



10 Things You Should Know About IU's Sexual Misconduct Policy

- 1. What's Prohibited?** IU prohibits discrimination on the basis of sex or gender, and all forms of “sexual misconduct” (sexual harassment, sexual violence, dating violence, domestic violence, sexual exploitation and stalking).
- 2. Who? Where?** The Sexual Misconduct policy protects **all members** of the University community and applies to sexual misconduct that occurs **on or off campus** in the context of any University program or activity, as well as conduct that creates a hostile environment on campus or in any University program or activity.
- 3. Everyone's Responsibility.** Every University member is responsible for knowing the University's **definition of consent**, what conduct is prohibited, and ensuring they have consent before engaging in sexual activity.
- 4. Interim and Remedial Measures.** The University can help students who have experienced sexual misconduct with **measures such as** no contact orders; assistance in changing academic, living, transportation, and or work situations; counseling services; victim advocacy services; and assistance in obtaining protective orders.
- 5. No Retaliation.** Retaliation **against anyone** who has reported an incident of sexual misconduct, provided information, or participated in a University sexual misconduct investigation, **is prohibited by the University.**
- 6. Responsible Employees.** Under Title IX, “Responsible Employees” (including faculty, AIs, lecturers, advisors, residential hall staff, student affairs administrators, coaches, trainers, and more) are required to share information known to them about incidents of sexual misconduct, with the University Title IX Coordinator or a Deputy Title IX Coordinator. **This is to ensure the University is able to reach out to the individual who has experienced sexual misconduct with important information and resources.**
- 7. Confidential Employees.** Confidential employees, such as mental health counselors and victim advocates (depending on campus), **do not have to report information** known to them, and students can speak to them privately about sexual misconduct. (See StopSexualViolence.iu.edu for the Confidential Employees on your campus)
- 8. Reporting.** Students are **strongly encouraged to report instances** of sexual misconduct to learn about available resources, as well as IU procedures. IU will not discipline students reporting sexual misconduct for violations of the Student Code related to drug and/or alcohol consumption in connection with the reported incident of sexual misconduct. **To report, contact IUPD, a Deputy Title IX Coordinator or the University Title IX Coordinator, or email titleix@iu.edu.**
- 9. Request for No University Action.** If you request that the University not take action in response to a report, the University will weigh this request against its **duty to maintain a safe community**. In situations where the University determines that it must move forward, you decide how much to participate in the process.
- 10. Safeguard Privacy.** The University will share personal information and details of an allegation **only** with individuals who have a legitimate administrative or legal reason to know.

For more information visit

StopSexualViolence.iu.edu

Select Definitions from IU's Sexual Misconduct Policy

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.

Sexual misconduct - includes sexual harassment, sexual assault, other forms of sexual violence, dating violence, domestic violence, sexual exploitation and stalking. For purposes of this policy, sex or gender based discrimination is considered sexual misconduct.

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

Domestic violence - violence or the threat of violence by a person against a another person who:

- (1) is or was a spouse of;
- (2) is or was living as if a spouse of;
- (3) has a child in common with;
- (4) is a minor subject to the control of; or
- (5) is an incapacitated individual under the guardianship or otherwise subject to the control of the other person regardless of whether the act or threat has been reported to a law enforcement agency or results in a criminal prosecution.

Sexual Assault-Sexual assault includes:

1. Non-consensual Sexual Penetration is committed when an individual subjects another person to sexual penetration without the consent of the person, and/or by force.
2. Non-consensual Sexual Contact is intentional sexual touching by an individual of the intimate area of another person (i.e., genitals, breasts, buttocks) or intentional sexual touching of another person with any of these body parts, without the consent of the person, and/or by force.

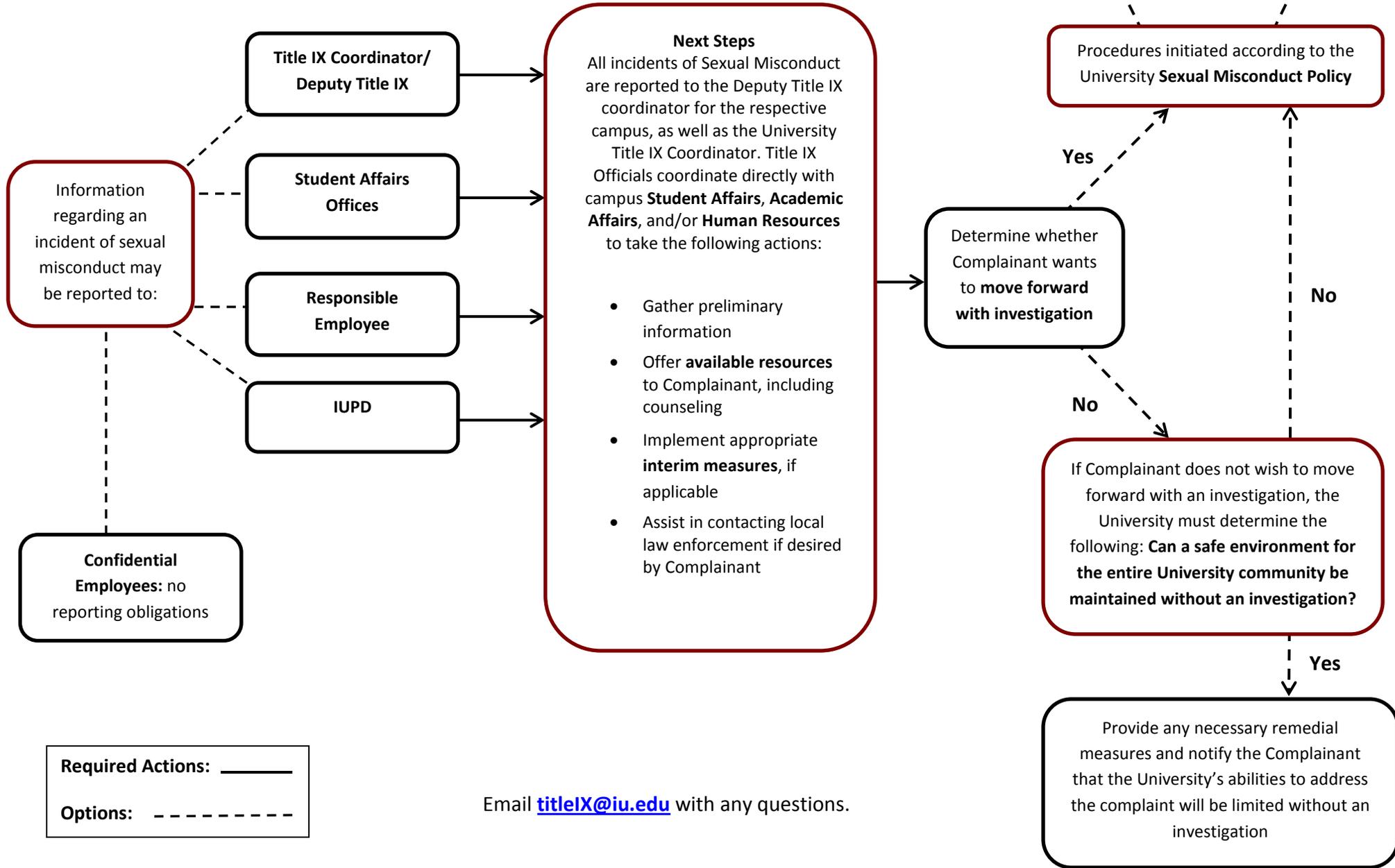
Sexual Harassment - Sexual harassment is unwelcome conduct or behavior of a sexual nature. Sexual harassment includes sexual violence. Both violent and non-violent sexual harassment is prohibited. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, written, electronic (e.g. by e-mail, text, social media, etc.), or physical conduct of a sexual nature. Sexual harassment occurs when:

1. 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
2. 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.

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



How Does the University Respond to Reports of Sexual Misconduct?



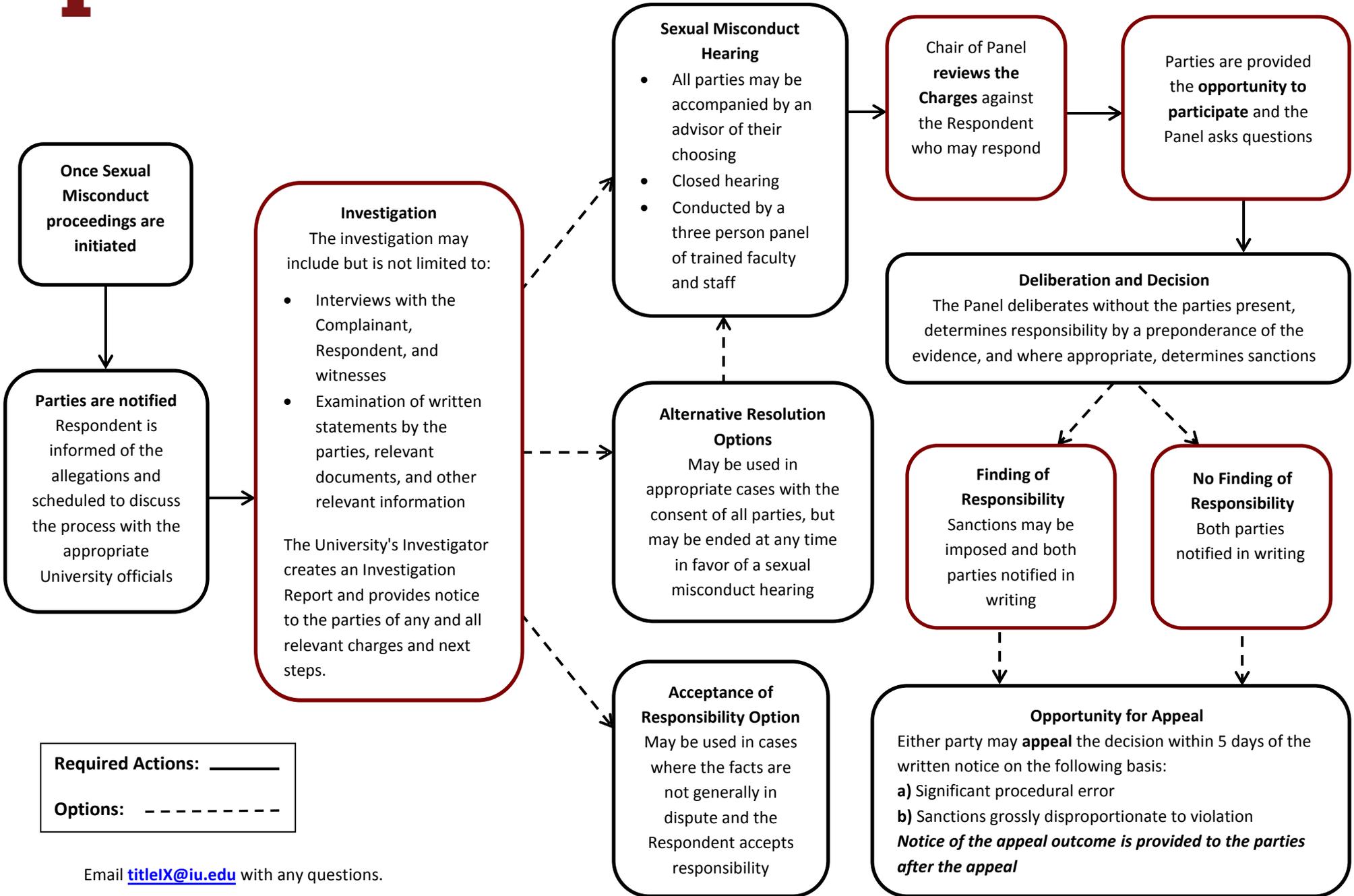
Required Actions: _____

Options: - - - - -

Email titleIX@iu.edu with any questions.



Responding to Complaints of Sexual Misconduct against Students



Required Actions: _____

Options: - - - - -

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