



Indiana University Police Department

## Responding to Sexual Assault

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|--------------------------|-----------|-------------------------|-----------|
| <b>Issue Date:</b>       | 7/19/2019 | <b>Effective Date:</b>  | 7/19/2019 |
| <b>Review Date:</b>      | 7/19/2020 | <b>Number of Pages:</b> | 6         |
| <b>Rescinds:</b>         | None      |                         |           |
| <b>IACLEA Standards:</b> | 13.3.1    |                         |           |

### I. Purpose

To provide guidelines for responding to reports of sexual assault, assisting victims, and collaborating with appropriate university officials and other criminal justice agencies to ensure swift investigation.<sup>1</sup>

### II. General Order

The Indiana University Police Department (IUPD) values the students, staff, and faculty which make up the campus community. Sexual assault is a criminal act which is prohibited by state and federal criminal laws, as well as conduct in violation of Indiana University policy and federal laws including *Title VII* and *Title IX*. Any report of sexual assault shall be swiftly investigated, in accordance with the resources available in the county where the crime occurred, to the fullest possible extent. The rights and wishes of the victim shall be honored to the extent that doing so does not violate Indiana University policy or, state and federal policies, regulations, and laws.

### III. Regulatory Requirements & University Policy

- A. Indiana University (IU) prohibits discrimination on the basis of sex or gender in educational programs or activities. IU’s policy *UA-03 Sexual Misconduct* is designed to protect all members of the university community, and covers institutional procedures, definitions, and sanctions for violations of IU’s policy. Under [UA-03 Sexual Misconduct](#), sexual misconduct includes sexual harassment, sexual violence, dating violence, domestic violence, and sexual exploitation and stalking.
  - 1. Once the IUPD and/or an *Indiana University Title IX* official becomes aware of an incident of sexual misconduct, through a direct report or a responsible employee, the institution shall promptly respond. This action is separate from any IUPD or local agency’s criminal investigation.
    - a. *Indiana University Title IX* officials include the University Title IX Coordinator and the Deputy Title IX Coordinators.
    - b. Responsible employees are defined by [UA-03 Sexual Misconduct](#) and include university employees who have the authority to redress sexual misconduct, who have the duty to report incidents of sexual misconduct, or who a student could reasonably believe has this authority or duty; all IUPD personnel are responsible employees under this policy. Employees

<sup>1</sup> IACLEA 13.3.1 – Victim and Witness Assistance



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designated [as confidential employee](#)<sup>2</sup> are not included.

- c. Pursuant to [UA-03 Sexual Misconduct](#), any incident of sexual misconduct reported to IUPD, or when IUPD otherwise becomes aware of sexual misconduct involving any member(s) of the IU community, shall be promptly conveyed along with known information to the University Title IX officials. This includes any violations that occurred on or off campus involving any member(s) of the IU community.
- B. The Clery Act requires universities to maintain and disclose information regarding crimes occurring on campus, in or on non-campus buildings or property owned or controlled by the university and on public property within or immediately adjacent to the campus (“Clery Geography”).
- C. Any student or employee who makes a report to IUPD of sexual misconduct, as defined by IU’s policy *UA-03 Sexual Misconduct*, shall be given written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, within the institution and in the community<sup>3</sup>.
- D. IU has developed campus-specific *Sexual Assault and Relationship Violence Rights and Options* (SARVRO) brochures with area specific information that addresses these requirements and available services. These brochures are located on the [IUPD SharePoint](#) website.

### IV. Communications Operators/Initial Contact Responsibility

- A. Due to the potential trauma and impact of a sexual assault, a victim reaching out for assistance may be in crisis. The victim’s behaviors may be symptomatic of trauma and can range from hysteria, crying and rage, to laughter, calmness, and unresponsiveness. There is no one typical reaction, so it is important to refrain from judging or disregarding any victim based on perceptions related to behavior and/or demeanor.
- B. When a caller reports a sexual assault, communications operators or an officer directly receiving a report, shall follow standard emergency response to include:
  - 1. Evaluating and properly prioritizing the call.
  - 2. Dispatching the appropriate resources, including EMS when the sexual assault occurred recently, injuries are present, and/or EMS is requested.

<sup>2</sup> Indiana University Policy – UA-03 Sexual Misconduct -> Definitions -> *Confidential Employees*

<sup>3</sup> IACLEA 13.3.1 – Victim and Witness Assistance



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3. Obtaining detailed suspect information such as:
  - a. If the suspect is still present, and if not, the suspect’s description, direction and mode of travel, and possible whereabouts.
  - b. The suspect’s relationship to the victim.
  - c. The suspect’s history of violence.
  - d. Any additional information to identify the suspect.
4. Inquiring if a weapon was used during the incident and, if so, what type?
- C. In addition to information normally gathered, communications operators should advise the following to ensure critical evidence is not lost if the sexual assault occurred recently. Advising this information shall not delay the dispatching of officers.
  1. Advise against bathing, douching, urinating, or making any other physical changes, if the victim has not already done so.
  2. If the victim has already taken any of the actions described above, advise that evidence may still be identified and recovered, so the crime should still be reported.
- D. Communications operators should send a request for the preservation of the call’s audio recording, for the purposes of the investigation, to the appropriate personnel.

## V. Uniform Responsibilities

- A. Emergency Response
  1. Contact the victim as soon as possible to address safety concerns and summon emergency medical assistance if needed.
  2. Evaluate the scene and collect information on people, vehicles, or objects involved, as well as possible threats.
  3. Secure the crime scene to ensure that evidence is not lost, changed, or contaminated.
  4. Relay all vital information to responding officers and supervisors, including any possible language barriers.



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5. Request assistance from detectives, field evidence technicians, crime laboratory personnel, and the prosecuting attorney when appropriate, in addition to other law enforcement agencies when necessary.
6. Begin a search for the suspect when appropriate.
7. Investigations shall be conducted in accordance with the campus’s respective Division Order, which provides delineated instructions on campus-specific procedures and the appropriate law enforcement agencies to contact for investigative assistance.

### B. Assisting the Victim

1. Show understanding, patience, and respect for the victim’s dignity and attempt to establish trust and rapport.
2. Inform the victim that an officer of the same sex shall be provided if desired and available.
3. Supply the victim of a sexual assault with the campus’s *Sexual Assault and Relationship Violence Rights and Options* (SARVRO) brochure.
4. Contact a victim advocate as soon as possible to aid throughout the reporting and investigative process.
5. Contact the local Department of Child Services (DCS) when the victim is a juvenile.
6. Request a response from the agency conducting the investigation, whether IUPD or a local agency, and clearly explain their role and limit the preliminary interview so that the victim is not then asked the same questions by a detective.
7. Be aware that a victim of sexual assault may bond with the first responding officer. It is important to explain the role of the different members of the sexual assault response team and help with transitions through introductions.
8. Record observations of the crime scene, including the demeanor of the suspect, if present, and victim, and document any injuries or disheveled clothing.
9. Provide relevant Clery and Title IX information through the appropriate chain-of-command<sup>4</sup>.

<sup>4</sup> IACLEA 13.3.1 – Victim and Witness Assistance



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### VI. Investigative Follow-Up

- A. All sexual assault investigations shall be conducted in accordance with the resources available in the county where the crime occurred, and procedures identified in each campus’s Sexual Assault Investigation Division Order and departmental training.
- B. All crimes of sexual assault that occur on Indiana University property shall be investigated to the fullest extent possible.
  - 1. The department shall respect a victim’s inability to make an immediate decision or decision not to be involved in criminal justice proceedings, and shall always be willing to offer continued assistance and referrals.
  - 2. The County Prosecutor, regardless of the investigating agency, where the crime occurred has the final decision as to whether criminal charges shall be filed in a case.

### VII. Related Information

Indiana University Police Department:  
[Sexual Assault and Relationship Violence Rights and Options \(SARVRO\)](#)  
 Brochure: <https://www.sharepoint.iu.edu/sites/iupd/SitePages/CleryUCR.aspx>

Indiana University:  
 UA-01 *Non-Discrimination/Equal Opportunity/Affirmative Action*  
 UA-03 *Sexual Misconduct*  
 Stop Sexual Violence  
 Website: <http://stopsexualviolence.iu.edu/>  
 Responding to [Sexual Misconduct – IUB](#)  
 Responding to [Sexual Misconduct - IUE](#)

Indiana Code:  
 IC 35-31.5-2-221.5 *Other Sexual Conduct*  
 IC 35-31.5-2-302 *Sexual Intercourse*  
 IC 35-40-5 *Victim’s Rights*  
 ICF 35-42-4 *Sex Crimes*  
 IC 35-42-4-1 *Rape*



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IC 35-49-1-9 *Sexual Conduct*

Civil Rights Act of 1964, Title VII: Section 2000e

Website: <http://www.eeoc.gov/laws/statutes/titlevii.cfm>

Education Amendments of 1972, Title IX: Code of Federal Regulations, Title 34 Education, Part 106:

Website: <https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html>

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990: 20 U.S.C. § 1092(f):

Website: <http://www.ecfr.gov/cgi-bin/textidx?rgn=div8&node=34:3.1.3.1.34.4.39.6>

Violence Against Women Reauthorization Act of 2013: 42 U.S.C. 13701:

Website: <https://www.congress.gov/bill/113th-congress/senate-bill/47/text>

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