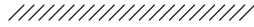


BUTLER UNIVERSITY



RIGHTS
and
OPTIONS

for INDIVIDUALS *affected by* SEXUAL
ASSAULT, DATING VIOLENCE,
DOMESTIC VIOLENCE, *and* STALKING

2021



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Butler University is dedicated to providing an educational and working environment free of sexual violence, dating violence, domestic violence, and stalking. Your safety and well-being are important to us. In accordance with the Butler University Sexual Misconduct Policy; Indiana Code; and Federal law (Title IX, Violence Against Women Act, Campus Sexual Assault Violence Elimination Act, Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act), this publication is being provided to help members of the Butler community understand their rights, options, and resources.

A victim is under no legal obligation to make a report or pursue administrative or criminal action against the responsible party. It is also recognized this is a stressful period for the victim and many options are available based upon the victim's needs and preferences. To help navigate the victim through the various options, the following information is offered for consideration.

WHAT SHOULD I DO?

If you find you are a victim of sexual assault, dating violence, domestic violence, or stalking, it is important to do the following things:

1. **Seek Safety First.** Your safety is paramount. Call 911 if you are in the midst of any kind of emergency, immediate harm, or threat of harm. Law enforcement can escort you to a safe place, hospital, or victim advocate.

Note: Faculty, staff, and students are encouraged to call the University Police to report all crimes-in-progress.

2. **Medical Assistance.** You are encouraged to seek medical attention as needed. Medical assistance is available both on and off campus.

On campus, Health Services is available to all Butler students. Medical records are protected by HIPAA and are confidential. Should a student seek assistance from Health Services, that student's insurance will be charged and the copay will be assigned to the student's account.

Off campus, Centers of Hope can be found in all Indianapolis-area hospitals. The Center of Hope provides immediate expert medical treatment, advocacy, legal services coordination, and evidence collection and preservation for victims of sexual assault and domestic violence. A team of sexual assault nurse examiners (SANEs) and forensic technicians provide 24-hour coverage. A dedicated and private examination room is provided for patients, and specialized equipment has been purchased to collect and preserve evidence. Services provided at the Center of Hope are FREE and CONFIDENTIAL. The presence of a Rape Crisis Center Advocate from Families First or the Julian Center can be requested for patients during this visit.

The Centers of Hope closest to campus are at St. Vincent Hospital, 2001 W. 86th Street and Methodist Hospital, 1701 N. Senate Avenue.

3. Preserve Evidence. Evidence is very important to proving the incident or may be helpful in obtaining a protection order. If the evidence is preserved and documented in the beginning of the reporting process, it can be used if you decide to proceed with some type of administrative or criminal action. If you choose not to take action, the evidence can be destroyed.

4. How to Make a Report. You have various options open to you when it comes to reporting. This is a personal decision based on your situation and needs. The following are your options.

- Report to a Sexual Assault Nurse Examiner (SANE) at Methodist or St. Vincent Hospital. (In addition to free medical care, they will also preserve evidence.)

Making a report to law enforcement will generate a police report, and, if the victim wants, will result in a police investigation and may result in criminal charges being filed.

- Report to Butler Police or Indianapolis Metro Police Department

Any of the following will give you various resources and assist you in notifying the appropriate contacts for an administrative or criminal process:

- Butler University's Sexual Assault Response and Prevention Specialist (SARPS)
- Butler University's Title IX Coordinator
- Butler University's Counseling and Consultation Services, and Health Services
- Campus Security Authority or Responsible Employee

The following will result in no action by anyone within Butler University, because we do not know who you are. You can come forward at any time and receive assistance.

- Make an anonymous report online—Silent Watch on BUPD web page
- Make no report

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

WHAT ARE YOUR RIGHTS AS A VICTIM?

Your Rights Within the University Sexual Misconduct Process (Title IX)

Under the Sexual Misconduct Policy, an individual reported to have experienced sexual misconduct is referred to as the Complainant. Under the Policy, Complainants have the following rights:

Resolution of Reports

- Complainant has several options for resolving a report of sexual misconduct through the University, including (1) requesting no University action, (2) informal resolution, or (3) the Administrative Investigation Process. Information related to each option can be found in the Sexual Misconduct Policy, below. If a Complainant chooses to meet with the Title IX Coordinator, the Title IX Coordinator will also provide information related to these options.

Immunity

- A Complainant, who is a victim of a sex offense, will not be arrested or prosecuted criminally for certain alcohol offenses (i.e. public intoxication, minor in possession, minor in consumption, etc.) if they have ingested alcohol.
- Any student who makes a report of sexual misconduct or participates as a witness will generally be offered immunity from being disciplined for policy violations related to the personal ingestion of alcohol or other drugs, provided that any such violations did not and do not place the health and safety of any person at risk.

Retaliation

- Butler University prohibits retaliation. Retaliation is defined in the Sexual Misconduct Policy as material adverse action taken against a person for making a good faith report of prohibited conduct or participating as a witness. Individuals who experience retaliation are encouraged to report the retaliatory conduct as soon as possible. This conduct could result in disciplinary action.

Privacy

- The University takes its obligation to safeguard privacy seriously. Consistent with applicable law and University policy, information related to reports of sexual misconduct will only be shared with those at the University who have a legitimate need to know.

Disability Accommodations

- If Complainant is a student registered with Student Disability Services (SDS) and wishes to request reasonable accommodations for any part of the sexual misconduct process, the student should contact SDS for assistance.
- If Complainant is an employee and wishes to request reasonable accommodation for any part of the sexual misconduct process, the employee should contact their HR Consultant at askHR@butler.edu.

Advisor

- Complainant may select an advisor of their choice. This advisor may be internal or external to the University. The advisor is permitted to be present in all phases of informal or formal resolution, but may not participate directly. The advisor may whisper or write notes to their

advisee, but they may not interrupt, speak on behalf of Complainant, or otherwise interfere. If an advisor violates these parameters, the advisor's participation may be limited.

Interim Measures

- Complainant has the option of requesting interim measures to be put into place while an Administrative Investigation Process is pending. Interim measures may include University Administrative No Contact Orders, altering the housing situation of a student or resident employee, adjusting work arrangements, providing campus escorts, and offering adjustments to academic deadlines, course schedules, dining arrangements, co-curricular activities, etc.

Confidential Resources

- Counseling and Consultation Services (butler.edu/counseling-services) provides students with free, confidential counseling support. Health Services (butler.edu/health-services) provides medical assistance to students. Confidential pastoral counseling with ordained clergy is also available at the Center for Faith and Vocation (butler.edu/cfv).
- The Sexual Assault Response and Prevention Specialist (SARPS) also provides confidential assistance to students. Please note that the SARPS has an obligation to report certain crimes to the University, but will only report type of crime, date, and location.
- Employees can seek confidential assistance through the Employee Assistance Program (EAP). The EAP can be reached by visiting guidanceresources.com and using our company web ID (ONEAMERICA) or by calling 1-855-387-9727.

Your Rights Within the Criminal Justice System

If you choose to pursue action through the criminal justice system, specific rights apply. These rights can be found under Indiana Code 35-40-5.

- To be treated with fairness, dignity, and respect throughout the criminal justice process.
- To be free from intimidation, harassment, and abuse throughout the criminal justice process.
- To be informed, upon request, when their abuser is released from custody or has escaped.
- A victim of a felony or of a crime of domestic or family violence has the right to confer with a representative of the prosecuting attorney's office after the crime has been charged, before the trial, and before any disposition of a criminal case involving the victim.
- To have the victim's safety considered in determining release from custody of a person accused of committing a crime against the victim.
- To be heard at any proceeding involving sentencing or a post-conviction release decision.
- To make a written or oral statement for use in preparation of the presentence report.

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- To read presentence reports relating to the crime committed against the victim, except those parts of the reports containing the source of confidential information, information about another victim, or information determined confidential or privileged by the judge in a proceeding.
 - The victim must be afforded a fair opportunity to respond to the material included in the presentence report.
 - To pursue an order of restitution and other civil remedies against the person convicted of a crime against the victim.
 - To information, upon request, about the disposition of the criminal case involving the victim or the conviction, sentence, and release of a person accused of committing a crime against the victim.
 - To be informed of the victim's constitutional and statutory rights.

WHAT ARE YOUR RIGHTS IF ACCUSED?

Under the Sexual Misconduct Policy, those alleged to have engaged in sexual misconduct are referred to as the Respondent. Under the Policy, Respondents have the following rights:

Resolution of Reports

- Respondent will be informed of the manner in which a report of sexual misconduct will be resolved, and of their rights in that process.

Retaliation

- Butler University prohibits retaliation. Retaliation is defined in the Policy as material adverse action taken against a person for making a good faith report of prohibited conduct or participating in the process. Individuals who experience retaliation are encouraged to report the retaliatory conduct as soon as possible. This conduct could result in disciplinary action.

Privacy

- The University takes its obligation to safeguard privacy seriously. Consistent with applicable law and University policy, information related to reports of sexual misconduct will only be shared with those at the University who have a legitimate need to know.

Disability Accommodations

- If Respondent is a student registered with Student Disability Services (SDS) and wishes to request reasonable accommodations for any part of the sexual misconduct process, they should contact SDS for assistance.
- If Respondent is an employee and wishes to request reasonable accommodation for any part of the sexual misconduct process, they should contact their HR Consultant at askHR@butler.edu.

Advisor

- Respondent may select an advisor of their choice. This advisor may be internal or external to the University. The advisor is permitted to

be present in all phases of informal or formal resolution, but may not participate directly. The advisor may whisper or write notes to their advisee, but they may not interrupt, speak on behalf of Respondent, or otherwise interfere. If an advisor violates these parameters, the advisor's participation may be limited.

Interim Measures

- Respondent has the option of requesting interim measures, to be put into place while an Administrative Investigation Process is pending. Interim measures may include University Administrative No Contact Orders, altering the housing situation of a student or resident employee, adjusting work arrangements, providing campus escorts, and offering adjustments to academic deadlines, course schedules, dining arrangements, co-curricular activities, etc.

Confidential Resources

- Counseling and Consultation Services (butler.edu/counseling-services) provides students with free, confidential counseling support. Confidential pastoral counseling with ordained clergy is also available at the Center for Faith and Vocation (butler.edu/cfv).
- Employees can seek confidential assistance through the Employee Assistance Program (EAP). The EAP can be reached by visiting guidanceresources.com and using our company web ID (ONEAMERICA) or by calling 1-855-387-9727.

INSTITUTION'S RESPONSIBILITIES FOR COURT ORDERS OF PROTECTION

Butler University recognizes all valid court orders of protection, no contact, or workplace violence restraining orders regardless of what court issues them. If you have a valid court order, please contact BUPD to receive appropriate services. If you need assistance in obtaining one of these orders, BUPD can assist you. Additional information can be found in the Resource Table on page 35 of this booklet.

In the state of Indiana, you can apply for one of the above court orders if you have been a victim of domestic violence, sexual assault, or stalking. There is not a requirement to file a police report or have a conviction against the other responsibility party.

CONFIDENTIALITY ISSUES

There are some public recordkeeping requirements under federal law which require universities to report crime statistics. There is also specific federal law which prohibits personal identifying information about a victim being released within those crime reporting requirements. The University will work with you to protect your privacy by sharing information with only those who need to know. As such, your information may need to be shared with those involved in investigating the incident, those responsible for providing

necessary resources and remedies, and those responsible for ensuring the public's safety.

Only those University employees who are licensed, professional counselors (e.g., mental health counselors, psychologists, pastoral counselors) are able to maintain your complete confidentiality and **are not** required to convey any information regarding your situation without your consent. Most other University employees are required to report names and details of any incident of sexual violence that has been brought to their attention to the Title IX Coordinator or designated Deputy Coordinators for further investigation. You should discuss your desires regarding the sharing of information with any University employee with whom you speak, to ensure you understand their reporting obligations and what information they may be required to share.

Please note that under Indiana law (IC 31-33-5-1), any person that has a reason to believe a person under the age of 18 is a victim of abuse or neglect, including relationship violence or assault, must make a report to the authorities (Butler University Police Department, local law enforcement, or Indiana Department of Child Services). The Department of Child Services can be reached 24 hours a day at 800-800-5556. This is a confidential hotline and you do not need to identify yourself.

Under Indiana law [IC 35-46-1-13(a)], any person that has reason to believe a person who is at least 18 years old and physically or mentally incapacitated, and is abused, neglected, or exploited is required by law to report to the Adult Protective Services or local law enforcement. Adult Protective Services can be reached 24 hours a day at 800-992-6978. This is a confidential hotline and you do not need to identify yourself.

INTERIM MEASURES

The University will, as requested by the **Complainant** or **Respondent** and as necessary, provide interim remedies while the process is pending. See page 22 of this booklet for more detailed information.

RETALIATION

Retaliation is defined as material adverse action taken against a person for making a good faith report of prohibited conduct of participating in this process. Retaliation against an individual for alleging harassment, for supporting a complainant, or for assisting in providing information relevant to a claim of harassment is a serious violation of the University's policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. This University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

See page 14 for specific information on reporting retaliation and the process involved.

FILING A TITLE IX COMPLAINT

Any member of the community, guest, or visitor who believes that the Policy on Sexual Misconduct has been violated should contact the Title IX Coordinator.

TRAINING FOR THOSE INVOLVED IN THE UNIVERSITY SEXUAL MISCONDUCT ADMINISTRATIVE INVESTIGATION PROCESS

University staff members involved in the Sexual Misconduct Administrative Investigation Process receive annual face-to-face training as required by the United States Department of Education.

Training topics include the University’s definition of sexual misconduct; how to conduct investigations; working with and interviewing persons alleged to have experienced sexual misconduct; the effects of trauma, including neurobiological effects; cultural awareness training regarding how sexual misconduct may impact students differently depending on their cultural backgrounds; consent and the role drugs or alcohol can play in the ability to consent; assessing credibility; evaluating and weighing evidence in an impartial manner; the proper standard of review for determining responsibility under the Sexual Misconduct Policy (preponderance of the evidence); the importance of accountability for individuals found responsible for violating the Sexual Misconduct Policy; the need for remedial actions for the Respondent, Complainant, and the University community; and confidentiality.

Refer to the Butler University **Sexual Misconduct Policy (Revised December 18, 2020)**. It has been sent as a separate document.

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RESOURCE TABLE

IMMEDIATE HEALTH ASSISTANCE	
<p><i>Sexual Assault Nurse Examiner (SANE)</i></p> <p>Center of Hope at Methodist Hospital (<i>within E.R.</i>) 1701 North Senate Avenue, Indianapolis, IN 46206 317-963-3394 or 317-962-1172 (24/7)</p> <p>Center of Hope at St. Vincent Hospital (<i>within E.R.</i>) 2001 W. 86th Street, Indianapolis, IN 46260 317-338-1956</p>	<p>Specially trained nurses located at Center of Hope facilities (available 24 hours) within many hospitals around Indiana.</p> <p>This is a free, confidential resource available to students and employees.</p> <p>Provide medical care for victims of sexual assault and family violence. If the victim wishes to pursue criminal charges, the Center will also collect evidence for future court proceedings. Prophylactic medication and other referral services are also available.</p>
LAW ENFORCEMENT ASSISTANCE	
<p><i>Law Enforcement</i></p>	<p>Make a police report, conduct a criminal investigation, and refer to the Marion County Prosecutor's Office. (The victim can choose to only make a police report, ask an investigation to stop at any time, or not pursue criminal prosecutions.)</p>
<p>Butler University Police Department 525 W. Hampton Drive, Indianapolis, IN 317-940-9396 (Emergency Assistance) 317-940-2873</p>	<p>BUPD can also assist the victim with application to court for a Protection Order. This process can be done on campus.</p>
<p>Indianapolis Metropolitan Police Department 911 317-327-3811 (Nonemergency Assistance)</p>	<p>IMPD, with the victim's assistance, will make a police report, conduct a criminal investigation, and refer to the Marion County Prosecutor's Office. (The victim can choose to only make a police report, ask an investigation to stop at any time, or not pursue criminal prosecutions)</p>

**CAMPUS REPORTING OPTIONS
FOR ADMINISTRATIVE ACTION**

<p><i>Butler University Title IX Coordinator</i></p> <p>Maria Kanger Title IX Coordinator 317-940-6509 titleix@butler.edu</p> <p>Tammy Pressler Deputy Title IX Coordinator 317-940-2056</p> <p>Molly Sullivan Deputy Title IX Coordinator 317-940-9630</p>	<p>Identify resources.</p> <p>Conduct administrative investigation and process. Can assist in making accommodations for student, faculty, and staff.</p>
<p><i>Butler University Campus Security Authority (CSA)</i></p>	<p>A federal Jeanne Clery Act specific term that encompasses four groups of individuals associated with the University: campus police, individuals responsible for campus security, individuals to whom students and employees should report criminal offenses, and officials who have significant responsibility for student and campus activities. Examples include Dean of Students; Director of Athletics or team Coaches; Faculty Advisor to a student group; Student Resident Advisor or Assistant.</p> <p>Identify resources.</p> <p>Is required to minimally report criminal information to include: date, time, location, and general type of crime.</p>

<p><i>Butler University Responsible Employee</i></p>	<p>According to federal guidance, a responsible employee includes any employee who has the authority to take action to redress sexual violence, who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator, or whom a student could reasonably believe has this authority or duty.</p> <p>Identify resources.</p> <p>Is required to minimally report criminal information to include: date, time, location, and general type of crime</p>
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CAMPUS VICTIM ADVOCACY SERVICES FOR STUDENTS

<p><i>Butler University Sexual Assault Response and Prevention Specialist (SARPS)</i></p> <p>Health and Recreation Complex 317-910-5572</p> <p>After Hours The Julian Center 317-920-9320 (available 24/7)</p>	<p>Offers support and identify resources on and off campus. Available Monday–Friday from 9:00AM–5:00PM.</p> <p>The SARPS is required to minimally report criminal information to include: date, time, location, and general type of crime. Victims may remain anonymous.</p> <p>The Julian Center is a confidential resource.</p>
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CENTER FOR FAITH AND VOCATION

<p><i>Butler University Center for Faith and Vocation</i></p> <p>4615 Sunset Avenue</p> <p>317-940-8252</p>	<p>Pastoral counseling services are provided by appointment to students or staff. Contact Rev. Daniel Meyers, M. Div. by telephone or dgmeyers@butler.edu.</p> <p>This is a confidential resource.</p>
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CAMPUS HEALTH AND PSYCHOLOGICAL SERVICES FOR STUDENTS

Butler University Counseling and Consultation Services

Butler University Health Services
Health and Recreation Complex
317-940-9385

After Hours

St. Vincent's Stress Center
317-338-4800 (available 24/7)

Community Health Network
317-621-5700 (available 24/7)
Text Option 20121

Counseling Center Services and Health Services are provided to students. These are available Monday–Friday from 8:00 AM–4:00 PM.

These are confidential resources.

OTHER CAMPUS RESOURCES FOR STUDENTS

Office of the Vice President for Student Affairs

Atherton Union, Room 200
317-940-9570

Student Disability Services

Jordan Hall, Room 136
317-940-9308

International Student Services

Atherton Union, Room 004
317-940-9888

Center for Global Education

Jordan Hall, Room 138
317-940-8473

Office of Financial Aid

Robertson Hall, lower level
317-940-8200

These offices can provide you with additional information and resources if you find you need assistance within these areas.

OTHER CAMPUS RESOURCES FOR EMPLOYEES

Employee Assistance Program Consultants

855-387-9727

TDD - 800-697-0353

Web: <https://www.guidanceresources.com>
Web ID - ONEAMERICA3

Confidential

OFF-CAMPUS RESOURCES FOR STUDENTS AND EMPLOYEES

<p><i>Shelters</i></p> <p>Julian Center Shelter 317-920-9320</p> <p>Salvation Army Emergency Lodge 317-637-5551</p>	<p>These shelters are located in Indianapolis and provide assistance 24/7.</p>
<p><i>Protection Orders</i></p> <p>If you are a victim of dating violence, domestic violence, sexual assault, or stalking, you may qualify for a Protection Order. You do not need to file a police report or pursue prosecution to be considered.</p> <p>Marion County Superior Court 21 200 E. Washington Street, Indianapolis, IN City-County Building, Room G108 317-327-8577—Protective Order Intake</p>	<p>Court ordered Protection Orders can be obtained by going to the Protective Order Intake Office located adjacent to Marion County Superior Court 21. Applications for Protection Orders are accepted Monday–Friday between 8:00 AM and 3:00 PM.</p> <p>It is also possible to apply for a Protection Order at BUPD or any of the organizations listed below in the Legal Assistance area. You will need to contact them to get information on when they will take applications.</p>
<p><i>Legal Assistance</i></p> <p>Center for Victim and Human Rights Indianapolis, IN 317-610-3427</p> <p>Indiana Coalition Against Domestic Violence 1915 W. 18th Street, Indianapolis, IN 317-917-3685</p> <p>Julian Center 2011 N. Meridian Street, Indianapolis, IN 317-941-2200 317-920-9320 (available 24/7)</p> <p>Latino Coalition 300 E Fall Creek Pkwy N Dr # A, Indianapolis, IN 317-926-4673</p> <p>Legal Aid 615 N. Alabama Street, #122, Indianapolis, IN 317-635-9538</p> <p>Neighborhood Christian Legal Clinic 3333 N. Meridian Street, Suite 201, Indianapolis, IN 317-429-4131</p>	<p>These various organizations will provide legal services in matters dealing with civil actions connected to dating violence, domestic violence, sexual assault, and stalking. They can also assist in matters connected to U Visas and T Visas if you are a foreign national and victim of a crime.</p>

ADDITIONAL RESOURCES

<p>Julian Center 2011 N. Meridian Street, Indianapolis, IN 317-941-2200 (24/7) 317-920-9320—Crisis Line</p> <p>Legacy House 2505 N. Arlington Avenue, Indianapolis, IN 317-554-5272</p> <p>Prevail (serving Hamilton County and surrounding counties) 1100 S. 9th Street, Suite 100, Noblesville, IN 317-776-3472 (24/7) 317-773-6942</p> <p>Indiana Coalition Against Domestic Violence 1915 W. 18th Street, Indianapolis, IN 317-917-3685</p> <p>RAINN—Rape, Abuse, and Incest National Network Crisis Support 800-656-Hope (24/7) online.rainn.org (24/7)</p>	<p>These organizations can provide a wide range of services for victims of domestic violence, dating violence, sexual assault, and stalking.</p>
<p>Indiana Youth Group 2943 E. 46th Street, Indianapolis, IN 317-541-8726</p>	<p>Provides safe places and confidential environments where self-identified lesbian, gay, bisexual, transgender, and questioning youth (ages 12–20 years) are empowered through programs, support services, social and leadership opportunities, and community service.</p>
<p>Centers for Disease Control and Prevention Lesbian, Gay, Bisexual, and Transgender Health Injury Prevention and Control: Division of Violence Prevention</p>	<p>www.cdc.gov/lgbthealth/links.htm www.cdc.gov/violenceprevention/</p>
<p>Connect2Help 211 www.Connect2Help.org</p>	<p>This free service is available 24/7 and can provide assistance in locating health care, support groups, mental health services, and other needs.</p>

<p>VINE (Victim Information and Notification Services within Marion Co.) 866-959-8463</p>	<p>VINE is a free, automated service providing crime victims and other concerned citizens free, prompt, and confidential notification and status information for offenders in Indiana County Jails. Information is provided 24 hours a day, over the phone, through the internet or by email. Indiana VINE also has live operators available to assist callers. You may also register to receive automated messages by telephone or email when a particular offender is released, transferred, or escapes.</p>
<p>Marion County Prosecutor's Office 251 E. Ohio Street, #160, Indianapolis, IN 317-327-3522</p>	<p>Assistance with matters concerning criminal charges within Marion County.</p>
<p>US Citizenship and Immigration Services Gateway Plaza Building 950 N. Meridian Street, Room 400, Indianapolis, IN</p>	<p>Local U.S. Governmental office dealing with visa issues.</p>

