Annual Security Report

Indiana University Kokomo

September | 14

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

TABLE OF CONTENTS

ANNUAL SECURITY REPORT **2**
POLICY STATEMENTS 2
I. Reporting Crimes and Other Emergencies *2*
Response to Report 3
Voluntary, Confidential Reporting 3
Campus Security Authorities 3
Pastoral and Professional Counselors 3
II. Timely Warnings (Crime Alerts) about Crimes *4*
III. Emergency Notifications *4*
IV. Response and Evacuation Procedures and Tests *5*
V. Daily Crime Log *5*
VI. Security of and Access to Campus Facilities *6*
VII. Security Considerations for the Maintenance of Campus Facilities *6*
VIII. Crime Prevention and Security Awareness *6*
IX. Campus Law Enforcement/Indiana University Police Department (IUPD) *7*
Enforcement Authority 7
Working Relationship with State and Local Enforcement Agencies 7
X. Crimes at Noncampus Locations *8*
XI. Alcohol and Drugs *8*
Underage Drinking 8
Alcohol and Drug Education Programs 8
University and Campus Policies 9
XII. Dating Violence, Domestic Violence, Sexual Assault and Stalking *9*
Prevention and Awareness Programs 11
Safe and Positive Options for Bystander Intervention 12
Risk Reduction 12
Healthy, Unhealthy, and Abusive Relationships 13
Written Notification to Student and Employee Victims 14
What to Do If You've been a Victim of Sexual Violence 14
Institutional Disciplinary Procedures 17
Confidentiality and Privacy 18
Protection Orders 19
XIII. Obtaining Registered Sex Offender Information *19*
XIV. Preparation of Disclosure of Crime Statistics *19*
DISCLOSURE OF ANNUAL CRIME STATISTICS 21
I. Primary Crimes *21*
II. Hate Crimes *22*
APPENDIX A - CRIME DEFINITIONS 22
APPENDIX B – STUDENT CONDUCT PROCEDURES 23
APPENDIX C – EMPLOYEE CONDUCT PROCEDURES 26

2014 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 University (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 noncampus 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. 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 or appropriate law enforcement agency. 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 Emergency Call Boxes located on campus
- To a police officer, security officer, or cadet officer when encountered
- To other appropriate police agencies- Kokomo Police Department at 765-459-5101 or Howard County Sheriff's Department at 765-457-1105

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 and for assessment for Timely Warning notifications.

For reports about sexual violence, including domestic violence, dating violence, sexual assaults, and stalking, see Section XIII Dating Violence, Domestic Violence, Sexual Assault and Stalking, regarding reporting information.

Response to Report

Depending on the nature of the particular report, the 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. As required by law or policy, an incident report may be forwarded to other university offices for potential action, which 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. 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 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/csa.

Pastoral and Professional Counselors

Any 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 noncampus buildings or property owned or controlled by the university; and on public property on or immediately adjacent to the campus. 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.

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 not be distributed. Crime Alerts may be distributed for other crimes if deemed necessary by the campus IUPD Chief or his/her designee.

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 our 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 on a case-by-case basis, other means of distribution may be used, including:

- Text messages
- Phone calls
- Protect IU webpage updates (http://protect.iu.edu/)
- http://www.iuk.edu
- WIOU/WZWZ/WMYK
- WFRN
- WIBC
- WTPI/WZPL/WXNT
- WSAL/WLHM/WHZE
- WMRI/WGOM/WBAT/WCJC
- WLBC
- WARU
- WLFI
- WISH
- MyINDY
- WIIH
- WRTV
- WTHR
- Fox 59
- On campus electronic display boards

More information on IU-Notify can be found at http://kb.iu.edu/data/avvo.html. Instructions for how to update your contact information are found at http://kb.iu.edu/data/avvp.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, Public Safety and campus officials respond and assess each individual incident. If the incident is confirmed to be ongoing or imminently threatening to the health or safety of the campus community, an emergency notification is immediately initiated. 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 first responders and Public Safety 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 officials (including Police, 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, web site banners, and/or public address systems. If there is a need to disseminate information outside of the campus community, it is posted to the IU Protect web site at https://protect.iu.edu, distributed to local news agencies, and posted to social media and WebEOC (which notifies surrounding public safety jurisdictions and the Indiana Department of Homeland Security).

IV. Response and Evacuation Procedures and Tests

Response and evacuation procedures are documented in the campus Emergency Procedures and Building Emergency Action Plans. Evacuation route maps are posted in hallways throughout all campus buildings.

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 any recommendations or improvements.

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

- Annual Tornado Drill, March 27, 2013 at 10:17am. Announced
- Tornado Warning issued November 17, 2013 at 3:18pm- Unannounced-successful

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 the IUPD's patrol jurisdiction, which may be

broader than on-campus, non-campus and public property locations. Daily Crime Logs are updated within two business days of an incident being reported to the IUPD. 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:

- Indiana University Police Department – Kokomo Division, posts a hard copy of our Daily Crime Log on the bulletin board in the hall in front of 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.

Other 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.

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 them to the appropriate campus administrators for correction.

Members of the campus community are encouraged to report safety issues to the 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:

- Lighting on campus is inspected on a daily basis, by evening shift officers on patrol.
- Doors are inspected on a daily basis on officers on patrol.
- Mal-functioning locks are reported immediately upon detection.
- Lighting conditions are surveyed annually, by Campus Police, Physical Plant, Facilities Director.
- Lighting deficiencies are reported to Physical Plant on a weekly basis.

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 (EH&S), and the Office of Emergency Management and Continuity (EMAC) 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:

- Domestic Violence "Angel Walk", annual walk was held on April 23, 2013
- New Student Orientation, January 3, 2013
- New Student Orientation May 18, 2013
- New Student Orientation June 22, 2013
- New Student Orientation July 20, 2013
- New Student Orientation August 8, 2013
- New Student Orientation December 10, 2013

To schedule a security awareness or crime prevention presentation, contact the IUPD office on your campus at:

jerlwill@iuk.edu
765-455-9363

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

Enforcement Authority

The IUPD employs sworn police officers that 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 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.

Working Relationship with State and Local Enforcement Agencies

By resolution of the Indiana University Board of Trustees, 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:

- Indiana State Police, no written agreement
- Howard County Sheriff's Department, no written agreement
- Kokomo Police Department, no written agreement

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 Noncampus Locations

The IUPD uses university records to identify and monitor activity at noncampus property. Noncampus 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 noncampus location.

If IU students are implicated in criminal activity occurring off-campus, including noncampus 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.

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 Education 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. Additional information on drug and alcohol education programs can be found within the University and campus policies identified below. IU encourages members of the community who may be experiencing difficulty with drugs or alcohol to utilize one of the following on-campus resources:

- Referrals to community agencies and counselors providing more intensive treatment are facilitated as needed.
- Information about community resources are available in the office of Student Services.
- Faculty and staff may contact the IU Employee Assistance Program by calling 1-888-234-8327.
- Students may contact University Personal Counseling Service by calling 765-455-9364.

Available off-campus services include:

- Behavioral Health Care of Kokomo 765-457-5229 or toll free 800-308-4239
- Community Howard Regional Behavioral Health Services 765-453-8545
- St. Joseph Behavioral Services Trinity House 765-456-5900

University and Campus Policies

Violators of IU policies are subject to the provisions of applicable laws as well as university disciplinary actions, which may include sanctions such as eviction from campus housing, revocation of other privileges, or suspension or expulsion from the university. Disciplinary action may also be taken to protect the interests of the university and the rights and safety of others.

University and campus policies pertaining to student conduct violations, including the possession, use, and sale of alcohol and controlled substances, are outlined in:

- 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://www.indiana.edu/%7Euhrs/policies/uwide/substance.html
- 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

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.

XII. Dating Violence, Domestic Violence, Sexual Assault and Stalking

Indiana University (IU) prohibits the crimes of dating violence, domestic violence, sexual assault and stalking. 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 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 Statute IC 35-42 (which includes crimes against a person) or a threat to commit an act described in IC 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

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. (based on VAWA definition 42 U.S.C. 13925(a))

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) Committed when an actor subjects a person to sexual penetration (see below) (i) without the consent of the person, (ii) when the actor knew or should have known that the person was mentally or physically incapable of resisting or appreciating the nature of the person's own conduct, (iii) or when the person is less than sixteen years of age.
2) Sexual assault is also committed when an actor subjects a person to sexual contact (see below) (a) without consent of the person, or (b) 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.

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 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 educational programs to promote awareness and prevention of rape, acquaintance rape, 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. Primary prevention and awareness programs given to new students and employees include:

- New student orientation - Incoming students are informed of the resources available to them if they or someone they know on campus is the victim of Sexual Assault, Relationship Violence, or stalking. They are also given the contact information for reporting incidents.
- MyStudentBody online educational program: MyStudentBody is an online risk reduction course required of all first-year undergraduate IU-Kokomo 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.

On-going prevention and awareness campaigns for all students and employees include:

- Sexual assault awareness week – September 22nd – 27th: Series of events to educate students on issues surrounding sexual assault and relationship violence, and alcohol awareness.
- Step UP! Bystander intervention training offered to student athletes, student organizations, and fraternities/sororities. The goals of Step Up! are to: Raise awareness of helping behaviors; Increase motivation to help; Develop skills and confidence when responding to problems or concerns; Ensure the safety and well-being of self and others.
- Community of Care Week in March prior to spring break: Week long program focused on activities such as responsible alcohol use, emotional and mental health, volunteering, personal safety.
- Red Flag Campaign Posters: Posters from TheRedFlagCampaign.org will be placed in prominent locations around campus to educate students/staff/faculty on signs of unhealthy relationships.
- Dare to Care pledge: Students/Faculty/Staff will be asked to sign the Dare to Care Pledge as part of the overall Community of Care Initiative.
- Sexual Assault, Relationship Violence, and Stalking: Rights, Options, and Resources brochure. Brochures will be available at the help tables during "Welcome Week" which takes place Aug 25-29 and Jan 12-16.
- Harlen Cohen - 5 Steps to Finding the Love of Your Life (while fully clothed and staying sober). Professional speaker visited campus in 2013-2014 to discuss healthy relationships.
- Take Back the Night: Take Back The Night (TBTN) is an international program focused on ending violence against women. We have also added to that the topic of domestic violence and

dating violence. We partner with the Family Service Association on this event to support the domestic violence shelter of Howard County.

- Basic Self-Defense: Basic Self Defense class, as it relates to Sexual Assault incidents.

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." (34 CFR 668.46(j)(2)(ii))

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!"**

Life Line Law

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, including sexual assault, so long as they cooperate with law enforcement at the scene.

Risk Reduction

The Clery Act defines risk reduction as, "Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence." (34 CFR 668.46(j)(2)(v)) 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

If a student or employee reports to be a victim of dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, to one of the university reporting units listed in the "Consider Reporting the Incident" found later in this section, they will be provided written information about their rights, options and any available resources. This will include information on the following:

- Procedures a victim can follow,
- The importance of preserving evidence,
- How to report an offense,
- Options about the involvement of law enforcement,
- Rights of victims and the university's responsibilities for orders of protection,
- Information about how the university will protect confidentiality of victims and other necessary parties,
- Existing counseling, health, mental health, victim advocacy, legal assistance, and other services, both within the university and in the local community,
- Options for, and available assistance in changing academic, living, transportation, and working situations, and
- University disciplinary action.

What to Do If You've been a Victim of Sexual Violence

Dial 9-1-1 for Emergencies.

Get to a Safe Place as Soon as Possible.

Preserve Physical Evidence

It is particularly important to remember that it may be necessary to preserve evidence for use in court or in university disciplinary proceedings. Evidence may also be important in obtaining a protection order. Do not do any of the following things until you've gotten medical attention and/or contacted the police.

- Bathe or shower
- Use the restroom
- Change clothes
- Comb hair
- Clean up the crime scene

- Move anything the offender may have touched

Don't try to collect evidence yourself. Get help from medical or law enforcement personnel as soon as possible—or at least within 96 hours of the assault. Additionally, keep and document incidents and communications that may indicate a pattern of stalking behavior.

Get Medical Attention

You should seek medical attention as soon as you can—even if you're not sure if you want to report the incident. It's the best way to protect yourself from the risk of sexually transmitted diseases and pregnancy. And even if you think you're physically okay, you may have injuries that need treatment. It's also important to have a forensic exam done. This ensures that evidence gets collected in case you decide to report what happened to the police or campus authorities. Victims of sexual violence may be eligible for certain services at no cost; the IUPD can provide victims with resources concerning health care cost and reporting to your insurance company, as stated in state laws. IUPD personnel will assist a victim with transportation to a hospital, if necessary.

Victims are able to seek medical attention both on and off campus at the following locations:

Community Howard Regional Hospital
3500 South Lafountain
765-453-8444

St. Joseph Hospital
1907 West Sycamore
765-456-5433

Get Counseling Support

Coping with the aftermath of sexual violence can be very difficult—but remember, you're not alone. Every IU campus offers counseling services to help you recover. There are also resources available in your community. Make it a priority to get the help you need to process what happened to you and recover from the incident.

A list of counseling resources can be found below:

University Personal Counseling Services
Confidential counseling sessions are available at no charge to currently registered IU Kokomo students. Appointments are available on campus with the Mental Health Counselor.
765-455-9364

Community Howard Regional Health Behavioral Health Services
765-453-8545

St. Joseph Trinity House Behavioral Services
765-456-5900

Employee Assistance Program
Provides professional and confidential counseling to full time employees, medical residents, and graduate appointees and their household members.
888-234-8327

Other Resources/Advocate Services

Other advocate services and resources available to victims of dating violence, domestic violence, sexual assault and staking include:

Office of the Dean of Students
The Office of the Dean of Students adjudicates violations of the Indiana University Code of Student Rights, Responsibility and Conduct.
765-455-9203

Legal Services
Legal assistance and representation information can also be obtained by contacting the Howard County Bar Association.
http://www.indianalegalservices.org

Consider 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, going through an institutional disciplinary process, and/or filing a Title IX complaint. Campus reporting options are listed below.

- Reporting directly to campus or local law enforcement (see below);
- Reporting directly to the student judicial conduct office or Dean of Students for the campus;
- Reporting directly to the Deputy Title IX Coordinator for the campus;
- Reporting directly to the University Title IX Coordinator;

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

Law Enforcement Options

The University will provide written information to anyone reporting an incident concerning options to involve law enforcement. This includes the option to:

- Notify proper law enforcement authorities, including on-campus authorities and local police;
- Be assisted by campus authorities in notifying law enforcement authorities; and
- Decline to notify such authorities

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. When you file a report, you are NOT obligated to continue with legal proceedings or university disciplinary action. YOU can CHOOSE whether or not to participate in proceedings at any point.

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

- Assisting the victim and helping them 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.

Reports of dating violence, domestic violence, sexual assault and stalking can be reported to law enforcement using the contact information noted below.

- Indiana University Police Department (IUPD) responds to incidents on campus. They can be contacted by calling 9-1-1 or 765-455-9363 or coming to the police department, located at Indiana University Police Department – Kokomo Division, 2300 S. Washington, Kokomo, IN 46902 in person.

Institutional Options

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 process ensures:

- The complainant and the respondent each have the opportunity to be advised by an advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing. While advisors may be present, they are limited to an advisory role.
- The decision of the hearing panel will be based solely on the information presented at the hearing and will be based upon a preponderance of the evidence standard.
- The complainant and the respondent will be notified simultaneously in writing of the outcome and results of any disciplinary proceedings, as well as any changes to the results before they are final.
- The complainant and the respondent will be notified simultaneously in writing of the University's procedures for the accused or the victim to appeal the results.

Institutional Reporting Options include:

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

Filing a Title IX Complaint

Under Title IX of the Education Amendments of 1972, sexual violence is considered a form of sexual discrimination. You may file a Title IX sex discrimination complaint using one of the resources below:

- University Title IX Coordinator: Julie Knost, University Director, Office of Affirmative Action & Equal Opportunity– 812- 855-7559
- Gerry Stroman, Title IX Deputy Coordinator and Executive Director for the Chancellor's Office, Affirmative Action Officer, 765-455-9221

Institutional Disciplinary Procedures

Accused – Student

If an allegation of dating violence, domestic violence, sexual assault or stalking suggests a student is the accused, regardless of where the alleged offense occurred, the victim may request that disciplinary action be initiated within the university.

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

Accused – Employee

If an allegation of dating violence, domestic violence, sexual assault or stalking suggests that an employee or visitor is the accused, regardless of where the alleged offense occurred, the victim may request that disciplinary action be initiated within the university.

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

Sanctions

The university may impose sanctions on the respondent following a final determination of responsibility during university disciplinary procedures. For students, these sanctions can include formal warnings, disciplinary probation, suspension, and up to permanent expulsion. For employees, sanctions may include corrective action, up to and including termination of employment. 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.

Protective Measures

Students and employees who report being a victim of sexual violence, including dating violence, domestic violence, sexual assault or stalking, may have options for changing academic, transportation, and working situations. 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.

Confidentiality and Privacy

The University will work with you to protect your privacy by sharing information with only those who need to know. As such, 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.

Only those University employees who are licensed, professional counselors (e.g. mental health counselors) or pastoral counselors working in that capacity are able to maintain your complete confidentiality and are not required to convey any information regarding your situation without your consent. Most other University employees are required to report names and details of any incident of sexual violence that has been brought to their attention to the Title IX Coordinator or designated Deputy Coordinators on their campus for further investigation. 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. 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.

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.

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. 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 the Indiana Coalition Against Domestic Violence (ICADV) hotline at 1.800.332.7385.

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

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 violence.

XIII. **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/

XIV. **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 noncampus 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. Primary Crimes

Offense	On-Campus			Noncampus			Public Property		
	2013	2012	2011	2013	2012	2011	2013	2012	2011
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses, Forcible (Rape, Sodomy, Sexual Assault with an object, Fondling)	0	0	0	0	0	0	0	0	0
Sex Offenses, Non Forcible - Incest	0	0	0	0	0	0	0	0	0
Sex Offenses, Non Forcible – Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	1	0	0	0	0	0
Burglary	0	0	0	1	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson [1]	0	0	0	0	0	0	0	0	0
Arrest – Liquor law violation	0	0	0	0	0	0	1	0	0
Arrest – drug law violation	0	0	0	0	0	0	10	0	0
Arrest – illegal weapons possession	0	0	0	0	0	0	0	0	0
Disciplinary Referral– Liquor law violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral – Drug law violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral – illegal weapons possession	0	0	0	0	0	0	0	0	0
Domestic Violence[1]	1	n/a	n/a	0	n/a	n/a	0	n/a	n/a
Dating Violence [1]	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a
Stalking[1]	1	n/a	n/a	0	n/a	n/a	0	n/a	n/a

[1]Crimes reported in these categories may also be included in another category in this table.
n/a – Under the Violence Against Women Act, these are new crime categories required for Clery Act reporting starting with the 2013 calendar year.

II. Hate Crimes

There were no hate crimes to report for 2013.

There were no hate crimes to report for 2012.

There were no hate crimes to report for 2011.

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.
- 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: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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.
- Dating Violence: violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.
- Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

- Hate Crimes: a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, gender identity, ethnicity, and national origin. 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 – Student Conduct Procedures

The University strongly encourages individuals to report any acts of domestic violence, dating violence, stalking, sexual harassment and/or sexual violence (collectively referred to as "Sexual Misconduct") to appropriate officials because it is the only way that action can be taken against an alleged violator of the Code of Student Rights, Responsibilities, and Conduct ("Student Code"), via the student discipline process. Students who experience Sexual Misconduct may also pursue criminal charges with the law enforcement agency with the appropriate jurisdiction in addition to, or instead of, pursuing cases through the University process. Individuals who identify as victims/survivors and are members of the Indiana University community are also encouraged to visit the Student Welfare Initiative website at http://stopsexualviolence.iu.edu for more information on resources and services available on their campus.

1) *Investigation*: When a victim/survivor (hereafter referred to as "complainant") reports an incident of domestic violence, dating violence, stalking, sexual harassment and/or sexual violence, her/his desires regarding the university's pursuit of the matter will be determined. Thereafter, 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 the decision is made to proceed, the student allegedly involved in misconduct (hereafter referred to as "respondent") will be:

   i) Notified that the University's student discipline process has been initiated.
   ii) Provided a date by which an appointment must be made to discuss the matter.

b) Any person believed to have information relevant to an investigation may also 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) In the case of an employee believed to have information relevant to an investigation, failure to comply with a request to make and/or keep an appointment, or to otherwise cooperate in the University's investigation, shall be brought to the attention of their supervisor and HR, and may possibly result in sanctions against the employee if noncooperation is determined.
e) Upon completion of the investigation, the University will provide notice of all relevant charges and conduct a judicial conference.

The investigation and subsequent judicial conference will be concluded within 60 days, absent extraordinary circumstances.

2) Judicial Conference: The respondent is required to attend the judicial conference. The complainant has an equal right to attend the judicial conference 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) Judicial Conference Hearing Panel

      i) A hearing panel will be assembled for the judicial conference. The hearing panel is composed of three administrative staff members, who have completed the required training.
      ii) The judicial conference 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 speak for students. More information on members of the University community who may be available to serve as an advisor in the student discipline process can be found on the Student Welfare Initiative webpage at http://stopsexualviolence.iu.edu.
      iii) Both parties will be afforded similar and timely access to view any information that will be used at the hearing.

   b) Procedures for a Judicial Conference

      i) The complainant and respondent will be informed of the 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.
      iii) The judicial conference is recorded. Deliberations by the panel, following the conference, are not recorded.
      iv) If, after deliberations the hearing panel determines that the information available in the judicial conference does not support by a preponderance of the evidence (more likely than

not) that a violation of the Student Code has occurred, the hearing panel will dismiss the charges and notify both the respondent and the complainant by means of a written notice. The complainant and/or respondent may request an appeal (see section 3a).

v) If, after deliberations, the hearing panel determines that the information available in the judicial conference does support by a preponderance of the evidence (more likely than not) that a violation of the Student Code has occurred, the hearing panel will notify both the respondent and the complainant and will assign a sanction by means of a written notice. The respondent and/or the complainant may request an appeal (see section 3a).

vi) If the respondent fails to appear at the judicial conference, s/he may explain the failure to appear in writing to the University within two business days of the scheduled conference. 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 judicial conference may be rescheduled. The judicial conference will be rescheduled only under extraordinary circumstances.

vii) If the respondent fails to appear and such failure is not excused, the respondent's right to an appeal will be automatically forfeited, and the outcome reached in absentia will go into effect, unless the sanction imposed is or includes expulsion from university housing, suspension from the university, or expulsion from the university.

viii) Possible sanctions for cases in which students are found in violation of the Student Code for acts of domestic violence, dating violence, stalking, sexual harassment and/or sexual violence include, but are not limited to formal warnings, disciplinary probation, suspension, and permanent expulsion.

3) Appeal: The respondent or the complainant may appeal the decision of the 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 University. The written notice must include the basis for appeal (See Section 3b.).

a) Timing: The notice of appeal must be filed no later than five calendar days after the date of the written decision of the 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 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 judicial conference 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 judicial conference 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.

4) *Notice*: To the extent possible, the complainant and the respondent will be provided notice of the outcome of the Judicial Conference, 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 disciplinary hearing, the appeals process, and the appeal decision, if applicable. In the event the appeal decision changes the results of the outcome of the disciplinary hearing, notice of such change shall be provided before those results are final, and include an explanation of when those results will become final.

In exceptional cases and upon consultation with the Vice President and General Counsel, the University reserves the right to take prompt action without conduct proceedings.

Appendix C – Employee Conduct Procedures

Note: University-wide procedures for responding to incidents of sexual misconduct by employees will be developed soon. In the meantime, existing employee misconduct and grievance procedures on IU campuses may be followed, but must include the following components to ensure that all considerations required by state and federal law are given to the complainant and respondent in sexual misconduct cases:

- The University Title IX Coordinator and/or the Deputy Title IX Coordinator(s) for the respective campus, or their designee, will serve as the Investigator.
- The University will use a "preponderance of the evidence" standard (more likely than not) when determining responsibility.
- The investigation should be completed within 60 days, absent any extraordinary circumstances.
- In appropriate cases, the University may offer informal resolution, such as mediation, with the consent of the complainant, however, the complainant must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process.
  Informal resolution may not be used in cases involving any sexual violence.
- Evidence regarding a party's past sexual behavior or activity will generally be prohibited, except in connection to evidence of past sexual activity between the parties to demonstrate consent or where the exclusion of such information would adversely affect the integrity or fairness of the judicial conference.
- If the final decision indicates, by a preponderance of the evidence, that the employee is responsible for violating this or any applicable University policy, prompt and equitable corrective measures will be implemented to stop any continuing misconduct, remedy the effects of the misconduct, and prevent its reoccurrence.
- Possible sanctions include, but are not limited to, additional required training, suspension without pay, and termination.

- The University may also take corrective action where no sexual misconduct is found, but the respondent employee is found to have otherwise engaged in inappropriate behavior in the workplace or while engaged in a University activity or program.
- To the extent possible, the reporting party and the responding party will be notified simultaneously of the outcome of the investigation.
- Throughout the process, both the complainant and the respondent must have equal opportunities to present information, have advisors present if applicable, and pursue an appeal, if applicable.
- Appeal procedures may include the review of appropriateness of sanctions, but shall not revisit findings of fact as determined in the investigation. Any University official reviewing an appeal must be trained appropriately.

In cases in which a student is the reporting person and the employee is the responding persons, the University will provide to the student the types of procedural, academic and residential adjustments, and support protections and opportunities described in this policy, to the extent practicable.