The IU Sexual Misconduct Policy prohibits discrimination on the basis of sex or gender. The policy covers:

- Sex & Gender Based Discrimination
- Sexual Harassment
- Sexual Violence (includes rape & sexual assault)
- Dating Violence & Domestic Violence
- Sexual Exploitation
- Stalking

= “Sexual Misconduct”

All employees of the University have an obligation to help ensure this commitment.
Sexual assault is committed when an individual subjects another person to sexual penetration *without the consent* of the person, and/or by *force*.

Sexual assault is also committed when an individual touches the *intimate area* of another person (i.e., genitals, breasts, buttocks) or *intentionally touches* another person with any of these body parts, for the *purpose of sexual arousal or gratification* of either party *without the consent* of the person, and/or by *force*. 
Sexual harassment is *unwelcome conduct or behavior of a sexual nature*. Sexual harassment includes sexual violence. Both violent and non-violent sexual harassment is prohibited.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, written, electronic (e.g. by e-mail, text, social media, etc.), or physical conduct of a sexual nature.

Sexual harassment occurs when:

- submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual’s employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (*quid pro quo*), or when

- such conduct is *sufficiently severe, pervasive or persistent* to limit or deny a person’s ability to participate in or benefit from the University’s educational programs or affects employment, creating a *hostile environment*. 
IU Definition of Consent

**Consent** is 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:

- Consent can be withdrawn at any time, as long as it is clearly communicated.
- Consent cannot be coerced or compelled by force, threat, deception or intimidation.
- Consent cannot be given by someone who is incapacitated, as defined below.
- 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.

**Incapacitated**

- A person 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).
- Consent does not exist when the individual initiating sexual activity *knew or should have known* of the other person’s incapacitation.
When the University *knows or reasonably should know* about acts or potential acts of sexual misconduct, it must take *immediate and appropriate steps* to investigate or otherwise determine what occurred...
Confidential Employees

- There are specific Confidential Employees on each that you can talk to without creating a report:
  - Confidential Victim Advocate’s Office:
    - (812) 855-0761
  - IU Sexual Assault Crisis Services (SACS), 24 hr. Crisis Intervention:
    - (812) 855-8900
  - Counseling and Psychological Services (CAPS):
    - (812) 855-5711
  - IU Health Center:
    - Rm. 216: (812) 855-5002
At IU, Responsible Employees include, but are not limited to:

- All instructors, including full-time professors, adjuncts, lecturers, AIs, and any others who offer classroom instruction or office hours to students;
- All advisors;
- All coaches and other athletic staff that interact directly with students;
- All student affairs administrators;
- All residential hall staff;
- Employees who work in offices that interface with students; and
- All supervisors and university officials.
Remember, if there is an emergency, or a serious and continuing threat to anyone, call 911 or the police immediately.

- When a Responsible Employee is made aware of sexual misconduct, the University is considered to be on notice and must therefore act promptly and appropriately.
- Responsible Employees have an obligation to promptly report what they know about an incident of sexual misconduct when it involves students or University employees.
- Reports should be made to:
  - Campus’ Deputy Title IX Coordinator
  - University Title IX Coordinator
Responsible Employee Reporting Obligations

• Responsible Employees must report the following information if known:
  – Date
  – Nature of Incident
  – Parties involved
  – Any other additional information

• Please consult with Title IX for any questions about your responsibility or questions about specific incidents
Your Role

• Your role is **NOT** to:
  – Investigate
  – Determine if a crime has been committed or a University policy violated
  – Be a counselor

• **Remember, there are individuals on campus that are equipped to help and respond.**

• These responsibilities are assigned to specific offices on campus and in the community, that have received appropriate training, including:
  – The Police
  – Campus Title IX Officials (University Title IX Coordinator, Deputy Title IX Coordinators, designated investigators)
  – Medical professionals
  – Advocates
  – Mental health professionals
How to Interact with Someone who has Experienced Sexual Misconduct

When someone shares information about an incident of sexual misconduct, they are sharing something very personal and traumatic. It is important to respond in a way that will help the person start the process of healing.

Here are some important tips:

– Be supportive in your words and actions
– Listen without judgment
– Avoid questions – especially those that may imply blame or second guess their behavior
– Avoid using words that question their actions or prescribe a certain response like “Why did (or didn’t you)?” or “You should…” You ought to….”
– Ask how you can help
– Remind them that the incident is not their fault
– Be patient. It may be hard for the person to describe what happened in words and they may seem confused
Communicating Your Reporting Obligations

• **Communicate need to report based on your role**
  – “I want to let you know that given my role on campus, I have an obligation to share information about incidents of sexual misconduct with our Deputy Title IX coordinator.”

• **Communicate the University’s goal to promote safety and coordinate resources**
  – “The University needs to make sure you have information about local resources that might be helpful, and must make sure that you and others on campus are also safe.”

• **Explain role of Deputy Title IX Coordinator**
  – “They will work with you to understand what you’ve experienced, to help you understand your options and resources, and to respond appropriately.”

• **Reinforce the individual’s role in the matter**
  – “You can decide how much or how little you want to share with them – that is up to you. It is just my job to let them know.”
Get help now
Find resources on your campus »

Get involved
Join a supportive, proactive community »

ZERO tolerance
Our stance against sexual violence »

Crisis Resources
Prevent & Support
Student Welfare

Indiana University is committed to leading the fight against sexual violence. We encourage you to get involved, learn more about policies and resources, and find the support you need.

Together, we can end sexual violence on our campuses.

Sexual Assault Climate Survey Results
IU has released the findings of its "Community Attitudes and Experiences with Sexual Assault Survey" of students on the Bloomington campus.

Employee Resources
Indiana University is committed to preventing and responding promptly to all forms of sexual misconduct, including incidents of sexual harassment, sexual assault and other forms of sexual violence, including stalking, domestic violence, and dating violence. All employees of the university have an obligation to help further this commitment. You are encouraged to explore the Employee FAQs to learn more.

Things you should know about sexual violence:
- 1 in 5 women report a sexual assault during their undergraduate collegiate experience.
- 3% of men in college report that they have been sexually assaulted in their lifetime.
- Sexual assault survivors are more likely to experience depression and anxiety.
- Experiences of sexual violence may affect a student’s academic performance.
- Someone who has been sexually assaulted or raped may not use those terms to describe what has happened to him or her.

Provide Support
You may be the first person an individual reaches out to regarding what has happened to them. It is important you know how to respond, to provide helpful information and to explain the university’s process.
- Encourage an individual to seek medical and/or professional counseling attention immediately, if they have not done so.
- Don’t promise absolute confidentiality. You should clarify from the start that you are obligated to report any information of sexual misconduct brought to your attention to certain individuals at the university who are trained to respond appropriately. Direct students or employees seeking complete anonymity to speak only with confidential employees identified on campus, specified...
Interim Measures/Resources

- The University will take necessary and appropriate interim measures to protect and minimize burden on complainant.
- Ensure complainant is aware of resources and available interim measures on and off campus.
  - Such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance.
  - Notify of options for no contact with accused.
- Specific measures taken will depend on the specific case.
Requests for No University Action

• A student may not want the University to pursue investigation/disciplinary procedures and/or they may not want to be identified in the in process.

• University will weigh this request and generally honor it, unless the University’s obligation to provide a safe, non-discriminatory environment for all students outweighs this request.

• If the University decides it can honor such a request, University will be limited in ability to meaningfully and fully respond.
Retaliation against anyone who has reported an incident of sexual misconduct, provided information, or participated in procedures or an investigation into a report of sexual misconduct, is prohibited by the University and **will not be tolerated**

- Includes, but not limited to:
  - Intimidation
  - Threats
  - Harassment
  - Adverse changes in work or academic environments
  - Other adverse actions or threats
  - Could be physical or communicated verbally or via written communication (including the use of e-mail, texts and social media)

- Concerns about potential retaliation in connection with a report of sexual misconduct should be reported to a Deputy Title IX Coordinator or the University Title IX Coordinator
How Does the University Respond to Reports of Student Sexual Misconduct?

Next Steps
All incidents of Sexual Misconduct are reported to the Deputy Title IX coordinator for the respective campus, as well as the University Title IX Coordinator. Title IX Officials coordinate directly with campus Student Affairs and/or Human Resources to take the following actions:

- Gather preliminary information
- Offer available resources to Complainant, including mental and health counseling
- Implement appropriate interim measures and no contact orders, if applicable
- Assist in contacting local law enforcement if desired by Complainant

Information regarding an incident of sexual misconduct may be reported to:

- Title IX Coordinator/Deputy Title IX
- Student Affairs Offices
- Responsible Employee
- IUPD

Confidential Employees: no reporting obligations

Required Actions: __________
Options: ______________

Email titleIX@iu.edu with any questions.

Office of Student Welfare & Title IX 2015-2016
Procedures

• Procedures followed depend on status of respondent.

• The University provides a prompt, fair and impartial process that includes:
  – Officials who are annually trained on sexual misconduct issues, as well as how to conduct the process in a manner that protects the safety of victims and promotes accountability
  – The same opportunities for both the Complainant and Respondent to have a support person of their choice with them during the process
  – Notice to all parties of all results, availability of an appeal, and the final outcome, to the extent possible.
What Is Sexual Harassment?

- (1) Unwelcome
- (2) Conduct or behavior of a *sexual nature*. 
  - Can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, written, electronic, or physical conduct of a sexual nature.

Sexual harassment occurs when there is:

- **Explicit or implicit *quid pro quo* or**
  - *a condition* of an individual’s employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement

- **Hostile environment**
  - such conduct is *sufficiently severe, pervasive or persistent* to limit or deny a person’s ability to participate in or benefit from the University’s educational programs or affects employment
IU Sexual Misconduct Policy: Intellectual Inquiry and Debate

In determining whether 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 conduct that is protected by state or federal law, including the First Amendment, is not subject to this policy.

The definition of sexual harassment in 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 sex, gender, sexuality, sexual orientation, sexual behavior, or gender identity or expression, when in the judgment of a reasonable person they arise for legitimate pedagogical purposes. This includes intellectual inquiry, debate, and dialogue on issues of sexual misconduct. The mere expression of views, words, symbols or thoughts that some people find offensive, does not create a hostile environment.
Academic discourse is protected by the First Amendment.

Consider: What is the legitimate pedagogical purpose?

The mere expression of views, words, symbols or thoughts that some people find offensive, does not create a hostile environment.

Concerns about oversensitivity:
- Is the speech or conduct unwelcome?
- Is the speech or conduct sufficiently severe, persistent, or pervasive?
- Case-by-case analysis using a reasonable person standard.
Bystander Intervention

• The Bystander Effect

• Bystander Intervention
  • Notice the event. Pay attention to your surroundings.
  • Interpret the event as a problem. Recognize that someone is being taken advantage of, vulnerable, or in danger. When in doubt, trust your gut.
  • Take personal responsibility to help. If you don't help, it is unlikely that anyone else will.

• Types of Intervening/Helping
  • Direct intervention
  • Delegation
  • Distraction
Steps to Address Sexual Harassment

(1) Make it known that the conduct at issue is *unwelcome*.

(2) Notify someone in the Department, IU Office of Affirmative Action, or the Office of Student Welfare and Title IX

- Affirmative Action: 812-855-7559, affirm@Indiana.edu
- Title IX: 812-855-4889, titleix@iu.edu
IU’s Consensual Relationship Policy

• A faculty member *shall not* have an amorous or sexual relationship, consensual or otherwise, with a student who is enrolled *in a course being taught* by the faculty member or *whose performance is being supervised or evaluated* by the faculty member.

• Relationships outside the Instructional Context. A faculty member *should be careful to distance himself or herself from any decisions that may reward or penalize a student* with whom he or she has or has had an amorous or sexual relationship, *even outside the instructional context*, especially when the faculty member and student are in the same academic unit or in units that are allied academically.
Cultural Considerations

- Importance of respecting cultural differences
- University Policy is applied uniformly
- Continued efforts to outreach to underrepresented populations on campus
- Indiana University is committed to the safety and well-being of all members of the IU community