handbook for Complainants involving Respondents who are employees.

Because of the distinction between conduct “under Title IX” and other Prohibited Conduct, the University does not have a single adjudication mechanism for all complaints of sexual harassment. As a result, the procedures applicable to the adjudication of a complaint will depend on whether the complaint meets the Title IX definition and jurisdictional threshold and the status of the parties. Additionally, the University will decide, on a case-by-case basis, which grievance procedures will be applied for incidents involving multiple policies.

Even if the Respondent is unknown or is not a member of the University community, USI will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events. When the Respondent is enrolled in or employed by another institution, the University can assist the Complainant in liaising with the appropriate individual at that institution.

This Policy distinguishes between reporting sexual harassment incidents to University officials and filing Formal Complaints. Reporting sexual harassment incidents informs USI of the incident, which allows the University to provide support and resources to the Complainant while not necessarily resulting in the initiation of the investigation and adjudication procedures described in the Policy.

Prohibited Conduct and Definitions

1.3 Definitions of Prohibited Conduct

As outlined above, the University prohibits conduct as defined under Title IX, but also behaviors that fall outside of the scope of conduct prohibited by Title IX. If a report constitutes Prohibited Conduct under this Policy, the University will determine which adjudication process to utilize to resolve the complaint.

For purposes of this Policy, all of the following definitions constitute conduct to be “on the basis of sex.” The University will treat attempts to commit any Prohibited Conduct as if those attempts had been completed.

Hostile Environment Sexual Harassment means unwelcome verbal, written or physical conduct based on sex, sexual orientation and/or gender identity, that is severe, persistent, or pervasive and has the purpose or effect of unreasonably interfering with an individual's work or education (including living conditions) or that creates an intimidating, hostile or offensive environment.

To meet the threshold for Title IX, the unwelcome conduct must be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Quid Pro Quo Sexual Harassment is a form of harassment that consists of unwelcome sexual advances, requests for sexual favors, or other verbal, written, or physical conduct of a sexual nature when a person affiliated with the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in the unwelcome sexual conduct.

To meet the threshold for Title IX, an employee of the University must condition the provision of an aid, benefit, or service of the University on an individual's participation in the unwelcome sexual conduct.

Sexual Assault is defined as any sexual act directed against another person, without consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of temporary or permanent incapacitation. Violations of this policy shall include one or more of the following:

Sexual Assault—Rape is defined as 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 Complainant. This definition includes any gender of the Complainant or Respondent.

Sexual Assault—Fondling is defined as the touching of the private body parts, including but not limited to breasts, buttocks, or groin of another person, for the purpose of sexual gratification, without the consent of the Complainant.

Sexual Assault—Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in Indiana.

Sexual Assault—Statutory Rape is sexual intercourse with a person who is under the statutory age of consent which is 16 years of age in the state of Indiana (which means the victim must be under 16); however, 14- and 15-year-olds may consent if the offender is less than four years older than the victim.

Dating Violence encompasses a wide range of behaviors including sexual assault, physical abuse, and other forms of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence encompasses a wide range of behaviors including sexual assault, physical abuse, and other forms of violence committed by a current or former spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child in common; by a person who is cohabitating with or has cohabitated with, the Complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth Complainant protected from those acts by domestic or family violence laws of Indiana. For the purposes of this policy, incidents involving roommates who are not in a relationship as defined under this section will not be considered "domestic violence."

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. A course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. A reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Sexual Exploitation means taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited. Examples include but are not limited to non-consensual photography, video-, or audio- recording of sexual images or activity, distributing images of sexual activity without consent, and observing a consensual sexual act without the prior knowledge or consent of all involved parties. In some circumstances, Sexual Exploitation may also meet the definition of hostile environment harassment and may be adjudicated under Title IX adjudication procedures.

1.4 Definition of Consent

Consent is defined as an affirmative indication by words and/or actions of a voluntary agreement to engage in the particular sexual act or conduct in question. Consent for one sexual act or conduct does not constitute consent to all sexual acts or conduct. Consent can be withdrawn at any time, and once withdrawal of consent has been expressed, sexual activity must cease. Consent cannot be obtained through the use of force, threat, intimidation, or coercion. Silence or absence of resistance on the part of an individual does not constitute their consent. Consent cannot be given by someone who is incapacitated due to consuming drugs or alcohol or for any other reason (including but not limited to being unconscious, asleep, or otherwise unaware that sexual activity is occurring).

Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). While incapacitation may result from the use of alcohol and/or drugs, incapacitation is a state beyond drunkenness or intoxication. Incapacitation may also exist because of a physical, mental, or developmental disability. The question of incapacitation will be examined objectively from the perspective of the Respondent i.e. whether a reasonable, sober person in place of the Respondent should have known the condition of the Complainant based on the apparent indications of incapacitation, which may include, but are not limited to, acting confused or incoherent, difficulty walking or speaking, and/or vomiting.

1.5. Policy Definitions

Advisor means any person who accompanies a Complainant or Respondent to any meetings, interviews, and/or hearings related to the Policy. A party may choose an advisor of their choice. Except for conducting cross-examination at a hearing following the Title IX Adjudication Proceedings, the advisor’s role is limited to providing support and guidance to their advisee and the advisor may not speak or otherwise represent their advisee throughout the process. If a party does not have an advisor present at a hearing required under the Title IX Adjudication Proceedings, or is removed by the University for being disruptive, the University will provide, without fee or charge to that party, an advisor of the University’s choice to conduct cross-examination on behalf of that party. A party is not required to have an advisor except for hearings utilizing the Title IX Adjudication Proceedings.

For both Title IX and Non-Title IX meetings, interviews and disciplinary proceedings, the advisor may talk quietly with the student or pass notes in a non-disruptive manner. In addition, while advisors may provide guidance and assistance throughout the process, all written submissions must be authored by the student.

Advisory Committee is composed of University members, trained on University Policy and Procedures, appointed by the Title IX Coordinator and Director of Institutional Equity, to provide advice to the decision-maker during the hearing process. The committee may be composed of both internal and external members.

Appellate decision-maker refers to the individual(s) authorized to hear appeals of findings or dismissals. The appellate decision-maker may be an employee or may be a person external to the University. The appellate decision-maker will not be the same person as the decision-maker in a case.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Days means calendar days.

Decision-maker refers to the individuals trained on University policies and procedures who are authorized to determine findings and sanctions.

Education program or activity means locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.

Formal Complaint means a document filed and signed by a Complainant or signed by the Title IX Coordinator and Director of Institutional Equity alleging Prohibited Conduct and requesting to proceed utilizing an Informal or Formal Resolution process.

Hearing Panel refers to an administrative process conducted by a decision-maker in conjunction with an advisory committee, and may be composed of both internal and external members.

University Investigator(s) means the person assigned to conduct the investigation upon the signing of a Formal Complaint that is proceeding under the Formal Resolution process. The Investigator may be an employee or may be a person external to the University.

Parties include the Complainant(s) and Respondent(s), collectively.

Preponderance of the Evidence is a standard of proof where it is more likely than not that a policy violation occurred.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this Policy.

Title IX Coordinator and Director of Institutional Equity is at least one official designated by the University to ensure compliance with Title IX and the University's Title IX program.

Witness is anyone with relevant information about an incident. Character witnesses who do not have relevant information about the incident are not considered witnesses.

Reporting

Any member of the USI community who believes that they have experienced sexual harassment, including sexual assault, domestic violence, dating violence, stalking, or sexual exploitation in violation of this Policy is encouraged to report the incident(s) as soon as possible. While reporting is encouraged, Complainant's have the right to report or not report the incident to the University and/or to law enforcement.

1.6 Reporting to Law Enforcement

The University encourages any student or employee who has experienced domestic violence, dating violence, sexual assault, or stalking to report the incident to law enforcement and encourages students who experience these behaviors to additionally consult their parents/guardians. Those in Public Safety or the Title IX Coordinator and Director of Institutional Equity can assist the Complainant in contacting appropriate law enforcement officials and in working with these officials to pursue criminal charges against the Respondent. Complainants also have the option to decline to notify law enforcement authorities.

Please note that reporting options are not mutually exclusive; both internal (University) and external (Law Enforcement) reporting options may be pursued at the same time. The local law enforcement office with jurisdiction over the University's geographic location is the Vanderburgh County Sheriff's Office. Allegations of criminal misconduct occurring within the Evansville city limits can be reported to the Evansville Police Department. Additionally, the Indiana State Police (ISP) has state-wide jurisdiction.

Public Safety (Available for Emergency or After-Hours Reporting)

From your cell phone or outside line: 812-492-7777

From campus phones: Ext 7777

Vanderburgh County Sheriff's Office Operation Center

5607 Highway 41 North

Evansville, IN 47711

Non-emergency telephone: 812-421-6201

Emergency telephone: 911

Evansville Police Department

15 Northwest Martin Luther King Jr. Boulevard Evansville, IN 47708

Non-emergency telephone: 812- 436-7896

Emergency telephone: 911

Indiana State Police (ISP) District 35 Police Post

19411 Highway 41 North
Evansville, IN 47725
Telephone: 812-867-2079 or 800-852-3970

While not required, the University strongly encourages anyone who becomes aware of behavior that may constitute a crime to report the incident to local law enforcement. However, Campus Security Authorities (CSAs) must report certain crimes reported to them to the appropriate reporting structure. The University can provide support, resources, and assistance to those who do so. Regarding the involvement of law enforcement in matters involving Sexual Harassment, the Complainant has several options, including to: (1) notify law enforcement authorities; (2) be assisted by campus authorities in notifying law enforcement authorities if the Complainant chooses; or (3) decline to notify such authorities. The University will comply with the Complainant's request for assistance in notifying law enforcement in these matters to the extent legally permitted. The Complainant's choice to report to law enforcement will not impact the implementation of supportive measures if applicable.

Regardless of whether a Complainant chooses to notify law enforcement, it is important for a Complainant who has experienced sexual assault, dating violence, or domestic violence to seek medical attention and to preserve evidence potentially by obtaining a forensic medical exam. Additionally, Complainants are encouraged to preserve text messages, instant messages, social networking pages, or other communications, and keeping pictures, logs, or other copies of documents. Preserving evidence may assist in proving that an alleged criminal offense occurred or may be helpful in obtaining a protective order. The University will provide written information on where to obtain forensic examinations. Obtaining a forensic examination does not require the Complainant to file a police report, but a forensic examination can help preserve evidence in cases where the Complainant decides to file a police report at a later date.

Protective orders and peace orders may be sought through the court system. A Complainant interested in a mutual no-contact order at USI may contact the Title IX Coordinator and Director of Institutional Equity.

Reports of violations under this Policy may also constitute violations of state and local law. University officials are required to document certain reports of sexual harassment for Clery Act reporting purposes. There will be no personally identifiable information about the Complainant shared in that report. If the University is required to notify the community of the incident, including recording the assault in the Daily Crime Log or through the issuance of a Timely Warning Notice, no identifying information will be included to the extent permissible by law.

In certain instances, the University may need to report potential criminal misconduct to law enforcement authorities even when the Complainant has decided not to do so. Such circumstances include those in which there is clear and imminent danger or risk to the Complainant and/or the University community, in which a weapon was involved with the incident, child abuse, or in which the allegations involve sexual harassment, and the Complainant is under the age of consent. The necessity to report an incident to law enforcement will be shared with the Complainant.

The University's Formal Complaint Resolution Process and the legal system work independently from one another, and the University will proceed with its process as applicable, regardless of action or inaction taken by outside authorities. If a law enforcement investigation is initiated, the University may pause its procedures briefly at the request of law enforcement to facilitate their initial evidence gathering. Decisions made or sanctions imposed through the Formal Complaint Resolution Process are not subject to change if criminal or civil charges arising from the same misconduct are dismissed, reduced, or rejected in favor of or against the Respondent.

1.7 Medical Assistance

Complainants are encouraged to seek medical assistance in any instance of sexual harassment where physical or sexual assault is being alleged. Public Safety can help facilitate transportation to Deaconess Midtown Hospital, designated as one of the city's sexual assault and domestic violence treatment centers. Deaconess Midtown Hospital has trained nurses who perform the Sexual Assault Nursing Exam (SANE) and will provide victim services, including treatment of injuries and steps to address concerns of pregnancy (if applicable) and/or sexually transmitted infections.

- **Deaconess Midtown Hospital**

600 Mary St
Evansville IN 47710
812-450-5000

Students may also schedule appointments at the Student Health Center. While the SANE program is not available at Student Health, they can provide non-emergency and on-going medical assistance from a healthcare provider on campus. All appointments are confidential

- **University Health Center**

Lower level Health Professions Building
Room HP 00091
812-464-1862 (office)

It is recommended that the Complainant not take a shower or wash or discard clothing they were wearing at the time of the assault. All clothing (including underwear) should be put into a paper bag and brought to the hospital. Additionally, preservation of any related or electronic communications (e.g., pictures, videos, texts, social media posts, etc.) is recommended.

A Complainant does not have to decide whether or not to file criminal charges before obtaining a forensic exam. The exam is free, and the evidence will be kept in a secured locker indefinitely. There is no statute of limitations on filing a criminal complaint. If a Complainant wishes to remain anonymous, she/he can have the exam listed as a Jane Doe/ John Doe for confidentiality. Having a forensic exam is an important step to preserve evidence for a criminal offense if criminal charges are filed.

1.8 Confidential Reporting – Confidential Employees

If a student has experienced sexual harassment but does not want to report it to a University official, the student may meet with a confidential resource. All of the persons and organizations listed below are confidential for purposes of reporting sexual harassment. Reports made to a licensed counselor or a treating health care provider are confidential and will not be reported to University officials without the student's permission unless an imminent threat exists. Confidential resources may be required to report statistical information, without personally identifiable data, for Clery Act reporting.

- **USI Health Center**

Health Professions 0091
Telephone 812-465-1250

- **USI Counseling Center**

Orr Center 1051
Telephone: 812-464-1867

- **Employee Assistance Program (EAP)**

Timely Care
<https://www.usi.edu/hr/benefits/employee-assistance>

- **Albion Fellows Bacon Center**

P.O. Box 3164
Evansville, IN 47731
Telephone for Domestic Violence: 812-422-5622
Telephone for Sexual Assault: 812-424-7273
Toll-free: 800-339-7752

- **YWCA Evansville**

118 Vine Street
Evansville, IN 47708
Telephone: 812-422-1191 or 866-367-9922

- **Holly's House**
750 North Park Drive
Evansville, IN 47710
Telephone: 812-437-7233
- **Lampion Center**
655 South Hebron Avenue
Evansville, IN 47714
Telephone: 812-471-1776
- **Southwestern (Behavioral Health)**
415 Mulberry Street
Evansville, IN 47713
 - Telephone: 812-423-7791
 - 24 Hour Suicide Hotline: 812-422-1100
- National confidential resources (available 24/7) include, but are not limited to: **RAINN (Rape, Abuse & Incest National Network)** which operates the **National Sexual Assault Hotline** at 1-800-656-HOPE (4673) and an online chat with a trained staff member; and **National Domestic Violence Hotline** at 1-800-799-7233 or TTY at 1-800-787-3224 with an online chat option.

1.9 Reporting to Title IX

Anyone who believes they have been subjected to sexual harassment is encouraged to report these incidents to the Title IX Coordinator and Director of Institutional Equity. Additionally, be aware that most USI employees are Responsible Employees and must report known incidents of sexual harassment to the Title IX Coordinator and Director of Institutional Equity.

Title IX Coordinator and Director of Institutional Equity

Reports may also be made directly to the Title IX Coordinator and Director of Institutional Equity.

- ***Title IX Coordinator and Director of Institutional Equity for the University:***
Chelsea Givens, Title IX Coordinator and Director of Institutional Equity
Wright Administration Building, Forum Wing, Room 171A
8600 University Boulevard
Evansville, Indiana 47712
812-464-1703
Title.IX@USI.edu or ccgivens@usi.edu

1.10 Online and Anonymous Reporting Options

Reports may also be made anonymously or identified using the methods outlined below. It should be noted that the University's ability to investigate or act upon anonymous reports may be limited. Anonymous reports that provide sufficient information to constitute certain criminal offenses will be reported without personally identifiable information for purposes of Clery Act reporting purposes.

Reports related to sexual harassment, submitted through the reporting options below, do not constitute a Formal Complaint under this Policy.

- **Sexual Misconduct/Harassment Report** (these reports can also be submitted anonymously). Found here: https://cm.maxient.com/reportingform.php?UnivofSouthernIndiana&layout_id=1

1.11 Additional Reporting Options

Filing a complaint under this Policy does not preclude an employee from filing a charge of employment discrimination with the EEOC, or the Indiana Civil Rights Commission, within the time frames established by those agencies. Complaints with the EEOC should be filed within 180 calendar days from the day the discrimination took place.

Filing a complaint under this Policy does not preclude a student from filing a written complaint with the U.S. Department of Education's Office for Civil Rights. Complaints should be filed within 180 calendar days of the date of the alleged discrimination.

EEOC (Indianapolis District Office)

101 West Ohio St, Ste 1900
Indianapolis, IN 46204
United States
Phone: 1-800-669-4000
Fax: 317-226-7953
<https://www.eeoc.gov/field-office/indianapolis/location>

Indiana Civil Rights Commission

100 North Senate Avenue
Indiana Government Center North, Room N300
Indianapolis, IN 46204
1800-457-8283 or 317-232-2600
<https://www.in.gov/icrc/>

U.S. Department of Education, Office for Civil Rights (OCR)

John C. Klaczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Phone: 312-730-1560
www2.ed.gov/ocr

1.12 Reporting Options for Sexual Misconduct Matters

Confidential Resources

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual. Those campus and community professionals include medical providers, mental health providers, ordained clergy and rape crisis counselors, all of whom have privileged confidentiality that has been recognized by the law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor under the age of 18.

Responsible Employees

In contrast to the designated campus or community professionals described above under “Confidential Resources,” who are obligated to refrain from revealing confidential information shared within the scope of their privilege, University employees are *required* to report all sexual misconduct and Title IX Harassment directly to the Title IX Coordinator and Director of Institutional Equity or a member of the Institutional Equity Office. Responsible Employees receive annual required training to ensure that they understand their obligations and the resources

available to University community members who report such incidents. Responsible Employees are required to share with the Title IX Coordinator and Director of Institutional Equity all information they receive or of which they become aware, including the identities of the Parties, if known.

DOWNLOAD TABLE TENTS - Self identify as a Responsible Employee

1.13 Time Limits on Reporting

There is no time limitation on reporting incidents and/or filing complaints to the University. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be limited. Regardless of the passage of time, the University will continue to offer Supportive Measures. When a report or Formal Complaint is affected by significant time delay, the University will typically apply the policy in place at the time of the complaint was filed.

Supportive Measures and University Response to Reports

1.14 University Response to Reports

Upon receipt of a report, the Title IX Coordinator and Director of Institutional Equity will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, explain to the Complainant the process for filing a Formal Complaint as outlined in this Policy, and respect the Complainant's wishes with respect to whether to investigate unless the Title IX Coordinator and Director of Institutional Equity determines it is necessary to pursue the complaint in light of a health or safety concern for the community. The Complainant will also be provided with a written explanation of rights and options.

1.15 Supportive Measures

Upon receiving a report or a Formal Complaint, the Title IX Coordinator and Director of Institutional Equity will promptly offer Supportive Measures to the parties designed to restore or preserve access to the University's education program, activity, or work environment. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge and can include actions deemed necessary to protect the well-being of the individuals involved in cases of sexual harassment, as well as the educational environment of the University community. These Supportive Measures may include but are not limited to:

- counseling,
- mutual no contact orders,
- relocating residence hall assignments,
- restricting access to certain campus buildings,
- changes to class schedules, assistance with rescheduling an academic assignment (paper, exam, etc.),
- tutoring support, changes to work schedules/situations,
- changes to work locations,
- leaves of absences,
- transportation assistance and escorts to and from campus locations,
- increased security and monitoring of certain areas,
- and other measures for safety as necessary.

Additionally, the University may act to remove a Respondent entirely or partially from its education program or activities on an emergency basis as outlined in "Emergency Removal" and "Administrative Leave" in this Policy.

The University will maintain the privacy of the Supportive Measures, provided that privacy does not impair the University's ability to provide the Supportive Measures. The University will act to ensure as minimal an academic impact on the parties as possible. The University will implement measures in a way that does not unreasonably burden the other party.

1.16 Emergency Removal

The University can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

1.17 Administrative Leave

The University retains the authority to place an employee Respondent, including a student-employee, on administrative leave, consistent with the University Handbook.

1.18 Amnesty

Reporting suspected Sexual Harassment is important. The University recognizes that an individual who reports Sexual Harassment may be engaged in under-age drinking or drug use or other prohibited conduct at or near the time of the incident reported. To encourage reporting under these circumstances, the University will not take disciplinary action against a student reporter, student witness, student Complainant, or student Respondent for their personal use of alcohol or drugs or for other prohibited conduct at or near the time of the incident reported if such violations do not or did not subject other people to harm. Depending on the circumstances, similar consideration may be given to employee reporters, employee witnesses, employee Complainants, and employee Respondents.

The University may initiate an educational discussion or pursue other educational remedies regarding the alcohol and/or other drugs. Amnesty for any other policy violations will be considered on a case-by-case basis.

1.19 Disability Accommodations and Interpretive Services

Those with a disability who desire an accommodation regarding this Policy, including parties and witnesses, may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator and Director of Institutional Equity. It is the individual's responsibility, and not that of a university official, to request an accommodation. The Title IX Coordinator and Director of Institutional Equity will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other University programs and activities. Similarly, those that are in need of interpretive services, should contact the Title IX Coordinator.

1.20 Prohibition on Retaliation

The University prohibits retaliation against any individual who makes a report, testifies, assists, participates, or refuses to participate in any manner in an investigation, proceeding, or hearing under this Policy. Specifically, no person may intimidate, threaten, coerce, harass, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VII, Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or adjudication proceedings under Title VII, Title IX or this Policy.

Allegations of retaliation against students are handled in accordance with the normal rules and procedures of the student conduct process, and students alleged to have violated this policy may be charged with 16.7A Interfering with the discipline procedures or outcomes or 16.7B. Intimidation or retaliation. Any employee who is alleged to have violated this provision may also be subject to disciplinary action under the Whistleblower Policy.

Those found to have violated this policy's prohibition on retaliation will be subject to disciplinary action, up to and including termination of employment for employees and expulsion for students. Any person who believes that someone has been subjected to retaliation should promptly contact the Title IX Coordinator and Director of Institutional Equity.

Formal Complaints

1.21 Filing a Formal Complainant

The grievance process begins with a Formal Complaint, which is a document filed and/or signed by the Complainant or signed by the Title IX Coordinator and Director of Institutional Equity alleging a violation of Prohibited Conduct under this Policy and requesting that the University investigate the allegation(s). A Formal Complaint may be filed with the Title IX Coordinator and Director of Institutional Equity in person, by mail, or by electronic mail. The Title IX Coordinator and Director of Institutional Equity will assist the Complainant to ensure that the Formal Complaint is filed correctly.

1.22 When a Complainant Does Not Wish to Proceed

The University understands that some Complainants may seek confidentiality with respect to a report of sexual harassment, including requesting that they not be identified to the Respondent. Due to the usually private nature of these actions and the need to ensure a fair process for all involved, the University may not be able to pursue charges of sexual harassment unless the Complainant is willing to be identified. However, in cases where there is a witness to the alleged violation, or in cases where pursuing the case is necessary to protect the University community, the University reserves the right to pursue a case to its conclusion. If the Complainant requests confidentiality or that a report not be pursued, the University will evaluate the request for confidentiality considering its obligation to maintain a safe campus environment for all. While rare, the University may determine that the Complainant's request for confidentiality cannot be complied with fully. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community. The Title IX Coordinator and Director of Institutional Equity, in consultation with other University officials, will make the determination.

When the Title IX Coordinator and Director of Institutional Equity executes the Formal Complaint, they do not become the Complainant. Under these circumstances, the Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights under this Policy irrespective of their level of participation.

In cases in which the Complainant requests confidentiality or no formal action and the circumstances allow the University to honor that request, the University will offer Supportive Measures to the Complainant and the community but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date.

1.23 Dismissals of a Formal Complaint

If the Complainant files a Formal Complaint, the Title IX Coordinator and Director of Institutional Equity will review the complaint. The Title IX Coordinator and Director of Institutional Equity must dismiss the Formal Complaint for the following reasons:

1. The Respondent is not a current student or employee;
2. The Complainant is not a current student or employee;
3. The conduct alleged does not meet the definition of Sexual Harassment;
4. The alleged conduct did not occur in the University's education program or activity; or,
5. The alleged conduct did not occur in the United States.

However, while the Formal Complaint will not proceed under the Title IX Adjudication Proceedings it may proceed under either the Non-Title IX Adjudication Proceedings (Students) or Non-Title IX Adjudication Proceedings (Employees). Formal Complaints that do not on their face state Prohibited Conduct (for example complaints alleging discrimination based on pregnancy, different treatment based on sex, or other forms of discrimination or harassment), will not be adjudicated using this Policy but will be referred for review under the Student Rights and Responsibilities (3.0) or the University Handbook.

At the University's discretion, the Title Coordinator may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

1. a Complainant notifies the Title IX Coordinator and Director of Institutional Equity in writing that they would like to withdraw the Formal Complaint;
2. the Respondent is no longer enrolled at the University; or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

The dismissal determination of a Formal Complaint or any included allegations may be appealed following the appeals process outlined in this Policy. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

1.24 Consolidation of Complaints

The University may consolidate Formal Complaints as to the allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party where the allegations of sexual harassment arise out of the same facts or circumstances. For complaints involving other University policies, a case-by-case determination will be made regarding adjudication proceedings which will be used in resolving the complaints and whether the complaints should be consolidated.

1.25 Resolution Timeline

Upon the signing of a Formal Complaint, the University will make a good faith effort to complete the resolution process within a 60 day period, excluding appeal. The timeline may be extended for good cause. The University will notify the parties when a delay is anticipated and the rationale for any extensions or delays as appropriate, as well as an estimate of how much additional time will be needed to complete the process. While the University works with all parties involved in scheduling meetings throughout the process, repeated delays in the process, including requests to reschedule meetings or hearings, and scheduling conflicts with advisors and/or support persons may not always be accommodated.

In cases where law enforcement directs the University to suspend its investigative efforts while criminal proceedings are pending, the University will cooperate with all investigative efforts and will promptly resume its own investigation or adjudication of the case when permitted to do so.

1.26 Confidentiality and Privacy

“Confidentiality” refers to the circumstances under which information will or will not be disclosed to others. “Privacy” refers to the discretion that will be exercised by the University in the course of any investigation or disciplinary processes under this Policy or a separate grievance procedure.

All actions taken to investigate and resolve concerns raised under this Policy shall be conducted in a way that respects the privacy of those involved, to the extent reasonably possible. The Investigator will not discuss the matter with persons other than those involved in, affected by, or having information about the matter, or those necessary to implement the investigative process or the disciplinary procedures under this Policy.

Medical and counseling records, as well as those with a recognized legal privilege are confidential documents that parties will not be required to disclose. If one party chooses to provide written consent regarding disclosure, all parties will have access to those records.

Each party may disclose information to persons who need to know to participate in or administer the process, and/or to provide support and assistance. Parents or guardians of students will not be contacted by the University except if the student is a minor, at the student’s request, or in the case of a health and safety emergency or with written permission from the student.

All participants are expected to maintain confidentiality regarding the proceedings, except that the Complainant and the Respondent may not be required to maintain confidentiality as to the outcome of the proceedings and any directives regarding confidentiality shall not impede the parties’ ability to obtain and present evidence or otherwise support or defend their interests, to communicate with law enforcement, to communicate with legal counsel or another advisor under this Policy, or to seek counseling or support.

Students and employees may request that directory information on file be removed from public sources by request, in writing, and on an annual basis, to the Registrar (for students) or Human Resources (for employees).

Questions regarding confidentiality in a particular case should be directed to the Title IX Coordinator and Director of Institutional Equity.

1.27 Rights of the Parties

In the event that a Formal Complaint is filed, the Complainant and the Respondent will receive a written notification of their rights regarding the adjudication process, to include the following:

- Complainants and Respondents will be treated equitably by the University which includes providing remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent, and by following a grievance process that complies with this Policy.
- The University’s procedures provide for a prompt, fair, equitable, and impartial investigation and resolution that begins promptly and is completed within reasonably prompt timeframes.
- Participants will be treated with dignity, respect, and sensitivity.
- A Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the applicable adjudication proceeding.
- The decision-makers will conduct an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determinations may not be based on a person’s status as a Complainant, Respondent, or witness.
- The University will use a resolution process that is consistent with University policies, transparent to the Complainant and Respondent, and in which the burden of proof and of gathering evidence rests with the University and not the parties.
- The parties will have the right to an advisor of the party’s choosing during the grievance process. If a party does not have an advisor present at any Title IX Hearing per this Policy, the University will provide without fee or charge, an advisor of the University’s choice for purposes of conducting cross-examination.

- Both the Respondent and Complainant have a right to similar and timely access to information that will be used at the hearing or adjudication process.
- The parties have the right not to be retaliated against for filing a Formal Complaint and/or for participating in an Informal or Formal Resolution process.
- Any false statements or knowingly submitting false information during the grievance process, constitutes a violation of Student Rights and Responsibilities Section 5.10A. False Information/Obstruction or the University Handbook which will result in a referral for disciplinary action that is separate and independent from the grievance process in this Policy. A finding of not responsible is not the same as a false report.

Informal Resolution

1.28 Overview

Informal resolution is available only after a Formal Complaint has been filed, the Complainant and Respondent have been sent the Notice of Allegations, prior to a determination of responsibility, and if the Complainant and Respondent voluntarily consent to the process in writing. Informal resolution is not available in cases in which an employee is alleged to have sexually harassed a student.

The Title IX Coordinator and Director of Institutional Equity will determine whether it is appropriate to offer the parties informal resolution in lieu of a formal investigation of the complaint. In the event that the Title IX Coordinator and Director of Institutional Equity determines that informal resolution is appropriate, the parties will be provided written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. Both parties must provide voluntary, written consent to the informal resolution process.

With the voluntary consent of the parties, informal resolution may be used to agree upon disciplinary sanctions. Disciplinary action will only be imposed against a Respondent where there is a sufficient factual foundation and both the Complainant, and the Respondent have agreed to forego the additional procedures set forth in this school's policy and accept an agreed upon sanction.

Any person who facilitates an informal resolution will be trained and free from conflicts of interest or bias for or against either party.

Informal Resolutions may include, but are not limited to;

- Placing a Respondent on notice that, if such behavior has occurred or is occurring, such conduct should cease immediately;
- A written warning;
- Education and/or training for a Respondent and/or department;
- Permanent Supportive Measures for Complainant;
- Mediation or other informal communication between the Complainant and Respondent;
- Messaging to the campus community;
- Events and/or trainings offered to the campus community or particular departments;
- Referral and/or collaboration with another District department in order to address the allegations and eliminate any potential sexual misconduct; and/or other forms of resolution that can be tailored to the needs of the parties

Formal Resolutions

1.29 Initial Assessment

Once a Formal Complaint is filed, the Title IX Coordinator and Director of Institutional Equity will initiate a prompt review of the Formal Complaint to determine the next steps in the grievance process.

If a formal grievance process is preferred, the Title IX Coordinator and Director of Institutional Equity determines which adjudication proceedings to follow, as outlined in “Scope and Jurisdiction” and “Dismissals of a Formal Complaint” sections of this Policy. If Informal Resolution is preferred, the Title IX Coordinator and Director of Institutional Equity will determine whether the complaint is suitable for Informal Resolution and seek to determine if the Respondent is also willing to engage in an informal process.

1.30 Notice of Allegations

Once a Formal Complaint has been filed, the Title IX Coordinator and Director of Institutional Equity shall provide the Complainant and Respondent with timely written notice of the allegations, including identities of the parties involved in the incident, if known, the date, time, and location of the alleged violation, if known, and the conduct allegedly constituting the violation.

Amendments and updates to the notice may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

1.31 Investigation

Following notice to the parties, the Title IX Coordinator and Director of Institutional Equity will designate an impartial Investigator(s) and coordinate the logistics of the investigation process. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. No unauthorized audio or video recording of any kind is permitted during investigation meetings. The Title IX Coordinator and Director of Institutional Equity will provide regular status updates to the parties throughout the investigation. The Complainant and Respondent will be notified of the date, time and location of each hearing, meeting, or interview that they are required or permitted to attend and shall have the right to be accompanied by their advisor and/or support person.

The Complainant and Respondent shall have the right to submit to the University Investigator evidence, witness lists, and suggested questions for the other party and witnesses. Evidence that is readily available, but not provided during the course of the investigation, is not considered to be new information and will not be allowed to be submitted at the hearing or as a basis for appeal.

Evidence regarding a party’s medical history, including mental health counseling, treatment, or diagnosis, may not be considered without that party’s written consent.

1.32 Evidence Inspection and Review Period

Prior to the conclusion of the investigation, the Complainant and Respondent will be given the opportunity to inspect and review all evidence that is directly related to the Formal Complaint. Each party will have up to 10 days to review the materials and submit comments and additional information to the University Investigator in writing. The deadline to submit written feedback will be communicated to each party by the Title IX Coordinator and Director of Institutional Equity. If a written response has been submitted, the Investigator(s) will evaluate the information from the parties and may need to conduct further interviews to gather relevant evidence in the case. The University Investigator(s) will incorporate relevant elements of the parties’ written responses and additional relevant evidence into the final investigation report, make any necessary revisions, and finalize the report.

1.33 Investigative Report

Following the evidence inspection and review period, the University Investigator(s) shall prepare a written report summarizing and analyzing the evidence, including both evidence indicating the alleged behavior occurred and that it did not occur. The Title IX Coordinator and Director of Institutional Equity will provide the final investigation report to the parties.

1.34 Assignment to Adjudication

At the conclusion of the investigation, if not previously determined, the Title IX Coordinator and Director of Institutional Equity will make a final determination as to the appropriate adjudication procedures, specifically whether it will proceed under the Title IX Adjudication Proceedings or Procedures for Resolving Complaints of Discrimination and Harassment (F.4).

The hearing panel will consist of a minimum of two members and may be composed of both internal and external members. At the time it is assigned to adjudication, both the Complainant and Respondent will be notified of the identity of the appointed decision-makers and will be given an opportunity to request the removal or recusal of a decision-makers due to a bias or conflict of interest. A request for removal must state with specificity the grounds for removal. The Title IX Coordinator and Director of Institutional Equity, or other appropriate university official will make the determination regarding removal.

At the hearing, the decision-makers have the authority to hear and make determinations on all allegations under this Policy and may also hear and make determinations on any additional alleged policy violations under other University policies that have occurred in concert with the Prohibited Conduct, even though those collateral allegations may not specifically fall within this Policy. The decision-makers will answer all questions of procedure and the parties will be notified in writing of what University policy violations will be heard at a consolidated hearing and the procedures that will be followed for each alleged policy violation.

Adjudication Procedures

1.35 Title IX Adjudication Proceedings

All hearings described in this section apply to the adjudication of Formal Complaints alleging Prohibited Conduct under this Policy that meet the definitional and jurisdictional thresholds of sexual harassment as prescribed by Title IX.

For cases that have been determined to meet the threshold to be adjudicated under the Title IX Adjudication Proceedings, hearings are typically scheduled no less than 15 days following the sending of the investigative report to the parties and their advisors.

While the hearing is not intended to be a repeat of the investigation, the parties will be provided with an equal opportunity for their advisors to conduct cross-examination of the other party and of relevant witnesses. A typical hearing may include: brief opening remarks by the decision-maker; questions posed by the decision-makers to one or both of the parties; cross-examination by either party's advisor of the other party and relevant witnesses; and questions posed by the decision-maker and/or advisory committee to any relevant witnesses.

Pre-Hearing Conference

In order to promote a fair and expeditious hearing, the Title IX Coordinator and Director of Institutional Equity may request that the parties and their advisors attend a pre-hearing conference. The pre-hearing conference assures that the parties and their advisors understand the hearing process and allows for significant issues to be addressed in advance of the hearing.

Hearing Procedures

All hearings will be conducted in a live hearing format which means all parties, the decision-maker, and advisory committee may be physically present in the same geographic location, or at the request of either party or the University, the parties may be located in separate rooms with technology-enabling the decision-makers and parties to simultaneously see and hear the party or the witness answering questions.

At the hearing, the decision-maker is responsible for maintaining an orderly, fair, impartial, and respectful hearing. Participants at a live hearing are expected to abide by the decision-maker's directions and determinations, maintain civility, and avoid emotional outbursts and raised voices. The decision-maker has broad authority to respond to disruptive or harassing behaviors, including taking a break in the hearing, the length of which will be determined by the decision-maker. Additionally, the decision-maker may exclude any offending person.

All hearings are closed to the public. A recording will be made by the University, but all other recordings are prohibited.

Evidentiary Considerations at the Hearing

Any evidence that the decision-maker determines is relevant may be considered. The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the decision-maker. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the decision-maker has the discretion to accept or exclude additional evidence presented at the hearing. In addition, the parties are expected not to spend time on undisputed facts or evidence that would be duplicative.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The decision-maker will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Cross-examination and the Advisor

The Parties may have an advisor of their choice at the hearing. The advisor is responsible for conducting the cross-examination, which includes asking the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. The advisor is not to represent a party, but only to relay the party's cross-examination questions that the party wishes to have asked of the other party and witnesses. Advisors may not raise objections or make statements or arguments during the live hearing. If a party does not have an advisor, the University will appoint one on behalf of the party free of charge. In this capacity, the advisor will be appointed for the sole purpose of conducting cross-examination of the other party and witnesses.

When a party's advisor is asking questions of the other party or a witness, the decision-maker will determine whether each question is relevant before the party or witness answers it, and will exclude any that are not relevant or unduly repetitive and will require rephrasing of any questions that violate the rules of conduct. If the decision-maker determines that a question should be excluded as not relevant, they will explain their reasoning.

If a party's advisor of choice refuses to comply with the University's established rules of decorum for the hearing, the University may require the party to use a different advisor. If an advisor refuses to comply with the rules of decorum, the University will provide that party with University appointed advisor of the University's choosing.

Participation

If the Complainant, the Respondent, or a witness informs the school that they will not attend the hearing (or will attend but refuse to be cross-examined), the Title IX Coordinator and Director of Institutional Equity may determine that the hearing may still proceed. The decision-makers may be allowed to rely on any statement or information provided by a non-participating individual in reaching a determination regarding responsibility. The decision-maker shall not, however, draw any adverse inference in reaching a determination regarding responsibility based solely on the individual's absence from the hearing (or their refusal to be cross-examined).

Moreover, the decision-maker may reach a determination regarding responsibility based on evidence that does not constitute a statement by that party. The decision-maker may also consider evidence created by the party where the evidence itself constituted the alleged prohibited conduct. Such evidence may include, by way of example but not limitation, text messages, emails, social media postings, audio or video recordings, or other documents or digital media created and sent by a party as a form of alleged sexual harassment, or as part of an alleged course of conduct that constitutes stalking.

1.36 Deliberations, Decision-Making, and Standard of Proof

The decision-maker may deliberate in a closed session, with or without the advisory committee, to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The decision-maker will make findings of fact and determinations using a preponderance of evidence standard. If the Respondent is found responsible, the decision-maker will determine the appropriate sanctions.

If the decision-maker determines that the Respondent is responsible for Sexual Harassment, they will deliberate further to determine appropriate sanctions. The University may implement any of the Supportive Measures outlined above at any time before or after any finding of responsibility. However, disciplinary sanctions and remedies may only be implemented after a finding of responsibility. Such sanctions and remedies may range from verbal warnings or mandatory training to employment termination for faculty, administrators, and support staff, and from verbal warnings or mandatory training to expulsion for students.

The appropriate Vice President, Director, Provost, Associate Provost, or Dean is responsible for imposing the sanction outlined by the decision-maker in coordination with the Title IX Coordinator and Director of Institutional Equity and other necessary campus offices.

When a Respondent is found responsible for the prohibited behavior as alleged, sanctions account for the nature and severity of the violation, as well as the Respondent's discipline history (if any). Disciplinary actions or consequences can range from a conference with the Respondent and a school official through suspension or expulsion. When a Respondent is found responsible for the prohibited behavior as alleged, remedies must be provided to the Complainant. Remedies are designed to maintain the Complainant's equal access to education and may include supportive measures or remedies that are punitive or would pose a burden to the Respondent.

1.37 Remedies

Remedies, including sanctions, are designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include Supportive Measures, however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator and Director of Institutional Equity is responsible for the effective implementation of remedies.

1.38 Sanctions

Violations of this Policy are serious and the sanctions will take into account the nature and severity of the violation, as well as the Respondent's discipline history (if any) and may include one or more of the sanctions described below. Please note that this is not an exhaustive lists of sanctions.

Student Sanctions

- **Warning (written):** A student may be given a written warning. A written warning is a letter that makes a matter of record any incident of the Policy.
- **Probation:** Probation is a specified period of review and observation during which the student must demonstrate the ability to comply with University policies, and any other sanctions as outlined above and/or conditions which have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Notification may be given to other University officials as necessary. Probation may be supervised or unsupervised. Further inappropriate behavior may result in additional sanctions to be assigned, including suspension or expulsion.
- **Suspension:** A written notification of the termination of student status and exclusion from further enrollment for a specific period of time not less than one academic semester and not to exceed two academic years.
- A student who has been suspended must vacate campus within the time frame established.
- The notice will include the conditions for readmission which must be met prior to application for readmission. An interview with the Dean of Students or his/her designee will be required prior to acceptance of the student's application for readmission.
- The student's eligibility for any refund of tuition/fees will be subject to the University's normal withdrawal policy.
- The student must leave University residences and may not be on University-owned or -controlled property or attend University events.

Suspension is a matter of permanent record. A permanent record indicates that student behavior files may be retained indefinitely.

- **Expulsion:** A written notification that the student is permanently ineligible to return to the University. The student must leave University residences and may not be on University owned or -controlled property or attend University events. Petitions for re-enrollment will not be accepted. The expulsion will be recorded on the student's transcript as "May Not Register" and is a matter of permanent record.
- **Additional Sanctions:** The University reserves the right to issue additional sanctions including: loss of privileges, restitution, educational projects, parent/guardian notification, and assessments as appropriate.

Employee Sanctions

If the decision-maker finds an employee responsible, the determination of sanctions and remedies will be made in consultation with Human Resources. As outlined in the *University Handbook*, disciplinary action may include, but do not necessarily have to include, the following:

- verbal warning/counseling
- written warning
- suspension with/without pay
- Termination

1.39 Notice of Outcome

The Complainant and Respondent will be informed concurrently in writing of the outcome normally within fifteen (15) days after the conclusion of the adjudication process. Both parties will receive written notice of any sanctions imposed on the Respondent, except that in cases of non-violent sexual harassment, the Complainant will only receive notice of any sanctions that relate directly to the Complainant. The written determination shall include the following:

- identification of the allegations allegedly constituting sexual harassment;
- a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination, conclusions regarding the application of the University's Prohibited Conduct to the facts;

- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
- procedures and permissible bases for the Complainant and Respondent to appeal the determination.

Appeals

1.40 Grounds for Appeal

Appeals are available after a complaint dismissal or after a final determination is made. Appeals can be made based on the following:

- Procedural irregularities in the investigation affecting the outcome;
- New evidence that could affect the outcome but was not reasonably available at the time the determination or dismissal was made; or
- The Title IX Coordinator and Director of Institutional Equity, University Investigator, or decision-maker had a bias or a conflict of interest that affected the outcome.

1.41 Process for Appeals

Parties will be given an opportunity to submit a written statement in support of or against the final determination made by the decision-maker. Appeals must be submitted to the Title IX Coordinator and Director of Institutional Equity. Written appeals must be filed in person, via courier, or via postal or electronic mail within 7 days of the distribution of the Notice of Outcome. Decisions not appealed within such time are deemed final. If an Appeal is submitted, it will be provided to the other party, who will have 7 days to submit an Appeal Response for review by the appellate decision-maker.

1.42 Appeal Determinations and Written Outcome

The appellate decision-maker that hears the appeal can take the following actions: affirm the original decision; affirm the original decision of responsibility for some or all of the charges and change the sanction (sanction may be reduced or increased); reverse the original decision of responsibility for some or all of the charges; or remand the matter to the original or new decision-maker for further consideration. Upon remand, if the original decision-maker affirms its prior decisions regarding responsibility and sanctions, the appellate decision-maker shall continue its review and render a decision on the original appeal(s). If the original decision-maker reverses or modifies its original decisions regarding responsibility and/or sanctions, each party shall have a right to submit a new appeal.

Except in cases involving the discovery of new evidence, the appellate decision-maker may consider, as appropriate given the grounds for appeal, the hearing record, the appeal letter and response, and the decision and rationale of the hearing panel. In cases where the appeal is based in whole or in part on a claim of newly discovered evidence, the appellate decision-maker will first determine if the offered evidence was not known at the time of the hearing and if it might impact the decision of responsibility or determination of sanction. If the appellate decision-maker determines that the evidence was not known at the time of the hearing and that it might impact the decision of responsibility or determination of sanction, the appellate decision-maker will remand the case to the original decision-maker for review who will then issue a new decision letter taking into account the newly discovered evidence.

The appellate decision-maker's decision will be communicated concurrently in writing to both the Respondent and the Complainant, normally within fifteen (15) days after the Appeal Response was due, and will include the rationale for the decision. The appellate decision is final, and no further appeal is permitted by either Party.

Additional Considerations

1.43 Resources, Education, and Prevention

Members of the University community are expected to respect the rights, dignity, and personhood of others. Any individual who experiences or is affected by discrimination or harassment, whether as a Complainant or a Respondent, may benefit from access to care and support resources through the University and the local community.

The University encourages all individuals to seek the support of and use all available internal and external resources, regardless of when or where any alleged incident occurred. The following is a non-exhaustive list of such resources available to the members of the University community.

Resources Specifically for USI Students:

- USI Counseling Center
Orr Center 1051
Telephone: 812-464-1867
- USI Religious Life Residence Life Resource Center
Telephone: 812-464-1871
- USI Housing & Residence Life
Your Resident Assistant or Area Coordinator
Telephone: 812-468-2000
- USI Dean of Students
Office University Center East 1229
Telephone: 812-464-1862

Resources Specifically for Benefits-Eligible Faculty and Staff:

- Deaconess Concern Employee Assistance Program
445 Cross Pointe Boulevard, Suite 330
Evansville, IN 47715
Telephone: 812-471-4611 or 800-874-7104
- EAP resources for employees through EAPComplete Anytime
Flyer for more information: <https://www.usi.edu/hr/benefits/employee-assistance>

Educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking are offered at New Student Orientation, in new employee orientation, in the residence halls/apartments, and on campus throughout the academic year. Such prevention and awareness programs include a statement that the University prohibits all forms of sexual harassment, definitions of various types of sexual harassment and of consent, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential sexual violence.

1.44 Training of Officials

Investigations and hearings will be conducted by officials who have received annual training on a number of areas including, but not limited to, the definitions of sexual harassment, domestic violence, dating violence, sexual assault, and stalking; the scope of the University's education program or activity; how to conduct an investigation and grievance process, including hearings, appeals and Informal Resolution processes; how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers will also receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant. University Investigators will also receive training on issues of relevance to create an investigation report that fairly

summarizes relevant evidence. Any materials used to train these individuals will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints for Prohibited Conduct under this section. All training materials will be posted on the Title IX website.

1.45 Title IX Independence and Conflict of Interest

The Title IX Coordinator and Director of Institutional Equity oversees the implementation of the Title IX process and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator and Director of Institutional Equity and Title IX Officials receive annual training and are trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. To raise any concern involving bias or conflict of interest by the Title IX Coordinator and Director of Institutional Equity, contact the Vice President for Government Affairs and General Counsel. Upon receiving a concern of bias or conflict of interest, the Vice President for Government Affairs and General Counsel may designate an appropriate person to review and respond regarding the concerns raised, including recommending action to eliminate any bias or conflict of interest that might be found.

Title IX Coordinator and Director of Institutional Equity may appoint external, independent parties with appropriate training to fill any of the defined roles within this Policy or related procedures. Any external parties retained under this section will agree to abide by all confidentiality provisions set forth within this Policy or related procedures and applicable law.

1.46 Recordkeeping

The University will maintain for a period of seven years records of its Title IX Grievance Process, including:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom; and
6. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
 1. The basis for all conclusions that the response was not deliberately indifferent;
 2. Any measures designed to restore or preserve equal access to the University's education program or activity; and
 3. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.
7. All materials used to train Title IX Coordinator and Director of Institutional Equity, University Investigators, decision-makers, hearing panel members, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on the Title IX website.

The University will also maintain any and all records in accordance with state and federal laws.

1.47 Miscellaneous

This policy is not a contract. The University reserves the right to modify the application of these procedures consistent with applicable law to provide, in its discretion, equitable treatment of Complainant and Respondent.

Inquiries about the application of Title IX and its implementing regulations may be referred to USI's Title IX Coordinator and Director of Institutional Equity and/or the Assistant Secretary for the Department of Education's Office of Civil Rights.

1.48 Contacts

Policy Clarification, Discrimination Complaints and Written Affirmative Action Programs

Title/Office	Telephone	Email/Webpage
Institutional Equity	812-464-1703	https://www.usi.edu/institutional-equity/
Government and Legal Affairs	812-464-1849	https://www.usi.edu/government-and-legal-affairs/

Academic Adjustments and Reasonable Accommodations

Title/Office	Telephone	Email/Webpage
Disability Resources	812-464-1961	https://www.usi.edu/disabilities/
ADA Coordinator	812-465-1701	https://www.usi.edu/hr/americans-with-disabilities-act
Institutional Equity	812-464-1703	https://www.usi.edu/institutional-equity/
Dean of Students	812-464-1862	https://www.usi.edu/dean-of-students

XIV. Related Documents, Forms and Tools

- Sexual Harassment Policy (F.1)
- Amorous Relationship Policy (F.2)
- Equal Employment and Non-Discrimination Policy (F.3)
- Hazing Policy (F.55)

Institutional Equity Office

Procedures for Resolving Complaints of Discrimination and Harassment (F.4)

Discrimination and Harassment Incident Report Form

Regulations Governing Conduct:

Dean of Students Office: <https://www.usi.edu/dean-of-students>

Human Resources Office: <https://www.usi.edu/hr/>

Websites for governing bodies with oversight for applicable laws and regulations:

- Indiana Civil Rights Commission: www.in.gov/icrc
- U.S. Department of Education Office for Civil Rights: www2.ed.gov/about/offices/list/ocr/index.html
- U.S. Department of Justice, Americans with Disabilities Act: www.ada.gov/
- U.S. Department of Labor Office of Federal Contractor Compliance Programs: www.dol.gov/agencies/ofccp
- U.S. Equal Employment Opportunity Commission: www.eeoc.gov

USI STUDENT-ATHLETE HANDBOOK

2025-26



Hello Student-Athletes!

We are really excited for the upcoming 2025-2026 academic and athletic years. Our first year of full membership in Division I!

For all our incoming student-athletes, we welcome you to USI and we hope that your first year here will be most successful. For our returning student-athletes, thanks for your commitment and your dedication to our program. The transition into full Division I membership has been a grind, but you, our student-athletes, handled things with grace, dignity and determination. It takes a great deal of teamwork and hard work to succeed in the athletic arena, the classroom and in the community, but we are confident that each one of you can accomplish your goals.

Please use this Student-Athlete Handbook as a valuable resource throughout the year. You will find information that will help guide you throughout the year whether it has to deal with academics, athletics or support services. Also know that our group of coaches, administrators and staff is here to assist you with your journey here at USI. We want to make sure you have the resources available to complete your degree and win championships along the way.

Again, please keep this valuable resource handy and let us know anytime if you have questions regarding the information provided.

Best of wishes to all of you and let's work hard to reach all our academic and athletic goals this year!

Sincerely,

Jon Mark Hall
Vice President & Director of Athletics

USI Athletics Administrative Staff Contact

Jon Mark Hall jmhall@usi.edu	Vice President & Director of Athletics 812-464-1846	SEC 366
Alex Eaton aceaton1@usi.edu	Senior Associate Athletic Director & Senior Woman Administrator 812-464-1841	SEC 364
Mandi Fulton mfulton@usi.edu	Associate Athletic Director for Event Management 812-465-1022	SEC 362
Capel Henshaw chenshaw@usi.edu	Assistant Athletic Director for Development 812-561-5391	SEC 372
Justin Ahlbrand jmahlbrand1@usi.edu	Assistant Athletic Director for Facilities & Operations 812-465-1054	SEC 179A
Holly Delph hdelph@usi.edu	Senior Administrative Assistant 812-464-1846	SEC 355
Angie Goebel agoebel@usi.edu	Senior Administrative Assistant/Ticket Manager 812-465-7165	SEC 355
Dr. Kim Hille kmhille@usi.edu	Faculty Athletic Representative 812-228-5050	HP 2088
Cesar Berrios Chavarria cdberrios@usi.edu	Athletics Diversity and Inclusion Designee 812-465-7188	UCE 1248
Tessa Shade tshade@usi.edu	Director of Academic & Support Services for Student-Athletes 812-464-1831	SEC 334
Jay Hille jahille@usi.edu	Student-Athlete Development & Retention Coordinator 812-465-1603	SEC 336
Ray Simmons rsimmons@usi.edu	Director of Athletic Communication 812-465-1622	SEC 380
Dan McDonnell dmcdonne@usi.edu	Associate Director of Athletic Communication 812-465-1121	SEC 379
Preston Leinenbach paleinenba@usi.edu	Assistant Director of Athletic Communication 812-465-7094	SEC 326

John Smith jrsmith10@usi.edu	Assistant Director of Athletic Communication 812-464-1758	SEC 326
Blake Bruner bkbruner@usi.edu	Director of Athletic Ticketing & Sponsorship 812-465-1189	SEC 102
Andy Brown albrown15@usi.edu	Director of Compliance 812-464-1814	SEC 378
Cameron Caldwell-Conner crcaldwell1@usi.edu	Director of Marketing & Fan Engagement 812-465-1236	SEC 370
Laura Heline lheline@usi.edu	Head Athletic Trainer 812-464-1955	SEC 174C
Hannah Brown hnbrown2@usi.edu	Assistant Athletic Trainer 812-464-1960	SEC 174B
Jamal Armoush jsarmoush@usi.edu	Assistant Athletic Trainer 812-461-5272	SEC 174B
Matt Brooks mlbrooks1@usi.edu	Assistant Athletic Trainer 812-461-5272	SEC 174B
Erin Pottteiger epottteiger@usi.edu	Assistant Athletic Trainer 812-464-1960	SEC 174B
Nyla Rueter nrueter@usi.edu	Head Strength & Conditioning Coach 812-461-5237	SEC 156
Josh Wildeman jnwildeman@usi.edu	Assistant Strength & Conditioning Coach 812-465-1678	SEC 341

For the full USI Athletics Staff Directory, please go online.
<https://usiscreamingeagles.com/staff-directory?path=general>

Table of Contents

USI Athletics Mission Statement	6
USI Athletics Vision Statement	6
USI Athletics Core Values and Core Value Statements	6
USI Athletics Inclusion Statement	6
Code of Conduct for Student-Athletes	6
Anti-Hazing Policy	8
Student-Athlete Grievance Procedure	8
Academic Information	10
NCAA Eligibility: General and Academic Requirements	13
Student-Athlete Programming	16
NCAA Compliance: Facts You Need to Know	16
Financial Aid Policy and Appeals	24
Athletic Training	27
Athletics Drug-Testing Program	30
Media Relations	34
Weight Room	36
Equipment and Uniforms	36
Title IX Training	36
Student-Athletes and Pregnancy	37
Relationship Policy	39
NCAA Transgender Policy	40

USI ATHLETICS MISSION STATEMENT

USI Athletics provides a broad-based and competitive athletics program that enriches the educational experience of its student-athletes, enhances their personal growth and makes a positive contribution to the campus community.

USI ATHLETICS VISION STATEMENT

USI Athletics strives to become a model Division I athletics program that graduates student-athletes, wins championships and builds pride and tradition for the entire University community.

USI ATHLETICS CORE VALUES AND CORE VALUE STATEMENTS

Integrity

USI Athletics conducts itself in the most ethical manner on the playing field, in the classroom and in the community.

Excellence

USI Athletics strives to be the best in all that we do.

Inclusive

USI Athletics recognizes and embraces diversity and will strive to provide an equitable environment where individuals feel valued, respected and empowered.

Engagement

USI Athletics works to create and sustain relationships for the University and our programs through our competition.

USI ATHLETICS INCLUSION STATEMENT

In conjunction with university policy, University of Southern Indiana Athletics embraces Screaming Eagle fans, athletes, coaches and administrators of every race, sex, religion, ability, age, national origin, veteran status, sexual orientation and gender identity. We support equitable practices aimed at increasing opportunities for all members of our community, and we actively invite all persons to cheer, train, compete, and teach within USI Athletics. Eagles, flying on to Victory!

CODE OF CONDUCT FOR STUDENT-ATHLETES

1. Team Rules – Head Coaches will establish team rules consistent with the USI Student-Athlete Code of Conduct. The Head Coach has the authority to impose sanctions for the violation of team rules.
2. Rules or Policies other than Team Rules – For violation of rules and policies other than team rules (e.g., violation of NCAA rules, USI Athletic Department Code of Conduct,

etc.) the Head Coach may impose sanctions with the approval of the Athletic Administration.

3. Criminal Law – Student-athletes arrested for, or charged with, violating the criminal law may be placed on immediate administrative suspension from involvement in team activity pending further investigation. The Head Coach and/or Athletics Administration may, for violation of criminal law, impose team sanctions on the student-athlete apart from the suspension.
4. Multi-Sport Athletes – Multi-sport athletes will not be relieved of any sanctions previously imposed in connection with rules violation while participating in another team sport when changing sports.
5. Possible sanctions include but are not limited to:
 - a. Warning – a notice that the student has violated University policy and is warned that further misconduct may result in more severe disciplinary action.
 - b. Probation – a student may be issued a sanction of probation for relatively serious first offense or as a result of an accumulation of previous violations and sanctions. Probation is for a designated period of time. If any other discretion happens during probation, the student-athlete will be considered in violation of probation.
 - c. Community Service – at the direction of the Athletic Department.
 - d. Restitution – payment for damaged property.
 - e. Temporary Suspension – removal of a student-athlete from all Athletics' Department activities, including participating in team events, for a limited time.
 - f. Interim Suspension – removal of a student-athlete from all Athletics Department activities, including participation in team events, for a specified period of no less than one season.
 - g. Expulsion – permanent removal from a team and/or Athletics Department activities.
 - h. Withdrawal of Financial Aid – termination of athletic-related financial aid first opportunity allowable by NCAA regulations.

Sanctions

1. Potential sanctioning will consider any previous violations that have been documented.
2. As each case is unique, the same process will be followed for all cases but may be applied differently and the appropriate sanction must be based on the facts of the case.
3. For a team rule violation, the Head Coach will issue the sanction to the student-athlete(s). Head Coaches may ask for assistance from Athletic Administration.
4. For a violation of other rules or policies or minor violation of criminal law, the Head Coach will consult with the Athletic Administration, if need be, on sanctions prior to any being issued to the student-athlete(s). Depending on the situation, the student or team may be sanctioned by the Head Coach.
5. Per University policy, Athletics shares pertinent information with the Dean of Students regarding potential student safety and/or conduct concerns; the Dean of Students may determine that further action or follow-up is warranted. Failure to comply with the Dean of Students expectations or sanctions may result in additional sanctions from both the Dean of Students and Athletics.

6. In cases where a potential violation of law or University policy has been documented, both Athletics and the Dean of Students may sanction student(s) and/or team(s).

USI ANTI-HAZING POLICY

Please refer to the University's [Hazing Policy](#) in the USI handbook.

STUDENT-ATHLETE GRIEVANCE PROCEDURE

When a student-athlete believes that he or she has experienced unfair or improper treatment by a member of the USI Athletics Department or by another student-athlete relating to his or her participation in a sport at USI, he or she may pursue the following grievance procedure. Other USI staff may more appropriately resolve certain matters brought to the attention of the Athletics Department, and those complainants will be referred to the appropriate offices for resolution.

When a coach or other Athletics staff member receives a complaint/grievance from a student-athlete, it is their responsibility to ensure that the grievance is treated seriously and as confidentially as possible under the circumstances. Similarly, student-athletes and witnesses are expected to refrain from discussing the complaint or its details with anyone other than those who have a need to know. Retaliation for reporting a grievance or participating in the compliance process is strictly prohibited. Such retaliation against any person is a serious violation of this policy and may result in disciplinary action.

Additionally, while Athletics recognizes the student-athlete may rely upon parents, friends, or other mentors to provide advice and support in attempting to resolve a grievance, athletics staff members will expect to communicate directly with the student-athlete throughout the process.

1. Informal Resolution with Staff - It is the general practice that the student-athlete should first discuss the problem with the individual(s) most directly responsible (e.g., if the matter involves the coach or a team policy established by the coach, the student-athlete should contact the coach of the team and work on an informal basis to resolve the issue with the coach).

2. Informal Resolution with Sports Supervisor - If no resolution results from Step 1, or if the student feels uncomfortable raising the concern directly with the coach, the student-athlete should consult with their Sport Supervisor. The Sport Supervisor will work with the student-athlete and head coach to resolve the issue. Serious efforts should be made to resolve the issues at an informal level by both the Sport Supervisor and the student-athlete.

Sport	Sport Supervisor	Phone Number	Email	Office
Men's and Women's Cross Country and Track & Field, Men's Soccer, Men's and Women's Tennis	Justin Ahlbrand	812-465-1054	jmahlbrand1@usi.edu	SEC 179A
Cheer, Dance	Cameron Conner-Caldwell	812-465-1236	crcaldwell1@usi.edu	SEC 370
Baseball, Men's and Women's Basketball, Women's Soccer, Softball	Alex Eaton	812-464-1841	aceaton1@usi.edu	SEC 364
Men's and Women's Golf, Men's and Women's Swimming & Diving, Volleyball	Mandi Fulton	812-465-1022	mfulton@usi.edu	SEC 362

3. Written Complaint to Vice President & Director of Athletics - If informal resolution proves unsuccessful, the student-athlete may elect to submit a written complaint to the Vice President & Director of Athletics. To do so, the student-athlete must set forth, in writing, the substance of the complaint, the grounds on which it is based, and the efforts taken to date to resolve the matter. The grievance document will be submitted to the Vice President & Director of Athletics. The Vice President & Director of Athletics, in consultation with Senior Staff and/or Sport Supervisor, shall initiate a review in a timely manner, which should normally be completed within thirty days, depending on the extent and nature of the allegations. The Director of Athletics and Senior Staff shall take appropriate action based on the results of their review and will inform the student-athlete in writing when the complaint has been resolved.

Further Information: Inquiries concerning the Athletics grievance procedure should be directed to Alex Eaton, Senior Associate Athletic Director & Senior Woman Administrator.

Additional Resources

Discrimination or Harassment - USI prohibits discrimination on the basis of race, color, religion, sex, pregnancy or marital status, parental status, national origin or ancestry, age (40 and older), disability, genetic information, sexual orientation, gender identity, gender expression, veteran status or any other category protected by law or identified by the University as a protected class. If you believe you have experienced discrimination or harassment, contact [USI's Institutional Equity Office](#).

Sexual Misconduct - USI prohibits sexual harassment including sexual assault, domestic violence, dating violence, stalking, and sexual exploitation. Please visit [USI's Institutional Equity Office website](#) for resources for students relating to sexual harassment, including how to report incidents.

ACADEMICS INFORMATION

Academic Advising

An academic advisor will assist you in planning your schedule and introduce you to the various student services on campus. It is mandatory to meet with your academic advisor prior to each priority registration period. An advisor can help:

- Explore academic interests and determine an appropriate major
- Design a program of study, meeting individual interests and needs
- Map out students' schedules and prepare for registration
- Monitor students' academic progress
- Clarify students' educational and life goals
- Find activities and opportunities to enhance students' academic experience
- Develop an action plan if students are placed on probation

Each academic college (and Center for Exploring Majors) has a designated space staffed by professional and faculty advisors that is accessible to all first-year students in the college during normal business hours. All first year, and in some instances second year students, with a declared major will be advised through each advising center. As students' progress past the first year and/or meet specific gateway course requirements within the colleges, they will be assigned a faculty advisor in their academic discipline. The Romain College of Business Advising Center will be the primary advisor for all student-athletes in the college. Student-athletes will also have a secondary, faculty advisor assigned within their major to help the students as well.

The Director of Academic and Support Services for Student-Athletes will be around to help student-athletes with eligibility questions, struggling in class, helping coordinator tutor, etc., but will not be a primary advisor for any student-athletes.

If you are undecided about choosing a major, you will be assigned to an academic advisor in Center for Exploring Majors who will help you choose a major within the first four semesters. Once you decide on a major, a faculty member in that academic discipline will advise you.

Center for Exploring Majors

udadvise@usi.edu

812-464-1760

College of Nursing and Health Professions Advising Center

Cnhp.advsior@usi.edu

812-228-5042

Liberal Arts Advising Center

LA.advise@usi.edu

812-461-5307

Pott College of Science, Engineering, and Education Advising and Resource Center

Usi1seeadv@usi.edu

812-228-5191

Romain College of Business Advising Center

RCOB.Advise@usi.edu

812-465-7028

Athletic Holds

Each student-athlete listed on the official squad list for each sport has an athletic hold placed on his/her record. To make any changes to your class schedule after the end of the first week of classes each semester (end of 100% refund period), all schedule changing will have to be processed by the Registrar's Office. Student-athletes will not be able to make changes online. In addition, the student-athlete must see the Director of Academic and Support Services for Student-Athletes to remove the athletic hold (if the Director of Academic and Support Services for Student-Athletes is out of the office then the Student-Athlete Development and Retention Coordinator or the Senior Associate Athletics Director/Senior Woman Administrator (SWA) can also remove athletic holds). This athletic hold helps to ensure that athletes maintain full-time enrollment. No changes in schedules are approved until the student-athlete has the signature of the faculty member and if needed, academic advisor.

Priority Registration for Fall/Spring

Priority registration provides an opportunity for student-athletes to arrange their class schedules to meet their academic and athletic needs. Priority registration begins on the first day of registration at noon for all student-athletes. To have your athletic hold removed, student-athletes will have to return the advising form signed by their academic advisor to the Director of Academic and Support Services for Student-Athletes or the Student-Athlete Development and Retention Coordinator. The advising form will be sport specific with that sport's practice schedule for the following semester which will be disseminated by the coaches, the Director of Academic and Support Services for Student-Athletes or the Student-Athlete Development and Retention Coordinator. All other holds must be lifted by the respective department before registering for classes.

Athletic holds will be put back on student-athletes' accounts after the week of priority registration.

Class Attendance

A student-athlete is expected to attend all classes. At the beginning of each season, the Faculty Athletic Representative (FAR) will provide an absence letter electronically to the professor with the team's travel schedule that semester with away games, leave times, home games and report times. This absence letter is what the professors use to give excused absences. A student-athlete

should not miss class for packing or preparation for practice and/or competition. You should check with your professor about any additional requirements prior to missing class for athletics travel. If you have any issues or concerns regarding missed class time after speaking with your professor, please contact the FAR, Dr. Kim Hille at kmhille@usi.edu or 812-228-5050.

Grade Check

The Registrar will provide reported grades to the Director of Academics and Support Services for Student-Athletes twice a semester, early alert and mid-term grades. The Director of Academics and Support Services for Student-Athletes will distribute to coaches. The Director of Academics and Support Services for Student-Athletes will also conduct two additional grade checks during the semester. Electronic forms will be sent out through Teamworks Academics directly to each student's professors. Professors have one week to complete the forms before it is submitted to the Director of Academics and Support Services for Student-Athletes.

Withdrawal from Course

A student may withdraw from any course before finals begin. A student initiates withdrawal by obtaining a Drop/Add Form from the Registrar's Office, their academic advisor, online or the Director of Academics and Support Services for Student-Athletes' office. After completing the form, the student must secure the signature of the instructor (or the chair of the department) and his/her academic advisor (only if student-athlete has fewer than 30 earned hours).

The Director of Academic and Support Services for Student-Athletes (if the Director of Academic and Support Services for Student-Athletes is out of the office the Student-Athlete Development and Retention Coordinator or the Senior Associate AD/ SWA can remove athletic holds), must remove the athletic hold before the completed form is returned to the Registrar's Office (in-person or via email). Undergraduate student-athletes who drop below 12 hours are not eligible to practice or compete in athletics for the remainder of the semester.

If the class is dropped prior to the start of the 10th week, a "W" will be assigned. After the 10th week, a "W" will be assigned if the student is passing at the time of withdrawal; if the student is failing at the time of the withdrawal, the instructor may award a grade of F or "W". The dates and refund schedule are available on USI's website <http://www.usi.edu/registrar/academic-calendar>.

For More Information

For a complete description of all academic policies, consult the current USI Bulletin (<http://bulletin.usi.edu/>).

USI Points System

All student-athletes will be held accountable the same regardless of sport/coach for academics and student-athletes programming. Points will start to be earned in Fall 2024 and will accumulate and roll over each year for returners.

½ point penalty:

- Late for appointment with the Athletic Academic Staff
 - 5 minutes or more
- Not responding to outreach email from Athletic Academic Staff
 - 5 business days/1 week to respond (Monday – Friday)
- Arriving late or leaving early from educational programming
 - 5 minutes or more on either side
- Being disruptive at educational programming
- Arriving late or leaving early from athletic department meeting
 - 5 minutes or more on either side
- Being disruptive at athletic department meeting
- Less than 1 week late on advising form being turned in
- Missing first deadline for Bridge educational modules each semester

1 point penalty:

- More than 1 week late on advising form being turned in
- Missed appointment with the Athletic Academic Staff
- Not attending at least one educational programming event during each semester
- Not attending athletic department meeting
- Missing second deadline for Bridge education modules each semester

Consequences:

- 3 points – email from an Athletic Academic Staff member to coaching staff, Senior Associate AD/SWA and sport supervisor with student-athlete copied
- 6 points – meeting with student-athlete, the Director of Academic and Support Services for Student-Athletes and/or additional athletic academic staff, coaching staff and Senior Associate AD/SWA with email follow-up to sport supervisor
- 8 points – withheld from minimum of 2 days of CARA (minus competition) and replaced with academic requirements
- 10 points – withheld from competition

NCAA ELIGIBILITY: GENERAL AND ACADEMIC REQUIREMENTS

As a student-athlete, you are required to abide by a number of standards set by the NCAA, respective conference (OVC, Horizon or Summit), and USI. The Student-Athlete Handbook highlights some of these guidelines, but please ask your coach, the Director of Academics and Support Services for Student-Athletes if you have further questions.

Academic Eligibility Requirements

In order to be eligible for practice and competition, a student-athlete must:

- Be enrolled full-time. For undergraduate students, this means being enrolled in 12 credits per semester or more. For graduate students, this means being enrolled in 6 credits per semester or more.
- Satisfactory complete 6 new credit hours each semester to be eligible for the next semester.
- Satisfactory complete 18 new credit hours from the academic year (fall and spring semesters only)
- For student-athletes entering their 3rd full-time semester (usually going into their sophomore year), satisfactory complete 24 new credit hours. These hours can count from fall, spring, AP or dual credit classes or summer. These student-athletes also need to have a cumulative GPA of 1.8.
- For student-athletes entering their 5th full-time semester (usually going into their junior year), must declare a major. These student-athletes must have completed 40% of the graduation requirements in that major and should have a cumulative GPA of 1.9.
- For student-athletes entering their 7th full-time semester (usually going into their senior year), they must complete 60% of the graduation requirements in their major. These student-athletes also need to have a cumulative GPA of 2.0.
- For student-athletes entering their 9th full-time semester and who have not graduated with their first bachelor's degree (those coming back for a 5th year), they must have completed 80% of the graduation requirement in their major. These student-athletes also need to have a cumulative GPA of 2.0.
- Declare a degree program prior to the student-athlete's 5th full-time semester (generally going into their junior year).
 - At this point, all the credit hours taken must count towards the student's declared degree (6/18/24).
 - Some majors at USI do not accept Ds for certain classes or all classes to graduate with a degree in that major. If the D is not accepted towards graduation, the NCAA does not allow it to count towards eligibility.
- Be in good academic standing per USI (see policy below).

Minors

A student-athlete who has designated a degree program may use credits earned in an optional minor to fulfill the credit-hour requirement per semester (6) or per academic year (18). Optional minor credit-hours may only be used to meet percentage towards degree if the student-athletes still has elective space remaining in their declare major when they enroll and complete the minor credit-hour. All optional minors must be declared prior to the first day of class for that particular semester for them to count towards the required credit hours (6/18).

USI Policy for Good Academic Standing

An undergraduate student whose cumulative GPA meets or exceeds the following standards is in good academic standing (NOTE: transfer students must meet the standard which corresponds to the sum of the total transfer hours accepted and the total quality hours attempted at USI):

1.8 for 0-59 hours attempted
2.0 for 60+ hours attempted

The following standards must be met to retain good standing as a graduate student:
Maintain a cumulative graduate GPA of 3.0 or better

A student-athlete must be in good academic standing to be eligible for competition.

Academic Probation

A student who fails to meet the preceding minimum standards set forth by USI will be placed on academic probation for one semester, and therefore, will not be eligible to represent USI in a competition. At the discretion of the head coach, student-athlete may still receive athletically related aid and practice while on academic probation.

Repeated Courses

If a student-athlete chooses to repeat a course, the new grade will not be able to be used for eligibility purposes unless the first grade received was not satisfactory (i.e. an “F” or a “D”, if your major does not accept Ds towards graduation).

Developmental Courses

Developmental courses are non-credit courses designed to improve academic skills in a particular subject area. These courses may be used to meet satisfactory progress requirements in the first year of collegiate enrollment only. Transfer student-athletes may not count developmental coursework taken at USI unless they have attended less than one year of college. The NCAA only allows 6 credit hours of development courses to count towards the required 24 credit hours needed after the first year of eligibility. At USI, these classes are below 100-level courses.

Taking Coursework at another Institution

If you choose to take summer courses at another institution, you must check with the Registrar's Office or Director of Academic and Support Services for Student-Athletes to make sure that the course will transfer into USI as a particular course. Athletically related financial aid cannot be provided for coursework at institutions other USI. You cannot raise your GPA through transfer credit; you can only raise your cumulative credit hour total. Your GPA is determined only through courses taken at USI.

Transfer Procedures

NCAA legislation states that a coach shall not make contact with a student-athlete of another NCAA institution, directly or indirectly, without the student-athletes being placed into the NCAA transfer portal. Therefore, in order to ensure this NCAA legislation is followed, a student-athlete wanting to transfer from USI should follow the steps outlined below:

1. Tell your coach(es) first about your decision to transfer.
2. Complete a notification of transfer workflow in Teamworks Compliance & Recruiting .
3. You will need to also complete the NCAA education module and email the Director of Compliance to let us know it is complete. The link is included in the Teamworks

Compliance & Recruiting workflow and an automated email will be sent to you after you have submitted the workflow with the link and who to email.

Once the Director of Compliance receives the notification of workflow in Teamworks Compliance & Recruiting, Compliance has 2 business days to enter the student-athlete into the NCAA transfer portal once your Transfer Window has opened. The 2 business days start when Compliance receives the notification of workflow (the 2 days are not triggered if request is sent to anyone else at USI).

Roster Changes

Student-athletes who leave the team during the academic year must communicate with their respective coaching staff. Student-athletes will continue to have to meet NCAA and USI requirements for student-athletes until their respective coaches complete a Squad Change workflow in Teamworks Compliance & Recruiting to notify Compliance that the student-athlete has left the team. Student-athletes will receive an automated email from Teamworks Compliance & Recruiting when the Squad Change workflow has been processed.

STUDENT-ATHLETE PROGRAMMING

The NCAA passed legislation in Spring 2023 that includes required programming to be provided to student-athletes each year that will start in Fall 2024. The following areas have to be provided:

- Mental health
- Diversity, equity, inclusion and belonging
- Sexual violence prevention
- Education on transfer requirements
- Strength and conditioning
- Nutrition
- Financial literacy
- Career preparation
- Name, image and likeness

USI will utilize Bridge for modules to cover all these modules in addition to other topics areas along with one or two in-person programming events each semester.

Education modules will be split up each academic year so half will be assigned and due in the fall and the rest will be assigned and due in the spring. Modules will be assigned a few weeks into the semester and student-athletes will be provided 3-4 weeks to complete the modules. Due dates will never be over a University vacation periods.

NCAA COMPLIANCE: FACTS YOU NEED TO KNOW

NCAA Forms

Student-athletes annually, prior to participation in intercollegiate practice during the academic year in question, shall sign forms prescribed by the NCAA. Failure to complete and sign the

statements annually shall result in the student-athlete's ineligibility for participation in all intercollegiate practice and/or competition.

USI and the student-athlete's respective conference (OVC, Horizon or Summit) also have their own forms that student-athletes need to sign every year prior to participation in practice. These forms will be assigned and sent out each summer through Teamworks Compliance & Recruiting.

Extra Benefits

An extra benefit is any special arrangement by a USI employee or donor to provide student-athletes, their relatives or friends a benefit not authorized by NCAA legislation. Receipt or acceptance of such a benefit by a student-athlete, their relatives or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the University's students, their relatives or friends, or to a particular segment of the student body (e.g., foreign students, minority students) determined on a basis unrelated to athletic ability.

Friendships or acquaintances with individuals established in the recruitment process or after arrival on campus (i.e., donor) in most instances are the result of being a student-athlete, and thus, receipts of benefits from these individuals by a student-athlete, their relatives or friends is prohibited by NCAA regulations. Please be aware that your friendship with a donor and/or employee of USI does not change their status as far as NCAA rules are concerned.

Examples of non-permissible extra benefits include, but **are not limited to:**

- Cash or loan of money in any amount
- Special discount, payment arrangements or co-signing of a loan
- Entertainment of any kind, including tickets to any sporting events or concerts (including those held on USI's campus)
- The purchase of meals or services at commercial establishments (i.e., restaurants)
- Involvement in arrangement for free or reduced charges for meals, merchandise, tickets, services, products, rent, etc.
- Use of an automobile or other personal property (i.e. boats, houses, motorcycles, etc.)
- Gift items (i.e. cars, jewelry, electronics, clothes, holiday gifts, long distance phone cards, gift certificates, etc.)
- Any financial aid other than that administered by the institution
- Free or reduced cost housing arrangements
- Payment for work not performed or at unreasonable levels for work performed
- Guarantee of post-graduation employment

Receipt of an extra benefit will render you immediately ineligible. Student-athletes seeking assistance or clarification regarding the NCAA's extra's benefit rules should contact the Compliance Office.

Sports Wagering and Gambling

The NCAA has adopted specific rules prohibiting student-athletes from engaging in sports wagering activities for any sport the NCAA sponsors at the amateur or collegiate level. . The NCAA has defined sports wagering as putting up something of risk (such as an entry fee) plus

the opportunity to win something in return. Because of this, student-athletes may not participate in pools or competitions where there is both a required entry fee and an opportunity to win a prize including fantasy leagues, brackets, pools, etc.

Please note that while the state of Indiana has legalized sports betting including on NCAA Division I sports, it is still an NCAA violation for student-athletes.

Amateurism

A student-athlete loses amateur status and thus shall not be eligible for intercollegiate competition in a particular sport if the student-athlete (not exhaustive list):

- Uses his or her athletics skill (directly or indirectly) for pay in any form in that sport;
- Accepts a promise of pay even if such pay is to be received following completion of intercollegiate athletics participation;
- Signs a contract or commitment of any kind to participate in professional athletics, regardless of its legal enforceability or any consideration received;
- Receipt of any direct or indirect salary, gratuity, or comparable compensation for participation in athletics;
- Competes on any professional athletics even if no pay or remuneration for expenses was received;
- Enter into an agreement with an agent
- After initial full-time collegiate enrollment, enter professional draft. See Compliance for sport specific exceptions.

Promotions

You can be involved in a promotional activity (e.g., half-court basketball shooting contest, involvement in a golfing money scramble) provided all members of the general public or student-body are eligible to participate and selected at random. And if there is athletic activity involved in the promotional activity, it does not mimic the student-athlete's sport.

Charitable organizations often request assistance from student-athletes in fundraising activities. Permission to participate in such activities must be obtained prior to the event from Compliance to ensure that no violation occurs, and you must not miss any class time. In addition, rules education must be provided to the charitable organization before any fundraising activities take place. Everything you are doing with your team has been submitted by your head coach, but if you are doing anything separately, please ask Compliance

Name, Image and Likeness

Please see separate document:

https://usiscreamingeagles.com/sports/2013/7/23/GEN_Current%20SA.aspx?id=264

Complimentary Admission

According to the NCAA, complimentary admissions shall be provided only through a list for individuals designated by the student-athlete. Each student-athlete may have up to four (4) guests admitted to each home event. For all sports that require admission, guest names are to be

submitted on a list through your coach and guests will be admitted into the event. “Hard tickets” shall not be issued. You may not sell or exchange a complimentary admission for any item of value. Individuals who receive your complimentary admissions are also not permitted to receive any type of payment for those admissions or assign them for any value.

For men’s and women’s basketball, student-athletes will use Teamworks Compliance & Recruiting to submit names for the list, but an email and cell phone will need to be entered and saved. The Director of Athletics Ticketing and Sponsorship will be able to text and/or email the ticket to the guest prior to the game (usually the day before).

At USI, not all coaches allow 4 tickets per home event or any complimentary admission for player guests. Please contact your head coach with questions regarding your particular sport.

Student-Athlete Employment

All student-athletes are eligible for employment at any time during the year. Compensation may be paid to a student-athlete:

- only for work actually performed
- at a rate commensurate with the going rate in that locality for similar services
- an employer shall not use the athletics reputation of a student-athlete employee to promote the sale of the employer's product or services (unless NIL activity).

A donor may not employ a prospective student-athlete until they have graduated from his/her high school. For any work that is not through an established business (i.e., babysitting, yard work, dog sitting, etc.) for a USI employee or donor, Compliance must approve employment prior to work beginning.

End of the Year Evaluations and Senior/Exit Surveys

At the completion of each sport’s championships season, USI Athletics send out an electronic evaluation to all participating student-athletes regarding all aspects of that season. Athletics asks that each student-athlete fill out the evaluation so that we have a better idea of the areas we need to devote our resources to make the student-athlete experience better in future years.

For seniors, student-athletes who do not plan to return to USI or quit the team at any point in time, will be required to meet with an Athletics Administrator to complete an exit interview.

Competition and Practice Activities

A student-athlete may participate in up to a maximum of 4 hours per day and no more than 20 hours per week of countable athletically-related activities when in-season. There must also be 1 scheduled day off per week which may be considered a travel day.

During out-of-season for all sports, student-athletes may participate in up to a maximum of 4 hours per day and no more than 8 hours per week with no more than 4 hours of practice. All out-of-season practices must stop 1 week prior to final exams starting.

Weekly countable athletically related activity logs, commonly referred to as CARA logs, are completed and submitted on a monthly basis to the Director of Compliance through Teamworks Compliance & Recruiting. CARA logs will be submitted for each month the University is in its regular academic year plus any months a sport is in season outside of the regular academic year. An automated email will be sent randomly to 1 or 2 student-athletes on each team. Student-athletes can approve the CARA logs from the email or the task that shows up in Teamworks. If they have question or do not believe its accurate, student-athletes can contact the Director of Compliance.

Examples of Countable Athletically Related Activities:

1. Practice
2. Competition (counts as 3 hours, regardless of actual length)
 - a. Except scrimmages and exhibitions which hours will be recorded as the actual length
3. Required weight training and conditioning activities
4. Film or videotape reviews of athletic practices or contests required, supervised, or monitored by institutional staff members
5. Individual workouts required or supervised by a member of the coaching staff, including Strength & Conditioning coaches
6. Participation of student-athletes in permissible tryouts involving prospective student-athletes or full-time students.

Examples of Non-Countable Athletically Related Activities:

1. Medical examinations or treatments (physical rehabilitation, treatment by athletics training personnel)
2. Academic study hall or tutoring sessions
3. Travel to and from practice and competition
4. Fundraising activities, community service or community engagement
5. Recruiting activities (e.g. serving as student host)
6. Voluntary individual workouts – provided these workouts are not required or supervised by coaching staff members, including Strength & Conditioning coaches
7. Use of an institution's athletics facilities by student-athletes, provided the activities are not supervised by or held at the direction of any member of an institution's coaching staff.
8. Meetings with coaches or athletics department staff members on nonathletic matters (e.g., compliance, drug testing, academic support services, housing and meals information)

Voluntary Activities

For an activity not to count towards CARA, it must meet the following conditions:

- A student-athlete may not be required to attend a voluntary activity (i.e., workout).
- All activities must be initiated and requested solely by student-athletes; however, coaches may provide information to student-athletes related to available opportunities for participating in voluntary activities.
- Attendance and participation of activities cannot be recorded for the purposes of reporting information to the coaching staff.

- Student-athletes cannot be rewarded or subject to penalty for choosing to participate or electing not to participate in voluntary activity.

Student-athletes may track your weight training and conditioning progress. Any records or progress logs must be kept for your use only. They are not to be submitted to the coaching staff.

Summer Conditioning

Student-athletes in basketball may participate in up to 8 weeks of summer workouts with their coaches. Student-athletes will be limited to 8 hours a week with no more than 4 hours of practice with their coaches and up to 2 days off per week. Basketball student-athletes must be enrolled in at least 3 hours in either summer 1 or summer 2 to participate unless they meet the NCAA academic exception.

For all other team sports (baseball, soccer, softball and volleyball), student-athletes may request workouts with their strength and conditioning coaches but NOT their respective sport coaches during the summer. Student-athletes must request these sessions with their strength and conditioning coach, but strength and conditioning coaches may provide available times.

For individual sport student-athletes (cross country, golf, swimming & diving, tennis and track & field), they may request workouts with strength and conditioning coaches AND their respective coaches during the summer. Student-athletes must request these sessions with either their strength and conditioning coach or their respective sport coaches.

USI Time Management Policy

USI will adhere to the following policy regarding student-athlete time demands along with the proscribed penalties set forth for any violations of the policy.

Weekly Schedule

1. Each sport must provide a weekly schedule that outlines all activities required of the student-athletes for the upcoming week.
 - a. The weekly schedule must include any and all activities where the student-athlete is required to attend based on their participation in athletics. Such activities include, but are not limited to: practice, conditioning, weight training, competition, travel times, promotional events (including activities conducted by USI Athletics marketing), community service, academic/compliance meetings, recruiting duties (i.e. student host, meals), etc. The schedule does not have to include study hall or athletic training requirements.
 - i. Weekly schedules must be entered into the team calendar on Teamworks Hub by the Wednesday prior of each week. A message through Teamworks Hub must be sent to all student-athletes when the week has been entered. If a coach wishes to enter an enter month and/or semester at a time to the team calendar in Teamworks Hub, they may choose to do so. However, coaches will have to go in each week to double-check that there are no changes and send a message through Teamworks Hub by the Wednesday prior to each week. Coaches no longer will have to include

any staff on these messages as administrators will have access to team calendars on Teamworks Hub and will check every Thursday to prepare for the upcoming week. A list of student-athletes who are traveling needs to be sent by the day before departure from USI even if all student-athletes are travelling or normally all travel. These will be provided to all student-athletes through Teamworks Hub and include Tessa, Jay and Holly. If last minute changes occur, message through Teamworks Hub must be sent as soon as possible.

There will be no changes to the weekly schedule after it is distributed (except weather related changes). Notice must be sent to all student-athletes through Teamworks Hub messaging of weather changes. Due to the tight turnaround of weather changes, athletic training staff and strength and conditioning staff must also be included on the messages through Teamworks Hub (these administrators will not be alerted to changes unless you add them in the calendar and cannot consistently look to team calendars for changes). If there is an issue that arises that might require a change in the schedule that is not due to the weather, the coach must get approval from the Director of Compliance. The Director of Compliance may involve the Sport Supervisor on change approvals.

Designated Time Off

1. After the last contest of the championship season, each sport must provide a minimum of one week (seven days) off from all countable athletically related activities.
 - a. This is sport specific, so a multi-sport athlete can begin activities with a different sport immediately upon the conclusion (or continue activities with the second sport).

Violation of Policy

Strict adherence to the time management policy is expected of all coaches. Violations include not sending out the initial schedule on time, not sending out the travel roster on time or at all, making changes to the schedule. Monitoring of policy compliance will be the responsibility of all parties, including the compliance staff, coaches, administrative staff, sport supervisors and student-athletes. Violations of the policy will result in penalties as set forth below:

- 1st violation – Email sent from Director of Compliance to coaching staff
- 2nd violation – Email sent from Director of Compliance to coaching staff and sport supervisor
- 3rd violation – Head coach cannot attend 1 practice day (no film, no weights, no meetings)
- 4th violation – Loss of 1 practice day for entire team – no film, no weights, no meetings - chosen by sport supervisor
- 5th violation – Loss of 3 practice days for entire team – no film, no weights, no meetings – chosen by sport supervisor
- 6th violation – Practice and scheduling will be taken over by sport supervisor for up two weeks

The violations prescribed above are only minimums and the administration reserves the right to impose harsher penalties based on the egregiousness of a violation or a coach's indifference to

following the policy. Penalties may also be adjusted for other circumstances that are outside of the coaches' control, as determined by the administration.

Seasons of Competition

A student-athlete shall not engage in more than four seasons of intercollegiate competition in any one sport. A season is used if the student-athlete participates regardless of the length of time that they participate (one at-bat, one race, and one second of one game). Any student-athlete may participate in preseason exhibitions or scrimmages which occur prior to the first countable contest in that sport without using a season of competition. For any student-athlete in the following sports - baseball, men's and women's soccer, softball, and volleyball who competed in the non-championship segment only will not use a season of competition. The term "redshirt" is commonly used for a student-athlete that does not compete at any time during one of the seasons during the academic year.

A student-athlete shall complete his or her seasons of participation within 5 years. The clock starts when the student first enrolls full-time at any collegiate institution and does not stop even if the student-athlete is not enrolled.

For student-athletes who participated in a spring sport in 2020 or a fall or winter sport during 2020-21, may receive a "COVID year" back even if they participated.

Medical Hardship Waiver

Receipt of a Medical Hardship Waiver is ultimately determined by the respective conference. The Director of Compliance will collaborate with the head coaches, the athletic training staff, and the student-athlete to collect the appropriate medical documentation for each student-athlete; however, the process will start and end with Compliance. A Medical Hardship Waiver may not be submitted until the completion of the season of competition for that particular sport.

Student-athletes can only qualify for a Medical Hardship Waiver if:

- Competed during championship segment in their sport
- Competed in less than 30% of their sport's championship segment contests
- Only competed in first half of their sport's championship segment contests
- Have been withheld from competition by a doctor who is qualified to diagnose and treat the injury or illness
- If the student-athlete was not seen by a USI affiliated doctor, they must help obtain documents supporting the Medical Hardship Waiver

Student-Athletes Participation on Outside Team

Student-athletes, who are on a USI sports team, may compete on teams outside of USI's team in their sport. A student-athlete is considered part of a USI team if they 1) received athletic financial aid, 2) ineligible to compete, but practice, or 3) eligible to compete, but redshirted that season.

For basketball student-athletes, this is only permissible between June 15th and August 31st each year, only 2 USI student-athletes may participate on the same team, student-athletes can only compete on 1 team, and it must be an NCAA sanctioned league or event. For all other team sports, you may compete on an outside team as long as you are not in-season (i.e., in your 20 hours per week of CARA). For soccer, there can be no more than 5 USI soccer student-athletes on the same team. For volleyball, the limit is 2 USI student-athletes. For all other team sports, the limit of USI student-athletes per sport is: baseball (4), cross country (2), golf (2), softball (4), swimming & diving (5), tennis (2), and track & field (7).

For individual sports (i.e., cross country, golf, swimming & diving, tennis, or track & field), student-athletes may compete during their sports declared playing and practice season (often called an unattached student-athlete) as long as:

- the event is open to any and all entrants;
- the student-athlete is academically and athletically eligible to represent USI;
- the student-athlete does not represent the institution (you do not wear any USI apparel or use any USI equipment);
- the student-athlete does not receive any expenses including transportation, meals, lodging from USI (this includes jumping on the bus that is taking part of the team to represent USI); and
- the student-athlete does not receive coaching from USI coaches who are present.

Accepting Prize Money in Individual Sports

In individual sports (i.e., cross country, golf, swimming & diving, tennis, or track & field), student-athletes may receive prize money based on place finish or performance in an open athletics event. The competition must occur outside the institution's declared playing and practice seasons, including post-season, and the competition must occur during the summer vacation period. The prize money shall not exceed the student-athlete's actual and necessary expenses (shall not include expenses or fees of anyone other than the student-athlete) and may be provided only by the sponsor of the event.

Student-athletes who receive prize money must complete and submit the Outside Competition Form to the Compliance Office after the event. All receipts (or copies) must be attached to the form.

FINANCIAL AID POLICY AND APPEALS

Athletically Related Financial Aid

An athletics grant-in-aid is an agreement between the student-athlete and the University. A full athletics grant-in-aid includes the cost of tuition (in or out of state), required fees, room, board, required course related books and materials, and other costs associated with attendance. A full athletics grant-in-aid does not cover expenses such as general school supplies, reference books, parking tickets, penalty fees, etc.

Conditions of Grant-in-Aid

USI may reduce or cancel your financial aid if you:

- a) Render yourself ineligible for intercollegiate competition;
- b) Fraudulently misrepresent any information on an application, letter of intent or financial aid agreement;
- c) Engage in serious misconduct warranting substantial disciplinary penalty;
- d) Voluntarily withdraw from a sport at any time for personal reasons (i.e., quit) or;
- e) Violates a documented institutional rule or policy (academic policy or standard, Athletics department rule or policy or Team rules or policy).

USI may not decrease or cancel your financial aid for any of the following reasons:

- a) On the basis of a student-athlete's athletics ability, performance or contribution to a team's success;
- b) Because of an injury that prevents the recipient from participating in athletics; or
- c) For any other athletic reason.

For any student-athletes who transferred from a 4-year institution and signed an agreement with USI prior to July 1, 2025, their multiyear aid agreement can only be decreased or cancelled for the following reasons:

- a) Graduating from USI
- b) Transferring to another institution and enrolling full-time
- c) Being dismissed from the University for University policy
- d) Signing a professional contract

Hearing Opportunity

Athletics shall notify the student-athlete in writing of the opportunity for a hearing when institutional athletics aid is reduced or canceled during the period of award or not renewed. Appeal would go through Student Financial Assistance's regular appeals procedures and be heard by Student Financial Assistance's Scholarship Appeals Committee.

Textbook Scholarship Information

USI may provide a student-athlete financial aid that covers the actual cost of course required books and materials. Student-athletes receiving books as part of their athletics aid shall be notified by his/her coach that a book scholarship has been granted prior to the start of each academic year. Eligible participants are responsible for adhering to the procedures for receiving and returning the books that are issued through the athletics book scholarship program. All student-athletes receiving financial aid that covers books will be required to enroll in the Archie's Book Bundle.

Course required books and materials are any that the instructor lists under required materials on the syllabus. Any optional books or materials are impermissible and cannot be purchased by student-athlete's athletics aid. Notebooks, pens, pencils, etc. are not considered required materials unless the instructor specifically lists them on the syllabus.

Please remember that student-athletes on book scholarship may only receive course required books and materials for classes they are enrolled in. They may not purchase books for any other student (athlete or non-athlete). This could render them immediately ineligible until they repay the amount of money to a charity.

Athletics audits books purchased each semester to make sure only required books and materials have been purchased. If you are emailed regarding a book/material that was purchased, you need to respond back or stop by and talk to the Director of Compliance. If we do not hear from you or if the item(s) cannot be purchased by Athletics, a charge for the amount of the item(s) will be placed on your student account.

How to Receive Course Required Books and Supplies

Unless a student-athlete is a graduate student, athletic scholarships only cover Archie's Book Bundle. Student-athletes receiving books as part of their scholarship must opt into Archie's Book Bundle; otherwise, books charges will not be covered.

For graduate student-athletes, a list of student-athlete receiving books as part of their athletic scholarship will be sent to the Bursar's Office prior to the beginning of each semester. The student-athlete must purchase books through the Campus Store by presenting their Eagle Access Card and identifying themselves as a student-athlete on an athletics book scholarship when they check-out.

Injury (Scholarship Classification)

If a student-athlete sustains a season-ending or career ending injury, financial aid will be continued through the duration of the award. At time of renewal of the award, the coach must meet with their Sport Supervisor to discuss renewal, if renewal is in question. Student-athletes are not to be penalized for injuries sustained during athletic competition or practice. Student-athletes may be asked to serve their particular program in another capacity if they are unable to participate. Under no circumstances can a scholarship renewal be denied because a student-athlete is unable to physically participate without consulting their Sport Supervisor.

Fifth Year Aid

Student-athletes who completed their eligibility in their respective sport are eligible for assistance from the fifth-year aid program. The program is designed to financially assist USI student-athletes, who have exhausted their eligibility, with graduation. The fifth-year aid program operates on a semester by semester basis. All monies available are from privately raised funds; therefore, assistance cannot exceed what a student-athlete has previously been awarded.

Minimum Eligibility Requirements

- Student-athletes must currently possess athletic financial assistance and have exhausted their eligibility in the sport they competed.
- The student-athlete, their coach or their academic advisor must inform the Director of Academics and Support Services for Student-Athletes that the student-athlete is interested in receiving fifth year aid.

Additional Conditions

- Only credit hours needed to graduate will be covered under this program.
- The grant-in-aid cannot be more than any previous athletics grant-in-aid that the student-athlete received.
- Interest in fifth year aid must be communicated to the Director of Academics and Support Services for Student-Athletes by June 15 of each year or before classes for a summer course start, whichever is earlier.
- The grant-in-aid may not be allowed to cover classes that the student has already had covered by fifth year aid.
- If a student-athlete receives a full scholarship (from athletics or academics or a combination), then they will receive all tuition, fees and books paid for from fifth-year aid.

Non-Athletics Aid

To be considered for additional financial assistance without relation to athletics, fill out your FAFSA every year prior to April 15th. Contact Student Financial Assistance for additional information. <http://www.usi.edu/finaid>

Outside Scholarships

Student-athletes must report all scholarship received from non-USI entities to Student Financial Assistance each year.

ATHLETIC TRAINING

USI Athletic Training serves Athletics through quality medical care performed by educated certified staff athletic trainers, and a selection of specialized medical professionals in the Evansville area. These professionals include, but are not limited to, sports orthopedic surgeons, physical therapists, general medicine, chiropractors, pharmacists and emergency medical services to provide the highest quality health care network possible. USI Athletic Training strives to provide the safest possible conditions to excel on and off the field through an emphasis on educating student-athletes and coaches in areas of injury prevention and offering comprehensive accessibility to all student-athletes at USI.

USI Athletic Training strives to uphold the following philosophies:

1. To ensure that each student-athlete's medical welfare remains the highest professional priority, regardless of current status of competition or personal team standing, through quality medical care, proper decision-making, and providing the safest environment possible for competition.
2. To deliver the most effective medical care possible in the realm of our extensive education and knowledge and utilize our network of quality medical professionals in such cases that our credentials restrict us in our practice.
3. To focus on providing a professional environment, assuring that each member of the USI Athletic Training and Sports Medicine staff maintains a pleasant, caring, and professional attitude consistent with the National Athletic Trainers Association Code of Professional Practice.

4. To be familiar with, and adhere to, the guidelines, laws and by-laws, and proposals set forth by the State of Indiana, the National Athletic Trainers Association (NATA), NCAA and your respective conference.

Located between the Arena and practice courts on the first floor of the Screaming Eagles Complex, the Athletic Training Facility is staffed by 5 certified athletic trainers to assist in your medical needs. Under the direction of our team physicians, the athletic training staff is qualified in many areas involving the overall medical care of the student-athletes. The athletic training room is open on a regular schedule during the weeks and based on need during the weekends for practices and/or games. Our goal is to maximize student-athlete accessibility, as well as proper sport coverage, in accordance with NATA Best Practice Recommendations. To accomplish this, we reserve the morning hours to focus on rehabilitation, physician appointments and/or treatment/follow-up availability. The afternoons are generally dedicated for pre-practice preparations and practice/event coverage.

Injury Communication

As a student-athlete, it is your responsibility to report all injuries and illnesses. Your communication is essential in helping us provide high quality medical services. We have an excellent relationship with local physicians and other specified medical providers. The athletic training department reserves the right to utilize these physicians when medical care is needed beyond the capabilities of the athletic training staff. Tri-State Orthopedics serves as our primary lead team orthopedic physician network.

Coaches, student-athletes, and athletic department personnel are advised to be mindful of HIPAA-based violations while communicating student-athlete injuries and illnesses. Without prior consent, verbal or written, from the student-athlete, it is unlawful to discuss the medical well-being of a student-athlete to the media and/or other non-indicated personnel.

Concussions/Head Related Incidents

Student-athletes have the responsibility to report possible concussion symptoms to the athletic training staff. This includes not only yourself, but symptoms that a teammate or other athletic colleague might be suffering from. Patient education is a focus of the athletic training staff. USI utilizes SWAY SPORTS+ Concussion Testing for our student-athletes. All student-athletes will complete a SWAY SPORTS+ Baseline Exam upon or prior to their arrival at USI. Prior baseline tests from high school or other institutions will not be accepted. USI Athletic Training has a concussion policy in place, in accordance with NCAA requirement, which serves as our comprehensive plan for Return to Play/Return to Learn following the incident of a concussion.

Our concussion policy is available for viewing on the USI Athletics Website, under the Sports Medicine tab.

By NCAA requirement, the athletic training staff and its medical affiliates hold outright, unchallengeable authority over all medical and return to participation decisions following the incident of a concussion.

Pre-Participation Requirements

USI student-athletes will complete a physical exam with USI team physicians prior to their first practice each year. This will be scheduled by the athletic training room for each team.

Additionally, prior to participation, all new student-athletes are required to complete a Sickie Cell Form and submit Sickie Cell Trait (SCT) status. We offer 2 options to complete the Sickie Cell Form that correlate to the SCT test results you submit – newborn records or a recent blood test. Additionally, all student-athletes must complete/update information in our ATS (electronic medical records) program annually prior to participation. Instructions are communicated through the coaches and/or athletic training staff, and available on the Sports Medicine link on the USI Athletics webpage. Lastly, all student-athletes will complete a Cardiac Survey (available on ATS) prior to participation. This survey will focus on family and personal cardiac health and health history. Based on responses on individual surveys, USI Athletics will coordinate further cardiac evaluations performed by USI team cardiologists and their affiliates.

Athletic Insurance

Athletics is pleased to provide supplemental secondary athletic insurance coverage for athletic-related injuries resulting from competition or official practice in intercollegiate sports. If an injury does occur, the student-athlete's (or the parents/guardian) insurance will be used as primary coverage. The university's insurance will provide secondary coverage within the guidelines and limitations of the policy. Please note that any pre-existing injuries will not be covered by the University's secondary insurance. This insurance applies only to covered and approved athletic injuries and is not a replacement for primary accident/health insurance.

All injury claims must be approved by the athletic training staff. Secondary insurance coverage is not a guarantee of payment, as policy restrictions and limitations do apply. The University assumes no financial responsibility if a student-athlete goes to a medical provider on his/her own, without prior consent of the athletic training staff. The student-athlete and/or the family will then be responsible for any bills incurred.

REMINDER: For any approved athletic related injury, if the parent and/or student-athlete receives a bill, we ask that you submit those to us ASAP. We will review the bill for approval purposes. We are happy to coordinate communication with providers as needed. Delays in submitting outstanding bills to us may result in being sent to collections. If you are a member of an HMO, we request that you change the student-athlete's primary care physician to a local primary care physician or request "guesting privilege" while the student-athlete is a student in Evansville.

Please submit bills in-person or via email to the athletic training room, or to Head Athletic Trainer, Laura Helene.

Athletic Training Room Rules and Expectations

1. To allow for efficient medical care and proper billing, we ask that all injuries and illnesses be reported to the athletic training staff prior to receiving a physician's care. We will refer to our medical network as deemed necessary.

2. The athletic training room is NOT a lounge, nor a lunch area. Please respect patient privacy, as well as our needed workspace.
3. RESPECT. Student-athletes will show respect to all members of the athletic training staff, including physicians, as well as other student-athletes.
4. Student-athletes are not to bring food in the athletic training room (unless you plan to share with everyone).
5. ABSOLUTELY no tobacco products will be allowed in the athletic training room. We reserve the right to confiscate product.
6. Please do not remove items from the athletic training room without permission of a staff athletic trainer. This includes towels, foam rollers, scissors, tape, medication, cutters, etc.
7. NO shoes on the treatment tables. NO cleats in the athletic training room.
8. Personal music devices are discouraged, however must be played through headphones at a reasonable level not to disturb those around you.
9. Cell phone use, except for text messaging and personal music, is prohibited in the athletic training room. Please step out if you need to talk to someone. Please put your phone on vibrate or silent. Please refrain from video apps such as Snapchat, etc., while in the athletic training room due to violations of HIPAA compliance and patient privacy.
10. Student-athletes are not to receive treatment (other than first aid) for an injury unless under the supervision, direct or indirect, of an athletic training staff member.
11. Proper dress and sanitation is required. Shirts on. Respect those around you.
12. The athletic training room will NOT be used as an excuse for being late to a practice or meeting. Your time management is appreciated.
13. The athletic training staff and its medical affiliates have ultimate authority on your return to activity, and/or your practice status due to injury. You will not be released for activity unless approved by the athletic training staff and/or its medical affiliates.

** We reserve the right to refuse service to anyone. **

ATHLETICS DRUG-TESTING PROGRAM

USI has authorized the drug testing of student-athletes in accordance with the procedures and regulations outlined in this policy. Amendments or modifications to these procedures may be made from time to time. Any amendments or modifications shall apply to and be effective for all student-athletes upon notice and acknowledgement by the student-athletes of the program as so amended or modified. Nothing in this policy shall be construed to create a contract between student-athletes and USI. However, signed consent and notification forms shall be considered affirmation of a student-athlete's agreement to the terms and conditions contained within this policy.

Policy

Athletics believes that the use of drugs can impair the mental and physical performance and have a negative effect on the health and safety of student-athletes. This program is designed to deal with this critical area.

Athletics strongly discourages the use of drugs by any student-athlete throughout the year. The dates will be the first official date of practice through the completion of all competition and/or end of practice.

The administration and coaching personnel of Athletics believe and concur in the following propositions and conclusions concerning drug use by any student-athlete participating in the University's varsity programs:

1. Student-athletes need full knowledge of the harm that drugs may cause, including an awareness of the benefits of avoidance and the nature of rehabilitation. The student-athlete, who avoids drugs, has the potential for optimum performance levels. A holistic approach is strongly encouraged in order to achieve these optimums. The extraordinary public scrutiny and performance pressures to which the student-athlete is subjected present unusual temptation and possibilities for exploitation and exposure to drugs with which even the more sophisticated individual may find difficulty in coping.
2. A student-athlete attempting to combine athletic activities with drug abuse may create additional risks to himself/herself and to teammates. The reduction in mental alertness, the behavior modifications--whether as excessive aggression or increased indifference--expose the athlete to physical injury and team dissension. These risks are both immediate (e.g. practice injuries) and long-term (psychological and physiological degradation).
3. Given the substantial time and energy required for participation in varsity sports, a student who permits drug use to affect and alter athletic performance is likely to see corresponding declines in ability and motivation to honor primary responsibility in the classroom. The student-athlete risks eligibility by not making satisfactory progress toward graduation should one choose to become involved with drugs.
4. The NCAA drug tests at NCAA postseason events. Discovering a student-athlete's drug problem at a NCAA postseason event is too late. The student-athlete, parents, teammates and the University are put in an embarrassing situation if a positive test occurs. The student-athlete should make every effort to prevent such an occurrence. The NCAA can also choose to come to campus to drug test student-athletes, usually from a specific team and not across all sports.
5. USI is in full agreement with the NCAA in condemning the use of nonprescription, non-therapeutic/performance-enhancing drugs. Accordingly, head coaches are responsible for communication of University policies on issues and encouraging student-athletes to become positive role models in this regard. Staff members must actively advise and educate against these types of substances and report the use of performance-enhancing/non-therapeutic drugs by a student-athlete to the counselor center/education program for assessment.
6. No athletic staff member shall advise or encourage any student-athlete to take any performance-enhancing/non-therapeutic drugs, and further, will not issue or assist the student-athlete in obtaining any performance-enhancing/non-therapeutic drugs. Any staff member found to be in violation of this policy will be subject to dismissal.
7. In the face of these conclusions, Athletics will promote an enhanced educational program for all student-athletes and will undertake a testing program designed to deter drug abuse. This program will identify and treat those student-athletes who need and can benefit from assistance in dealing with this problem.

Confidentiality

Confidentiality of the information and documents resulting from the student-athletes' participation in a medical program will be assured. However, during the course of the examination a team physician will acquire information that is necessary to enable the physician to serve the student-athlete. The medical records are not subject to review by any person other than the physician, USI athletic trainers and the student-athlete and shall remain in the custody of the USI athletic trainers. The medical information (including urine specimens, codes, and other identification of specimens and test results) shall remain confidential information. The medical information and records are not required for regulatory purposes of any state or federal program for obtaining medical assistance and shall be retained by the USI athletic trainers only as long as the student-athlete is involved in intercollegiate athletics at the University.

Refusal to Participate

Refusal by the student-athlete to participate in the drug testing program will be looked upon as a positive test result, with consequences being the same, and the student-athlete will be withheld from participation in intercollegiate athletics until the student-athlete agrees to participate.

Prescription Drugs

A student-athlete who is taking drugs pursuant to a prescription from a physician shall register this fact in writing with the USI athletic trainers. This information helps enable the team physician to determine the medical qualification of a student-athlete. Further, it is possible that some prescription drugs may result in a positive test in this program. Prior disclosure of the use of a prescription drug helps avoid a false positive test result.

Drug Treatment Program

Any student-athlete desiring substance abuse treatment is encouraged to use the resources available to all USI students. This includes the Counseling and Psychological Services (CAPS) as well as the athletic training staff. Off-campus resources are available through referrals from the team physician and/or the CAPS staff. Student-athletes can utilize these resources before, during, or after the drug testing program.

All USI student-athletes (including redshirts, walk-ons, injured athletes, etc.) will be subject to a drug screening test. Athletes will be randomly and regularly tested during the academic year on an unannounced basis. Substances tested for include those on the current NCAA list of banned-drug classes, but are not necessarily limited to only those drugs.

Drug testing may be done through random sample, on a team basis, or due to valid suspicion of drug usage by a particular individual. Individuals who, in the judgment of the USI athletic training staff and/or head coach, exhibit behavior that is symptomatic of drug usage may be tested independently of the random sample.

The testing will consist of a collection of a urine specimen from the athlete under the supervision of an outside drug testing agency. The student-athlete may be required to travel to a nearby off-campus location for the specimen collection, though most testing will be done at an on-campus site. Each urine specimen will be analyzed for the presence of drugs/banned substances by an

agency employed by the university. Each athlete's sample will be identified by code, rather than name, and the code and all records related to the testing will be kept on file with the athletic training staff.

The lab agency analyzing the samples will report all test results to the Director of Athletics and Senior Associate AD/SWA. For purposes of this program, a positive result is one that indicates, in the opinion of the testing agency, the presence of one or more of NCAA list of banned substances in the athlete's urine.

Steps will be taken to maintain the accuracy and confidentiality of the test results, including maintaining a documented chain of custody for the specimen to establish the identity and handling of the sample throughout the collection and testing process. The specimen collection procedures, the chain of custody and the results will be established by the outside agency conducting the tests.

The provisions of this program are subject to change at any time, but only through formal action by the Director of Athletics. Such changes will not be applied retroactively.

Appeal Process

Student-athletes who test positive for a banned substance by the laboratory retained by the University may, within 72 hours following receipt of notice of the laboratory finding, contest the finding. Upon the student-athlete's request for additional testing of the sample, the Director of Athletics will formally request the laboratory retained by the University to perform testing on specimen B.

Action of Positive Test Results

All student-athletes whose positive test result is confirmed will be subject to, but not limited to, the following disciplinary actions outlined by Athletics. These actions are required throughout Athletics and are not intended to replace or affect other disciplinary measures as determined by the Director of Athletics and/or respective head coach.

First Positive

If a positive result is confirmed, the Director of Athletics and/or Senior Associate AD/SWA will notify the student-athlete and head coach. The student-athlete will be required to attend a mandatory drug education program. A minimum suspension of 1 regular season contest/tournament/event will be enforced, which will rollover to the next season of competition if the athlete tests positive during the non-traditional season. The Director of Athletics and/or head coach also has the discretion to terminate the student from participation in athletics at this time, if the situation deems it necessary, also resulting in forfeiture of all further athletic scholarship support. Refusal to participate in the drug education program, as set forth in this paragraph, will be treated and handled as a second positive test result.

Second Positive

In the event that a second positive test result is confirmed, the Director of Athletics and/or Senior Associate AD/SWA will notify the student-athlete and head coach. Additionally, the student-athlete will be required to participate in counseling sessions of a frequency and duration as determined by Athletics and the involved counselor. A minimum suspension of 3 of regular season contests/tournaments/events will be enforced which will rollover to the next season of competition if the athlete tests positive during the non-traditional season. The Director of Athletics and/or head coach also has the discretion to terminate the student from participation in athletics at this time, if the situation deems it necessary, also resulting in forfeiture of all further athletic scholarship support. Refusal to participate in counseling sessions, as set forth in this paragraph, will be treated and handled as a third positive test result.

Third Positive

In the event that a third positive test result is confirmed, the Director of Athletics and/or Senior Associate AD/SWA will notify the student-athlete. In such an event, it will be presumed that the student-athlete has made a judgment to his/her behavior and lifestyle that is not consistent with the aims and ethics of the University and Athletics. The student-athlete will be immediately terminated from participation in intercollegiate athletics and all further athletic scholarship support will be forfeited. The student-athlete will be referred for rehabilitation at his/her own expense. There shall be no restoration of eligibility for a student-athlete with a third positive test result.

Restoration of Eligibility/Return to Competition

Restoration of eligibility and return to competition for any athlete who experiences a first or second positive test result is dependent upon completion of the required disciplinary measures for such an occurrence. Failure to complete or comply with these measures will result in further disciplinary action, as outlined previously.

USI reserves the right to change the terms and conditions of this program at any time.

MEDIA RELATIONS

Student-athletes are often of interest to the media. Athletic Communications arranges for the majority of media interviews will alert you to possible interviews that could develop. Please pay attention to your USI email and/or text message that may come from USI Athletic Communications personnel.

When the media contacts you directly for an interview, for your own protection, notify Athletic Communications about the inquiry before going ahead with the interview. Reporters often can be very persistent. Explain politely that you will check with Athletic Communications before continuing an interview and call Athletic Communications or your coach. This will allow you to avoid unauthorized persons contacting you for information.

It is important that you be on time for scheduled personal interviews or prompt about returning

telephone calls arranged by Athletic Communications. If something comes up that requires rescheduling an interview, please communicate that with the Athletic Communications staff member that arranged the interview.

In an interview relax and be yourself. Be honest with the reporters. If you are asked a question that you do not wish to answer, you may redirect the question to something positive or simply say “I’d rather not comment on that subject at this point and time.” Try to never use, “no comment” as it can come off as being short or defensive about the subject.

Enjoy the interview opportunity and focus on the positives of the situation. Dress neatly for photography sessions and never wear another university’s apparel when representing USI in television interviews. Be mindful that you are representing not only yourself in an interview, but your teammates as well as the program.

Never hesitate to call Athletic Communications at the office or home to help you plan for an interview or intervene if you feel uncomfortable with a reporter’s questions.

Athletic Communications routinely sends out news releases to hometown media about student-athletes. You are encouraged to alert Athletic Communications staff about information you would like released to your hometown media. You will be required to complete an athletic communications form early in your first season.

Once you go “on the record” with a member of the media, what you say, the video, and/or photographs may be permanently posted to the web or printed in a document. In very rare incidents due to extenuating circumstances (legal matters, errors by the reporter, etc.), the media may consent to remove a story from its website or print a retraction.

Social Networking

Student-athletes are permitted to have profiles on social networking websites such as Twitter, Facebook, Instagram, etc. provided that:

- a) No offensive or inappropriate pictures are posted.
- b) No offensive or inappropriate comments are posted.
- c) Any information placed on the website(s) does not violate the ethics and intent behind both the student code of conduct and/or the student-athlete code of conduct.

Student-athletes should remember that they are ambassadors of USI and always in the public eye. Content posted on the student-athletes account whether by the student-athlete or tagged in a friend’s post can be subject to disciplinary actions by the head coach and/or Athletics.

USI Public Safety, local media members, and other local police and sheriff’s departments may check these websites daily. In addition to the unfortunate reality of online predators; potential employers and internship supervisors also use these sites to screen candidates. Many graduate programs and scholarship committees now search these sites to screen applicants. We advise student-athletes to exercise extreme caution in their use of social networking.

WEIGHT ROOM

1. USI student-athletes and athletics staff only (no one allowed to use facility alone).
2. Always use spotters.
3. Do not use during scheduled team or class times.
4. Proper attire required (See weight room dress policy below).
5. No profane music.
6. Profanity and harassment will not be tolerated.
7. Return all weights and equipment to their designated area when finished.
8. Any machine or equipment that is not working properly needs to be reported to head strength & conditioning coach or SEC counter immediately.
9. Use equipment for its intended use. Do not modify equipment.
10. Phones are not allowed in the weight room unless given the okay by the sport or strength & conditioning coach.

Weight Room Dress Policy

- Footwear: Athletic shoes must be worn at all times. Dress shoes, open-toed shoes, flip-flops, sandals, or deck shoes are not permitted.
- Lower Body Wear: Athletes are required to wear shorts, sweatpants or tights.
- Upper Body Wear: T-shirts, sweatshirts and unaltered tank tops are permitted.
- Jewelry is not advised, as it can break and/or cause injury.

It is your privilege, not your right, to use this room. Failure to comply with the rules and regulations of this weight room will result in notification to coach and possible loss of weight room privileges.

EQUIPMENT AND UNIFORMS

All students who are issued athletic equipment are subject to the following rules:

- Each individual is held responsible for all equipment that is issued for personal use
- Any equipment that is lost, stolen or damaged will be charged to the individual
- Any equipment that is not returned at the end of the season is billed through the University Accounts Receivable system and handled in the same manner as unpaid parking tickets or damage to the dorm room

TITLE IX TRAINING

The NCAA requires that all student-athletes and Athletics staff members go through education each year on sexual violence prevention, intervention and response. USI mandates that all new students (first-year freshman, transfers or first-year graduate students) complete Sexual Assault Prevention and Alcohol Education for College Students through an online module each year assigned from the Institutional Equity Office. If any student (athlete or non) does not complete these trainings before priority registration in October, the Institutional Equity Office will place a

Title IX hold on the student's account. To get a Title IX hold removed, students must contact the Institutional Equity Office directly.

All student-athletes will also have a Sexual Assault Prevention training through Bridge each fall semester. If a student-athletes does not complete the trainings before priority registration in October, an Athletic Title IX hold will be placed on the student's account until the training are completed. To get an Athletic Title IX hold removed, student-athletes must contact the Senior Associate Athletic Director/SWA.

Please note that first-year freshman, transfer or first-year graduate student-athletes will have two different modules to complete and could have two different holds preventing them from registering.

Further in person education, may be required during the academic year.

Athletic Disclosure Policy

In furtherance of the University of Southern Indiana's (USI) commitment to providing an environment free from sexual violence, as well in adherence to the NCAA Policy on Campus Sexual Violence, all incoming, current, and transfer student-athletes must disclose annually to their institution whether they have been investigated, disciplined, arrested, or convicted as a result of serious misconduct.

Such behaviors include sexual assault (rape, fondling, incest, and statutory rape), dating violence, domestic violence, stalking, sexual harassment, and sexual exploitation. Additionally, hate crimes and acts of violence including murder, manslaughter, assault with a deadly weapon, and assault that caused serious bodily injury are also considered to be acts of serious misconduct. All incoming, current, and transfer student-athletes must disclose disciplinary action which resulted in removal, probation, suspension, or expulsion, all information regarding incomplete Title IX proceedings, and information regarding criminal matters which are either pending or resulted in conviction. A failure by the student-athlete to accurately and fully disclose this information may result in penalties, including a loss of athletic eligibility as determined by USI.

USI will take reasonable steps to confirm the information provided by the prospective, continuing, or transfer student-athlete. Student-athletes transferring to USI must sign a FERPA waiver allowing USI to request Title IX and discipline records from any institution they previously attended. Further, USI will provide this information if the student-athlete requests their records be provided to a different institution of higher education. Finally, USI will promulgate procedures to ensure compliance with these requirements.

STUDENT-ATHLETES AND PREGNANCY

If you become pregnant

If you become pregnant while participating on an intercollegiate team at USI, we want you to know we have a policy designed to help you. USI supports the continued academic success of all female student-athletes who become pregnant. We encourage you to discuss your pregnancy and

related health concerns with your private physician or a physician at the University Health Center. We also encourage you to tell your athletic trainer and coach as soon as you learn you are pregnant, but you are not required to do so. You may also want to inform your partner, family members, religious advisor, personal physician, and others close to you. If you have seen a healthcare provider for diagnosis of pregnancy, you should be aware that you are protected by confidentiality, and they cannot inform anyone else of your pregnancy without your permission. If athletic trainers and coaches are informed, they will also keep this information confidential unless you give them permission to do otherwise. Pregnancy of a student-athlete can be a challenging event, and we want to protect your physical and mental health as well as the health of the fetus while you consider your options. We suggest you do not withdraw from your sport before talking to someone, as this can result in loss of scholarship.

What happens to your scholarship?

If you are pregnant and you inform your athletic trainer and coach and you do not voluntarily withdraw from your sport, your scholarship will remain in place for the remainder of the period of the award, first day of practice or school (whichever is earlier) until the end of school or competition (whichever is later). Your coach can help you discuss your situation with Athletics.

Where to go for help

Your athletic trainer or coach will refer you to counseling and healthcare providers outside Athletics at the University Health Center. Remember, your athletic trainers and coaches are obligated to keep your pregnancy confidential unless you specifically give them permission to share that information. If you choose not to tell your athletic trainer or coach, refer to the list of resources below. You can be seen for pregnancy testing, referral and counseling at the University Health Center. Healthcare providers there can also help you discuss your pregnancy with your athletic trainer and coach with your consent.

USI Deaconess Clinic Recreation, Fitness and Wellness Center – FC 263	812/465-1250
USI Counseling Center Recreation, Fitness and Wellness Center – FC 202	812/464-1867
ECHO Division Street Pediatric & Prenatal Clinic 316 Chandler Ave Evansville, IN 47713	812/436-4501
Pregnancy Resource Center 5525 Pearl Dr. Suite C Evansville, IN 47712	812/475-9549
Planned Parenthood 125 Weinbach Ave. Suite 120 Evansville, IN 47711	812/476-4990

Can you participate in your sport?

If you are pregnant and want to continue to participate in your sport, then you, your healthcare provider, the team physician, your coach, your athletic trainer, and athletics administration will form a support team to discuss if and how you can safely continue in your sport. Depending on your sport and with your healthcare provider's approval, you may be able to participate up to the 14th week of your pregnancy. If you choose to participate, you will receive information regarding the risks of athletic participation during pregnancy and your healthcare provider will discuss it with you. When you feel that you understand the issues involved in participating during pregnancy, you will be asked to sign a consent, and it will be added to your medical record. Your support team will monitor your health and academic progress during your pregnancy and can assist you in return to your sport if you decide to return.

What about medical insurance coverage?

If you have the USI-sponsored health insurance and become pregnant, this insurance will cover your pregnancy. Contact the insurance coordinator at the University Health Center at 812/465-1250 for more information. If you are not insured, contact the ECHO Division Street Pediatric & Prenatal Clinic at 812/436-4501 for an appointment for prenatal care. Athletics does not pay for pregnancy-related costs.

What if you are a male athlete whose partner becomes pregnant?

While male student-athletes are not affected physically by pregnancy like female student-athletes, they can have stress over the pregnancy and worry about their pregnant partner and her fetus. Male student-athletes may question whether they are ready for fatherhood and the personal and financial obligations associated with pregnancy. We encourage you to discuss these issues with your partner and healthcare providers at the University Health Center or Counseling Center.

RELATIONSHIP POLICY

We trust all members of our teams to be honest, responsible, and mature. We desire what is best for the team, what is fair and workable for all individuals on the team and is based on broad principles of fairness. These expectations are for all members of our teams who must work together for the good of the team. Student-athletes have responsibilities to the team and a commitment to being a team member who is focused on contributing to achieving team goals. Relationship issues can distract a team from its competitive goals. For this reason, USI has the following expectations for all team members regardless of the type of relationship.

The following is a list of possible relationships that may be addressed with these expectations (other types of relationships not listed may also apply):

- Close friends excluding or ignoring others, or having a falling out
- Two people dating the same person
- A person dating someone whom another person had a past relationship with
- Dating on the same or different teams (regardless of whether the dating couple is an opposite-sex couple or a same-sex couple)

- Conflicts between student-athletes based on race, sexual orientation, sexual identity, personal belief systems or religion

When with the team, the team comes first. Conduct yourselves as teammates. Being a member of a team requires responsible behavior and professional conduct. This includes at practice, during competition, on the team bus/van, in hotel rooms, in the training room, in the weight room, at team meetings, in the locker room and anywhere else when you are on “team time”.

Focus on the team and your role as a team member. You do not have to hide your relationships but when on “team time” the following behaviors are expected:

- Respect team space: Avoid drama on team time. Leave relationship conflict at the locker room door.
- Resolve relationships issues on your own time, not the team’s time.
- No PDA (public displays of affection), this includes hand holding, kissing, hugging, etc.
- Get to know others on your team. Sit with various teammates on the bus/van, eat with various teammates, share hotel rooms with various teammates and sit with various teammates in team meetings.
- If you need help resolving relationships issues, please contact the Counseling Center on-campus.

Possible consequences for failing to meet these expectations:

- Meeting with the head coach, review expectations and consequences of not abiding by them
- Requested to meet with a counselor
- Suspension or dismissal from team for failing to abide by the expectations

Team Captains play an important role in maintaining a positive team-oriented climate and helping team members maintain team focus. Captains can help by:

- Reminding teammates about these expectations and why they are important
- Communicating with coaches when relationship issues need to be addressed

NCAA POLICY ON TRANSGENDER STUDENT-ATHLETE PARTICIPATION

USI follows both the NCAA and Indiana State law (HB 1041) in regard to participation of transgender student-athletes. The NCAA updated their participation policy for transgender student-athletes in February 2025 to limit competition in women’s sports to student-athletes assigned female at birth only. The policy permits student-athletes assigned male at birth to practice with women’s teams and receive benefits such as medical care while practicing.

Indiana State law, HB 1041, prohibits a male, based on the student-athlete’s biological sex at birth in accordance with the student’s genetics and reproductive biology, from participating on an athletic team or sport designated as being a female, women’s, or girl’s athletic team or sport. If there are any violations of the provisions in HB 1041, please follow the Student-Athlete Grievance Procedure located on page of this document.

Sexual Misconduct Policy¹

I. Scope

This policy (“Policy”) applies to members of the Board of Trustees, all employees of Vincennes University (“University”) including administrators, faculty, staff, hourly/salaried employees, to all students and third parties, including but not limited to visitors, vendors, and contractors. It applies to all prohibited conduct that occurs:

1. On campus or other property owned or controlled by the University;
2. In the context of a University employment or education program or activity occurring within the United States, including but not limited to research, online, or University-approved internship programs;
3. Outside the context of a University employment or education program or activity but has continuing adverse effects that create a hostile environment for students or employees while on campus or other property owned or controlled by the University or in any University employment or education program or activity; or
4. Any education program or activity over which the University exercises substantial control over the Respondent (as defined in this Policy) and the context in which the prohibited conduct occurred.

When a student organization has contributed to or created a hostile environment in connection with an incident prohibited by this Policy, the student organization will be subject to discipline and appropriate sanctions.

Other University policies related to misconduct remain in effect for complaints of misconduct other than Sexual Misconduct. Any report or complaint of misconduct that includes elements of Sexual Misconduct will be addressed in accordance with this Policy and associated procedures.

II. Policy Statement

In compliance with Title IX and the regulations promulgated thereunder, the Clery Act and the Violence Against Women Reauthorization Act of 2013 (“VAWA”), Vincennes University is committed to maintaining an educational and working environment free from discrimination on the basis of sex or gender, including sexual harassment, misconduct, and violence.

¹ All capitalized terms are defined in Section III, “Definitions.”

Vincennes University does not discriminate on the basis of sex in its educational programs and activities, including employment and admission.

The person responsible for implementing this Policy is the Title IX Coordinator. If circumstances require, the Title IX Coordinator may designate another person to implement the Policy.

Vincennes University's Title IX Coordinator is:

Regina McCord-Fithian
Title IX Coordinator
Vincennes University
1002 North 1st Street
Vincennes, IN 47591
Phone: 812-888-6947
Email: RMcCord-Fithian@vinu.edu
Website: <https://www.vinu.edu/nondiscrimination-policy>

III. Care and Support Resources

Vincennes University is committed to treating all individuals who come upon its campuses with dignity, care, and respect. Any individual who experiences or is affected by discrimination, harassment or sexual misconduct, whether as a Complainant or a Respondent, may benefit from access to care and support resources through the University and the local community.

The University encourages all individuals to seek the support of and use all available internal and external resources, regardless of when or where the incident occurred. When a complaint alleging a violation of this Policy is received by the Title IX Coordinator, the Coordinator shall promptly contact the Complainant directly to discuss the availability of Supportive Measures. These supportive measures are available to a Complainant or Respondent regardless of whether a formal complaint is filed. Supportive Measures include, but are not limited to: (i) counseling; (ii) extensions of deadlines or other course-related adjustments; (iii) modifications of work or class schedules; (iv) campus escort services; (v) mutual restrictions on contact between the parties; (vi) changes in work or housing locations; (vii) leaves of absence; and (viii) increased security and monitoring of certain areas of the campus. All Supportive Measures shall be implemented in a manner that preserves the confidentiality of the Complainant and Respondent to the extent maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures.

The following is a non-exhaustive list of such resources that are available to the members of the Vincennes University community.

VU Counseling Center

Learning Resource Center, Room 134
1002 North First Street
Vincennes, IN 47591
Phone: 812-888-4374

Hope's Voice of Knox County

105 Broadway Street
Vincennes, IN 47591
Phone: 812-899-4673

Good Samaritan Hospital

520 South 7th Street
Vincennes, IN 47591
Phone: 812-882-5220

Vincennes University Police Department

1201 N 2nd St
Vincennes, IN 47591
Phone: 812-888-5555

Sexual Assault Crisis Hotlines

- Hope's Voice: 812-899-4673
- Vincennes University Police Department: 812-888-5555
- The Samaritan Center: 812-886-6800

IV. Definitions

a. Advisor: Any single individual who provides either party to a complaint with support, guidance, or advice. With the exception of the Hearing, Advisors are not permitted to actively participate or speak during the Investigation, proceedings, and related meetings. In certain circumstances where a party may be unable to speak on their own behalf, an Advisor may present a statement prepared by the party. For individuals with communication disabilities, interpreters shall not be considered an "Advisor" unless the party so requests.

b. Business Day: The days Monday through Friday that the University's administrative offices are open for business.

c. Calendar Day: The days Monday through Sunday.

d. Complainant: An individual who is participating in or attempting to participate in an educational program or activity of the University and who has alleged that a violation of the Sexual Misconduct Policy has occurred. The University may serve as the complainant when an individual who has alleged Sexual Misconduct does not wish to participate and the University has determined it is necessary to move forward under the applicable procedure.

e. Confidential Employees: Certain University employees who, based on their own professional licensure and the nature of their role with the University, are available to speak with individuals about incidents of Sexual Misconduct and maintain the individual's desire for anonymity and absolute confidentiality. These employees are exempt from the reporting requirements that apply to Responsible Employees (as defined below). Individuals who desire anonymity in seeking assistance about Sexual Misconduct should be referred to a Confidential Employee. Confidential Employees include, but are not limited to:

1. Licensed, professional mental health counselors working in that capacity, and those they supervise;
2. Health care professionals and staff located in on-campus healthcare centers; and
3. Any staff or specialists on a campus specifically designated as non-professional sexual assault advocates.

f. Consent: An agreement expressed through affirmative, voluntary words or actions, and mutually understandable to all parties involved, to engage in a specific sexual act at a specific time. The following apply to the definition of "Consent":

1. Consent may be withdrawn at any time, as long as it is clearly communicated.
2. Consent cannot be coerced or compelled by force, threat, deception, or intimidation.
3. Consent cannot be given by someone who is Incapacitated.
 - i. Consent does not exist when the individual initiating sexual activity knew or should have known of the other individual's Incapacity.
4. Consent cannot be assumed based on silence, the absence of "no" or "stop", the existence of a prior or current relationship, or prior sexual activity.

g. Course of Conduct: Two or more acts, including but not limited to acts in which a person does directly, indirectly, or through third parties, by any action, method, device, or means.

h. Deciding Official. The University employee, or designee, responsible for making a determination of whether the Preponderance of the Evidence Standard has been met and what sanctions are appropriate under this Policy. The appropriate Deciding Official is determined by the status of the Respondent. If Respondent is a student, the Deciding Official will be the Dean of Students or designee. If Respondent is a staff member, the Deciding Official will be the Director of Human Resources or designee. If Respondent is a faculty member, the Deciding Official will be the Provost or designee. If the Respondent is a visitor, the Deciding Official will be the Dean of Students or designee. For all other Respondents who are third-parties (including but not limited to contractors, vendors, and volunteers), the Deciding Official will be a trained, non-conflicted individual internal or external to the University appointed by the Title IX Coordinator.

i. Formal Complaint: A written description of facts provided by a Complainant that alleges a violation of the University's Sexual Misconduct Policy and including a request that the University investigate the allegations. The written Formal Complaint must contain the physical or digital signature of the Complainant (or by the Title IX Coordinator on Complainant's behalf pursuant to this Policy) or otherwise indicate that the Complainant is filing the Formal Complaint. The procedures for investigation and resolution of allegations of Sexual Misconduct are not available to a Complainant without the filing of a Formal Complaint.

j. Incapacitated/Incapacity: An individual who is unable to understand the facts, nature, extent or implications of the situation due to drugs, alcohol, a mental disability, being asleep or unconscious, or based on their age (pursuant to Indiana law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation.

k. Informal Complaint. A written or verbal description of facts made by the Complainant to the Title IX Coordinator or other Responsible Employee which alleges conduct that violates this Policy, but does not otherwise qualify as a Formal Complaint. The Title IX Coordinator may, in accordance with Section VIII., convert an Informal Complaint to a Formal Complaint.

l. Investigation: A fact-finding inquiry implemented by the Title IX Coordinator (or designee) that gathers evidence for the purpose of submitting it to the Deciding Official to determine whether a violation of the University's Sexual Misconduct Policy has occurred.

m. Investigator: An individual or a team authorized by the University to investigate reports of Sexual Misconduct under the procedures identified in this Policy. The Investigator shall have received training on issues of relevance to creating an investigative report that fairly summarizes relevant evidence.

n. Not Responsible Finding: A finding made by the Deciding Official that the Preponderance of the Evidence Standard has not been satisfied.

o. Preponderance of the Evidence Standard: The standard of proof used to determine whether the University's Sexual Misconduct Policy has been violated. A Complaint meets this standard if the Deciding Official determines that it is more likely than not that a violation of this Policy has occurred.

p. Respondent: The person or persons alleged to have violated the Sexual Misconduct Policy.

q. Responsible Employees:

1. Employees of the University who:

- i. Have the authority to take action or redress Sexual Misconduct; or
- ii. Have a duty to report Sexual Misconduct to appropriate school officials; or
- iii. A student could reasonably believe has this authority or duty.

2. Responsible Employees at the University include:

- i. Those who offer course instruction, whether in-person or online, including full-time and part-time faculty, adjuncts, and teaching assistants;
- ii. Faculty/employee student advisors;
- iii. Coaches and athletics staff who interact with students;
- iv. Student affairs staff members, except those designated as Confidential Employees,
- v. Residential hall staff, including resident assistants,
- vi. Those who work in offices or areas that interface with students.

3. Responsible Employees are required to report to the Title IX Coordinator when they are made aware of an incident of Sexual Misconduct.

r. Responsible Finding: A finding made by the Deciding Official that it is more likely than not that Respondent has committed one or more acts in violation of this Sexual Misconduct Policy. The Preponderance of the Evidence Standard must be used when determining responsibility for Sexual Misconduct.

s. Retaliate/Retaliation: Any material adverse action taken against a person for making a good faith report of prohibited conduct, participating in the processes outlined under this Policy, or refusing to participate in any investigation, proceeding, or Hearing. Material adverse action limits or denies an individual's ability to participate in or benefit from the University's educational or employment opportunities and/or activities. Acts of retaliation include intimidation, threats, and/or harassment, whether physical or communicated verbally or via written communication (including the use of e-mail, texts, and social media), as well as adverse changes in work or academic environments, or other adverse actions or threats.

t. Sexual Misconduct: Sexual harassment, sexual assault, other forms of sexual violence, dating violence, domestic violence, sexual exploitation, and stalking. For purposes of this Policy, sex- or gender-based discrimination is considered Sexual Misconduct. The specific definitions relating to what constitutes Sexual Misconduct are further described under Section V. “Prohibited Conduct.”

u. Supportive Measures: non-disciplinary, non-punitive individualized services offered by the University as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Complaint. Supportive measures may include, but not necessarily be limited to: extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, and/or increased security and monitoring of certain areas of the campus.

V. Prohibited Conduct

a. Sex- or Gender-Based Discrimination and Harassment

1. Sex- or gender-based discrimination and harassment is unwelcome conduct based on sex, gender, sexual orientation, gender identity, or gender expression, including verbal, nonverbal, or graphic acts of aggression, intimidation, or hostility, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with, limits, or prevents an individual from participating in or benefitting from the University’s education or employment programs and/or activities.

2. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. The University will consider the totality of known circumstances, including but not limited to:

- i. The frequency, nature, severity, location, duration, and context of the conduct, and
- ii. Whether the conduct implicates concerns related to academic freedom or protected speech.

b. Sexual Harassment

1. Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, electronic or otherwise, when the conditions outlined in (i) and/or (ii), below, are present.

- i. *Quid Pro Quo*: Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, aid, benefit, service, or participation in any University programs and/or

activities or is used as the basis for University decisions affecting the individual;
or

- ii. *Hostile Environment*: A “hostile environment” exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University’s education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to: (1) the frequency, nature, severity, location, duration, and context of the conduct; and (2) whether the conduct implicates concerns related to academic freedom or protected speech.

2. Sexual Harassment that is alleged to have occurred in a teaching or classroom setting may present some different issues from those occurring in other environments. The prohibitions outlined in this Policy are meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including matters involving sex, gender, sexuality, sexual orientation, sexual behavior, or gender identity or expression, when, in the judgment of a reasonable person, they arise from legitimate academic purposes. The mere expression of views, words, symbols, or thoughts that some people find offensive does not create a hostile environment or constitute Sexual Harassment.

c. Sexual Assault. Sexual Assault is:

1. Nonconsensual Sexual Contact
 - i. Touching the breasts, buttocks, groin or genitals of another, whether clothed or unclothed, intentionally touching another with any of these body parts, and/or making another person touch you or themselves with or on any of these body parts without Consent.
2. Nonconsensual Sexual Penetration
 - i. Penetration, no matter how slight, of the vagina or anus with any body part or object without Consent, and/or
 - ii. Any contact between the mouth of one person and the genitalia of another person without Consent.

d. Sexual Exploitation. Sexual Exploitation is purposely or knowingly doing any of the following:

1. Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity;

2. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., live streaming of images) without the Consent of all subjects or participants;
3. Engaging in voyeurism (e.g., watching private sexual activity without the consent of all participants or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks)) in a place where that person would have a reasonable expectation of privacy;
4. Recording or photographing private sexual activity and/or a person's intimate parts without the Consent of all subjects or participants;
5. Disseminating or posting images of private sexual activity and/or a person's intimate parts without the Consent of all subjects or participants;
6. Prostituting another person; or
7. Exposing another person to a sexually transmitted infection or virus without the other's knowledge.

e. Dating Violence. Dating violence is violence or the threat of violence committed by an individual toward another with whom they have a current or previous relationship of a romantic or intimate nature. The existence of a romantic or intimate relationship will be determined based on the following factors:

1. Length of the relationship,
2. Type of relationship,
3. Frequency of interaction between the people involved in the relationship.

f. Domestic Violence. Domestic violence is violence or the threat of violence committed by an individual toward another who:

1. Is a current or former spouse,
2. Is or has cohabitated with the individual as an intimate partner, or
3. Has a child in common with the individual.

g. Sexual Violence. Physical sexual acts perpetrated against an individual's will or where an individual is incapable of giving consent. Sexual Violence includes rape and sexual assault.

h. Stalking. Stalking occurs when a person engages in a Course of Conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. Stalking includes "cyber-stalking," a particular form of

stalking in which a person uses electronic media, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

VI. Reporting

a. Complainant Reports

1. The University encourages all individuals to report their allegations of Sexual Misconduct pursuant to these procedures and to report any potential criminal misconduct to the Vincennes University Police Department (“VUPD”) or the appropriate local or state law enforcement agency (please see Section VI(c), “External Reports” for more information.)

2. A Complainant may make a report of a violation of this Policy by submitting an Informal Complaint or a Formal Complaint. In the event a Complainant files an Informal Complaint, the Formal Resolution procedures outlined in this Policy are not available. Please see Section VII. “Requests for No University Action” for additional information.

3. A Formal Complaint of Sexual Misconduct shall result in a formal resolution through the Formal Resolution procedures, as described below. Except in circumstances where there are allegations of Sexual Violence, Complainants have the option to request an Informal Resolution or a Formal Resolution to reports of violations of this Policy. Both options are discussed further below.

4. The Complainant may withdraw the Formal Complaint at any time during the process by submitting a written request to withdraw to the Title IX Coordinator. Such requests will be treated as a request for no University action, which is resolved in accordance with Section VIII of this Policy.

5. The University is committed to safeguarding the privacy of the parties in a manner consistent with the objective to effectively investigate and prevent incidents of Sexual Misconduct. In all cases, the University will share the parties’ information and details of the allegation only with University officials, law enforcement personnel, and other individuals who have a legitimate administrative or legal reason to be so informed. Records will not be disclosed outside of the University unless required by law or subpoena.

6. If someone wishes to make a report of Sexual Misconduct to the University, they can do so at any time by contacting the Title IX Coordinator via phone call, email, or mail to the office address.

7. Reporting options are not mutually exclusive; both internal and external reporting options may be pursued at the same time. Making a report to the University does not automatically result in an Investigation; however, all such allegations shall be reviewed by the Title IX Coordinator and an initial determination made pursuant to the procedures set forth in this Policy.

8. Upon receipt of a report of an alleged violation of this Policy, the Title IX Coordinator shall promptly contact the Complainant to discuss the availability of Supportive Measures. During this initial discussion, the Title IX Coordinator shall advise the Complainant that Supportive Measures are available regardless of whether a Formal Complaint is filed and shall further describe the process of filing a Formal Complaint.

b. Reports from University Employees/Exception for Confidential Employees

1. All Responsible Employees are required to report to the Title IX Coordinator when they are made aware of an incident of Sexual Misconduct.

- i. Responsible employees may not promise confidentiality to a person who shares information related to an incident of Sexual Misconduct.
- ii. Responsible employees must inform that person of their obligation to report to the University.
- iii. Responsible Employees must keep information related to a report of Sexual Misconduct as private as possible, sharing only with those at the University who have a legitimate need to know.

2. Confidential Employees do not have an obligation to report to the University when an individual makes them aware of Sexual Misconduct.

c. External Reports

1. A Complainant also has the option of making a criminal report to the appropriate law enforcement agency. Incidents alleged to have occurred on campus should be reported to the VUPD. Incidents alleged to have occurred off-campus should be reported to the appropriate local law enforcement agency.

2. The Complainant has the right to pursue both the processes outlined in this Policy and the criminal process simultaneously. The Complainant may also choose to pursue either the University's processes or the criminal process exclusively. The Complainant's decision regarding pursuit of the criminal process does not impact the process utilized by the University in investigating and acting upon reports of violations of this Policy.

3. The Formal Resolution process conducted by the University is distinct from the criminal process. The Formal Resolution process initiated by the University will be conducted independently and separately from any investigation conducted by law enforcement. The University may undertake a short delay to allow evidence collection when criminal charges on the basis of the same behaviors that result in a Complaint are being investigated by law enforcement. Actions that

take place in the criminal process, including reducing, or dismissing charges, and/or plea agreements, will not determine the resolution of the University process. This information may be considered in the course of the Investigation, if determined to be relevant, but shall not be determinative.

VII. Preliminary Procedures, Protocols, and Supportive Measures

a. Initial Determination

1. Upon receiving a report of sexual misconduct, the Title IX Coordinator or designee will evaluate the information available and determine whether the report alleges conduct that falls under the purview of this Policy.

2. If the Policy applies to the alleged conduct, the Title IX Coordinator or designee will promptly reach out to the Complainant and invite them to meet. During this initial discussion, the Title IX Coordinator must confidentially discuss with the Complainant the nature and availability of supportive measures. Complainant is not required to meet with the Title IX Coordinator or to respond to the outreach.

3. The Complainant will be provided the opportunity to share their wishes regarding resolution with the University. The Complainant may request that the report be resolved formally, through the Formal Resolution procedures or informally, through mediation or other means and in either such cases shall file a Formal Complaint; or that the University takes no action and in such a situation shall file an Informal Complaint.

4. A Complainant's choice not to respond to or meet with the Title IX Coordinator will be treated as a request for no University action and the submission of an Informal Complaint. The University's response to such requests is outlined in Section VIII.

5. Both on- and off-campus resources are available to Complainants, regardless of whether the conduct alleged falls under the jurisdiction of the Policy. The Title IX Coordinator can assist with connecting Complainant to those resources if Complainant wishes.

6. In the event the Title IX Coordinator determines the alleged conduct, even if proven, would: (i) *not* constitute Sexual Misconduct in violation of this Policy; (ii) did not occur in the University's education program or activity; or (iii) did not occur against a person in the United States, then the Title IX Coordinator shall dismiss the Formal or Informal Complaint from consideration under this Policy as a Title IX matter. Although the Formal or Informal Complaint may be dismissed as a Title IX matter, this Policy is intended to address Sexual Misconduct that falls outside of the scope of Title IX. Accordingly, even if the Formal or Informal Complaint is dismissed for Title IX purposes, the Title IX Coordinator may, in their discretion, continue to move forward with the procedures under this policy or may refer the matter to the appropriate University official for resolution under the applicable disciplinary procedures. Any party may appeal the dismissal of a

complaint, or any allegations contained in a complaint, pursuant to the procedures set forth in Section XII(g).

b. Supportive Measures. The Title IX Coordinator will, as requested by Complainant or Respondent and as necessary, coordinate the provision of supportive measures. Complainants and/or Respondents are not required to arrange for such services solely on their own and will be assisted by the Title IX Coordinator. If there is a finding of not responsible or if the Formal Complaint is withdrawn or otherwise resolved, then the Supportive Measures will be removed unless the parties voluntarily agree to continue them.

1. *Documentation Pertaining to Supportive Measures Taken*. The Title IX Coordinator shall document what, if any, Supportive Measures are taken in response to an Informal or Formal Complaint under this Policy. In each instance, the Title IX Coordinator shall document:

- i. The basis for the conclusion that the University's response was not deliberately indifferent and that the University has taken measures designed to restore or preserve equal access to the University's program or activity.
- ii. In the event no Supportive Measures are taken, then the University must document why not the lack of Supportive Measures was not clearly unreasonable in light of the known circumstances.

General Examples of Supportive Measures. Supportive Measures may include, but are not necessarily limited to: (i) counseling; (ii) extensions of deadlines or other course-related adjustments; (iii) modifications of work or class schedules; (iv) campus escort services; (v) mutual restrictions on contact between the parties; (vi) changes in work or housing locations; (vii) leaves of absence; and (viii) increased security and monitoring of certain areas of the campus. All Supportive Measures shall be implemented in a manner that preserves the confidentiality of the Complainant and Respondent to the extent maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures.

2. *Specific Supportive Measures*.

- i. *No Contact Orders*. Supportive Measures may also include "No Contact Orders" which prohibit the recipient of such an order from having any contact, whether directly, indirectly, or through third parties, with specific individuals for a period of time.
 - a. "Contact" includes but is not limited to email, social media, instant messaging, text messaging, phone calls, voicemail, or face-to-face

contact. Unintentional contact is not considered a violation of the No Contact Order.

- b. Individuals are encouraged to report violations of No Contact Orders promptly to the Title IX Coordinator. Alleged violations of the No Contact Order may result in disciplinary action.
- c. No Contact Orders are separate and distinct from court actions, such as Protective Orders and Restraining Orders. Questions about these should be directed to local law enforcement.

ii. *Interim Suspension of Students.*

- a. The Dean of Students or designee has the sole discretion to place a student on interim suspension and to determine the conditions of such suspension. Prior to placing a student on suspension, the Dean of Students or designee shall perform an individualized safety and risk analysis. In the event the Dean of Students or designee determines that there exists an immediate threat to the physical health or safety of any student or other individual arising from the allegations contained in the Complaint, the Dean of Students or designee may place the student on interim suspension.
- b. Notice of interim suspension will be provided to the student in writing. Upon receipt of such notice, the student will be expected to vacate University property immediately in accordance with the terms of the interim suspension.
- c. The student may petition the Dean of Students or designee for reinstatement within five (5) Calendar Days of receiving notice of the interim suspension. This petition must be made in writing and must articulate why the student does not pose a significant risk of substantial harm to the safety or security of others in the campus community. The Dean of Students or designee may choose to uphold the interim suspension, modify its terms, or lift it entirely.
- d. Failure to comply with the terms of an interim suspension may result in further disciplinary action.

iii. *Interim Suspension of Staff.*

- a. The Director of Human Resources or designee has the sole discretion to place a staff member on interim suspension and to determine the terms of such suspension. Prior to placing a staff member on suspension, the Director of Human Resources or designee shall perform an individualized safety and risk analysis. In the event the Director of Human Resources or designee determines that there exists an immediate threat to the physical health or safety of any student or other individual arising from the allegations contained in the Complaint, the Director of Human Resources or designee may place the staff member on interim suspension.
- b. Notice of interim suspension will be provided to the staff member in writing. Upon receipt of such notice, the staff member will be expected to vacate University property immediately in accordance with the terms of the interim suspension.
- c. The staff member may petition the Director of Human Resources or designee for reinstatement within five (5) Calendar Days of receiving notice of the interim suspension. This petition must be made in writing and must articulate why the staff member does not pose a significant risk of substantial harm to the safety or security of others in the campus community. The Director of Human Resources or designee may choose to uphold the interim suspension, modify its terms, or lift it entirely.
- d. Failure to comply with the terms of an interim suspension may result in further disciplinary action.

iv. *Interim Suspension of Faculty.*

- a. The Provost or designee has the sole discretion to place a faculty member on interim suspension and to determine the terms of such suspension. Prior to placing a faculty member on suspension, the Provost or designee shall perform an individualized safety and risk analysis. In the event the Provost or designee determines that there exists an immediate threat to the physical health or safety of any student or other individual arising from the allegations contained in the Complaint, the Provost or designee may place faculty member on interim suspension.

- b. Notice of interim suspension will be provided to the faculty member in writing. Upon receipt of such notice, the faculty member will be expected to vacate University property immediately in accordance with the terms of the interim suspension.
- c. The faculty member may petition the Provost or designee for reinstatement within five (5) Calendar Days of receiving notice of the interim suspension. This petition must be made in writing and must articulate why the faculty member does not pose a significant risk of substantial harm to the safety or security of others in the campus community. The Provost or designee may choose to uphold the interim suspension, modify its terms, or lift it entirely.
- d. Failure to comply with the terms of an interim suspension may result in further disciplinary action.

v. *Interim Removal of Visitors from University Facilities.*

- a. The Dean of Students or designee has the sole discretion to direct that a visitor be removed from the University's campus and to determine the conditions of such removal. Prior to removing the visitor, the Dean of Students or designee shall perform an individualized safety and risk analysis. In the event the Dean of Students or designee determines that there exists an immediate threat to the physical health or safety of any student or other individual arising from the allegations contained in the Complaint, the Dean of Students or designee may require the removal of the visitor.
- b. Notice of the removal will be provided to the visitor in writing, to the extent possible. Upon receipt of such notice, the visitor will be expected to vacate University property immediately.
- c. The visitor may petition the Dean of Students or designee for reinstatement within five (5) Calendar Days of receiving notice of removal. This petition must be made in writing and must articulate why the visitor does not pose a significant risk of substantial harm to the safety or security of others in the campus community. The Dean of Students or designee may choose to uphold the removal, modify its terms, or lift it entirely.

- d. Failure to comply with the terms of the removal may result in further disciplinary actions or other protective measures as permitted under applicable law.

vi. *Interim Removal of Other Third-Parties from University Facilities.*

- a. The Deciding Official appointed by the Title IX Director for Complaints relating to all other third parties (including but not necessarily limited to contractors, vendors, and volunteers) has the sole discretion to direct that such third party be removed from the University's campus and to determine the conditions of such removal. Prior to removing the third party, the applicable Deciding Official or designee shall perform an individualized safety and risk analysis. In the event the applicable Deciding Official or designee determines that there exists an immediate threat to the physical health or safety of any student or other individual arising from the allegations contained in the Complaint, the applicable Deciding Official or designee may require the removal of the third party.
- b. Notice of the removal will be provided to the third party in writing, to the extent possible. Upon receipt of such notice, the third party will be expected to vacate University property immediately.
- c. The third party may petition the applicable Deciding Official or designee for reinstatement within five (5) Calendar Days of receiving notice of removal. This petition must be made in writing and must articulate why the visitor does not pose a significant risk of substantial harm to the safety or security of others in the campus community. The applicable Deciding Official or designee may choose to uphold the removal, modify its terms, or lift it entirely.
- d. Failure to comply with the terms of the removal may result in further disciplinary actions or other protective measures as permitted under applicable law.

VIII. Requests for No University Action

- a. Complainant Requests. A Complainant may request that the University take no action in response to a report of Sexual Misconduct. The University will generally work to honor Complainant's wishes but will evaluate such requests on a case-by-case basis. If it is determined by the Title IX Coordinator that signing a Formal Complaint on behalf of the Complainant is not clearly

unreasonable in light of the known circumstances, the Title IX Coordinator shall sign the Complaint and initiate the Formal Resolution process.

b. Requests Made to Responsible Employee. All Responsible Employees are required to disclose a report of Sexual Misconduct, even if the individual reporting the misconduct requests no action be taken. In such a situation, the Responsible Employee is required to report the allegations, but shall also advise the Title IX Coordinator of the reporting individual's request that no action be taken.

c. Determining Factors. The University will decide whether to honor Complainant's wishes based on the following factors:

1. The seriousness of the alleged conduct;
2. The Complainant's age;
3. Information indicating a pattern of behavior by the Respondent;
4. Aggravating circumstances such as the use of a weapon, force, threats, intimidation, multiple assailants, etc.; and/or
5. Other risks to the University community.

d. Notice of Decision. Complainant will be notified in writing of the University's decision.

IX. Notice Requirements Upon Filing of a Formal Complaint

a. Notice to be Provided to Known Parties. Within ten (10) Business Days of the receipt of a Formal Complaint, the Title IX Coordinator shall provide written notice to the parties that are known. Said notice shall contain, at a minimum, the following:

1. A description of the Informal and Formal Resolution procedures contained within this Policy;
2. A description of the alleged Sexual Misconduct including sufficient factual details to the extent known at the time notice is provided, and which shall include, but not necessarily be limited to: (i) the identities of the parties involved in the incident, if known; (ii) the conduct allegedly constituting Sexual Misconduct; (iii) and the date and location of the alleged incident, if known;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility shall be made at the conclusion of the Formal Resolution process;
4. A statement that the parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;

5. A statement that the parties may inspect and review evidence collected during the investigation.

b. Notice of Additional Investigation. In the event additional allegations are brought forth with respect to either the Complainant or Respondent, the Title IX Coordinator shall provide notice of such additional allegations in compliance with Section IX.

X. Statement of Fair and Equitable Process

1. Until such time as a determination of responsibility is made by the Deciding Official, the Respondent shall be presumed to be not responsible for the alleged violation of this Policy.

2. The Title IX Coordinator, Investigator(s), Deciding Official, or any person designated by the University to facilitate the Informal and/or Formal Resolution shall not have a conflict of interest or bias for or against complainants or respondents generally, or to the individual Complainant or Respondent.

3. The University shall ensure that the Title IX Coordinator, Investigator(s), Deciding Official, or any person designated by the University to facilitate the Informal and/or Formal Resolution process are trained on the definition of sexual harassment, the scope of the University's education program or activity, how to conduct an investigation and grievance process, and the informal resolution process as applicable. The University shall further ensure such individuals are informed on how to serve impartially, including avoiding prejudgments of the facts at issue, conflicts of interest, and bias.

4. The chart below identifies the designated officials, by role, who shall be responsible for the administration of this policy in the event of a conflict of interest or other matter that prevents the assigned administrator from adequately performing their duties:

Administrator Role	Designee
President	Vice President, Government and Legal Affairs
Title IX Coordinator	Dean of Students
Dean of Students	Dean of Students
Provost	Assistant Provost
Director of Human Resources	Vice President, Government and Legal Affairs

In the event a designee identified above is disqualified from serving as a result of a conflict of interest or is otherwise unable to perform the duties associated with the role, a trained, non-conflicted individual internal or external to the University shall be appointed by the Title IX

Coordinator. In those situations where the Title IX Coordinator has a conflict or is otherwise unable to make such an appointment, the Vice President of Government and Legal Affairs shall appoint the designee.

5. Deciding Officials shall be specifically trained in the use of technology utilized during live Hearings and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

6. For any participant in the process outlined in this Policy that requires disability-related accommodation to fully participate, the University will make all reasonable efforts to provide appropriate accommodations. Such requests will be evaluated on a case-by-case basis and in a manner that is consistent with current University practices for evaluation of reasonable accommodation requests.

7. The burden of proof and the burden of gathering evidence to reach a determination regarding responsibility shall rest upon the University and not upon the parties. The foregoing notwithstanding, the parties shall cooperate with the University in its efforts to obtain relevant evidence relating to the Formal Complaint. Unless the University obtains written consent from the affected party, it may not access, consider, disclose, or otherwise utilize a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional.

8. The parties shall be given equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

9. The University shall not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence as long as such discussions are not designed to retaliate against any individual who participates or refuses to participate, in the processes under this Policy. The foregoing notwithstanding, the University emphasizes that while discussion of the allegations under investigation is not restricted, all individuals involved in the processes under this Policy are required to maintain the confidentiality of information that does not consist of the specific allegations under investigation. Examples of such information include evidence collected during the investigation and/or exchanged between the parties, the investigation reports, written notices, or other similar documentation or information.

10. Complainant and Respondent may each select one Advisor of their choice who may, but is not required to be an attorney. This Advisor may be internal or external to the University. The Advisor may not serve as a witness in the matter, nor may they be someone whose University responsibilities create a conflict of interest (e.g., someone who has a role in the procedures set forth under this Policy). The role of the Advisor in Informal and Formal Resolution procedures is more thoroughly described below.

11. For all individuals whose participation is invited or expected, the University shall provide them with written notice of the date, time, location, participants, and purposes of all Hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

12. The University reserves the right to modify the procedures set forth throughout this Policy to provide for, in its sole determination, the equitable treatment of Complainant and Respondent.

XI. Informal Resolution

a. Request. Upon the filing of a Formal Complaint, the Complainant may request that the Complaint be resolved informally through mediation. Mediation is a voluntary process and will be conducted in a prompt and equitable manner. The informal resolution process is not available in the following instances: (i) where allegations of Sexual Violence have been made; (ii) complaints of Sexual Misconduct that involves University employees or members of the faculty; and (iii) in the event Complainant files an Informal Complaint.

b. Utilization of Mediation. The Title IX Coordinator will determine if mediation is appropriate based on the conduct at issue and the written agreement of Complainant and Respondent. The University will not require a Complainant to participate in mediation nor will the Complainant be required to work out the allegations of the Formal Complaint with the Respondent directly.

c. Appointment of Mediator. The Title IX Coordinator will appoint a mediator to talk to each party about possible resolutions and remedies.

d. Procedures Applicable to Mediation.

1. The Title IX Coordinator will keep records of any resolution that is reached. Failure to abide by the agreement may result in disciplinary action.

2. Mediation does not require the parties to be in the same room at the same time working to resolve the report. Rather, the mediator may work with each party separately toward a mutually agreeable resolution.

3. Mediation can take place at any point in time after a Formal Complaint is made but should typically be completed within thirty (30) Calendar Days of the Formal Complaint.

4. Anyone participating in mediation can stop that process at any time and request a Formal Resolution of the allegations.

5. In the event an agreement is reached, the parties will be foreclosed from pursuing the Formal Resolution process.

6. Except for good cause shown, the Informal Resolution process shall be completed within sixty (60) Calendar Days of receipt of the Formal Complaint.

e. Advisors. Complainant and Respondent may each select one Advisor of their choice, who may be, but is not required to be an attorney. This Advisor may be internal or external to the University. The Advisor may not be someone whose University responsibilities create a conflict of interest. Advisors are permitted to be present in all phases of the informal resolution but may not participate directly. The Advisor may whisper or write notes to their advisee, but they may not interrupt, speak on behalf of the Complainant/Respondent, or otherwise interfere. If an Advisor violates these parameters, the Advisor's participation may be limited.

XII. Formal Resolution Procedures

a. Formal Resolution. Either a Complainant or a Respondent may request that a report of Sexual Misconduct be resolved formally. The University may also determine that it is necessary to move forward with the formal resolution process outside of Complainant's wishes in the event the Title IX Coordinator determines that signing a Formal Complaint is not clearly unreasonable in light of the known circumstances. The first step of the Formal Resolution process is the Investigation.

b. Investigations.

1. *Appointment of Investigator.* The Title IX Coordinator will appoint an Investigator to conduct a thorough, impartial, and equitable investigation of the report. The Investigator may be internal or external to the University and must be appropriately trained to conduct sexual misconduct investigations.

2. *Notice of Appointment.* Once an Investigator has been appointed, the Title IX Coordinator will notify each party in writing. Complainant and Respondent each have the opportunity to challenge the appointment of the Investigator for lack of impartiality. This challenge must be submitted to the Title IX Coordinator in writing within ten (10) Calendar Days of notice of the appointment and must include a justification. The Title IX Coordinator will evaluate the challenge and determine whether it would be appropriate to appoint an alternate Investigator. Each party will be notified when a challenge is submitted and will be advised of the outcome of the challenge.

3. *Advisors.* Complainant and Respondent may each select one Advisor of their choice. This Advisor may be internal or external to the University. The Advisor may not be someone whose University responsibilities create a conflict of interest. Advisors are permitted to be present in all phases of the Formal Resolution but may not participate directly. The Advisor may whisper or write notes to their advisee, but they may not interrupt, speak on behalf of the Complainant/Respondent, or otherwise interfere. If an Advisor violates these parameters, the

Advisor's participation may be limited. The foregoing limitations on the participation of the Advisor shall not apply to the Hearing.

4. *Investigation Timeline.* The University aims to complete all investigations within a reasonable time period, which may be modified as necessary by the Title IX Coordinator. Delays may occur when the University is closed, during academic breaks, or for other good reason. The parties will be notified of any delay in or modification to the timeline, to the extent that it is possible if the Investigation and decision-making process will take more than ninety (90) Calendar Days.

5. *Consolidation of Investigation.* The Title IX Coordinator has the discretion to consolidate multiple reports into one Investigation if the evidence related to each incident would be relevant in reaching a determination in the other incident. In the event such consolidation occurs, the Title IX Coordinator shall provide the parties with notice as set required under Section IX.

6. *Investigation Procedures.*

- i. The Investigator will conduct the investigation in an appropriate manner in light of the circumstances of the case. Complainant and Respondent will each be provided the opportunity to meet with the Investigator separately. Should a party choose not to provide information to the Investigator, the investigation will proceed without the benefit of their participation.
- ii. Each party will also be afforded the opportunity to identify witnesses and to submit documentary and other evidence which are relevant to the allegations contained in the Formal Complaint.
 - a. The Investigator will make a good faith effort to contact and interview each witness they have determined to be relevant to the investigation;
 - b. Witnesses who can only speak to the character of a party are not considered to be relevant;
 - c. Should a witness choose not to respond to outreach or provide the Investigator with information, the investigation will proceed without the benefit of their participation;

- iii. The Investigator has discretion to meet with any additional witnesses and review any additional documentation they determine to be relevant to the alleged incident. This includes but is not limited to:
 - a. Consultation with experts;
 - b. Site visits;
 - c. Review of police reports and related documentation.

7. *Review of Evidence Obtained in the Investigation.* Prior to the conclusion of the Investigation, the Investigator shall provide to the Title IX Coordinator copies of all evidence obtained from the Investigation. The Coordinator shall then send to the Complainant and Respondent, and their Advisors, if any, a copy, in electronic or written form, of the evidence, including any evidence upon which the University does not intend to rely upon in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence obtained from a party or other source. The parties shall have ten (10) Calendar Days after a copy of such evidence is provided to them in which to submit a written response to the Title IX Coordinator. Within ten (10) Business Days after the expiration of the response deadline, the Coordinator will submit the responses received to the Investigator who will then prepare the Final Investigation Report.

8. *Final Investigation Report.* At the end of the final response period, the Investigator will prepare a Final Investigation Report. The report shall fairly summarize all the relevant evidence, and shall include the following:

- i. Summaries of the Investigator's meetings with Complainant, Respondent, and witnesses;
- ii. Descriptions of the documentation submitted by the parties and/or obtained by the Investigator;
- iii. Parties' responses to the evidence obtained during the Investigation;
- iv. Identification of material facts in dispute and material facts not in dispute;
- v. Definitions of prohibited conduct and related terms under this Policy that the Investigator has determined to be relevant to the case;
- vi. An appendix containing all raw materials gathered in the investigation (e.g., incident reports, documentation submitted by the parties, etc.)

c. Review of Final Investigation Report. No less than twenty (20) Business Days prior to the Hearing required by Section XII(d), the Title IX Coordinator shall provide a copy of the Final Investigation Report to each party, and their Advisors, if any, in either an electronic format or a hard copy, for their review and written response. In addition, the Title IX Coordinator shall provide to the parties the date upon which the Hearing shall be conducted. Any written responses to the Final Investigation Report must be submitted to the Title IX Coordinator within ten (10) Business Days of the Hearing. The Title IX Coordinator shall, within seven (7) days of the Hearing provide the appropriate Deciding Official with the Final Investigation Report along with the parties' responses thereto, if any.

d. Hearings.

1. *General Provisions*

- i. In all cases in which a Formal Complaint has been filed and has not otherwise been withdrawn, dismissed or resolved informally, the University is required by the applicable Title IX regulations issued by the Department of Education to hold a live Hearing ("Hearing").
- ii. The Hearing shall take place no less than twenty (20) Business Days after a copy of the Final Investigation Report has been provided to the parties and their advisors, if any.
- iii. Each party is required to be accompanied to the Hearing by an Advisor of their choice who may be but is not required to be, an attorney. In the event a party does not have an Advisor present at the Hearing, the University shall provide one at no cost. Parties are encouraged to inform the Title IX Coordinator in advance of the Hearing as to whether they will have an Advisor present, or whether they require the University to provide one.
- iv. The audio of the proceedings that occur during the Hearing shall be recorded. The audio recording shall be maintained by the Title IX

Coordinator and either Complainant and/or Respondent may request to schedule an appointment for the purpose of inspection and review.

- v. At the request of either party, the University shall provide for the live Hearing to occur with the parties located in separate rooms with technology enabling the Deciding Official and the parties to simultaneously see and hear the party or witness answering questions.
- vi. Information related to the sexual history of either party will not be considered, except in the limited circumstance where information related to the sexual history between the parties may be relevant to the determination of consent. In that circumstance, sexual history between the parties may be considered only with regard to patterns of communicating and obtaining consent. Consent will not be assumed based solely on evidence of any prior or subsequent sexual history.
- vii. Evidence of sexual or other relevant behavior so distinctive and so closely resembling either party's version of the alleged encounter as to tend to prove a material fact, including whether consent was sought or given, may be considered. Where there is evidence of a pattern of similar conduct, either before or after the conduct in question, this information may be deemed relevant to assessing the credibility of the parties.
- viii. Information related to the prior misconduct of either Complainant or Respondent will not be considered relevant to the investigation. Respondent's prior misconduct may be considered only if it becomes necessary to assign a sanction.

2. Procedures for a Sexual Misconduct Hearing

- i. Prior to the Hearing, the Deciding Official shall review the Formal Complaint, Final Investigation Report, and any responses thereto.
- ii. The live Hearing will be solely for the purpose of allowing the parties' Advisors to cross-examine the other party and any witnesses to all relevant questions and follow-up questions.
- iii. Neither the Complainant nor the Respondent may ask a question of the other party or witness during the Hearing. All questions must be directed through a party's Advisor.

- iv. Prior to any party or witness answering a question posed by an Advisor, the Deciding Official shall first determine whether the question is relevant and decide whether the party to whom the question is posed may reply.
- v. In the event the Deciding Official determines the question is not relevant, the Deciding Official must state on the record the basis upon which the question is being excluded.

e. Determination of Outcome

1. Following the Hearing the Deciding Official shall consider the Final Investigation Report, associated evidence, the responses of the parties, statements of witnesses, and the testimony of those individuals that participate in the Hearing.
 - i. In the event an individual refuses to participate in the Hearing the Deciding Official shall not rely upon any statement of that individual in reaching a determination.
 - ii. In addition, the Deciding Official may not draw an inference about the determination regarding responsibility based solely upon a party's or witness's absence from the live Hearing or refusal to answer cross-examination or other questions.
2. Within thirty (30) Business Days of the Hearing, the Deciding Official shall issue a written determination regarding responsibility using the Preponderance of the Evidence Standard. The Complainant and Respondent shall be provided a copy of the written determination simultaneously.
3. The written determination shall include, at a minimum, the following:
 - i. Identification of the allegations potentially constituting Sexual Misconduct;
 - ii. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including (a) all notifications to the parties; (b) interviews with the parties and witnesses; (c) site visits; (d) methods used to gather other evidence; and (e) Hearings held;
 - iii. Findings of fact that support the determination;

iv. Conclusions regarding the application of this Policy to the facts;

v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on Respondent, and whether remedies designed to restore or preserve equal access to the University's education program will be provided to the Complainant; and

vi. A copy of the appeal procedures set forth in Section XII(g), along with the permissible bases for appeals, and the date upon which an appeal would no longer be considered timely.

f. Sanctions. The sanctions set forth under this Section XII(f) shall only be implemented if, after the Hearing is completed, and the Respondent is found responsible for the alleged Sexual Misconduct utilizing the Preponderance of the Evidence Standard.

1. If Respondent is found responsible, appropriate sanctions and/or remedies will be assigned. Factors considered when assigning sanctions include but are not limited to:

- i. Aggravating and mitigating circumstances,
- ii. Respondent's conduct history,
- iii. The need for the sanctions/remedies to:
 - a. Bring an end to the misconduct,
 - b. Prevent the future recurrence of the misconduct, and/or
 - c. Remedy the effects of the misconduct on the Complainant and the campus community.

2. Sanctions: Students

i. Standing Sanctions

a. The following sanctions impact a student's standing with the University. When a student is found responsible for violating this Policy, one of the following standing sanctions must be assigned:

- i. **Warning Letter:** A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure, or directive will result in more severe sanctions or remedial actions.
- ii. **Probation:** A written reprimand providing for more severe conduct sanctions in the event that the student or

organization is found in violation of any University policy, procedure, or directive within a specified period of time.

- iii. **Suspension:** Termination of student status for a definite period of time, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their time at the University. This sanction will not be noted on the student's official transcript.
- iv. **Dismissal:** Permanent termination of student status, revocation of rights to be on campus for any reason or to attend University-sponsored events. This sanction will be noted on the student's official transcript.
- v. **Withholding Diploma:** The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a report pending, or as a sanction if the student is found responsible for an alleged violation while a student.

ii. Only one standing sanction may be assigned in a case.

iii. Standing sanctions are assigned progressively. If a student has been assigned a standing sanction previously, the standing sanction for any subsequent violation(s) of this Policy must be greater, absent mitigating circumstances.

iv. Educational Outcomes

- a. For every standing sanction except dismissal, educational outcomes may be assigned. These outcomes may include, but are not limited to:
 - i. Restitution
 - ii. Assessment by a licensed psychologist, physician or healthcare provider
 - iii. Exclusion from co-curricular activities
 - iv. No Contact Order

3. Sanctions for Employees

- i. When an employee is found responsible for violating this Policy, one of the following sanctions must be applied:

- a. **Warning Letter:** A warning is a formal method of informing an employee of a violation of University rules, guidelines, and/or policies. Additional violations will initiate the progressive disciplinary process.
- b. **Demotion:** A reduction in rank or status.
- c. **Suspension with pay:** Temporary removal of an employee from performing their work duties.
- d. **Suspension without pay:** Temporary removal of an employee from performing their work duties and from receiving pay.
- e. **Termination:** If the nature of the violation is so problematic and/or harmful to the campus community that a warning or a suspension is not appropriate, the University's recommendation will be to terminate employment.
- ii. Other sanctions/remedies that the Title IX Coordinator may deem appropriate.

4. Sanctions for Contractors and Visitors

- i. When a contractor or visitor is found responsible for violating this Policy, one of the following sanctions must be applied:
 - a. **Warning Letter:** A warning is a formal method of informing a contractor or visitor of a violation of University rules, guidelines, and/or policies.
 - b. **Trespass:** Individuals or groups may be formally banned or trespassed from University property or sponsored events.
 - c. **Termination:** Contractor agreement may be terminated.
 - d. Other sanctions/remedies that the Title IX Coordinator may deem appropriate.

- 5. Failure to Complete Sanctions. Respondent's failure to complete sanctions (or remedies and corrective actions) by the date specified may result in further disciplinary action.

g. Appeals

- 1. Either party may appeal the Deciding Official decision to the University President.
- 2. All appeals must be submitted in writing to the President or designee within seven (7) Calendar Days of the delivery of written notice of outcome. The written appeal must include explanation of the grounds for such appeal.

3. Grounds for appeals are limited to the following:
 - i. Procedural error or omission that impacted the outcome of the case;
 - ii. Availability of new information that could impact the outcome of the case. This evidence must not have been available at any point during the process prior to appeal; and/or
 - iii. The existence of a conflict of interest or bias of the Title IX Coordinator, Investigator, or Deciding Official which affected the outcome of the case.
4. Within ten (10) Business Days of receipt of an appeal, the President shall provide written notice to the non-appealing party that an appeal has been filed. The content of the appeal shall not be shared with the non-appealing party unless the President determines, in accordance with Section XII(g)(5), what, if any, issues the appeal will move forward upon.
5. The President will then review the appeal request to determine whether it is: (1) timely; and (2) based on one of the grounds listed in Section XII (g)(3). If the appeal fails to meet these criteria, it will not go forward, and the original outcome will stand. If part, but not all, of an appeal meets the criteria, only the appealable issues will move forward. Any non-appealable issues will be redacted from the appeal before it is shared.
6. The President will provide written notice to both parties as to whether the appeal will move forward and the issues upon which the appeal will be based. The notice of initial determination shall describe the rationale for the result, and shall be provided simultaneously to both parties within thirty (30) Business Days after notice of the appeal is provided to the non-appealing party.
7. If any portion of the appeal moves forward, the other party will be provided the opportunity to review the appeal and submit a written response. A response must be submitted to the President or designee within seven (7) Calendar Days of the delivery of notice of the initial appellate determination.
8. Appeals are not intended to be a full rehearing of the case. The President's analysis will be confined to review of the evidence and issues alleged by the appealing party to have impacted or affected the outcome of the case. In making a decision regarding the appeal, the President may select one of the following outcomes:

- i. Uphold the original finding of responsibility and/or original assignment of sanction(s), or
 - ii. Set aside the original finding and:
 - a. Impose a new decision regarding responsibility and/or sanctions, OR
 - b. Send the case back to an Investigator or Deciding Official, or designee for further review.
9. The President will provide simultaneous notice of the outcome of the appeal to each party within thirty (30) Business Days of the initial appellate determination. The notice shall describe the result of the appeal along with the supporting rationale for the result.
10. The decision by the President or designee is final and there will be no further appeals.

h. Withdrawal or Resignation while a Complaint is Pending

- i. Should a Respondent withdraw from the University while a case is pending, that case may continue.
 - a. Respondent may continue to participate in the case. If they choose not to participate, the case will proceed without the benefit of their participation.
 - b. Respondent's ability to return to the University will depend on the outcome of the case. In cases where there is a responsible finding and the standing sanction assigned is dismissal, Respondent will not be permitted to return. In cases where there is a responsible finding and the standing sanction is anything less than dismissal, Respondent will not be permitted to return unless all sanctions and educational outcomes have been satisfied.
- ii. Should a Complainant withdraw from the University while a case is pending, the case may continue.

XIII. Limited Immunity

a. The University seeks to remove any barriers to reporting Sexual Misconduct or participating in an Investigation. Any student, whether the Complainant or a witness, who makes a report of Sexual Misconduct or participates in an Investigation will generally be offered immunity from being disciplined for policy violations related to the personal ingestion of alcohol or other drugs, provided that any such violations did not and do not place the health and safety of any person at risk. The University may encourage educational or therapeutic remedies for those individuals.

b. This limited immunity does not protect any student organization from discipline if information is learned through the course of an Investigation.

XIV. Prohibition on Retaliation

a. Any attempt by faculty, administrators, support staff, or students to Retaliate against an individual who exercises the rights granted to them under this Policy is prohibited and subjects the one who has Retaliated to possible disciplinary action, up to and including termination and/or removal from the University.

b. Even where there is a finding of Not Responsible, retaliation is prohibited. A good-faith pursuit of civil, criminal, or other legal action, even in response to an initial report under this Policy, does not constitute retaliation.

c. Individuals who experience Retaliation are encouraged to report the retaliatory conduct as soon as possible. Reports of Retaliation shall be administered in accordance with the Formal Resolution procedures under this Policy. An individual can request no University action. Individuals should note that the University's ability to effectively investigate alleged acts of Retaliation may be limited as time passes.

d. Reports of Retaliation may be consolidated into an ongoing Investigation at the discretion of the Title IX Coordinator.

e. It is a violation to file a knowingly false or malicious complaint of an alleged violation of this Policy. Such misconduct subjects the one who has filed a false or malicious Complaint or report to possible disciplinary action, up to and including termination/expulsion and removal from University premises.

XV. Records.

The University shall maintain the following records relating to the implementation of this Policy for a period of seven (7) years:

- a) Records relating to any Investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript;

- b) Any disciplinary sanctions imposed on the Respondent;
- c) Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- d) Any appeal and the result therefrom;
- e) Any informal resolution and the result therefrom; and
- f) All materials used to train Title IX Coordinators, Investigators, the Deciding Official, and any person who facilitates an informal resolution process;
- g) Records relating to any actions or the underlying basis for not taking action, including Supportive Measures, in response to a report or Formal Complaint under this Policy.