Discrimination, Harassment, and Sexual Misconduct

UA-03

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Effective Date:

03-01-2015

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06-26-2025

Responsible University Office:

Office of Civil Rights Compliance

Responsible University Administrator:

President

Academic Leadership Council Executive Committee

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Policy Contact:

Associate Vice President of Civil Rights Compliance/University Title IX Coordinator
ocrc@iu.edu

Scope

I. This policy applies to all members of the Indiana University community, including:
   A. All students
   B. All academic appointees, staff and part time (hourly) employees
   C. All others while on Indiana University property, including employees of third-party vendors and contractors, volunteers, and visitors, and others while involved in an off-campus Indiana University program or activity.

II. Other university policies and codes related to misconduct remain in effect for complaints of misconduct other than discrimination, harassment and/or sexual misconduct. However, any report or complaint of misconduct that includes elements of the covered behaviors below may be addressed in accordance with this policy and its related complaint resolution procedures.

III. A foundational principle of Indiana University is its enduring partnership across its units, including faculty, to collectively advance the institution's mission. The establishment, revision, and retirement of academic policies will occur with consultation and input from the University Faculty Council.

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Policy Statement

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

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

C. It is the policy of the university to comply with all applicable federal and state laws regarding unlawful discrimination and harassment against protected classes. Procedures for reporting incidents of discrimination, harassment and/or sexual misconduct, and for investigating and adjudicating formal complaints, are part of this policy and are included below. These complaint resolution processes may vary depending on applicable law and policies relevant to the specific misconduct. In appropriate cases, and upon consultation with the Vice President and General Counsel, the university reserves the right to take prompt action in accordance with other university procedures. Questions about this policy, as well as the applicable complaint and complaint resolution processes, may be directed to the appropriate contacts set forth in this policy. (See Additional Contacts.)

D. Individuals who believe they have experienced discrimination, harassment and/or sexual misconduct in violation of this policy, and all members of the university community who may be aware of such incidents, are encouraged to promptly report incidents of discrimination, harassment, and/or sexual misconduct to the appropriate designated officials. (See Additional Contacts.)

E. Some employees may have reporting obligations based on their role and responsibilities under this and other policies (See Employee Reporting Obligations.)

F. Retaliation against anyone who makes a report of discrimination, harassment and/or sexual misconduct, or who participates in an investigation under any of the complaint resolution procedures set forth herein, is prohibited. (See Retaliation.)

G. For every report, the university will review the circumstances of the reported conduct to determine whether the university has jurisdiction over the parties involved, and to take steps within its control to eliminate, prevent, and address the reported conduct. The university will respond promptly to all reports and assess all information available; the potential Complainant(s) will be offered information regarding resources and supportive measures, as well as options regarding reporting and applicable complaint resolution procedures. Where a formal complaint is filed or initiated, the university will provide a fair and impartial investigation and resolution, provide supportive and interim measures and, in the event a policy violation is found, impose appropriate sanctions and provide remedial measures. The appropriateness and severity of the sanctions imposed, up to and including termination or expulsion of the offender, will depend on the circumstances of the particular case. If the Respondent is not a member of the university community or is no longer affiliated with the university at the time of the report or at the time a formal complaint is initiated (including when the Respondent has graduated or left the university), the university typically is unable to take disciplinary action or conduct an investigation through the complaint resolution procedures herein.

II. **JURISDICTION**

A. This policy applies to any reported discrimination, harassment and/or sexual misconduct that is alleged to have occurred on campus, in the context of any university program or activity, or among current members of the university community off campus. This policy also applies to reported discrimination, harassment and/or sexual misconduct that has a continuing adverse effect or creates a hostile environment for one or more individuals.

B. The applicable complaint resolution process for addressing a formal complaint will depend on a number of factors, including the type and nature of the alleged conduct, the role of the parties, where the alleged conduct occurred, and applicable law.

C. For disciplinary action to be issued, the Respondent must be a student, academic appointee, or staff employee of the university. All third-party vendors or contractors are subject to the policies and procedures of their employers, however, the university reserves the right to bar a non-community member from being present. This policy's complaint resolution procedures do not apply to reports that a volunteer or non-member of the university community engaged in discrimination, harassment, and/or sexual misconduct. The university may take steps to eliminate, prevent, and address the reported conduct by volunteers or non-community members without going through the complaint resolution process.

D. Where the reported behavior undermines the security of the university community or poses a serious threat to self or others, other applicable university procedures for suspension or dismissal may be applied.

III. **COVERED BEHAVIORS**

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

A. **Discrimination**: Prohibited discrimination is treating someone differently based on their actual or perceived membership in a protected class, or any other classification protected by law, in matters of admissions, employment, education, or in the programs or activities of the university.
   1. In determining whether discrimination occurred, the university considers whether there was an adverse impact on the individual's work or education environment and whether individuals outside of the protected class received more favorable treatment. If there was an adverse impact on the individual's work or education environment, the university considers whether there is a legitimate, non-discriminatory reason for the action.
   2. Examples of discrimination can include refusing to hire or promote someone because of their membership in a protected class; denying someone a raise or employment benefit because of their membership in a protected class; reducing someone's job responsibilities because of their membership in a protected class; denying someone access to an educational program based on their membership in a protected class; or denying someone access to a university facility based on their membership in a protected class.

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

C. **Sexual Misconduct**: All forms of Sexual Misconduct, which are more fully defined within this policy:
   1. Sexual Harassment
   2. Sexual Assault
   3. Sexual Exploitation
   4. Dating Violence
   5. Domestic Violence
   6. Stalking

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

IV. **INTELLECTUAL INQUIRY AND DEBATE**

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

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

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

V. **EDUCATION, PREVENTION, AND TRAINING**

A. Every Indiana University campus shall publicize and provide ongoing educational programming for students, employees and other members of the university community to promote awareness of the problems caused by discrimination, harassment and sexual misconduct and to help prevent and attempt to reduce its occurrence. Educational programs and information will include campus-specific information on how and where to report, resources available, and safe and positive options for bystander intervention to address, intervene, and prevent such conduct. Efforts will be made to ensure that educational programs are culturally relevant and inclusive of the diverse communities and identities found at each campus.

B. Employee training shall be provided to all employees regarding the requirements of this policy. Certain training may be mandated by applicable federal or state law. The appropriate training will be tailored to the audience and will include reporting and response obligations, available resources, and information about how to prevent and identify discrimination, harassment and/or sexual misconduct. Individuals specifically involved in implementing this policy and its procedures will be trained regarding their application, conducting the investigations, hearings and other decision-making processes, conflict of interest and unconscious bias, and other aspects of this policy.

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Reason for Policy

I. Indiana University is committed to the success, safety and well-being of all members of the university community, including students, academic appointees, and staff. Indiana University recognizes that discrimination, harassment, and/or sexual misconduct may result in grave and often long-lasting effects on those involved and is committed to conducting timely investigation of allegations and to taking appropriate actions and consequences following investigations.

II. Indiana University is committed to compliance with state and federal laws regarding discrimination, harassment and/or sexual misconduct, to making required reporting to state and federal agencies, and to working with law enforcement officials and agencies where applicable. The university is also committed to using its resources in research and education to improve programs aimed at preventing and reducing discrimination, harassment and sexual misconduct in our community and ensuring safe, diverse, equitable, and inclusive communities.

III. In cases where an individual is listed as key personnel on a federal sponsored award (e.g including but not limited to National Science Foundation and the National Institutes of Health), the university may be required to report any determination that the individual violated UA-03 as well as if they are placed on administrative leave or other administrative action has been imposed as a result of an investigation. Such instances will be shared with the Authorized Organizational Representative in the Office of Research Administration to report to the funding agency.

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Procedures

I. **TENETS APPLICABLE TO ALL COMPLAINT RESOLUTION PROCESSES**

A. **University Provided Information**:

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

b. If the conduct is of a potential criminal nature, options about the involvement of and reporting to law enforcement, and information about the importance of preserving evidence that may assist in proving the alleged criminal offense occurred, as well as how to preserve such evidence;

c. Civil orders of protection issued by courts and how to obtain such orders; and

d. Available campus and community resources, including the availability of supportive measures.

B. **Reporting an Incident:**

1. **In an emergency or where immediate help is needed, call 911.**
2. Anyone wishing to report an incident of discrimination, harassment and/or sexual misconduct that may be of a criminal nature can do so by contacting local law enforcement. If the incident did not occur on campus, IUPD can help direct the individual to the appropriate law enforcement agency.
3. The university encourages anyone who has experienced discrimination, harassment and/or sexual misconduct to report what happened to the university, to ensure they are informed of the available supportive measures, on and off campus resources, options to make a formal complaint, and applicable complaint resolution processes, and to allow the university to respond appropriately. Anyone wishing to report can do so by contacting the designated official on their campus or by completing the online form. (See Additional Contacts.)
4. Reports of sexual misconduct made to a Responsible Employee that are not initially reported to the University Sexual Misconduct & Title IX Coordinator and/or Deputy Sexual Misconduct & Title IX Coordinator(s) for the respective campus will be shared with those officials in a timely manner.
5. If a report of discrimination, harassment and/or sexual misconduct is not made initially to the Indiana University Police Department (IUPD), and the information indicates it may be a crime reportable under the Clery Act </policies/ua-16-clery-act-compliance/archived-03-05-2019-09-13-2022.html> , non-identifying information regarding the date, time, location and nature of the crime will be shared with IUPD for purposes of complying with the Clery Act.
6. If the university receives a report that indicates law enforcement should be informed and involved due to the potential threat to health and safety of an individual or the university community, the university may also share the identifying information needed for appropriate response by IUPD or law enforcement agency with jurisdiction.

C. **Sexual Misconduct Involving a Child/Minor:**

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

D. **Amnesty:**

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

E. **Retaliation:**

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

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

F. **Roles, Duties and Obligations of Certain Employees:**

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

G. **Employee Reporting Obligations:**

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

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

ii. All advisors;

iii. All coaches and other athletic staff who interact directly with students;

iv. All student affairs administrators;

v. All residential hall staff;

vi. All employees who work in offices that interface with students; and

vii. All supervisors and university officials.

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

H. **Exempt Disclosures:**

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

I. **Confidential Employees**

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

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

J. **Role of Law Enforcement**

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

K. **Privacy**

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

L. **Requests for No-University Action**

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

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

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

N. **Supportive and Interim Measures**

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

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

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

A. To be fully informed of university policies and procedures, as well as the nature and extent of all alleged violations contained within the allegation.

B. To be treated with respect.

C. To be accompanied by an advisor present during all proceedings, investigation meetings, or related meetings.

D. To have adequate, reliable, and impartial investigation and appropriate resolution of all complaints of discrimination, harassment and/or sexual misconduct.

E. To be informed by the university of options to notify proper law enforcement authorities including on campus and local police, and the option to be assisted by campus authorities in notifying proper law enforcement, if the individual chooses.

F. To be notified of available resources including counseling, mental health, academic, and other support services, both at the university and in the community.

G. To have allegations investigated and adjudicated by individuals who are properly trained to investigate and resolve allegations of discrimination, harassment and/or sexual misconduct.

H. To participate in the investigation and complaint resolution process, including the opportunity to identify witnesses and other appropriate evidence, and to be informed of adverse evidence and provided the opportunity to respond to it through the process.

I. To have allegations investigated and adjudicated in a reasonable timeframe given the circumstances of the specific case.

J. To have the preponderance of the evidence standard (more likely than not) applied in determining responsibility.

K. To have appeal rights as afforded under the applicable complaint resolution procedures.

III. STUDENT DISCRIMINATION & HARASSMENT COMPLAINT RESOLUTION PROCEDURES +

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

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

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

B. **Initial Assessment**

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

C. **Discrimination Complaints Against a Unit or Department:**

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

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

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

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

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

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

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

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

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

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

b. The Investigation Report will include:
   i. The specific allegation(s);
   ii. The Respondent's response to the allegation(s);
   iii. A summary of the relevant information gathered from the parties, witnesses and other sources; as well as explanation for any information submitted or received that was determined not relevant for inclusion; any relevant attachments submitted by parties and used in analysis; and
   iv. An analysis of the information and a recommendation as to whether the Respondent is responsible or not responsible for the alleged violation(s) of this policy, using a preponderance of the evidence standard (more likely than not), and a recommendation as to appropriate sanctions, if any, as set forth below.

c. At the conclusion of the 10-day period, the Investigator will review the information submitted by any party and determine whether and to what extent to incorporate such information into the Investigation Report.

d. The Investigator will then provide the Investigation Report to the DO, as well as to each party.

6. **Finding and Decision**
   a. Upon receiving the Final Investigation Report, the DO shall issue a finding. The DO may consult with the Investigator concerning the investigation and recommendations. The DO will provide each party the opportunity to meet and provide comment and make a statement. If the DO wishes further consultation with the parties, the Investigator will facilitate consultations to ensure equal opportunities are provided for the parties.
   b. The DO will issue one of the following findings, using a preponderance of the evidence standard:
      i. Finding of "No Violation":
      If there is a determination that the behavior alleged and investigated did not violate the discrimination and harassment policy, the DO shall provide the parties written notice of the finding. In the event the investigation reveals that the employee may have violated a different university policy, the DO may address any such potential violation through other applicable university policies. Documentation regarding a finding of "No Violation" shall be maintained with the campus Equity Official's office, and not in the employee's personnel file.
      ii. Finding of a "Violation"
      If there is a determination that the behavior alleged and investigated was in violation of the discrimination and harassment policy, the DO shall issue the finding and sanction(s) based on the level of sanctions set forth below.
   c. The DO shall provide the parties written notice of the finding and any sanctions, if applicable.

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

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

v. The appropriateness of the sanctions.

b. A request for appeal must be submitted in writing to the AO within 10 calendar days of receiving the DO's decision. The request must set forth the basis(es) for seeking an appeal and must include information to support such basis(es). If an appeal is submitted, all parties will be notified.

c. Upon receipt of appeal, the AO shall notify the other party in writing that an appeal has been filed and the basis(es) of the appeal, and shall allow the opportunity for other party to submit written statement in support or challenging the outcome to the AO within 5 calendar days.

d. The AO shall first determine whether the basis of appeal has been met, and if so, shall review the findings and any applicable sanctions, in making a determination.

e. The AO shall make a final determination within 15 calendar days of the receipt of any appeal, indicating one of the following:
   i. Affirming the DO's original finding(s).
   ii. Setting aside the DO's original finding(s) and imposing a new finding and/or sanctions.
   iii. Setting aside the DO's original finding(s) and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).

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

9. **Request for Faculty Board of Review**

a. In cases involving a faculty member as a party, a faculty member sanctioned under this policy may submit a request for review by the Faculty Board of Review (FBR) following the determination of the AO. The request for review should be made according to the specific campus FBR policy, and campus FBR procedures will apply except as modified by the provisions below.

b. The basis(es) for appeal are the same as those for appeal to the AO. The request for a FBR must set forth the basis(es) for seeking review and must be submitted in writing within 15 calendar days of receiving the AO's determination. For good cause shown, and bearing in mind the need for timely resolution, the timeframes set forth within these procedures may be extended. If a request for a FBR is submitted, the FBR shall notify the other party(ies), as well as the DO and the AO.

c. The FBR will only receive the Final Investigation Report; the written findings of the DO, along with comments submitted to the DO by any party named in the report; the written findings of the AO; and any sanctions. The FBR may not conduct new fact-finding. The FBR may seek training and additional information from the University Director of Institutional Equity.

d. Throughout the FBR process, hearing members and participants shall ensure that the privacy of the matter and the parties is upheld. If a hearing is held, it shall be closed to the public to protect the privacy of all parties. In addition to faculty members serving on the FBR hearing panel, others present during a hearing may include the party requesting review and that individual's advisor, the other party(ies) named in the report and their advisor(s), the DO, the University Director of Institutional Equity, the Equity Official, and other university officials necessary to the proceedings. No witnesses will be allowed in the FBR. The faculty grievant, the Complainant, and one designated university official have the right to present a statement to the FBR in writing or orally, either personally or through an advisor. If any participant elects to make a statement, the FBR may pose questions related to their statement, but the other participants may not.

e. The FBR must be concluded promptly, and generally within 60 days of the request, absent special circumstances. After review, the FBR may recommend one of the following to the AO:
   i. Affirm the AO's determination.
   ii. Recommend an alternative finding and/or sanction.

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

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

g. Upon receipt of the FBR's recommendation, along with any materials considered by the FBR, the AO will make a final determination within 10 calendar days, indicating one of the following:
   i. Affirming the prior determination on appeal.
   ii. Setting aside the prior determination on appeal and imposing a new finding and/or sanctions.
   iii. Setting aside the prior determination on appeal and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).

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

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

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

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

B. **Complaint**

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

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

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

VI. STUDENT SEXUAL MISCONDUCT – TITLE IX COMPLAINT RESOLUTION PROCEDURES +

A. **Covered Behaviors**

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

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

B. **Officials**

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

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

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

C. **Investigation**

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

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

D. **Selection of Advisors**

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

E. **Alternative Resolution Options**

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

F. **Sexual Misconduct Hearing**

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

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

G. **Decision & Sanctions**

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

H. **Appeal**

1. The Respondent or the Complainant may appeal the decision of the Title IX hearing panel to the campus Student Affairs official (or designee). To initiate an appeal, a party must send written notice of appeal to the designated official. The written notice must include the basis(es) for seeking the appeal and include information to support such basis(es) (see below).
2. **Timing**:
   The notice of appeal must be filed no later than 10 calendar days after the date the written decision sent. If an appeal is submitted by a party, all parties will be notified and given the opportunity to submit a written statement, and the underlying decision and any corresponding sanction will be held in abeyance until final notice of the appeal outcome. Upon its receipt of a written appeal, the university shall notify the other party in writing that an appeal has been filed and the basis(es) of the appeal, and shall allow the opportunity for other party to submit written statement in support or challenging the outcome to the designated Student Affairs Official within 5 calendar days. During this time, supportive measures in place will remain in effect (e.g., no contact order). If no written request for an appeal is received by the university within the time specified, the decision of the hearing panel and any sanction(s) imposed will be final and in effect.
3. **Basis(es) for Appeal**:
   The designated Student Affairs official will have the sole discretion in determining whether the basis for appeal has been met and whether the appeal can move forward. An appeal must be based on one or more of the following criteria:

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

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

l. **Notice**

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

J. **Requests for Accommodations and Special Circumstances**

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

K. **Expectations for a Respectful Process**

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

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

A. **Covered Behaviors**

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

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

B. **Officials**

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

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

a. For an appeal in a complaint against staff employees, including temporary (hourly), the Vice President of Human Resources.

b. For an appeal in a complaint against academic appointees, the campus Provost/Chancellor, or Dean & Executive Vice President for Clinical Affairs for the School of Medicine, as appropriate.

c. For an appeal in a complaint against a Dean, a Vice Provost, or a Vice Chancellor, the President.

d. For an appeal in a complaint against a Vice President, a Provost, a Chancellor, or equivalent, the Board of Trustees.

5. **Faculty Board of Review (FBR)** –In faculty cases, following the determination of the AO, the faculty member may request a review by the campus FBR, which may review and issue a recommendation to the AO.

C. **Interim Action**

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

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

D. **Informal & Alternative Resolutions**

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

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

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

E. **Investigation**

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

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

F. **Report of Investigation**

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

G. **Selection of Advisors**

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

H. **Hearing**

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

I. **Finding and Decision**

1. At the conclusion of a hearing, the DO, in consultation with the Hearing Official, shall deliberate without the parties present to determine responsibility for the specific allegations based on the evidence.
2. If, after deliberations, the DO determines that the information contained in the Final Investigative Report and gathered during the hearing, does not support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of university policies, the DO will notify both the Respondent and the Complainant by means of a written notice. The Complainant and/or Respondent may request an appeal (see below).
3. If, after deliberations, the DO determines that the information contained in the Final Investigative Report and gathered during the hearing, does support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of university policies, the DO will make the final determination regarding appropriate sanctions. The DO will then notify the parties of the determination and sanctions by means of a written notice. The Respondent and/ or the Complainant may request an appeal (see below).
4. The DO will issue one of the following findings, using a preponderance of the evidence standard:
   a. Finding of "No Violation" of the university's policies:
      If there is a determination that the behavior alleged and investigated did not violate the university's policies, the DO shall provide the parties written notice of the finding. Documentation regarding a finding of "No Violation" shall be maintained with the Deputy Title IX Coordinator's office, and not in the employee's personnel file.
   b. Finding of a "Violation" of the university's policies:
      If there is a determination that the behavior alleged and investigated was in violation of the university's policies, the DO shall issue the finding and sanction(s) based on the level of sanctions set forth below.
5. The DO shall provide the parties written notice of the finding and any sanctions, if applicable.

J. **Sanctions**

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

a. Level One Sanctions include sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to personnel file (other than to promotion and tenure dossier which is included in Level Two Sanctions below). Level One Sanctions shall not be appropriate in the event the Respondent was found responsible for sexual assault or other sexual violence.

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

2. When determining the appropriate sanctions, consideration shall be given to the nature and severity of the behavior and the existence of any prior incidents or violations.

K. **Appeals**

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

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

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

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

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

M. **Expectations for a Respectful Process**

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

VIII. STUDENT SEXUAL MISCONDUCT – UNIVERSITY COMPLAINT RESOLUTION PROCEDURES +

A. **Covered Behaviors**

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

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

B. **Officials**

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

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

C. **Investigation**

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

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

D. **Selection of Advisors**

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

E. **Alternative Resolution Options**

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

F. **Sexual Misconduct Hearing**

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

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

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

G. **Decision & Sanctions**

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

H. **Appeal**

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

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

3. **Basis(es) for Appeal**:
   The designated Student Affairs official will have the sole discretion in determining whether the basis for appeal has been met and whether the appeal can move forward. An appeal must be based on one or more of the following criteria:
   a. Procedural irregularity that affected the outcome;
   b. New evidence that was not reasonably available the at time the determination or dismissal was made, and that reasonably could have affected the outcome;
   c. The Coordinator(s), investigator(s), or hearing panelists had a conflict of interest or bias for or against the party(ies) that affected the outcome; and/or
   d. The sanction imposed is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.
4. **Determination and Sanction:**
   a. If the basis for appeal has been met, the designated Student Affairs official will review the written appeal and the pertinent part of the sexual misconduct hearing panel record only. The designated Student Affairs official will not consider new evidence or information that is not a part of that record. The designated Student Affairs official must render a determination within 15 calendar days of receipt of the appeal and may take any of the following actions:
      i. Affirm the original decision regarding responsibility.
      ii. Affirm the original decision concerning the disciplinary sanction(s) to be imposed.
      iii. Set aside the original decision regarding responsibility and impose a new decision.
      iv. Set aside the original decision regarding responsibility and order that a new sexual misconduct hearing be held before a new hearing panel.
      v. Set aside the original decision concerning the disciplinary sanction(s) to be imposed and impose a different sanction or set of sanctions.
   b. The designated Student Affairs official will notify the Respondent and the Complainant, in writing, of the determination and will initiate the necessary procedures to effectuate the determination.
   c. The determination of the designated Student Affairs official is final and there will be no further appeals.

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

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

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

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

A. **Covered Behaviors**

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

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

B. **Officials**

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

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

C. **Initial Assessment**

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

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

D. **Informal & Alternative Resolutions**

1. Informal Action:
   In appropriate cases, the university may pursue informal actions in connection with reported sexual misconduct, including when the individual who may have experienced the conduct does not wish to pursue a formal complaint, and/or when there is not enough information to proceed with a formal resolution process against a known Respondent. Informal actions will not result in findings related to responsibility or in sanctions, nor will an informal action preclude further steps, including formal resolution, if a complaint is later made or additional information is received by the university. Informal actions can include, but are not limited to, educational meetings, additional training, and/or continued monitoring.
2. Alternative Resolution Options:
   In appropriate cases, the university may pursue alternative resolution with the consent of all parties at any point in the complaint resolution process. These resolution options may include, but are not limited to mediation, development of an action plan, and voluntary resolution of the matter. Under alternative resolution, the Complainant will not be required to resolve the problem directly with the Respondent, unless desired by the Complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin the formal process. Face-to-face mediation may not be used in cases involving any physical or sexual violence or where the complaint is made against an employee with a position of authority over the Complainant. The Investigator shall document the outcome of any alternative resolution and share with the University Coordinator and the DO.
3. Acceptance of Responsibility:
   a. In cases where the Respondent expresses a willingness to accept responsibility for any or all allegations in a case, the Respondent will be offered the opportunity to bypass the remainder of the investigatory stage of the grievance process and agree to receive a sanction from the DO. In such situations, the parties will each be provided the opportunity to submit a written statement to the DO for consideration in determining appropriate sanctions. Upon its receipt of a Respondent's written acceptance of responsibility, the university will notify the Complainant in writing and shall provide the parites 10 calendar days to submit a written statement to the DO.
   b. In determining sanctions in such cases, the DO shall consider only the allegations and parties' written statements, the relevant facts gathered from the investigation, and past conduct history of the Respondent, if applicable. The right to appeal will be limited to an appeal on the grounds that the sanction is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

E. **Interim Action**

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

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

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

F. **Investigation**

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

G. **Report of Investigation:**

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

H. **Finding and Decision**

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

I. **Sanctions**

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

J. **Appeals**

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

c. Setting aside the DO's original finding(s) and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).

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

K. **Request for Faculty Board of Review**

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

L. **Expectations for a Respectful Process**

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

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Definitions

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

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

I. A campus police department or a campus security department of an institution.

II. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property.

III. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

IV. An official of an institution who has significant responsibility for student and campus activities, including but not limited to student housing, student discipline, and campus judicial proceedings.

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

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

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

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

Confidential Employees: [see above]

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

I. Consent can be withdrawn at any time, as long as it is clearly communicated.

II. Consent cannot be coerced or compelled by force, threat, deception or intimidation.

III. Consent cannot be given by someone who is incapacitated, as defined below.

IV. Consent cannot be assumed based on silence, the absence of "no" or "stop," the existence of a prior or current relationship, or prior sexual activity.

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

Dating Violence:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

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

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

II. Dating violence does not include acts covered under the definition of domestic violence.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

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

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

Discrimination:[see above]

Domestic Violence:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

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

I. By a current or former spouse or intimate partner of the Complainant;

II. By a person with whom the Complainant shares a child in common;

III. By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;

IV. By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Indiana;

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

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

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

I. is or was a current or former spouse or intimate partner of the Complainant;

II. is or was living with Complainant as if their spouse or intimate partner;

III. has a child in common with;

IV. is a minor subject to the control of; or

V. is an incapacitated individual under the guardianship or otherwise subject to the control of the other individual regardless of whether the act or threat has been reported to a law enforcement agency or results in a criminal prosecution.

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

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

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

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

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

Harassment: [see above]

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

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

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

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

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

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

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

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

Sexual Assault:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

Sexual Assault Includes:

I. Sex Offenses, Forcible—Any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent. It includes:
   A. Forcible Rape -- Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
   B. Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
   C. Sexual Assault With An Object—To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
   D. Forcible Fondling—The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

II. Sex Offenses, Nonforcible— Nonforcible sexual intercourse. It includes:

A. Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Indiana law.

B. Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent according to Indiana law IC 35-42-4-9.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

Sexual Assault Includes:

I. Non-consensual sexual penetration is committed when an individual subjects another individual to sexual penetration without the consent of the individual, and/or by force.

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

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

I. Non-consensual streaming, audio- or video-recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without consent of all parties involved;

II. Allowing others to view sexual acts (whether in person or via a video camera or other recording device) without the consent of all parties involved;

III. Engaging in any form of voyeurism (e.g., "peeping");

IV. Prostituting another individual;

V. Compelling another individual to touch their own or another individual's (third-party) intimate parts without consent;

VI. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge;

VII. Deception regarding contraceptives; and

VIII. Inducing incapacitation for the purpose of making another individual vulnerable to non-consensual sexual activity.

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

Sexual Harassment:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

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

I. An employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome* sexual conduct; and/or

II. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

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

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

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

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

I. A member of the university conditioning the provision of an aid, benefit, or service of the university, on an individual's participation in unwelcome* sexual conduct.

II. Unwelcome conduct determined by a reasonable person, to be so severe, pervasive or persistent, and objectively offensive, that it effectively denies a person equal access to the university's education program or activity.

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

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

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

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

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

Stalking:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

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

I. fear for the person's safety or the safety of others; or

II. suffer substantial emotional distress.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

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

For the purposes of the definitions above—

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

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

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

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

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Sanctions

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

    a. Level One Sanctions include sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to personnel file (other than to promotion and tenure dossier which is included in Level Two Sanctions below). Level One Sanctions shall not be appropriate in the event the Respondent was found responsible for sexual assault or other sexual violence.

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

    c. When Level Two Sanctions do not result in termination, consideration should be given to the role(s) in which a faculty or staff member serves related to students, including advising, mentoring, committee work, and other roles both within and in addition to the primary employment position.

2. When determining the appropriate sanctions, consideration shall be given to the nature and severity of the behavior and the existence of any prior incidents or violations.

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Additional Contacts

Title IX Coordinator +

Jennifer Kincaid
Associate Vice President, Civil Rights Compliance

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Deputy Title IX Coordinators +

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Campus	Contact	Phone	Email
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IUI	Heather Brake, Associate Dean of Student Conduct and Advocacy	317-274-4431	hebrake@iu.edu
IUC	Karloa Stevens, Director, IU Indianapolis Office of Civil Rights Compliance	317-274-2306	**karloaas@iu.edu**
IUFW	Karloa Stevens, Director, IU Indianapolis Office of Civil Rights Compliance	317-274-2306	**karloaas@iu.edu**
IUE	Josie Brush, Deputy Title IX Coordinator for Regional Campuses	812-855-2751	jvbrush@iu.edu
IUK	Sarah Sarber, Chief of Staff/Deputy Title IX Coordinator	765-455-9204	shawkins@iu.edu

Campus	Contact	Phone	Email
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IU Police Departments +

Associate Vice President, Superintendent of Public Safety

Benjamin Hunter

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812-855-2004

Campus	Phone	Email
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IUI	317-274-7233	
IUC	812-348-8703	
IUE	765-973-8429	
IUK	765-455-9363	
IUN	219-980-6501	
IUS	812-941-2400	
IUSB	574-520-4239	
IUFW	260-481-6827	police@pfw.edu

Campus Student Affairs +

Campus	Contact	Phone	Email
IUB	Kathy Adams Riester, Associate Vice Provost for Student Life and Dean of Students	812-855-8188	iubdos@iu.edu
IUI	Eric Weldy, Vice Chancellor Division of Student Affairs	317-274-3290	eweldy@iupui.edu
IUE	Dean of Students	765-973-8525	iuedos@iu.edu
IUK	Amy Jarecki, Dean of Students	765-455-9204	ajarecki@iu.edu
IUN	Dorothy Fink, Interim Vice Chancellor for Enrollment Management Student Affairs	219-980-6994	defrink@iu.edu
IUS	Amanda Stonecipher, Vice Chancellor for Enrollment Management and Student Affairs	812-941-2115	agstone@iu.edu
IUSB	Kory Vitangeli, Vice Chancellor for Student Affairs and Engagement	574-520-4252	kvitange@iu.edu

Campus Academic Affairs +

Campus	Contact	Phone	Email
IUB	Carrie Docherty, Vice Provost for Faculty and Academic Affairs	812-855-2809	vpfaa@iu.edu
IUI	Willie Miller, Assistant Executive Vice Chancellor for Academic Affairs	317-274-4500	oaa@iu.edu
IUE	Brian Thomas, Executive Vice Chancellor for Academic Affairs	765-973-8320	bt50@iu.edu
IUK	Scott Jones, Executive Vice Chancellor for Academic Affairs	765-453-2227	sljones2@iu.edu
IUN	Cynthia Roberts, Interim Executive Vice Chancellor for Academic Affairs	219-980-6761	robertcs@iu.edu
IUS	Michelle Williams, Executive Vice Chancellor for Academic Affairs	812-941-2208	mw192@iu.edu
IUSB	Jill Pearon Executive Vice Chancellor for Academic Affairs	574-520-4183	jpearon@iusb.edu
IUFW	Ann Obergfell Associate Vice Chancellor of Academic Affairs and Operations	260-481-0512	amobergf@iufw.edu

Campus	Contact	Phone	Email
IU School of Medicine	Mary Danowski, Executive Associate Dean for Faculty Affairs and Professional Development	317-278-7045	mdankoski@iu.edu

IU Human Resources +

hr.iu.edu <https://hr.iu.edu/>

812-856-1234

askhr@iu.edu

External Contact Information +

Office for Civil Rights

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

Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 877-521-2172
Email: OCR@ed.gov
Website: http://www2.ed.gov/about/offices/list/ocr/index.html
<http://www2.ed.gov/about/offices/list/ocr/index.html>

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History

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

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

Approved by University President, March 1, 2015.

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

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

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

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

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

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

Revision to add a reference to UA-22, Employee Relationships Involving Students, was approved by the UFC on April 23, 2024; approved by the University President on May 2, 2024.

June 2025- Substantive revisions and update Responsible Administrator

Previous Versions by Effective Dates:

03/01/2015 - 08/25/2016

08/25/2016 - 01/01/2017

01/01/2017 - 01/01/2018

01/01/2018 - 07/01/2019

07/01/2019 - 08/14/2020

08/14/2020 - 11/01/2021

11/01/2021 - 04/23/2024

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Related Information

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

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

</policies/ua-02-americans-disability-act/archived-12062018-06262024.html>
Non-Discrimination/Equal Opportunity/Affirmative Action

</policies/ua-01-non-discrimination/archived-06142024-01312025.html>
Clery Act Compliance

</policies/ua-16-clery-act-compliance/archived-10122023-05082025.html>
Code of Student Rights and Responsibilities

<https://studentcode.iu.edu/>

Academic Appointeee Responsibilities and Conduct

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

</policies/ps-01-programs-involving-children/archived-10122023-08092024.html>
Annual Security & Fire Safety Reports (including Clery Crime Statistics)

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