



Your Role in Indiana University's Sexual Misconduct Process

Sally Ronald

Associate Director, Investigations & Training Programs

Office of Institutional Equity

sronald@iu.edu



The University's Commitment

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 Harassment

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.



Consent

Consent is agreement or permission expressed through **affirmative, voluntary** words or actions that are 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- Consent can be withdrawn at any time, as long as it is clearly communicated.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).

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 person's incapacitation,



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
 - 812-855-4889



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 upcoming outreach**
 - *“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.”*



Retaliation

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



Confidential Employees

- There are specific Confidential Employees on each campus that someone requesting complete anonymity can be referred.
- The University's confidential employees include, but are not limited to:
 - Licensed, professional mental health counselors working in that capacity; (e.g., SACS and CAPS)
 - Health care professionals and staff located in on-campus health care centers; and
 - Confidential Victim Advocates in the Office for Sexual Violence Prevention and Victim Advocacy



What happens after you make a report?

- Outreach
 - Confidential Victim Advocate—regardless
 - Office of Student Conduct
- Resources
- Options
- Investigation?



Stop Sexual Violence

[Safety Exit](#)

[GET HELP](#)

[REPORT AN INCIDENT](#)

[PREVENTION & RESOURCES](#)

[POLICIES & KEY TERMS](#)

[EMPLOYEE RESOURCES](#)



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.

[VIEW THE 2015-2016 Office of Student Welfare and Title IX Annual Report »](#)

[Online Training for Employees](#)
Enroll »

[VIEW FINDINGS OF THE Campus Climate Surveys »](#)

[IU STATEMENT Department of Education announcement on campus sexual misconduct »](#)

FULFILLING the **PROMISE**