

**A RESOURCE GUIDE FOR STUDENTS ON SEXUAL MISCONDUCT:
CAMPUS POLICIES, PROCEDURES AND VICTIM SERVICES AT THE UNIVERSITY OF
INDIANAPOLIS**

IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

*Denotes that this resource is confidential.

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.
3. Contact any of the following for immediate assistance:
 - a. Title IX coordinator at 317-788-2139. Regular business hours, M–F 8am.–4:30pm.
 - b. Campus Safety/University Police], at 317-788-3386 or 317-788-3333 (emergency), 24 hours/7 days a week
 - c. Campus Health Services*, at 317-788-3437. Regular business hours, M–F 8am.–4:30pm.
 - d. Counseling Center*, at 317-788-3437. Regular business hours, M–F 8am.–4:30pm.
 - e. On Campus Chaplains*, at 317-788-2106. Regular business hours, M–F 8am.–4:30pm.
 - f. Rape Crisis Center*, at 317-251-7575.
 - g. Domestic Violence Local Crisis Center*, at 317-920-9320.
4. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at the hospital, if possible. Because evidence of asexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper(not plastic) bag or a wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with the m or file a criminal complaint.
5. Choose how to proceed. You have options, and are encouraged to contact a confidential resource to discuss your options:
 - a. Do nothing until you are ready;
 - b. Pursue resolution by the University and/or
 - c. Initiate criminal proceedings; and/or
 - d. Initiate a civil process against the perpetrator. You may pursue what ever

combination of options is best for you. If you wish to have an incident investigated and resolved by the University, students and employees should contact the Title IX Coordinator and procedures will be explained. Those who wish incidents to be handled criminally should contact University Police or local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired.

ABOUT CONFIDENTIALITY

To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.

CONFIDENTIAL REPORTING

If reporting students wish that details of an incident be kept confidential, they should speak with campus mental health counselors and/or health service providers. Campus counselors are available to help on an emergency basis. Their service is free of charge. Members of the clergy, chaplains, and off - campus rape crisis center staff and/or members of the campus clergy can maintain confidentiality. Local resources such as crisis centers are also confidential and have no duty to report your information to the University.

MANDATED REPORTING

All University employees who are not designated above as confidential, are mandated reporters for all the details of which they are aware about an incident. They share this information with the Title IX coordinator. Giving a mandated reporter notice of an incident constitutes official notice to the institution. Incidents of sexual misconduct will be taken seriously when official notice is given to the institution. Such incidents of sexual misconduct will be investigated and resolved in a prompt and equitable manner under the University's resolution procedures, which are discussed in a later section of this brochure. You may request confidentiality and/or that the Title IX coordinator provide you with remedies and resources without initiating a formal resolution process. The coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, the University will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused. In cases where your request for confidentiality is granted, the University will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If the University decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the University to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

INCIDENTS INVOLVING MINORS

Please be aware that institutional duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

POLICY

Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of the University's Code of Conduct outlined in the Student Handbook and its sexual misconduct policy. A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of State law. Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The University's sexual misconduct policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, the University will impose serious sanctions, as noted on the next page. All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. The University has jurisdiction over all acts of sexual misconduct involving members of the campus community, no matter where they occur, whether on- or off-campus. For more details on this policy, please refer to the Student, Employee or Faculty Handbooks. Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the campus Annual Security Report. Access it here: <http://www.uindy.edu/police-department/clery-act>

SEXUAL MISCONDUCT VIOLATIONS

The following are the definitions of conduct prohibited by the sexual misconduct policy.

SEXUAL HARASSMENT

Sexual harassment is:

- unwelcome,
- sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct.

HOSTILE ENVIRONMENT

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
 - unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the institution's educational and/or employment, social, and/or residential program.

Sanctions range from warning through expulsion/ termination.

NON-CONSENSUALSEXUALCONTACT

Non-consensual sexual contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sanctions range from warning through expulsion/termination.

NON-CONSENSUALSEXUALINTERCOURSE

Non-consensual sexual intercourseis:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sanctions typically result in suspension or expulsion/termination.

SEXUAL EXPLOITATION

- Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and
- that behavior does not otherwise constitute one of other sexual misconduct offenses.

Sanctions range from warning through expulsion/ termination.

INTIMATE PARTNER VIOLENCE

Intimate partner violence is:

- violence or emotional and/or psychological abuse between those in an intimate relationship toward each other; Sanctions range from warning through expulsion/ termination.

STALKING

Stalking 1:

- a course of conduct,
- directed at a specific person,
- on the basis of actual or perceived membership in a protected class,
- that is unwelcome, and,
- would cause a reasonable person to feel fear.

Sanctions range from warning through expulsion/ termination.

Stalking 2:

- repetitive and menacing
- pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

Sanctions typically result in suspension or expulsion/termination.

RETALIATION

Retaliation is:

- any adverse action,
- taken against a person participating in a protected activity,
- because of that person's participation in that protected activity - subject to limitations imposed by the First Amendment and/or academic freedom.

Sanctions range from warning through expulsion/ termination.

CONSENT

Definition

Knowing, voluntary, and clear permission, through word or action, to engage in mutually agreed upon sexual activity or contact.

Since different people may experience the same interactions differently, each party is responsible for making sure that partners have provided ongoing, clear consent to engaging in any sexual activity or contact.

A person may withdraw consent at any time during sexual activity or contact through words or actions. If that happens, the other party must immediately cease the activity or contact.

Pressuring another person into sexual activity can constitute coercion, which is also considered to be sexual misconduct.

Silence or the absence of resistance alone does not constitute consent. A victim is not required to resist or say "no" for an offense to be proven.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse).

Being or having been in a dating relationship with the other party does not mean that consent for sexual activity exists.

Previous consent to sexual activity does not imply consent to sexual activity in the future. To legally give consent in Indiana, individuals must be at least 16 years old.

FORCE

Force is defined as direct or indirect use of physical violence and/or imposing physically on someone to gain sexual access. Force, unless part of mutually-permissible kink, is a clear demonstration of a lack of consent.

INCAPACITATION

Incapacitation is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot give sexual consent if they can’t understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is “knowing,” it is not valid. Those engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct. The possession, use, distribution, and/ or administration of any incapacitating substances is prohibited.

The fact that a responding party was intoxicated, and thus did not realize the reporting party was incapacitated, does not excuse sexual misconduct.

YOUR RIGHTS

The University strives to provide members of the campus community with fair and equitable resolution processes that include both formal and informal options.

REPORTING

- Reporting parties have the right to notify law enforcement of incidents and to receive assistance from campus personnel in doing so.
- Reporting parties may decline to report to law enforcement if they so wish.
- Reporting parties have the right to have their allegations investigated and resolved internally by the University.

FAIRNESS

- All members of the campus community have the right to have reported incidents addressed according to the published University procedures.
- All parties have equal opportunities to have a support person of their choosing or offered by the institution present throughout all resolution proceedings (including intake, interviews, hearings, etc.). This person can be an advisor, advocate, attorney, family

member, friend, faculty member, etc.

- All parties have the right to written notice of the outcome of sexual misconduct resolution proceedings.
- Reporting parties and witnesses will receive amnesty for minor infractions (e.g., alcohol and drug violations) that are secondary to incidents of sexual misconduct.
- Reporting parties, their supporters, and witnesses have a right to be free from retaliation.

SUPPORT

- Students have a right to be notified of their ability to access campus counseling and health services.
- Students and employees have a right to be notified of on- and off-campus supportive resources.
- All parties involved in sexual misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.
- Reporting parties have the right to seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts, and may seek the help of University Police in requesting and/or enforcing.

REMEDIES

The University may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct, protect students' rights, and keep members of the campus community safe from further harm. Measures include, but are not limited to:

- Issuing interim suspensions pending a resolution.
 - Reporting incidents to local police and/or prosecutors.
 - Referring to counseling and health services.
 - Providing education to the community.
 - Altering the housing situation of the reporting or responding party.
 - Altering work arrangements for employees.
 - Providing campus escorts.
 - Providing transportation assistance.
 - Implementing contact limitations between the parties.
 - Offering adjustments to academic deadlines, course schedules, etc.
- These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report.*

PROCEDURES

INTAKE

A University official will assist the reporting party with making choices and accessing resources. Assuming the reporting party chooses to move forward with a campus resolution, the next step is a preliminary inquiry.

All resolutions will be conducted by campus officials who receive annual training on issues

related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The resolution process is confidential. The institution will protect the confidentiality of victims, consistent with federal law. Title IX-related resolutions are not subject to publicly available recordkeeping provisions. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

PRELIMINARY INQUIRY

An initial determination is made about the allegations and whether to move them forward to a formal investigation. This decision is made by the Title IX coordinator, taking into account the nature of the allegations and the reporting party's wishes. If the decision is made to move forward, the coordinator refers the allegations to investigators.

INVESTIGATIONS

An investigative model is used to resolve allegations. Trained investigators will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview reporting and responding parties and witnesses, and prepare reports with their findings and sanctioning recommendations. Information about all the steps in the investigative process is available in the Student Handbook.

STANDARD OF EVIDENCE

The University uses a preponderance of evidence standard. Decision-makers consider whether, given the available credible evidence, it is more likely than not that a violation occurred.

PAST HISTORY

The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or the University will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by a responding party may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

FINAL DETERMINATION

The parties will be informed in writing of the outcome of the resolution, without significant delay between the notifications to each party. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when results are considered to be final.

APPEALS

All student, faculty, and staff parties involved in sexual misconduct proceedings may appeal decisions within three [3] business days on the basis of the [3] grounds permitted by University's policy. All parties are included in any appeal reconsideration and have equal rights of participation. There is only one level of appeal. That decision is final. See the Student Handbook for further details.

RISK REDUCTION

RISK REDUCTION FOR INTIMATE PARTNER VIOLENCE, STALKING, SEXUAL HARASSMENT, AND SEXUAL VIOLENCE

While victim-blaming is never appropriate and the University fully recognizes that only those who commit sexual misconduct are responsible for their actions, UIndy provides the suggestions that follow to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

REDUCING THE RISK OF VICTIMIZATION

- Make any limits/boundaries you may have known as early as possible.
- Clearly and firmly articulate consent or lack of consent.
- Remove yourself, if possible, from an aggressor's physical presence.
- Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
- Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

REDUCING THE RISK OF BEING ACCUSED OF SEXUAL MISCONDUCT

- Show your potential partner respect if you are in a position of initiating sexual behavior.
- If a potential partner says "no," accept it and don't push. If you want a "yes," ask for it, and don't proceed without clear permission.
- Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what's OK in any interaction, ask.
- Avoid ambiguity. Don't make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don't have consent.
- Don't take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others' loss of control does not put you in control.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person

may be undecided about how far to go with you, or you may have misread a previous signal.

- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and nonverbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- Understand that exerting power and control over another through sex is unacceptable conduct.

KEY CONTACTS

Title IX Coordinator

Anne Moelk

317-788-2139

moelka@uindy.edu

Schwitzer 210

Deputy Title IX

Coordinator Janet

Robinson

317-788-2127

robinsonjs@uindy.edu

Esch Hall 163

OTHER RESOURCES (* Denotes that resource is confidential.)

Campus Safety/University Police, 317-788-3386 or 317-788-3333 (emergency), 24 hours/7 days a week

Campus Health Services*, 317-788-3437. Regular business hours, M–F 8am.–4:30pm.

Counseling Center*, 317-788-3437. Regular business hours, M–F 9am.–4:30pm.

Campus Chaplains*, 317-788-2106. Regular business hours, M–F 8am.–4:30pm.

Rape Crisis Center*, 317-251-7575.

Domestic Violence Local Crisis Center*, 317-920-9320.