Annual Security Report

Indiana University Kokomo

September | 15

Indiana University Office of Public Safety, 1469 E. 17th Street, Bloomington, IN 47408

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2015 Annual Security Report for Indiana University Kokomo

Annual Security Report

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) and the safety-related requirements of the Higher Education Opportunity Act, the Indiana University Police Department (IUPD) on each Indiana (IU) campus produces an Annual Security Report. Each report includes policy statements and specific information regarding the University's procedures, practices, and programs concerning safety and security (e.g. policies for responding to emergency situations and sexual offenses). Each report also includes three years' worth of statistics for particular types of crimes that occurred on campus; in certain non-campus buildings or property owned or controlled by the University; and on public property on or immediately adjacent to the campus.

These reports are available online at http://protect.iu.edu/police/cleryreports/iuk. You may also request a paper copy from your campus IUPD contact at:

Indiana University Police Department – Kokomo Division
2300 S. Washington
Kokomo, IN 46902
(765) 455-9363

Policy Statements

This section of the Annual Security Report discloses the procedures, practices, and programs IU has implemented to keep its students and employees safe and its facilities secure.

I. Reporting Crimes and Other Emergencies

All community members, including students, faculty, staff, and guests, are encouraged to accurately and promptly report all criminal or suspicious actions and any potential emergencies to the Indiana University Police Department (IUPD) or appropriate law enforcement agency, including when the victim of a crime elects to, or is unable to, make such a report. Situations occurring on campus should be reported to the IUPD. For emergencies, dial 9-1-1; if you are using a cell phone, immediately state your location. Incidents may also be reported in any of the following ways:

- By telephone to campus IUPD at (765) 455-9363
- By campus telephone to IUPD at 9363
- In person to campus IUPD at Indiana University Police Department, 2300 South Washington, room KC 240, Kokomo, IN 46902
- Via the blue light emergency telephones located on campus property.
- To a police officer, security officer, or cadet officer when encountered.
- Using the online Campus Security Authority Crime Report form at: https://protect.iu.edu/machform/view.php?id=11507

For crimes or emergencies occurring off-campus, reports should be made to local law enforcement by either dialing 9-1-1 or visiting in person.

Crimes should be reported to the IUPD for inclusion in the annual statistical disclosure of crimes, if appropriate, and for assessment for Timely Warning notifications.

Response to Report

Depending on the nature of the particular report, the IUPD dispatcher may either send an officer to the caller's location or ask the caller to come to the IUPD office to file an incident report. After the report is filed, an investigation may be conducted.

As required by law or policy, an incident report may be forwarded to other University offices for review for potential action, which offices may include:

- Office of the Vice President and General Counsel
- University Title IX Coordinator
- Deputy Title IX Coordinator
- Human Resources
- Academic Affairs
- Office of Insurance, Loss, Control and Claims
- Environmental Health and Safety
- Dean of Students
- Vice Chancellor of Student Affairs

Voluntary, Confidential Reporting

If you are a victim of or witness to a crime, but you do not want to pursue action within the University system or the criminal justice system, you may still choose to make a report and request that it remain confidential. The purpose of such a report is to comply with your wish to keep your identity confidential, while also providing information to help ensure the future safety of yourself and others. An IUPD officer can file a confidential report detailing the incident without revealing your identity, to the extent allowed by state and federal laws. Certain information and details may be requested for public inspection, as stated in Indiana Code 5-14-3 and described in the Daily Crime Log section below. Using the information provided in the confidential police report, the University can: keep an accurate record of the number of incidents involving students, employees, and visitors; determine whether there is a pattern of crime with regard to a particular location, method, or assailant; and alert the University community to potential dangers. Reports filed in this manner may be counted and disclosed in the annual statistical disclosure for the University, included in the daily crime log, and used for the assessment of timely warning notifications without using any personally identifiable information.

Campus Security Authorities

Many individuals throughout the University have been identified as Campus Security Authorities (CSA) and have responsibilities to inform the IUPD of specific information regarding any crimes of which they are made aware. If you make a report to a CSA, be aware of their responsibilities and clearly express any interest you have in remaining confidential. Additional information on whom at the University may qualify to be a CSA can be found at https://protect.iu.edu/police-safety/clery/csa.html.

Pastoral and Professional Counselors

Pastoral counselors and licensed professional counselors on campus, working in that capacity, are not considered campus security authorities (CSA). Therefore, they are not required to report crimes for inclusion into the annual disclosure of crime statistics. However, if they deem it appropriate, these counselors may inform students about the University's policies and procedures about reporting crimes on a voluntary basis and seeking help if they are the victim of a crime (see above section on Voluntary, Confidential Reporting).

II. Timely Warnings (Crime Alerts) about Crimes

In order to promptly alert students and employees of dangerous situations on or near campus and provide them with enough time and information to take necessary precautions, IU has instituted a timely warning system. Timely Warnings at IU are called Crime Alerts and may be issued for any of the Clery Act crimes, as described in Appendix A of this report, that occur on campus; in certain non-campus buildings or property owned or controlled by the University; and on public property on or immediately adjacent to the campus. Crime Alerts may also be distributed for other crimes if deemed necessary by the campus IUPD Chief or his/her designee.

Crime alerts will be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. For a Crime Alert to be issued, the crime must be considered a serious or continuing threat to students or employees. The campus IUPD Chief or his/her designee is responsible for determining the necessity of a Crime Alert and for issuing the alert to members of the IU community. If a crime occurring on campus is determined to be an immediate threat to the health or safety of students or employees, IU will follow the emergency notification procedures listed in Section III below.

In deciding whether or not to issue a Crime Alert, the campus IUPD Chief or his/her designee examines the facts of each incident and considers when and where the incident occurred, when the incident was reported, and any other information available to the IUPD. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other University community members, and a Crime Alert would likely not be distributed.

Crime Alerts are generally written and issued by the campus IUPD Chief or his/her designee. Certain details may be withheld from a message if the information would compromise law enforcement efforts. Any details that could disclose the identity of the victim are withheld from Crime Alerts. IU-Notify is generally used to send Crime Alerts and to provide any updates to members of the University community. Email is the primary method of Crime Alert communication, however, other means of distribution may be used, including:

- Text messages
- Posting to Protect IU webpage updates (http://protect.iu.edu/)
- Posted on http://emergency.iu.edu

More information on IU-Notify and instructions on how to update your contact information can be found at https://protect.iu.edu/emergency-planning/communication/iu-notify.html. For members of the IU community, it is suggested that you provide the best phone number to reach you and an email address in order to receive notifications and alerts. You should update and verify your information regularly.

III. Emergency Notifications

When IU receives a report of a potential emergency or other dangerous situation occurring on campus, public safety and campus officials respond and assess each incident. Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees, the University will immediately notify the campus community. University officials authorized to send messages via the emergency notification process will, without delay and taking into account the safety of the community, collaborate to determine the content of the message. These officials will communicate information regarding the threat either to the campus community as a whole or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population. IU will not immediately issue a notification for a confirmed emergency or dangerous situation if by doing so, in the professional judgment of public safety and campus officials, it will compromise efforts to assist a victim, to contain the emergency, to respond to the emergency, or to otherwise mitigate the emergency.

IU's use of emergency response and notification procedures is not necessarily limited to crimes. An incident such as a serious gas leak, tornado, hazardous materials spill, winter storm, or other hazards could also warrant the use of this protocol.

University officials authorized to send messages via the emergency notification process include the following staff: Public Safety and Institutional Assurance officials (including IUPD, Emergency Management and Continuity personnel, and Environmental Health and Safety personnel) and Communications/Marketing personnel. These officials will use their discretion to determine the content of the message, specific method(s) of notification, recipients of the notification, and the sending authority. Usually, such notification will be made using the IU-Notify emergency notification system. Notification may be accomplished using a variety of messaging methods which may include one or all of the following: text messages, telephone calls, email, social media, television cable override, sirens, digital signage, website banners, face-to-face communications, and/or public address systems. If there is a need to disseminate information outside of the campus community, it can be communicated in any of the following ways:

- Posted to the IU Protect website at https://protect.iu.edu,
- Distributed to local news agencies,
- https://www.facebook.com/IndianaUniversityKokomo
- https://twitter.com/IUKokomo
- Posted to Facebook at: https://www.facebook.com/IUEMC?fref=ts
- Posted to Twitter at: https://twitter.com/IUEMC
- Posted to http://emergency.iu.edu
- Posted to WebEOC (which provides selected information to surrounding public safety jurisdictions and the Indiana Department of Homeland Security).
- Posted as a web banner at: https://www.iuk.edu
- Posters and flyers in campus buildings.

The purpose of initial emergency notifications is to put the campus community on alert. Initial messages may contain very limited information on the nature of what is happening and specific locations. The University will provide proper follow-up information as it becomes available and as appropriate.

More information on IU-Notify and instructions on how to update your contact information can be found at https://protect.iu.edu/emergency-planning/communication/iu-notify.html. For members of the IU community, it is suggested that you provide the best phone number to reach you and an email address in order to receive notifications and alerts. You should update and verify your information regularly.

IV. Emergency Response and Evacuation Procedures and Tests

Emergency Procedures

IU Emergency Management and Continuity (IUEMC) assists departments and campuses with developing, maintaining, and implementing emergency operations plans, developing and conducting exercises, hazard and risk education, and building partnerships with external response agencies. IUEMC is responsible for assisting with and coordinating the University's overarching mitigation, preparedness, response and recovery programs.

Emergency response and evacuation procedures are documented in the campus Comprehensive Emergency Management Plans and Emergency Procedures and Building Emergency Action Plans. Evacuation route maps are posted in hallways throughout campus buildings. Procedures for potential emergencies can be found at: https://protect.iu.edu/emergency-planning/procedures/index.html.

Tests, Drills, and Exercises

Announced and/or unannounced drills are scheduled and executed annually to test evacuation and emergency procedures.

An announced test of the IU-Notify emergency notification system is conducted at least once per calendar year. This test also publicizes the https://protect.iu.edu website, which contains information about emergency procedures.

Each test, drill, and exercise is designed to evaluate IU's emergency plans and capabilities and is documented in writing. The documentation includes a description of the test/drill/exercise, the date held, the time started and ended, whether the test/drill/exercise was announced or unannounced, and includes any follow-through activities designed for assessment and evaluation of emergency plans and capabilities.

Campus tests, drills, and exercises performed in the calendar year for this report include:

Description of Event (ie name of exercise)	Date	Start Time	End Time	Announced or Unannounced
Operation Stormy Weather	3-20-2014	1000	1030	Announced
Operation Stormy Weather	3-20-2014	1900	1930	Announced
Active Shooter Table Top Exercise	8-1-2014	1000	1600	Announced
Fire Alarm Testing	6-19-2014	800	1400	Announced

V. Daily Crime Log

The Daily Crime Log includes records of criminal incidents and alleged criminal incidents that have been reported to the Indiana University Police Department (IUPD) on each campus. The Daily Crime Log entries contain more detail than the Annual Crime Statistics Disclosure. It includes all crimes, not just those reported for Clery Act purposes. It also includes crimes that occur within the IUPD's patrol jurisdiction, which may be broader than on-campus. Information may not be included in the log if prohibited by law or if the disclosure would jeopardize an ongoing investigation. If you would like to see your campus' Daily Crime Log, you can do so by:

- Go to www.iuk.edu/university-police/index.php . Click on Prevention tab and then Crime Logs.
- Going to the Indiana University Police Department – Kokomo Division and looking at the bulletin board in the hall in from ont room KC 240 in the Kelley Student Center.
- You can also contact Chief Jerry Williams in room KC 240, or call (765) 455-9432 to request a copy of the Daily Crime Log.

VI. Security of and Access to Campus Facilities

IU campuses are open to the public. During business hours, most buildings are open to students, parents, employees, contractors, guests, and invitees; however, there may be restricted areas that are not accessible without permission from a university representative. On evenings and weekends, certain buildings are open for scheduled classes, events, or meetings. Some buildings may stay open 24 hours or have hours that vary at different times of the year. Buildings will be closed according to schedules developed by the department responsible for the building. When a building is closed, only faculty, staff, and students with specific authorization are permitted inside. Emergencies may necessitate changes to any posted schedules.

Academic and Administrative Building Access

Campus security and access controls include:

- All exterior doors are secured by members of Physical Plant. The doors are secured at 10:00pm daily, Monday thru Friday. Exterior doors are secured at 5:00pm on Saturday's and at 9:00pm on Sunday's.

Campus Residence Access

Special considerations for campus residence access include:

- IU Kokomo does not operate any on campus residential faciliites.

VII. Security Considerations for the Maintenance of Campus Facilities

IUPD officers patrol campus buildings and grounds regularly. If officers notice any unsafe conditions, such as poor lighting, they report such conditions to the appropriate campus administrators for correction.

Members of the campus community are encouraged to report safety issues to IUPD or one of the following:

- Facilities Director John Sarber (765) 455-9505
- Physical Plant (765) 455-9273

A very strong commitment to campus security and safety is maintained through regular inspection of the following:

- IUPD and facilities/physical plant employees constantly look for and report problems with lighting, locks, security equipment, and for other public safety hazards as they perform their daily duties.
- Exterior lighting — Formal surveys of exterior lighting on campus are conducted on a weekly basis. Members of the campus community are encouraged to report any exterior lighting deficiencies to IUPD. A comprehensive survey of all exterior lighting is conducted on a semi-annual basis.
- Building managers check interior lighting regularly. Members of the campus community are encouraged to report any interior lighting deficiencies to the building manager, IUPD, or facilities services/physical plant.
- Building managers check exterior doors and locking hardware regularly. Members of the campus community are encouraged to report any interior lighting deficiencies to the building manager, IUPD, or facilities services/physical plant.
- Exterior doors on campus are locked and secured each evening by physical plant personnel.
- Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. IUPD regularly patrols campus and checks that pathways are well lit, and that other hazards are addressed. Report shrubs or trees that might create an unsafe area as well as poor lighting to facility services/physical plant.
- IUPD reports malfunctioning lights and other unsafe physical conditions to facilities services/physical plant for correction. Other members of the University community are helpful when they report equipment problems to IUPD or facilities services/physical plant.
- Campus buildings and grounds are patrolled regularly.
- Emergency telephones are surveyed monthly for deficiencies

VIII. Crime Prevention and Security Awareness

The IUPD, along with many other IU departments, uses a variety of media to provide information about crime prevention, to publicize campus security procedures and practices, and to encourage community members to be responsible for their own security and for the security of others.

Campus security and fire safety procedures are specifically discussed during new student orientation. In addition, representatives from the IUPD, the Office of Environmental Health and Safety (EHS), and the Office of Emergency Management and Continuity (IUEMC) participate in forums, engage in town hall meetings, and are available by request to address student and employee questions and to explain University security, public safety, and fire safety measures. Members of the IUPD conduct presentations about crime prevention and general security and safety awareness upon request. Information typically provided includes crime prevention tips; statistics on crime at IU; fire safety information; information about campus security procedures and practices; and encouragement to all community members to be responsible for their own security and for the security of others.

Campus security awareness and crime prevention programs include:

Description of Program	Frequency	Additional Information
Angel Walk Community event to prevent Domestic Violence Guest speaker, followed by a one mile walk.	4-22-2014 Annual	Candy Miller Cam33@iuk.edu
New Student Orientation Meet with new students, discuss Sexual Assault, Definition of Consent. Show the Run, Hide, Fight video and discuss what to do in an Active Shooter situation. Overall discussion of Police Services and Parking Operations.	1-7-2014 Six times a year	Brittany Ravas bravas@iuk.edu
New Student Orientation Meet with new students, discuss Sexual Assault, Definition of Consent. Show the Run, Hide, Fight video and discuss what to do in an Active Shooter situation. Overall discussion of Police Services and Parking Operations.	5-17-2014 Six times a year	Brittany Ravas bravas@iuk.edu
New Student Orientation Meet with new students, discuss Sexual Assault, Definition of Consent. Show the Run, Hide, Fight video and discuss what to do in an Active Shooter situation. Overall discussion of Police Services and Parking Operations. **New Student Orientation** Meet with new students, discuss Sexual Assault, Definition of Consent. Show the Run, Hide, Fight video and discuss what to do in an Active Shooter situation. Overall discussion of Police Services and Parking Operations.	6-21-2014 Six times a year 7-26-2014 Six times a year	Brittany Ravas bravas@iuk.edu
New Student Orientation Meet with new students, discuss Sexual Assault, Definition of Consent. Show the Run, Hide, Fight video and discuss what to do in an Active Shooter situation. Overall discussion of Police Services and Parking Operations.	8-14-2014 Six times a year	Brittany Ravas bravas@iuk.edu

New Student Orientation Meet with new students, discuss Sexual Assault, Definition of Consent. Show the Run, Hide, Fight video and discuss what to do in an Active Shooter situation. Overall discussion of Police Services and Parking Operations.	12-12-2014 Six times a year	Brittany Ravas bravas@iuk.edu
Adult Abuse Presentation Classroom presentation, covering Adult Abuse, investigations and judicial procedure related to Adult Abuse charges.	4-22-2014 One time event	Jerry Williams jerlwill@iuk.edu
Public Safety Event Several Law Enforcement Agencies come together to meet with community to present/discuss services available with their respective agencies. Provides for interaction between the agencies and the community.	4-17-2014 Annual	Caily Tanner cltanner@umail.iu.edu

IX. Campus Law Enforcement/Indiana University Police Department (IUPD)

Enforcement Authority

The IUPD employs sworn police officers who are certified by the State of Indiana and who meet state-mandated training requirements. These officers have full police powers, including the power to arrest, as granted by the State of Indiana (IC 21-39-4), and have access to national and state law enforcement computer networks.

IUPD also employs non-sworn security officers who provide additional patrols on campus. These non-sworn officers do not have the power to arrest nor do they have the power to enforce Indiana law. They report crimes that they observe to the sworn officers.

Both sworn and non-sworn IUPD officers have primary jurisdiction on any real property owned or occupied by the University, including the streets passing through and adjacent to such property. These officers also have the power to assist university officials in the enforcement of IU's rules and regulations.

On an as needed basis, for events occurring on campus, the University will retain contracted security personnel through approved security companies. Contracted security personnel do not have the power to arrest nor do they have the power to enforce Indiana law. They report crimes they observe to sworn officers. Contracted security personnel will report violations of institutional policy to the IUPD. Their jurisdiction is limited to the location and space described in the agreement for service.

Working Relationship with State and Local Enforcement Agencies

By resolution of the Indiana University Board of Trustees, and consistent with Indiana law, University police are authorized to exercise police powers beyond their primary jurisdiction in certain circumstances. The IUPD maintains a cooperative working relationship with municipal and county law enforcement agencies in the geographic areas in which campuses are located, as well as with Indiana State Police and Federal agencies. When investigating alleged criminal offenses, the IUPD cooperates with the appropriate law enforcement agencies and other criminal justice authorities.

These cooperative working relationships include:

- Kokomo Police Department, No Memorandum of Understanding (MOU)
- Howard County Sheriff's Department, No MOU
- Indiana State Police Department, No MOU

IUPD officers normally investigate all criminal offenses that occur in the IUPD's primary jurisdiction and work with the staff of cooperating agencies when incidents arise that require joint

investigative efforts, resources, crime-related reports, and exchanges of information. The officers of IUPD and cooperating agencies communicate regularly at the scene of incidents that occur in and around the campus. Meetings may be held between the IUPD and cooperating law enforcement agencies for purposes of sharing information on both a formal and informal basis. Local and state police agencies provide back-up assistance for any emergency that might require extensive police services. Any law enforcement officer may come onto campus at any time; just as IUPD officers have powers to arrest, city and state police can arrest students and visitors on campus for violations of law within their agencies' jurisdictions. In addition, the University has the responsibility of advising the appropriate authorities of violations of civil or criminal law committed by anyone on campus. The University will report violations either when a request for specific information is made or when there is a danger to life or property.

X. Crimes at Non-campus Locations

The IUPD uses University records to identify and monitor activity at non-campus property. Non-campus property, for this purpose, is defined as (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. The IUPD sends annual requests to the law enforcement agencies with jurisdiction over these locations to request crime statistics and to be alerted when a serious or ongoing threat is occurring at any non-campus location.

If IU students are implicated in criminal activity occurring off-campus, including non-campus locations of student organizations officially recognized by IU (with or without housing facilities), the law enforcement agency with jurisdiction may notify the IUPD; however, there is no official policy requiring such notification. Students in these cases may be subject both to arrest by the law enforcement officers and to the University's disciplinary action through:

Office of the Dean of Students (765) 455-9203

IU Kokomo operates no off-campus housing or off-campus student organization facilities.

XI. Alcohol and Drugs

The possession, use, sale, manufacturing or distribution of any controlled substance, including alcohol, on the IU campus is governed by the campus' Alcohol and Drug-Free Policy; the IU Code of Student Rights, Responsibilities, and Conduct; and the laws of the State of Indiana. The Indiana Alcoholic Beverage Commission (ABC) oversees state laws regarding the possession, use, sale, consumption, or furnishing of alcohol. However, the enforcement of alcohol laws on campus is primarily the responsibility of the IUPD. IU has been designated "drug free," and the consumption of alcohol on campus is only permitted under certain circumstances as set forth by University policy. The illegal possession, use, sale, manufacture, or distribution of any controlled substance is against IU policy and enforced under both state and federal laws. The IUPD proactively enforces these laws and University policies, including state underage drinking laws. Violators may be subject to University disciplinary action, criminal prosecution, fine, and/or imprisonment. Additional information and resources can be found on Protect IU.

Underage Drinking

It is unlawful to sell, furnish, or provide alcohol to a person who is under the age of 21. The possession of alcohol by anyone under 21 years of age is illegal. Organizations or groups violating alcohol/substance policies or laws, Indiana Code (IC 7.1-5-7-8), may be subject to sanctions by the University.

Please note that under Indiana's Lifeline Law (IC 7.1-5-1-6.5), students are afforded amnesty against certain charges for alcohol related crimes in connection with a report of a medical emergency, so long as they cooperate with law enforcement at the scene.

Alcohol and Drug Programs

IU is committed to promoting the health and safety of its campus community through prevention and awareness programs of drug and alcohol education and the implementation of relevant policies. IU prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol on IU property or as part of any IU sponsored activities.

Legal Sanctions

A description of applicable legal sanctions under local, state (Indiana), or federal law for the unlawful possession or distribution of illicit drugs and alcohol is found below.

- Laws governing the production, possession, storage, sale, delivery, transportation, or financing of alcohol and drugs are set forth in the Indiana Code.
  - Offenses Related to Controlled Substances (Indiana Code 35-48-4)
  - Alcohol and Tobacco-Crime and Infractions (Indiana Code 7.1-5)
- Federal laws and sanctions concerning distribution and penalties can be found at: http://www.dea.gov/druginfo/ftp3.shtml

Health Risks

Fact sheets describing the health effects to your body and brain while using drugs and alcohol can be found on the Drug Enforcement Administrations website at: http://www.dea.gov/druginfo/factsheets.shtml

Resources

IU encourages members of the community who may be experiencing difficulty with drugs or alcohol to utilize one of the following resources:

Contact	Contact information	Availability
University Personal Counseling Service	234G Kelley Student Center 2300 S Washington St. P.O. Box 9003 Kokomo, IN 46904-9003 (http://www.iuk.edu/student-affairs/counseling-and-health/index.php) (765) 455-9364	On-Campus/Students only
Employee Assistance Program (EAP)	http://www.indiana.edu/~uhrs/benefits/eap.html (888) 234-8327	University/Full time academic and staff employees
Trinity House	St Joseph's 1907 W Sycamore St Kokomo, IN (765) 456-5900	Community
Community Howard	3500 S Lafountain St Kokomo, IN (765) 453-8555	Community

The Gilead House	4073 S Webster St Kokomo, IN (765) 865-7427	Community
Michiana Behavioral Health	1800 North Oak Dr Plymouth, IN (574) 936-3784	Community
Drug and Opiate Recovery Network	23 E Main St, Ste 200 Carmel, IN (317) 582-0555	Community
Fairbanks Hospital	8102 Clearavista Pkwy Indianapolis, IN (317) 849-8222	Community
Four County Counseling	655 E Main St Logansport, IN (574) 722-5151	Community

University/Campus Disciplinary Sanctions

Violators of IU policies are subject to the provisions of applicable laws as well as University disciplinary actions. IU will impose disciplinary sanctions on students and employees who violate IU policy, state law and/or federal laws, up to and including expulsion or termination of employment and referral for prosecution. Disciplinary action may also be taken to protect the interests of the University and the rights and safety of others.

University and Campus Policies

University and campus policies pertaining to drugs and alcohol can be found at:

- The IU Code of Student Rights, Responsibilities, and Conduct located at http://www.iu.edu/~code/code/index.shtml
- The IU policy on a Substance-free Workplace (for all staff and hourly employees) located at http://policies.iu.edu/policies/categories/human-resources/conduct/substance.shtml
- The IU policy on Substance-Free Workplace for Academic Appointees http://policies.iu.edu/policies/categories/academic-faculty-students/conditions-academic-employment/substance-free-workplace-acad-appointees.shtml
- The IU policy on Requirements for Service of Alcoholic Beverages on Indiana University premises http://policies.iu.edu/policies/categories/financial/insurance-loss-control-claims/FIN-INS-10-requirements-for-service-of-alcoholic-beverages-on-indiana-university-premises.shtml
- Indiana University Academic Guide located at https://www.indiana.edu/~vpfaa/academicguide/index.php/Main_Page
- Alcohol and Drug Free campus Policy located at http://www.iuk.edu/campus-life/assets/pdf/DrugAlcPolicy.pdf

I. Dating Violence, Domestic Violence, Sexual Assault and Stalking (Sexual Misconduct)

Indiana University prohibits discrimination on the basis of sex or gender in its educational programs and activities. Prohibited conduct includes sexual harassment, sexual violence, sexual assault, dating violence, domestic violence, sexual exploitation and stalking. Such behaviors are against the law and are unacceptable behaviors under Indiana University policy.

Definitions

The following definitions are applicable in the state of Indiana and for Indiana University; these are not the same definitions used when reporting crime statistics, as stated in the Crime Statistics Disclosure section of this report. The federal Violence Against Women Act (VAWA) definitions used for counting crime statistics are located in Appendix A.

Domestic Violence (IC 5-26.5-1-3)

Includes conduct that is an element of an offense under Indiana Code 35-42 (which includes crimes against a person) or a threat to commit an act described in Indiana Code 35-42 by a person against a person who:

(1) is or was a spouse of;
(2) is or was living as if a spouse of;
(3) has a child in common with;
(4) is a minor subject to the control of; or
(5) is an incapacitated individual under the guardianship or otherwise subject to the control of the other person regardless of whether the act or threat has been reported to a law enforcement agency or results in a criminal prosecution.

Dating Violence

Indiana does not have a law that defines Dating Violence. The definition in the university Sexual Misconduct Policy and provided below is based VAWA definition 42 U.S.C. 13925(a).

Dating Violence is violence committed by any person 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 persons involved in the relationship.

Sexual Assault (IC 5-26.5-1-8)

For purposes of IC 5-26.5-2-2, "sexual assault" means conduct that constitutes: (1) a misdemeanor or felony under IC 35-42-4 (sex crimes) or IC 35-46-1-3 (incest); (2) a misdemeanor or felony under the laws of: (A) the United States; (B) another state; or (C) an Indian tribe; that is substantially similar to an offense described in subdivision (1); or (3) an attempt to engage in conduct described in subdivision (1) or (2); regardless of whether the conduct results in criminal prosecution or whether the person who engages in the conduct is an adult.

The Indiana University Sexual Misconduct Policy defines sexual assault as:

1. Sexual Assault is committed when an individual subjects another person to sexual penetration (i) without the consent of the person, (ii) when the individual knew or should have known that the other person was mentally or physically incapable of resisting or appreciating the nature of the other person's own conduct, (iii) or when the other person is less than sixteen years of age.
2. Sexual assault is also committed when an individual touches another person for the purpose of sexual arousal or gratification of either party (i) without consent of the person, or (ii) when

the actor knew or should have known that the person was physically or mentally incapable of resisting or appraising the nature of the person's own conduct, (iii) or when the person is less than sixteen years of age.

Sexual Misconduct (Indiana University Sexual Misconduct policy UA-03)

IU has defined sexual misconduct as stated below; all acts that fall under this definition use the same disciplinary procedures and are defined in the University Sexual Misconduct Policy (UA-03).

Sexual Misconduct: includes sexual harassment, sexual violence, dating violence, domestic violence, sexual exploitation and stalking. For purposes of UA-03, sex or gender based discrimination is considered sexual misconduct.

Stalking (IC 35-45-10-1)

A knowing or an intentional course of conduct involving repeated or continuing harassment of another person 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.

Consent, in reference to sexual activity (Indiana University Sexual Misconduct policy UA-03)

Indiana does not have a definition for consent. The definition provided is Indiana University's definition.

- **Consent** is expressed through affirmative, voluntary words or actions mutually understandable to all parties involved.
- **Consent** is given for a specific sexual act at a specific time and can be withdrawn at any time.
- **Consent** cannot be coerced or compelled by duress, threat, or force.
- **Consent** cannot be given by someone who, for any reason, cannot understand the facts, nature, extent, or implications of the sexual situation occurring, including, but not limited to, those who are under the legal age of consent, asleep, unconscious, or mentally or physically impaired through the effects of drugs or alcohol, or mentally impaired due to an intellectual or other disability.
- **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.

Prevention and Awareness Programs

IU offers ongoing educational programs to promote awareness and prevention of domestic violence, dating violence, sexual assault, and stalking. These education programs include: (1) a statement that the University prohibits dating violence, domestic violence, sexual assault and stalking; (2) the definition of these terms, as well as the definition of consent in reference to sexual activity; (3) information about safe and positive options for bystander intervention; (4) information on risk reduction; and (5) information on University policies and procedures concerning sexual misconduct. Education and awareness programs may also include programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking. Educational programs will also include information on how and where to report incidents of sexual misconduct and available resources. Efforts will be made to ensure that educational programs are culturally relevant and inclusive of the diverse communities and identities found on each IU campus.

Primary prevention and awareness programs offered to incoming students include:

Program	Additional Information
MyStudentBody online educational program: MyStudentBody is an online risk reduction course required of all first-year undergraduate IU-Northwest students, covering content on alcohol, drugs, and sexual violence. MyStudentBody takes an evidence-based (BASICS), comprehensive approach to prevention. MyStudentBody is designed to reduce risky student behavior using strategies that research has shown are most effective: motivational, attitudinal, and skill-building interventions. As part of MSB's "Essentials" Course, Sexual Violence Prevention includes 15 articles designed to both help prevent sexual violence from occurring and help students who have experienced sexual violence. Intended for both men and women, both as survivors and perpetrators.	Dean of Students (765) 455-9204

Primary prevention and awareness programs offered to new employees include:

Program	Additional Information
University Employee Sexual Misconduct Training: Beginning in July 2015, the University made available to all employees an online training module titled **"Sexual Misconduct Training: Understanding Title IX and the University's Policies & Procedures."** All employees are instructed on how to access and take the training module. In addition, all employees that the University has designated as "Responsible Employees" (based on Title IX guidance) are required to take the online module on an annual basis, and new employees are required to take the training upon joining the university. The module contains important information to inform employees about the University's prohibition and response to all forms of sexual misconduct. This includes key definitions (including sexual assault, dating violence, domestic violence, stalking, and consent), information on bystander intervention and risk reduction, signs of abusive relationships, an overview of the University process, and what happens when information regarding an incident of sexual misconduct is brought to the University's attention. The module also explains reporting options and the specific reporting obligation of those employees designated as Responsible Employees.	The Office of Student Welfare and Title IX titleix@iu.edu

On-going prevention and awareness campaigns include:

Program	Additional Information
New Student Orientations All incoming students received the Sexual Assault, Relationship Violence, and Stalking; Rights, Options, and Resources brochures during New Student Orientation and topics within the brochure were discussed with each Orientation group. Electronic versions of the brochure/IU's Student Welfare Statement/ and IU's Definition of Consent in sexual situations were distributed to all students/faculty/staff. Brochures have been placed in the following areas where students might seek resources: Student Activities/CAPS/Student Affairs/Athletics/Admissions/Advising.	Student Development & Campus Life (765) 455-9491

Step Up Bystander Training Step Up Bystander Training is focused on helping students recognize situations that may be problematic, and giving them the resources and helping them develop the skills so that they can intervene in a situation before it becomes a crisis.	Student Development & Campus Life (765) 455-9491
Posters (template provided by IU) promoting stopsexualviolence@iu.edu Posters (template provided by IU) promoting www.stopsexualviolence.iu.edu have been placed in all bathroom stalls on campus and in other posting areas as well.	Student Development & Campus Life (765) 455-9491
Red Flag Campaign Red Flag Campaign posters have been placed throughout campus with resource contact information attached. The Red Flag Campaign is a public awareness campaign designed to address dating violence and promote the prevention of dating violence on college campuses. More information on the Red Flag Campaign can be found at: www.theredflagcampaign.org Red Flags were placed on campus with signs stating "The red flags placed in the Quad are in recognition of Sexual Assault Awareness Week. These serve as a reminder that when you see a "Red Flag" in a situation you need to Step Up and say something."	Student Development & Campus Life (765) 455-9491
Self Defense Classes Classes focused on mindset, situational awareness, how to avoid being a victim as well as physical tactics for to use to defend one's self if attacked.	Student Development & Campus Life (765) 455-9491
Before You Get Naked, Let's Talk IU Kokomo faculty members, Dr. Jeff Batis & Dr. Rosalyn Davis discussed the psychological, biological and legal issues related to sexual assault, modern dating and substance use.	Student Development & Campus Life (765) 455-9491
Sex Signals National traveling performance program that provides a provocative, in-your-face look at issues surrounding dating, sex and date rape on college campuses; issues that may affect students. Performers engage in candid discussions on sex, dating and the realities of date rape, while challenging participants to provide solutions that will improve communications in interpersonal relationships, and the well-being of all on campus.	Student Development & Campus Life (765) 455-9491
Resource Table for Sexual Assault Awareness Week Resource Table & T-shirt Giveaway – students/faculty/staff could pick up information on local resources available on campus and in the Kokomo community, and county resource cards for each of the 14 counties in our service area. Individuals were also encouraged to take the Sexual Assault Awareness Quiz. Those passing the quiz with at least 4 out of 5 answers correct were given a t-shirt with the tag line – "Ask First – Consent is Sexy"	Student Development & Campus Life (765) 455-9491
Sexual Assault Awareness Week Sexual Assault Awareness Week was a week long event with multiple programs and events focused on raising awareness and reducing the risk of sexual assault.	Student Development & Campus Life (765) 455-9491

Community of Care Week Community of Care Week is held the week prior to Spring Break. The focus of all events that week was about taking care of self and others. It included educational sessions on alcohol awareness and sexual assault awareness, self defense, and other healthy initiatives.	Student Development & Campus Life (765) 455-9491
Not On Our Campus, Not In Our Community/Angel Walk Not On Our Campus, Not In Our Community – Our campus partnered with Family Services Association (FSA) for this event. FSA has the only domestic violence shelter in Howard county. The event was a rally and walk to benefit the shelter and raise awareness about domestic violence and sexual assault. Faculty members were encouraged to include the topics of sexual assault and/or domestic violence into their curriculum where appropriate. We were able to show case the work of multiple students on these topics at the event. This event includes the campus and community members.	Student Development & Campus Life (765) 455-9491
Policy Discussion Provided a presentation on the Student Welfare Initiative and new University Sexual Misconduct Policy and Procedures. Left time for questions and discussion. This presentation and discussion was open to the entire University community.	Office of Student Welfare and Title IX titleix@iu.edu

Additional information and resources about the University's efforts to prevent sexual violence can be found at http://stopsexualviolence.iu.edu.

Safe and Positive Options for Bystander Intervention

The Clery Act defines bystander intervention as, "Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene."

All members of the IU community have a responsibility to create a safe, supportive, and inclusive learning environment. Bystander Intervention involves taking action in a situation when another individual needs help. This includes when someone may be at medical risk due to using drugs or alcohol, or vulnerable to sexual or intimate partner violence. To actively intervene, follow these steps:

1. **Notice the event.** Pay attention to your surroundings.
2. **Interpret the event as a problem.** Recognize that someone is being taken advantage of, vulnerable, or in danger. When in doubt, trust your gut, and intervene at the earliest possible point.
3. **Take personal responsibility to intervene.** If you don't intervene, it is unlikely that anyone else will.
4. **Decide how you are going to intervene.** Try not to put yourself at risk or make the situation worse.
5. **Decide to intervene.** Take action and intervene at the earliest possible point. If you are not able to fully intervene in a situation, consider responding by asking the victim if he or she needs help or assistance, contacting the police, or seeking out others for assistance.

Types of Intervention:

- **Direct intervention:** Directly addressing the situation in the moment to prevent harm.
- **Delegation:** Seeking help from another individual. This may be someone who is in a role of authority, such as a police officer or campus official.
- **Distraction:** Interrupting the situation without directly confronting the offender by distracting the offender's attention or directing the potential victim away from the situation.

Most importantly, **"If you see something, say something!"**

Risk Reduction

The Clery Act defines risk reduction as, "Options designed to decrease perpetration and bystander inaction, and to increase help individuals and communities address conditions that facilitate violence." Sexual assault, like all other forms of violence, is **never** the fault of the person assaulted. Below are some general safety tips to consider that may help you avoid or escape situations where someone is trying to harm or take advantage of you sexually or physically:

1. Be aware of your surroundings.
2. Listen to your intuition. If you feel like something is wrong, it probably is. Try to get out of the situation.
3. Don't be afraid to make a scene and yell, scream, or run for protection.
4. Remember, alcohol and drugs can impair your perceptions and reactions. Be especially careful when you drink, and when you're with someone who has been drinking.
5. Watch your beverage at all times. Date rape drugs are tasteless, colorless, and odorless. Victims don't know they have ingested these drugs until the effects are well under way.
6. Go with a group of friends when you go out to a party or to the bars, and look out for each other.
7. Speak up or call authorities if you see someone who could be in trouble.

Healthy, Unhealthy, and Abusive Relationships

A relationship is healthy if each involved is supported in being the person he or she wants to be. A relationship that limits, manipulates, or damages a person's sense of self is unhealthy and can be harmful or abusive. Be honest when assessing your relationship on the following factors – you owe it to yourself!

- **Mutual respect** means valuing your partner for who she or he is, not who you want them to be or become, and receiving the same from your partner. Does your partner say, do, and believe things that you can support? Or, is one of you trying to change the other?
- **Trust** is present if you can share your thoughts and feelings with another person without fear of being hurt physically, cognitively or emotionally. Can you be yourself without fear of criticism or judgment? Can your partner trust you in the same way?
- **Honesty** is about being truthful in your words. Do you tell the truth? Do you believe what your partner tells you?
- **Support** means helping your partner in being his or her best, and feeling you get the same in return.
- **Fairness/equity** – Do you almost always give? Or give in? Do you expect your partner to do it your way? Healthy relationships involve give and take, compromise, and negotiation by all parties.
- **Separate identities** – Relationships are healthy when each individual shares their true self with their partner. Each continues to grow both in and out of the relationship. If you feel like you are losing yourself or your unique identity, you may be in a harmful relationship.

- **Effective communication is essential** — Don't get caught in the trap of believing your partner should know what you want, need, mean, or feel. Humans are rarely good mind readers, especially in intimate relationships. Do you and your partner take time to communicate? Does your partner really listen and work to understand you? Do you do this for your partner?

Harmful and abusive behaviors may come in many forms, and may include the following:

- **Intimidation** – actions, gestures, looks used to make another fearful
- **Emotional abuse** – name calling or humiliation causing the other to feel unworthy
- **Isolation** – limiting interactions and information in order to establish control
- **Minimizing/Denying/Blaming** – making light of the abusive behaviors causing the other to doubt their own feelings or perceptions
- **Dominance** – treating another as a lesser being and controlling all decisions
- **Economic abuse** – limiting another's access to work, money, food, or other resources to exert control
- **Coercion or Threats** – making threats to harm someone in order to control another's behaviors

Here are some rules for healthy sexual relationships:

- It is the responsibility of the person initiating sexual contact to ask for and clearly receive consent before acting.
- If someone is impaired by alcohol or another substance, that person is considered unable to make clear decisions about consent.
- If your partner expresses uncertainty or says no, it is your responsibility to STOP. Healthy sexual relationships are based on continuous communication about consent.

Written Notification to Student and Employee Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Indiana University will provide written notification to the student and/or employee victim about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available resources and services on campus and in the community. Written notification will also be provided about the victim's options for the involvement of appropriate local law enforcement. These resources include the following:

Resource	Contact Information	Availability
Health Service		
St. Joseph Hospital	1907 W Sycamore St Kokomo, IN 46901 (765) 456-5433	Community/Everyone
Community Howard	3500 S Lafountain St Kokomo, IN (765) 453-8444	Community/Everyone

Counseling and Mental Health Service		
University Personal Counseling Services	234G Kelley Student Center 2300 S Washington St. Kokomo, IN 46904-9003 (765) 455-9364	On-Campus/Students
Employee Assistance Program (Provides professional and confidential counseling to full time employees, medical residents, and graduate appointees and their household members.)	http://www.indiana.edu/~uhrs/benefits/eap.html (888) 234-8327	University Full time faculty and staff
Trinity House	St Joseph's 1907 W Sycamore St Kokomo, IN (765) 456-5900	Community/Everyone
Community Howard Regional Health Behavioral Health Services	(765) 453-8545	Community/Everyone
Family Service Association of Howard County	(800) 725-8177 (765) 868-3154 (24 hours)	Community/Everyone
Victim Advocate		
Victim's Assistance Advocate Jane Stites	Kokomo Police Department 100 S. Union St Kokomo, IN 46901 (765) 459-5101	Students and Employees
Legal Resources		
Howard County Bar Association	(765) 457-6671	Community/Everyone
Financial Aid Resources		
Office of Scholarships and Financial Aid	Kelley Student Center, Room 230 2300 S. Washington Street Kokomo, IN 46904-9003 finaidko@iuk.edu (765) 455-9216	On-Campus/students
VISA and Immigration Resources		
Director of International Services	234B of the Kelley Student Center kyanbui@iuk.edu (765) 459-9535	On-Campus/students

Written notification will also be provided to victims about the university disciplinary procedures, as well as their rights and options.

Protective Measures

Students and employees who report being a victim of sexual misconduct, including dating violence, domestic violence, sexual assault or stalking, will also be provided written notification for options and requesting assistance in, changing academic, living, transportation, and working situations or protective measures. If reasonably available, the University will make requested accommodations, regardless of whether the victim chooses to report the crime to University police or local law enforcement. The University will maintain as confidential any accommodations or protective measures provided, to the extent maintaining such confidentiality would not impair the ability of the institution to provide accommodations or protective measures.

To requests a change in academic, living, transportation, working situation or other protective measures, contact:

- Office of the Dean of Students (765) 455-9203
- Office of Affirmative Action (765) 455-9221

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Possible changes to work situations may include changing working hours or working location. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

Procedures a Victim should follow if a crime of Domestic Violence, Dating Violence, Sexual Assault or Stalking Occurs

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible. In Indiana, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where the student was assaulted if the offense occurred within the past 96 hours. This may allow evidence to be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators and/or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, and/or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the IUPD or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date. This may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.

Reporting the Incident.

If you are the victim of any violence, including dating violence, domestic violence, sexual assault, or stalking, get help immediately. There are several reporting options available, including reporting to campus and local law enforcement, reporting to designated campus officials (see below), and/or filing a Title IX complaint. Under Title IX of the Education Amendments of 1972, sexual harassment, including sexual violence, is considered prohibited sex discrimination. Campus reporting options are listed below.

Contact type	Contact Information
Law Enforcement	Indiana University Police Department Kelley Student Center, KC 240 2300 S. Washington Kokomo, IN 46902 (765) 455-9363
Campus Authorities	Dean of Students Kelley Student Center, KC210G 2300 S. Washington Kokomo, IN 46902 (765) 455-9203
Title IX Coordination	University Title IX Coordinator Emily Springston, Chief Student Welfare & Title IX Officer (812) 855-4889 Title IX Deputy Coordinator Gerry Stroman, Chief of Staff, Office of the Chancellor (765) 455-9221

Retaliation against anyone who makes a report of sexual misconduct is prohibited by University policy.

Involvement of Law Enforcement

Although the University strongly encourages all members of its community to report crimes to law enforcement (including on campus law enforcement and/or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the following University offices will assist any victim with notifying law enforcement if the victim so desires.

Contact type	Contact Information
Campus Authorities	Dean of Students Kelley Student Center, KC210G 2300 S. Washington Kokomo, IN 46902 (765) 455-9203
Title IX Coordination	University Title IX Coordinator Emily Springston, Chief Student Welfare & Title IX Officer (812) 855-4889 Title IX Deputy Coordinator Gerry Stroman, Chief of Staff, Office of the Chancellor (765) 455-9221

If you choose to report the incident to the IUPD, an officer will take a statement from you regarding what happened. The officer will ask you to describe the assailant(s) and may ask questions about the scene of the crime, any witnesses, and what happened before and after the incident. If you wish, you may have a support person with you during the interview. IMPORTANT: Reporting an incident to the police is a separate step from choosing to prosecute. By filing a report, you are NOT obligated to continue with legal proceedings or University disciplinary action. (See "Requests for No-University Action" under Confidentiality and Privacy). However, prosecutors could still decide to bring charges and/or the university may still choose to subject the respondent to disciplinary proceedings.

There are numerous reasons to report to the IUPD, including:

- Assisting the victim and helping the victim access necessary resources;
- Taking actions to prevent further victimization, including issuing a crime alert to warn the campus community of an impending threat to safety;
- Apprehending the assailant;
- Collection and preservation of evidence necessary for prosecution;
- Seeking justice for the wrong that has been done to the victim; and
- Having the incident recorded for purposes of reporting statistics about incidents that occurred on campus.

If a crime did not occur on University property, IUPD can still assist in contacting the appropriate law enforcement agency.

Protection Orders

IU will recognize all valid orders of protection, no contact orders, restraining orders, or similar lawful orders. If you have a valid order, please inform the IUPD to place the order on file. IUPD has authority to enforce violations of valid lawful orders of protection, no contact orders, restraining orders, or similar lawful orders. In addition, IUPD can serve the respondent of a court order of protection if the respondent is on campus. If you need to file a Petition for an Order of Protection, you can do so at the Howard County Clerk's Office. To learn more about protection orders or to get assistance with filing, contact:

Indiana Coalition Against Domestic Violence (ICADV) hotline at (800) 332-7385.

Howard County Clerk's Office
104 N. Buckeye
Kokomo, IN 46901
(765) 456-2004

Kokomo Police Department's Victim's Assistance Advocate
100 S. Union St.
Kokomo, IN 46901
(765) 459-5101

Student victims may also request changes in University classroom, academic, and/or living arrangements; these requests will be granted when such changes are reasonably available.

The University may also impose a No Contact Order during and following disciplinary proceedings for sexual misconduct.

Procedures the University will Follow with Reports of Sexual Misconduct

The University's institutional disciplinary procedures consist of a prompt, fair and impartial process from the initial investigation to the final result. Investigators and adjudicators, including members of any appeals boards, are trained at least annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the complainant and promotes fairness and accountability. The Sexual Misconduct Policy includes the following "Summary of Rights for the Complainant and Respondent in Sexual Misconduct Procedures" which includes:

- To be fully informed of University policies and procedures as well as the nature and extent of all alleged violations contained within the allegation.
- To be treated with respect by University officials.
- 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.
- Adequate, reliable, and impartial investigation and appropriate resolution of all reports of sexual misconduct.
- 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.
- To be notified of available counseling, mental health, academic, legal and other support services, both at the University and in the community.
- To have allegations investigated by individuals who are properly trained to investigate and resolve allegations of sexual misconduct.
- Equitable participation in the investigation and disciplinary process, including the opportunity to identify witnesses and other appropriate evidence.
- To the use of the preponderance of the evidence standard (more likely than not) in determining responsibility.
- The right to appeal as set forth in these procedures.

To the extent possible, the complainant and the respondent will be notified simultaneously in writing of the outcome and results of any disciplinary proceedings, any changes to the results before they are final, as well as when the results are final. The complainant and the respondent will also be notified simultaneously in writing of the University's procedures for the complainant or the respondent to appeal the decision.

Institutional Disciplinary Procedures

Incidents of Sexual Misconduct by or Against a Student

Appendix B contains the procedures that apply when handling cases that involve dating violence, domestic violence, sexual assault, and stalking by or against a student.

Incidents Involving Allegations of Sexual Misconduct by Faculty & Staff

Appendix C contains the procedures that apply when handling cases that involve dating violence, domestic violence, sexual assault and stalking by faculty and staff.

Sanctions

The University may impose sanctions on the respondent following a final determination of responsibility following University disciplinary procedures.

Possible sanctions for cases in which **students** are found in violation of the Student Code for acts of sexual misconduct include, but are not limited to (See Appendix B):

- formal warnings,
- behavioral assessment and/or counseling,
- required educational training,
- disciplinary probation,
- suspension, and/or
- permanent expulsion

For employees, the University may impose any of the following sanctions (See Appendix C):

1. 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.
2. Level Two Sanctions include sanctions that directly modify job duties, salary or job status, including withholding compensation, consideration in tenure or promotion decisions, suspension and termination.

Dating violence, domestic violence, sexual assault and stalking may be found to be criminal acts, which may also subject the perpetrator to criminal or civil penalties under federal and state laws.

Confidentiality and Privacy

Confidential Employees

Certain University employees – 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 discussing and seeking assistance about sexual misconduct should contact and/or 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.

Certain specifically identified non-professional student advocates and health center staff do not have to share identifying information unless you provide your consent. However, they are obligated to provide non-identifying information regarding the nature, date, time, and general location of the incident for purposes of compiling aggregate annual crime statistics and assessing the need to alert the University community of potential dangers.

Note, 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. See Stop Sexual Violence website at http://stopsexualviolence.iu.edu/employee/confidential.html for available confidential employees on each University campus. You should discuss your desires regarding the sharing of information

with any University employee with whom you speak to ensure you understand their reporting obligations and what information they may be required to share.

Privacy

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.

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.

Requests for No-University Action

If an individual discloses 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 in general work to honor them. 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 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.

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 Title IX and Deputy Title IX Coordinator(s), in consultation with relevant administrators on each campus and University legal counsel, where appropriate.

Please note that under Indiana law, any person who has a reason to believe a person under the age of 18 is a victim of abuse or neglect, including relationship violence or assault, must make a report to the University Director of Public Safety. This information will be shared with the Indiana Department of Child Protective Services.

The University will, upon written request, disclose to the alleged victim of a crime of violence, or non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the offense. If the alleged victim is deceased as a result of the crime or offense, the University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

II. Obtaining Registered Sex Offender Information

Effective January 1, 2003, Zachary's Law requires sheriff's departments to jointly establish and maintain the Indiana Sheriffs' Sex Offender Registry to provide detailed information about individuals who register as sex or violent offenders. The purpose of the registry is to inform the general public about the identity, location, and appearance of sex and violent offenders who live, work, or study in Indiana. Under the federal Campus Sex Crimes Prevention Act, any sex offender who is already required to register in any U.S. state must provide notice to any institution of higher education in the state(s) in which that person is employed, carries on a vocation, and/or is a student.

- The Indiana Sex and Violent Offender Registry can be accessed via: http://www.icrimewatch.net/indiana.php
- The National Sex Offender Registry links public state, territorial, and tribal sex offender registries together and can be accessed via: http://www.nsopr.gov/

III. Preparation of Disclosure of Crime Statistics

The IUPD prepares a disclosure of crime statistics and publishes it as part of this Annual Security Report by October 1 each year, adding new statistics for the previous year. Three years' worth of statistics are included for certain types of crimes, as defined in the Clery Act, that were reported to have occurred: on campus; in certain non-campus buildings or property owned or controlled by the University; or on public property on or immediately adjacent to the campus. Reported crimes that occur in IU owned or controlled housing that are occupied by students, or in IU owned or controlled student apartments, are reported as occurring in on-campus residential units, a subset of the reported crimes already included in the on-campus category. Reports of crimes and attempted crimes are listed according to the calendar year in which the crime was reported, as required by the Clery Act, as are arrests and referrals for illegal alcohol, drug, and weapons violations.

Statistics are based on IUPD records and those gathered annually by written request from cooperating law enforcement agencies and campus security authorities, including, but not limited to:

- Kokomo Police Department
- Comisari 23-Chiquimula
- Jung-gu Police
- Myeong Dong Police subdivision
- Kensington Police Station
- Oban Police Office
- Grantham Police Station
- Belgravia Police Department
- Beyoglu Police Directorate

Although the following sources are not required by law to provide statistics for this report, statistical information, which contains no personal identifying information, is also requested from:

- University Personal Counseling Services

Each year, enrolled students, faculty, and staff are notified via email when the new Annual Security Report is available, which is generally on or before October 1. Prospective students and prospective employees are notified of the report during application processes.

Statistics are reported using the Uniform Crime Reporting (UCR) and other definitions determined in the Clery Act. These definitions are listed in Appendix A.

Disclosure of Annual Crime Statistics

I. 2014 Crime Statistics

Primary Crimes

Offense	On Campus	Non-Campus	Public Property	Unfounded Crimes
Murder/Non Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Liquor Law Arrests	0	0	0	0
Drug Law Arrests	0	0	0	0
Weapons Law Arrests	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	1	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	0	0	0	0

Domestic Violence, Dating Violence, and Stalking

Offense	On Campus	Non-Campus	Public Property	Unfounded Crimes
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	1	0	0	0

Hate Crime Reporting

- There were no hate crimes reported in 2014.

II. 2013 Crime Statistics

Primary Crimes

Offense	On Campus	Non-Campus	Public Property
Murder/Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses, Forcible (Rape, Sodomy, Sexual Assault with an object, Fondling)	0	0	0
Sex Offenses, Non Forcible - Incest	0	0	0
Sex Offenses, Non Forcible - Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	1	0
Burglary	0	1	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Liquor Law Arrests	0	0	1
Drug Law Arrests	0	0	10
Weapons Law Arrests	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0
Weapons Law Violations Referred for Disciplinary Action	0	0	0

Domestic Violence, Dating Violence, and Stalking

Offense	On Campus	Non-Campus	Public Property
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	1	0	0

Hate Crime Reporting

- There were no hate crimes reported in 2013.

III. 2012 Crime Statistics

Primary Crimes

Offense	On Campus	Non-Campus	Public Property
Murder/Non Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses, Forcible (Rape, Sodomy, Sexual Assault with an object, Fondling)	0	0	0
Sex Offenses, Non Forcible - Incest	0	0	0
Sex Offenses, Non Forcible - Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Liquor Law Arrests	0	0	1
Drug Law Arrests	0	0	2
Weapons Law Arrests	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0
Weapons Law Violations Referred for Disciplinary Action	0	0	0

Hate Crime Reporting

- There were no hate crimes reported in 2012.

Appendix A - Crime Definitions

Definitions obtained from the FBI Uniform Crime Reporting Handbook and 34 CFR 668 Appendix A.

- Murder/Non-negligent Manslaughter: the willful (non-negligent) killing of one human being by another.
- Negligent Manslaughter: the killing of another person through gross negligence.
- Sexual assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program and included in Appendix A of this subpart.
    - 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 body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
    - Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
- Sex-Offenses – Forcible: any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Including: forcible rape, forcible sodomy, sexual assault with an object, forcible fondling.
- Sex Offenses – Non-forcible: unlawful, non-forcible sexual intercourse. Including: incest and statutory rape.
- Robbery: taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- Burglary: the unlawful entry of a structure to commit a felony or a theft.
- Motor Vehicle Theft: the theft or attempted theft of a motor vehicle.
- Arson: any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- Domestic Violence: A felony or misdemeanor crime of violence committed—

  (A) By a current or former spouse or intimate partner of the victim;
  (B) By a person with whom the victim shares a child in common;
  (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  (D) By 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, or
  (E) 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.

  (ii) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- 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.

(i) 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.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

(iii) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

  (A) Fear for the person's safety or the safety of others; or

  (B) Suffer substantial emotional distress.

  (ii) For the purposes of this definition—

  (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.

  (B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

- Hate Crimes: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. This includes all of the crimes listed above, plus larceny/theft, simple assault, intimidation and destruction/damage/vandalism of property.
  - Larceny-Theft: the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
  - Simple Assault: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
  - Intimidation: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
  - Destruction/Damage/Vandalism of Property: to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

- Arrest: a person processed by arrest, citation or summons.
  Referred for Disciplinary Action: the referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.
  - Weapons: Carrying, Possessing, etc.: the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

- Drug Abuse Violations: the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- Liquor Law Violations: the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Appendix B – Procedures for Responding to Incidents of Sexual Misconduct by or Against a Student

The University will promptly respond to all reports of sexual misconduct alleged against a University student following the procedures outlined 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.

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. 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.

Throughout the process, the parties will have equal opportunities to present information, have advisors 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.

The investigation and determination of responsibility will generally be concluded within 60 days of the report, absent special circumstances.

1. Investigation: Upon receipt of a report of sexual misconduct by a victim/survivor (hereinafter referred to as "complainant") or third party, the University will take immediate and appropriate steps to investigate the incident. If the complainant requests confidentiality or asks that the complaint not be pursued, the University will take all reasonable steps to investigate and respond to the complaint 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.
    - a If sexual misconduct proceedings are initiated, the parties will be notified, and the student alleged to have engaged in sexual misconduct (hereafter referred to as "respondent") will be provided a date by which an appointment must be made to discuss the matter. At such time, the respondent shall be informed of the allegations made against them and shall be provided the opportunity to respond.
    - 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 complainants, respondents, witnesses identified by any party, or the University. Any person believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter.
    - c Failure to comply with a request to make and/or keep an appointment relevant to an investigation may result in a disciplinary hold being placed on a student's account and/or the initiation of charges for student conduct failure to comply.
    - d 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.
    - e Upon completion of the investigation, the University will provide notice of all relevant charges and notice of next steps of the sexual misconduct process.
2. 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 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 begin the formal process. 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.

3. Acceptance of Responsibility Option:
   a In cases where facts are generally not in dispute, and the respondent expresses a willingness to accept responsibility for all charges in a case, with the consent of the complainant, the respondent will be offered the opportunity to waive the right to a formal hearing and all related procedural guarantees, and agree to receive a sanction from a designated student affairs conduct officer by whom charges were brought or by the Sexual Misconduct Hearing panel. In such situations, the parties will each be provided the opportunity to submit a written statement to the conduct officer or hearing panel for consideration in determining appropriate sanctions.
   b The conduct officer or hearing panel 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. The parties may end this process, and seek full hearing, at any point prior to issuance of the sanction.
4. Sexual Misconduct Hearing: The respondent is required to attend the sexual misconduct hearing. The complainant has an equal right to attend the sexual misconduct hearing and participate to the same extent as the respondent, if he or she chooses. If either respondent or complainant is unavailable to participate in person based on significant travel or schedule restrictions, participation by other means may be made available.
   a Sexual Misconduct Hearing
      i A hearing panel will be assembled for the sexual misconduct hearing. The hearing panel will be composed of three staff or faculty members of the University. Hearing panel members will be drawn from the pool of staff and faculty members 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.
      ii The sexual misconduct hearing is closed. However, the complainant and respondent may each select one advisor of his/her choice and expense to accompany him/her at any point in the disciplinary process. Advisors are limited to an advisory role and may not participate or speak for students. Both parties will be afforded similar and timely access to view any information that will be used at the hearing.
   b Procedures for a Sexual Misconduct Hearing
      i The Chair of the panel shall review the Charge(s) made 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 present oral and/or written evidence. The respondent may, but need not, respond to the allegations and evidence.
      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 his/her 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 was excused, and if so the hearing may be rescheduled. The failure to appear will only be excused due to extraordinary circumstances.

vi If the respondent failed to appear and such failure was 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 their right to appeal in the event the hearing panel's finding includes a sanction of expulsion from University housing, suspension from the University, or expulsion from the University.

c Decision & Sanctions

i At the conclusion of a hearing, the panel shall deliberate without the parties present to determine responsibility based on the evidence, and sanctions if applicable.

ii If, after deliberations the hearing panel determines that the information available in the sexual misconduct 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 available in the sexual misconduct 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 notify both the respondent and the complainant and will assign appropriate 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 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.

5. Appeal: The respondent or the complainant may appeal the decision of the sexual misconduct hearing panel to the Senior Student Affairs Administrator on the respective campus, or his/her designee. To initiate an appeal, respondent/complainant must send written notice of appeal to the designated official. The written notice must include the basis for seeking the appeal and include information to support such basis (See Section 5b.)

a Timing: The notice of appeal must be filed no later than five calendar days after the date the written decision of the sexual misconduct hearing panel is sent. If no written request for an appeal is received by the University within the time specified, the request for an appeal will not be reviewed, any sanction(s) proposed by the hearing panel will be imposed, and the action will be final.

b Basis for Appeal: The Senior Student Affairs Administrator 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.

c Decision and Sanction: If the basis for appeal has been met, the Senior Student Affairs Administrator will review the written appeal and the pertinent part of the sexual misconduct hearing panel record only. The Senior Student Affairs Administrator will not consider new evidence or information that is not a part of that record. The Senior Student Affairs Administrator must render a decision within 10 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.

d The Senior Student Affairs Administrator or his/her designee is required to notify the respondent and the complainant, in writing, of his/her decision and will initiate the necessary procedures to effectuate the decision.

e The decision of the Senior Student Affairs Administrator or his/her designee is final and there will be no further appeals.

6. Notice: To the extent possible, the complainant and the respondent will be provided notice of the outcome of the sexual misconduct hearing, in person, with an accompanying written notice provided. In addition, the parties shall be provided, to the extent possible, simultaneous 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. In the event the appeal decision changes the results of the outcome of the sexual misconduct hearing, notice of such change shall be provided before those results are final, and include an explanation of when those results will become final.
7. NOTE: 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 their campus disability services office before accommodations can be considered and provided.

Further information and definitions of key terms can be found in the University Sexual Misconduct Policy. (http://policies.iu.edu/policies/categories/administration-operations/equal-opportunity/sexual-misconduct.shtml)

Appendix C – Procedures for Responding to Incidents Involving Allegations of Sexual Misconduct by Faculty & Staff

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, campus resources and services available on their campus.

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 completed within 60 days, absent any special circumstances.

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.

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

Investigator - the Deputy Title IX Coordinator(s) for the respective campus, or an appropriate designee, will conduct fact-finding as the Investigator.

Decisional Official (DO) - will issue the decision determining responsibility and assigning appropriate sanctions, if applicable. The DO will be as follows:

1. For complaints against staff employees, including temporary (hourly), the DO will be the appropriate Campus HR Director.
2. For complaints against faculty and academic employees, the DO will be the Vice Provost/Vice Chancellor for Academic Affairs of the respective campus.
3. For complaints against a Dean, a Vice Provost, or a Vice Chancellor, the DO will be the Provost/Chancellor of the respective campus.
4. For complaints against a University Vice President, a Provost, a Chancellor, or equivalent, the DO will be the President.
5. For complaints against the President, the DO will be the Board of Trustees.

Faculty Board of Review – constituted on each campus, in faculty cases may review action of DO.

Appellate Official – may review action of DO on each campus following appeal by either party. The Appellate Official will be as follows:

1. For an appeal in a complaint against staff employees, including temporary (hourly), the Associate Vice President of University Human Resources.
2. For an appeal in a complaint against faculty or academic employees, the Provost/Chancellor of the respective campus.
3. For an appeal in a complaint against a Dean, a Vice Provost, or a Vice Chancellor, the President.
4. For an appeal in a complaint against a Vice President, a Provost, a Chancellor, or equivalent, the Board of Trustees.

All relevant officials and any review board members will receive annual University training on issues

related to sexual misconduct and be familiar with University policies and procedures. The University Title IX Coordinator shall be informed of each complaint and be available to all relevant officials and review board members for consultation during this process.

Complaint

Initial Assessment: Upon receipt of a complaint against faculty or staff, an Investigator will conduct an initial assessment to determine whether it falls within the scope of the Sexual Misconduct Policy, and whether it rises to the level of an allegation of sexual misconduct. The initial assessment will include informing complainants and respondents regarding the nature of allegations and explanation of this policy and procedures.

The process that follows shall apply if the Investigator determines that this threshold has been met. 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.

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 in an investigation. Upon review, the DO may uphold that decision or order an Investigation to proceed.

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

Alternative Resolution Options: In appropriate cases, the University may pursue informal resolution with the consent of all parties at any point in the investigation process. Informal resolution options may include, but are not limited to, mediation, development action plans, and voluntary resolutions. Under informal 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 begin the formal process. 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.

Investigation

When an investigation is initiated, the Investigator will conduct fact-finding as to the allegations made against the respondent employee. 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. The Investigator shall ensure that the respondent is informed of all allegations raised and is provided the opportunity to respond. The University may consider information relating to prior complaints of misconduct known to the University. Evidence regarding a party's past sexual behavior or activity is prohibited, except in connection to evidence of past sexual activity **between** the parties where the exclusion of such information would adversely affect the integrity or fairness of the finding. Previous consensual relationships between the parties will not in itself establish consent or preclude a finding of sexual misconduct.

All members of the University are required to cooperate fully with the investigative process. Failure

to do so may result in disciplinary measures pursuant to applicable University policy and procedure.

Report of Investigation
The Investigator will create a report of the investigation setting forth:

1. factual determination(s);
2. recommendation as to whether the respondent is responsible for the sexual misconduct using a preponderance of the evidence standard (more likely than not); and
3. recommendation as to appropriate sanctions, if any, as set forth below.

The report will be forwarded to the DO.

Finding and Decision
Upon receiving the Investigator's report, the DO may consult with the Investigator concerning his or her 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.

The DO will issue one of the following findings, using a preponderance of the evidence standard:

1. 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 parties will be so informed of the finding. The parties will receive a summary of the information considered during the investigation. 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.

2. 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) and notify all parties. The parties will receive a summary of the information considered during the investigation.

Sanctions
Sanctions for a violation of the University's Sexual Misconduct Policy include the following:

1. 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.
2. Level Two Sanctions include sanctions that directly modify job duties, salary or job status, including withholding compensation, consideration in tenure or promotion decisions, suspension and termination.

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.

Appeals

Appeals to Appellate Officer
Following a finding of "No Violation" any party may request an appeal directly to the Appellate Officer on the basis of:

1. Significant procedural error that reasonably would have affected the outcome.
2. Significant bias in the process.

Following a finding of "Violation" and Level One Sanction: any party may request an appeal directly to the Appellate Officer on the basis of:

1. Significant procedural error that reasonably would have affected the outcome.
2. Significant bias in the process.

Following a finding of "Violation" and Level Two Sanction: any party may request an appeal directly to the Appellate Officer on the basis of:

1. Significant procedural error that reasonably would have affected the outcome.
2. Significant bias in the process.
3. The finding of responsibility is in error.
4. The appropriateness of the sanctions.

All requests for appeal must be submitted in writing within 10 calendar days of receiving the DO's decision. The request must set forth the basis for seeking an appeal, and include information to support such basis(es). If an appeal is requested, all concerned parties will be notified. The Appellate Officer 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. The Appellate Officer shall not revisit findings of fact as determined in the investigation.

The Appellate Officer shall make a final determination within 10 calendar days of the receipt of any appeal, indicating one of the following:

1. Affirming the DO's original finding(s).
2. Setting aside the DO's original finding(s) and imposing a new finding and/or sanctions.
3. 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).

To the extent possible, the parties will be notified simultaneously in writing of the final decision following an appeal.

Request for Review to Faculty Board of Review
In cases involving a faculty member as a respondent, any party may request review by a Faculty Board of Review prior to an appeal to the Provost or Chancellor according to the provisions below. This request must be made within 10 calendar days of receiving the decision from the DO.

Level One Sanctions are only eligible for review by the Faculty Board of Review if the requesting party can show significant bias in the process or significant procedural error that reasonably would have affected the outcome. For an appeal of "No Violation" or Level One Sanctions, the Faculty Board of Review may decline a request for review at which point, the requesting party may appeal to the Provost or Chancellor. For Level Two Sanctions, the grounds for review by the Faculty Board of Review may also include the finding of responsibility and the appropriateness of the sanctions. The

Board may not conduct new fact-finding, and may not revisit the factual determination. The Board will only receive the Report of the Investigation, but may consult with the DO and Title IX Coordinator about further questions.

Throughout the Faculty Board of Review process, hearing members and participants shall ensure that the privacy of the matter and the parties is upheld. Hearings shall be closed to the public to protect the privacy of all parties. In addition to faculty members serving on the Board of Review hearing panel, others present during a hearing may include the party requesting review, the Investigator, the DO, the University Title IX Coordinator, and any other University official necessary to the proceedings. No witnesses will be allowed in the Faculty Board of Review. If the party requesting review is the faculty employee, the other party may choose to participate in the Faculty Board of Review by either being present and/or by submitting a written statement. All parties may have an advisor present, but the advisor will not be allowed to participate or speak during the Review, unless for the purpose of reading the party's written statement, if provided and requested.

A Faculty Board of Review must be concluded promptly, and within no more than 60 days of the request. After review, the Faculty Board may support the decision of the DO or make an alternative recommendation regarding the finding or sanctions to the Provost or Chancellor, (or relevant official). The Provost or Chancellor (or relevant official) will make a final determination within 10 days of receiving the Faculty Board of Review recommendation.

Note: Adversary hearings, including confrontation, cross-examination by the parties and active advocacy by attorneys or other advocates, are neither appropriate nor permitted during the investigation or appeal phase of these processes.

Further information and definitions of key terms can be found in the University Sexual Misconduct Policy. (http://policies.iu.edu/policies/categories/administration-operations/equal-opportunity/sexual-misconduct.shtml)