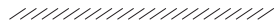


BUTLER UNIVERSITY



# RIGHTS *and* OPTIONS

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

2022–2023



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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 abuse. 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.*

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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.)
- Report to Butler Police or Indianapolis Metro Police Department. 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.

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:

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#### Resolution of Reports

- Complainant has several options for resolving a report of sexual misconduct through the University, including requesting : (1) 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](mailto:askHR@butler.edu).

#### Advisor

- Complainant may select an advisor of their choice. However, Butler University maintains a partnership with the IU McKinney School of Law to provide free, trained law-student advisors to all Butler students. 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. All advisors, including private attorneys, must complete a brief training prior to serving as an advisor.

#### 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](http://butler.edu/counseling-services)) provides students with free, confidential counseling support. Health Services ([butler.edu/health-services](http://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](http://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](http://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](mailto:askHR@butler.edu).

### Advisor

- Respondent may select an advisor of their choice. However, Butler University maintains a partnership with the IU McKinney School of Law to provide free, trained law-student advisors to all Butler students. 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. All advisors, including private attorneys, must complete a brief training prior to serving as an advisor.

#### 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](http://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](http://butler.edu/cfv)).
- Employees can seek confidential assistance through the Employee Assistance Program (EAP). The EAP can be reached by visiting [guidanceresources.com](http://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.

The following is taken from the Butler University Sexual Misconduct Policy starting on page 2 of the policy. The policy can be read in full at [www.butler.edu/hr/policies](http://www.butler.edu/hr/policies).

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## **SCOPE OF POLICY**

### **A. TO WHOSE CONDUCT DOES THE POLICY APPLY?**

1. Students (those enrolled in any courses in any format at the University or those having a continuing relationship with the University such as those eligible and/or applying for reenrollment and/or readmission or those involved in an appeal or grievance process);
2. Employees (all persons legally defined as employees of the University);
3. Third Parties (visitors, contractors, vendors).

## B. WHERE AND WHEN DOES THIS POLICY APPLY?

### 1. This policy applies to prohibited conduct where:

- a. The conduct occurs on campus or other property owned or controlled by the University;
- b. The conduct occurs in the context of a University employment or education program or activity, including but not limited to a University-sponsored study abroad, research, online, or University-approved internship programs; or
- c. The conduct occurs outside the context of a University employment or education program or activity but has continuing adverse effects that create a hostile environment for students or employees while on campus or other property owned or controlled by the University or in any University employment or education program or activity.

### 2. Time for making a report

- a. The University encourages all individuals to report violations of this Policy immediately. Making a report to the University does not automatically result in an Administrative Investigation Process. Individuals who have experienced sexual misconduct
- b.    may make a report to the University and communicate that they do not wish to move forward with the Administrative Investigation Process outlined in this policy. Please see REQUESTS FOR NO UNIVERSITY ACTION for additional information.
- c.    All individuals should note that the University's ability to effectively investigate alleged violations of this Policy may be limited as time passes.
- d.    For information on making a report, please see REPORTING A VIOLATION TO THE UNIVERSITY and REPORTING TO LAW ENFORCEMENT.

## PROHIBITED CONDUCT AND RELATED DEFINITIONS

Butler University prohibits all forms of sexual misconduct. Sexual Misconduct includes sex- or gender-based discrimination and harassment, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking.

Retaliation is also prohibited under this Policy. Please see below for additional information.

### A. SEX- OR GENDER-BASED DISCRIMINATION AND HARASSMENT

Sex- or gender-based discrimination and harassment is unwelcome conduct based on sex, gender, sexual orientation, gender identity, or gender expression, including verbal, nonverbal, or graphic acts of

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aggression, intimidation, or hostility, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with, limits, or prevents an individual from participating in or benefitting from the University's education or employment programs and/or activities.

Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. The University will consider the totality of known circumstances, including but not limited to:

1. The frequency, nature, severity, location, duration, and context of the conduct, and
2. Whether the conduct implicates concerns related to academic freedom or protected speech.

This Policy distinguishes sex- and gender-based discrimination and harassment from unwelcome conduct of a sexual nature. Unwelcome conduct of a sexual nature is addressed under the definition of SEXUAL HARASSMENT, below.

*Sex- or gender-based discrimination and harassment that is alleged to have occurred in a teaching or classroom setting may present different issues from those occurring in other environments. See Appendix A for the procedures specific to the handling of those reports.*

#### **B. SEXUAL HARASSMENT**

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, electronic or otherwise, when the conditions outlined in (1) and/or (2), below, are present.

1. **Quid Pro Quo:** Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual; or
2. **Hostile Environment:** A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:
  - a. The frequency, nature, severity, location, duration and context of the conduct;
  - b. Whether the conduct implicates concerns related to academic freedom or protected speech.

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A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

*Sexual harassment that is alleged to have occurred in a teaching or classroom setting may present some different issues from those occurring in other environments. See Appendix A for the procedures specific to the handling of those reports.*

### C. SEXUAL ASSAULT

Sexual Assault is:

#### 1. Nonconsensual Sexual Contact

Touching of the breasts, buttocks, groin or genitals of another, whether clothed or unclothed, intentionally touching another with any of these body parts, and/or making another person touch you or themselves with or on any of these body parts without consent.

#### 2. Nonconsensual Sexual Penetration

- a. Penetration, no matter how slight, of the vagina or anus with any body part or object without consent, and/or
- b. Any contact between the mouth of one person and the genitalia of another person without consent.

### D. CONSENT

Consent is voluntary words or actions mutually understood by each party to be agreement or permission to engage in a specific sexual act at a specific time.

Consent cannot be inferred from silence, passivity, or the absence of resistance, nor can it be inferred from the existence of a current or prior relationship or from consent given previously.

The party who initiates sexual activity is responsible for obtaining consent for that activity.

Consent can be withdrawn at any time by any party. Once consent is withdrawn, sexual activity must cease immediately.

There is no consent if any of the following are present:

#### 1. Force

- a. The use of physical violence that would reasonably overcome an individual's freedom to choose whether to participate in sexual activity.

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## 2. Intimidation or Threat

- a. Express or implied threat of immediate or future physical, emotional, reputational, financial, or other harm to an individual or others that would reasonably place an individual in fear and that is employed to compel someone to engage in sexual activity.

## 3. Coercion

- a. Unreasonable pressure to engage in sexual activity.
  - i. When evaluating reasonableness, the University will consider the totality of known circumstances, including, but not limited to, duration, frequency, isolation, and intensity.

## 4. Incapacitation

- a. An individual is incapacitated when they are unable to understand the who, what, when, where, why, and how of the situation due to the use of alcohol and/or other drugs, mental or physical disability, being asleep or unconscious, and/or age (as defined by Indiana state law).
- b. There is no consent when:
  - i. The individual who initiated the sexual activity knew of the other party's incapacitation, or
  - ii. A reasonable person in the same situation would have known of the other party's incapacitation.

## E. SEXUAL EXPLOITATION

Sexual Exploitation is purposely or knowingly doing any of the following:

1. Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity;
2. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., livestreaming of images) without the consent of all subjects or participants;
3. Engaging in voyeurism (e.g., watching private sexual activity without the consent of all participants or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks)) in a place where that person would have a reasonable expectation of privacy;
4. Recording or photographing private sexual activity and/or a person's intimate parts without the consent of all subjects or participants;
5. Disseminating or posting images of private sexual activity and/or a person's intimate parts without the consent of all subjects or participants;
6. Prostituting another person; or

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7. Exposing another person to a sexually transmitted infection or virus without the other's knowledge.

#### F. DATING VIOLENCE

Dating violence is violence or the threat of violence committed by an individual toward another with whom they have a current or previous relationship of a romantic or intimate nature. The existence of a romantic or intimate relationship will be determined based on the following factors:

1. Length of the relationship,
2. Type of relationship,
3. Frequency of interaction between the people involved in the relationship.

#### G. DOMESTIC VIOLENCE

Domestic violence is violence or the threat of violence committed by an individual toward another who:

1. Is a current or former spouse,
2. Is or has cohabitated with the individual as an intimate partner, or
3. Has a child in common with the individual.

#### H. STALKING

1. Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.
  - a. Course of Conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.
  - b. Substantial emotional distress means significant mental suffering or anguish.
  - c. Stalking includes "cyberstalking," a particular form of stalking in which a person uses electronic media, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

#### G. RETALIATION

Retaliation is material adverse action taken against a person for making a good faith report of prohibited conduct or participating in this process.

Material adverse action limits or denies an individual's ability to participate in or benefit from the University's educational or employment opportunities and/or activities. Vague criticisms, stray remarks, and petty slights are generally not considered sufficient to constitute a materially adverse action.



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Even where there is a finding of not responsible, retaliation is prohibited. A good faith pursuit of civil, criminal, or other legal action, even in response to an initial report under this Policy, does not constitute retaliation.

Reports of retaliation may be consolidated into an ongoing Administrative Investigation Process at the discretion of the Title IX Coordinator.

Individuals who experience retaliation are encouraged to report the retaliatory conduct as soon as possible. Making a report to the University does not automatically result in an investigation of the alleged retaliatory conduct. An individual can request no University action. Individuals should note that the University's ability to effectively investigate alleged acts of retaliation may be limited as time passes.

## REPORTING PROHIBITED CONDUCT

### A. REPORTING A VIOLATION TO THE UNIVERSITY

A person who has experienced sexual misconduct has the option of making a report to the University. Under this Policy, an individual reported to

have experienced sexual misconduct is referred to as the Complainant. An individual alleged to have violated this Policy is referred to as the Respondent.

If someone wishes to make a report of sexual misconduct to the University, they can do so by contacting the Title IX Coordinator via online report, phone call, or email. The online report form and contact information for the Title IX Coordinator can be found at [www.butler.edu/sexual-misconduct](http://www.butler.edu/sexual-misconduct).

A report of sexual misconduct may result in formal resolution through the Administrative Investigation Process. Please see [THE ADMINISTRATIVE INVESTIGATION PROCESS](#) for information regarding investigations.

Complainants may make a report to the University and communicate that they do not wish to move forward with the Administrative Investigation Process outlined below. Please see [REQUESTS FOR NO UNIVERSITY ACTION AND/OR NO ADMINISTRATIVE INVESTIGATION PROCESS](#).

for information about how the University addresses such requests. Complainants also have the option to pursue informal resolution of a report of sexual misconduct. Please see [INFORMAL RESOLUTION](#) for additional information.

### B. EMPLOYEE REPORTING OBLIGATIONS

Most University employees, including student employees, have an obligation to report to the University when an individual makes them aware of sexual misconduct. Those employees are referred to as responsible employees, defined below.

Some University employees do not have an obligation to report sexual misconduct. Those employees are referred to as confidential employees, defined below.

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## 1. Responsible Employees

- a. Under Title IX, responsible employees include those who:
  - i. Have the authority to take action or redress sexual misconduct, or
  - ii. Have a duty to report sexual misconduct to appropriate school officials, or
  - iii. A student could reasonably believe has this authority or duty.
- b. Responsible employees at Butler University include:
  - i. Those who offer course instruction, whether in-person or online, including full-time and part-time faculty, adjuncts, and Teaching Assistants,
  - ii. Advisors,
  - iii. Coaches and athletics staff who interact with students,
  - iv. Student Affairs staff members, except those designated as confidential employees, below,
  - v. Residence Life staff members, including Resident Assistants,
  - vi. Those who work in offices or areas that interface with students.
- c. Responsible employees are required to report to the Title IX Coordinator when they are made aware of an incident of sexual misconduct.
- d. Privacy and Confidentiality
  - i. Responsible employees may not promise confidentiality to a person who shares information related to an incident of sexual misconduct. Responsible employees must inform that person of their obligation to report to the University.
  - ii. Responsible employees must keep information related to a report of sexual misconduct as private as possible, sharing only with those at the University who have a legitimate need to know.

## 2. Confidential Employees

- a. Those employees whose professional licenses or codes of conduct require confidentiality do not have an obligation to report when they are made aware of sexual misconduct. The University also has the ability to designate certain employees as confidential.
- b. Confidential employees at Butler University are:
  - i. Counselors at Counseling and Consultation Services,
  - ii. Health Services staff members,
  - iii. Pastoral counselors in the Center for Faith and Vocation,

iv. The Sexual Assault Response and Prevention Specialist, when acting in their advocacy role.

a) Note: this staff member does have an obligation to provide certain information to the University for federal reporting purposes. They will not disclose a Complainant's identity to either law enforcement or the University without Complainant's consent.

### C. REPORTING TO LAW ENFORCEMENT

A Complainant also has the option of making a criminal report to the appropriate law enforcement agency. Incidents alleged to have occurred on campus should be reported to the Butler University Police Department (BUPD). Incidents alleged to have occurred off campus should be reported to the appropriate local law enforcement agency.

The Complainant has the right to pursue both the University's Administrative Investigation Process and the criminal process simultaneously. The Complainant may also choose to pursue either the Administrative Investigation Process or the criminal process exclusively. The Complainant's decision regarding pursuit of the criminal process does not impact the Administrative Investigation Process.

The Administrative Investigation Process is distinct from the criminal process. Any investigation conducted by the University will be conducted independently and separately from any investigation conducted by law enforcement. The University may undertake a short delay to allow evidence collection when criminal charges on the basis of the same behaviors that invoke this Process are being investigated. Actions that take place in the criminal process, including placing, reducing, or dismissing charges, and/or plea agreements, will not determine the resolution of the University process. This information may be considered in the course of the Administrative Investigation Process, if determined to be relevant.

If a Complainant wishes to pursue a criminal complaint exclusively, the Complainant may request in writing that the Title IX Coordinator

temporarily defer the Administrative Investigation Process. In most cases, the Complainant's wishes will be respected. However, the University may continue the Administrative Investigation Process where the allegation leads the University to believe that the Respondent may be an imminent threat to the safety of the Complainant, other students or faculty/staff members.

### D. IMMUNITY

The University seeks to remove any barriers to reporting sexual misconduct or participating in the Administrative Investigation Process. Any student, whether the Complainant or a witness, who makes a report of sexual misconduct or participates in an investigation under this Policy will generally be offered immunity from being disciplined for policy violations related to the personal ingestion of alcohol or other drugs, provided that any

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such violations did not and do not place the health and safety of any person at risk. The University may encourage educational or therapeutic remedies for those individuals.

This limited immunity does not protect any student organization from discipline if information is learned through the course of an investigation under this Policy pertaining to unregistered parties or other violations.

## UNIVERSITY RESPONSE TO REPORTS OF SEXUAL MISCONDUCT

### A. INITIAL DETERMINATION

Upon receiving a report of sexual misconduct, the Title IX Coordinator or designee will evaluate the information available and determine whether the report alleges conduct that falls under the purview of this Policy.

If the Policy applies to the alleged conduct, there are several options for resolving the report. The Complainant will be provided the opportunity to share their wishes regarding resolution with the University. The Complainant may request that the report be resolved formally, through

an Administrative Investigation Process; informally, through mediation or other means; or that the University take no action. Processes related to each option are outlined below.

The Title IX Coordinator or designee will reach out to the Complainant and invite them to meet. Complainant is not required to meet with the Title IX Coordinator or to respond to the outreach. A Complainant's choice not to respond to or meet with the Title IX Coordinator will be treated as a request for no University action. The University's response to such requests is outlined below.

Both on- and off-campus resources are available to Complainants, regardless of whether the conduct alleged falls under the jurisdiction of the Policy.

The Title IX Coordinator can assist with connecting Complainant to those resources if Complainant wishes.

If it is determined that a report of sexual misconduct will be resolved either formally or informally, the Title IX Coordinator will meet with the Respondent before the process begins. In this meeting, the Title IX Coordinator will explain the process and make the Respondent aware of their rights and the resources available to them.

*Sexual or gender-based harassment that is alleged to have occurred in a teaching or classroom setting may present some different issues from those occurring in other environments. See Appendix A for the procedures specific to the handling of those complaints.*

### B. INTERIM SUSPENSION

The University may impose an interim suspension on an employee or student pending the completion of the Administrative Investigation Process

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when there is reasonable cause to believe that the individual's continued presence on campus would pose a significant risk of substantial harm to the safety or security of others in the campus community. While on interim suspension, an individual's ability to be present on University property and participate in University-related activities will be limited.

When a report of sexual misconduct indicates that interim suspension may be appropriate, the Title IX Coordinator will refer reports to the appropriate decisional authority for consideration. The appropriate decisional authority is determined by the status of Respondent, as described below.

1. Interim Suspension of Students

- a. The Vice President of Student Affairs (VPSA) or designee has the sole discretion to place a student on interim suspension and to determine the conditions of such suspension.
- b. Notice of interim suspension will be provided to the student in writing. Upon receipt of such notice, the student will be expected to vacate University property immediately in accordance with the terms of the interim suspension.
- c. The student may petition the VPSA or designee for reinstatement within five (5) calendar days of receiving notice of the interim suspension. This petition must be made in writing and must articulate why the student does not pose a significant risk of substantial harm to the safety or security of others in the campus community. The VPSA or designee may choose to uphold the interim suspension, modify its terms, or lift it entirely.
- d. Failure to comply with the terms of an interim suspension may result in further disciplinary action.

2. Interim Suspension of Staff

- a. The Associate Vice President of Human Resources (AVPHR) or designee has the sole discretion to place a staff member on interim suspension and to determine the terms of such suspension.
- b. Notice of interim suspension will be provided to the staff member in writing. Upon receipt of such notice, the staff member will be expected to vacate University property immediately in accordance with the terms of the interim suspension.
- c. The staff member may petition the AVPHR or designee for reinstatement within five (5) calendar days of receiving notice of the interim suspension. This petition must be made in writing and must articulate why the staff member does not pose a significant risk of substantial harm to the safety or security of others in the campus community. The AVPHR or designee may choose to uphold the interim suspension, modify its terms, or lift it entirely.
- d. Failure to comply with the terms of an interim suspension may result in further disciplinary action.

3. Interim Suspension of Faculty

- a. The Provost or designee has the sole discretion to place a faculty member on interim suspension and to determine the terms of such suspension.
- b. Notice of interim suspension will be provided to the faculty member in writing. Upon receipt of such notice, the faculty member will be expected to vacate University property immediately in accordance with the terms of the interim suspension.
- ~~e.~~ The faculty member may petition the Provost or designee for reinstatement within five (5) calendar days of receiving notice of the interim suspension. This petition must be made in writing and must articulate why the faculty member does not pose a significant risk
- ~~d.~~ of substantial harm to the safety or security of others in the campus community. The Provost or designee may choose to
- ~~e.c.~~ uphold the interim suspension, modify its terms, or lift it entirely.
- ~~f.d.~~ Failure to comply with the terms of an interim suspension may result in further disciplinary action.

C. REQUESTS FOR NO UNIVERSITY ACTION AND/OR NO ADMINISTRATIVE INVESTIGATION PROCESS

A Complainant may request that the University take no action in response to a report of sexual misconduct or that the report be resolved informally, without an Administrative Investigation Process. The University will generally work to honor Complainant's wishes but will evaluate such requests on a case-by-case basis. In some cases, the University may not be able to honor Complainant's request due to its obligation to provide a safe, non-discriminatory environment for all in the University community.

The University will decide whether to honor Complainant's wishes based on the following factors:

1. The seriousness of the alleged conduct;
2. The Complainant's age;
3. Information indicating a pattern of behavior by the Respondent;
4. Aggravating circumstances such as the use of a weapon, force, threats, intimidation, multiple assailants, etc.; and/or
5. Other risks to the University community.

Complainant will be notified in writing of the University's decision. If the University decides to honor Complainant's request for no University action,

Complainant has nine (9) months from the date of notice to request that the matter be reopened and referred to an Administrative Investigation Process. If the University decides to honor Complainant's wishes for an informal resolution, that resolution will proceed as outlined in this Policy.

Should the University decide that it is necessary to move forward with an Administrative Investigation Process, Complainant may, but is not required to, participate in the process.

#### D. INFORMAL RESOLUTION

A Complainant may request that the sexual misconduct report be resolved informally, using one of the following options.

##### 1. Mediation

Mediation is a voluntary process. The Title IX Coordinator will determine if mediation is appropriate based on the conduct at issue and agreement of Complainant and Respondent. The Title IX Coordinator will appoint a mediator to talk to each party about possible resolution and remedies. The Title IX Coordinator will keep records of any resolution that is reached.

Failure to abide by the agreement may result in disciplinary action. Mediation does not require the parties to be in the same room at the same time working to resolve the report. Rather, the mediator may work with each party separately toward a mutually agreeable resolution.

Mediation can take place at any point in time after a complaint is made but should typically be completed within thirty (30) calendar days of the report. Anyone participating in mediation can stop that process at any time and request an Administrative Investigation Process.

##### 2. Other Methods of Informal Resolution

The Complainant may work with the Title IX Coordinator to determine other, appropriate methods of informal resolution. The Title IX Coordinator may provide examples of these methods in the initial intake meeting with Complainant.

##### 3. Advisors

- a. Complainant and Respondent may each select one advisor of their choice. An advisor may not be someone whose University responsibilities create a conflict of interest.
- b. Advisors are permitted to be present in all phases of the informal 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 the Complainant/Respondent, or otherwise interfere. If an advisor violates these parameters, the advisor's participation may be limited.

#### E. INTERIM MEASURES

The Dean of Students or designee will, as requested by Complainant or Respondent and as necessary, coordinate the provision of interim measures during the Administrative Investigation Process. If there is a finding of not responsible, then the interim measures will be removed unless the parties voluntarily agree to continue them.

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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.

1. University Administrative No Contact Orders

Unless otherwise stated in writing, a person who is issued an Administrative No Contact Order by the University may not have contact with specific individuals for a period of time, either directly, indirectly, or through third parties.

- a. "Third parties" include friends, family, attorneys, and other individuals acting on behalf of a person who has been issued a No Contact Order.
- b. "Contact" includes but is not limited to email, social media, instant messaging, text messaging, phone calls, voicemail, or face-to-face contact. Unintentional contact is not considered a violation of the Administrative No Contact Order.

Individuals are encouraged to report violations of Administrative No Contact Orders promptly to the Title IX Coordinator. Alleged violations of the Administrative No Contact Order may result in disciplinary action.

Administrative No Contact Orders are separate and distinct from court actions, such as Protective Orders and Restraining Orders. Questions about these should be directed to local law enforcement.

F. FORMAL RESOLUTION: THE ADMINISTRATIVE INVESTIGATION PROCESS

A Complainant may request that a report of sexual misconduct be resolved formally. The University may also determine that it is necessary to move forward with the formal resolution process outside of Complainant's wishes (please see REQUESTS FOR NO UNIVERSITY ACTION, above).

Formal resolution of sexual misconduct reports takes place within the Administrative Investigation Process, detailed below.

1. Consolidation of Investigation

The Title IX Coordinator has the discretion to consolidate multiple reports into one investigation if the evidence related to each incident would be relevant in reaching a determination in the other incident.

2. Appointment of Investigator

The Title IX Coordinator will appoint an investigator to conduct a thorough, impartial, and equitable investigation of the report. The investigator may be internal or external to the University and must be appropriately trained to conduct sexual misconduct investigations.



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Once an investigator has been appointed, the Title IX Coordinator will notify each party in writing. Complainant and Respondent each have the opportunity to challenge the appointment of the investigator for lack of impartiality. This challenge must be submitted to the Title IX Coordinator in writing within three (3) calendar days of notice of the appointment and must include a justification. The Title IX Coordinator will evaluate the challenge and determine whether it would be appropriate to appoint an alternate investigator. Each party will be notified when a challenge is submitted and will be advised of the outcome of the challenge.

### 3. Advisors

- a. Complainant and Respondent may each select one advisor of their choice. An advisor may not be someone whose University responsibilities create a conflict of interest.
- ~~b.~~ Advisors are permitted to be present in all phases of the Administrative Investigation Process but may not participate in the process directly. The advisor may whisper or write notes to their advisee, but they may not interrupt, speak on behalf of the
- ~~b.~~ Complainant/Respondent, or otherwise interfere with the Process. If an advisor violates these parameters, the advisor's participation may be limited.
- ~~e.~~

### 4. Investigation Timeline

The University aims to complete all investigations within a reasonable time period, which may be modified as necessary by the Title IX Coordinator. Delays may occur when the University is closed, during academic breaks or for other good reason. The parties will be notified of any delay in or modification to the timeline.

### 5. Investigation

- a. The investigator will conduct the investigation in an appropriate manner in light of the circumstances of the case. The investigator has sole discretion to determine what information to consider and what witnesses to interview.
- b. Complainant and Respondent will each be provided the opportunity to meet with the investigator separately. Should a party choose not to provide information to the investigator, the investigation will proceed without the benefit of their participation.
- c. Each party will also be afforded the opportunity to:
  - i. Identify witnesses who have information relevant to the alleged incident;
    - 1. The investigator will make a good faith effort to contact and

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interview each witness they have determined to be relevant to the investigation.

2. Witnesses who can only speak to the character of a party are not considered to be relevant.
3. Should a witness choose not to respond to outreach or provide the investigator with information, the investigation will proceed without the benefit of their participation.

ii. Provide documentation relevant to the alleged incident.

d. The investigator has discretion to meet with any additional witnesses and review any additional documentation they determine to be relevant to the alleged incident.

i. This includes, but is not limited to:

1. Consultation with experts,
2. Site visits,
3. Review of police reports and related documentation.

e. Information related to the sexual history of either party will not be considered, except in the limited circumstance where information related to the sexual history between the parties may be relevant to the determination of consent. In that circumstance, sexual history between the parties may be considered only with regard to patterns of communicating and obtaining consent. Consent will not be assumed based solely on evidence of any prior or subsequent sexual history.

f. Evidence of sexual or other relevant behavior so distinctive and so closely resembling either party's version of the alleged encounter as to tend to prove a material fact, including whether consent was sought or given, may be considered. Where there is evidence of a pattern of similar conduct, either before or after the conduct in question, this information may be deemed relevant to assessing the credibility of the parties.

g. Information related to the prior misconduct of either Complainant or Respondent will not be considered relevant to the investigation. Respondent's prior misconduct may be considered only if it becomes necessary to assign a sanction.

#### 6. Investigation Reports

- a. Upon completion of the investigation, the investigator will prepare a Preliminary Investigation Report. The report may include the following:
  - i. Summaries of the investigator's meetings with Complainant, Respondent, and witnesses,

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- ii. Descriptions of the documentation submitted by the parties and/or obtained by the investigator,
  - iii. Identification of material facts in dispute and material facts not in dispute,
  - iv. Definitions of prohibited conduct and related terms under this Policy that the investigator has determined to be relevant to the case,
  - v. A preliminary recommendation regarding the outcome of the case (i.e. responsible or not responsible), applying the preponderance of the information (more likely than not) standard, and
  - vi. An appendix containing raw materials gathered in the investigation (e.g., incident reports, documentation submitted by the parties, etc.)
- b. Report Review
- i. Complainant and Respondent will each be provided the opportunity to review the Preliminary Investigation Report for seven (7) calendar days. Each party may submit a response to the Report within this seven-day period.
  - ii. The investigator will provide each party with any response submitted by the other party. The parties will then have three (3) calendar days to provide any final response to the investigator. This is the last opportunity either party will have to provide information related to the case.
- c. At the end of the final response period, the investigator will prepare a Final Investigation Report. The report may include the following:
- i. Summaries of the investigator's meetings with Complainant, Respondent, and witnesses,
  - ii. Descriptions of the documentation submitted by the parties and/or obtained by the investigator,
  - iii. Parties' responses to the Preliminary Report, ~~+~~. The investigator has sole discretion to determine whether and to what extent the parties' responses will be incorporated into the Final Report.
  - iv. Identification of material facts in dispute and material facts not in dispute,
  - v. Definitions of prohibited conduct and related terms under this Policy that the investigator has determined to be relevant to the case,
  - vi. An assessment of credibility regarding the information provided in the course of the investigation, and

vii. A final recommendation regarding the outcome of the case (i.e. responsible or not responsible) applying the preponderance of the information standard.

1. If the recommendation is a responsible finding, the investigator will also provide recommendations for appropriate sanctions.

#### 7. Determination of Outcome

- a. Prior to a hearing, the investigator will submit the Final Investigation Report to an independent hearing officer appointed by the Title IX Coordinator for a determination of responsibility and assignment of sanctions.
  - i. The determination of responsibility will be made using the preponderance of the information standard.
- b. The independent hearing officer makes the final (subject to appeals, if any) decision regarding responsibility and assignment of appropriate sanctions and/or remedies when applicable.
- c. The Title IX Coordinator will inform Complainant and Respondent of the outcome in writing within ten (15) business days after the hearing.

#### 8. Sanctions and/or Remedies

- a. If the independent hearing officer finds that the respondent engaged in behavior that violates Butler's policy, the independent hearing officer will subsequently determine an appropriate sanction or sanctions, and other actions as appropriate. Factors considered when assigning sanctions may include but are not limited to:

i. Aggravating and mitigating circumstances,

ii. Respondent's conduct history,

iii. The need for the sanctions/remedies to:

1. Bring an end to the misconduct,

2. Prevent the future recurrence of the misconduct, and/or

3. Remedy the effects of the misconduct on the Complainant and the campus community.

- b. Sanctions and Remedies: Students

i. Standing Sanctions impact a student's standing with the University. These sanctions include:

1. Warning Letter: A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure, or directive will result in more severe sanctions or remedial actions.

~~2.~~ Probation: A written reprimand providing for more severe conduct sanctions in the event that the student or organization is found in violation of any University policy, procedure, or directive within a specified period of time.

~~2.~~

~~3.~~ Suspension: Termination of student status for a definite period of time, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their time at the University. This sanction will not be noted on the student's official transcript.

~~3.~~

~~4.~~ Dismissal: Permanent termination of student status, revocation of rights to be on campus for any reason or to attend University-

~~5.~~ sponsored events. This sanction will be noted on the student's official transcript.

~~4.~~

~~6.5.~~ Withholding Diploma: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a report pending, or as a sanction if the student is found responsible for an alleged violation while a student.

ii. Standing sanctions are assigned progressively. If a student has been assigned a standing sanction previously, the standing sanction for any subsequent violation(s) of this Policy must be greater, absent mitigating circumstances.

iii. Educational Outcomes

1. For every standing sanction except dismissal, educational outcomes may be assigned. These outcomes may include, but are not limited to:

a. Restitution

b. Assessment by a university-approved licensed psychologist, physician or healthcare provider

c. Exclusion from co-curricular activities

d. Administrative No Contact Order

c. Sanctions and Remedies: Employees

i. When an employee is found responsible for violating this Policy, one of the following sanctions must be applied:

1. Warning Letter: A warning is a formal method of informing an employee of a violation of University rules, guidelines, and/or policies. Additional violations will initiate the progressive disciplinary process.

2. Demotion: A reduction in rank or status.

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3. Suspension with pay: Temporary removal of an employee from performing their work duties.
  4. Suspension without pay: Temporary removal of an employee from performing their work duties and from receiving pay.
  5. Termination: If the nature of the violation is so problematic and/or harmful to the campus community that a warning or a suspension is not appropriate, the University's recommendation will be to terminate employment.
  6. Other sanctions/remedies that the Title IX Coordinator may deem appropriate.

d. Sanctions and Remedies: Contractors and Visitors

- i. When a contractor or visitor is found responsible for violating this Policy, one of the following sanctions must be applied:
  1. Warning Letter: A warning is a formal method of informing a contractor or visitor of a violation of University rules, guidelines, and/or policies.
  2. Trespass: Individuals or groups may be formally banned or trespassed from University property or sponsored events.
  3. Termination: Contractor agreement may be terminated.
  4. Other sanctions/remedies that the Title IX Coordinator may deem appropriate.

e. Failure to Complete Sanctions

- i. Respondent's failure to complete sanctions (or remedies and corrective actions) by the date specified may result in further disciplinary action.

9. Appeals

Either party may appeal the Title IX Coordinator or designee's decision to the appropriate appellate official. The appropriate appellate official is determined by the status of the Respondent. If Respondent is a student, the appellate official will be the Associate Vice President for Diversity, Equity, and Inclusion/Diversity Officer or designee<sup>1</sup>. If Respondent is a staff member, the appellate official will be the Associate Vice President of Human Resources or designee. If Respondent is a faculty member, the appellate official will be the Provost and Vice President for Academic Affairs or designee.

Sexual or gender based harassment that is alleged to have occurred in a teaching or classroom setting may present some different issues from those occurring in other environments. See Appendix A for the procedures specific to the handling of those reports.

<sup>1</sup> The Associate Vice President for Diversity, Equity and Inclusion will assume their responsibilities in November, 2018. Until that time, the "designee" will be Dr. Frank Ross, Vice President for Student Affairs.

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All appeals must be submitted in writing to the appropriate appellate official within seven (7) calendar days of the delivery of written notice of outcome. The written appeal must include explanation of the grounds for such appeal.

Grounds for appeals are limited to the following:

- a. Procedural error or omission that significantly impacted the outcome of the case, and/or
- b. Availability of new information that could substantially impact the outcome of the case. This evidence must not have been available at any point during the process prior to appeal.

The appellate official will then review the appeal request to determine whether it is (1) timely and (2) based on one of the grounds listed above. If the appeal fails to meet these criteria, it will not go forward, and the original outcome will stand. If part, but not all, of an appeal meets the criteria, only the appealable issues will move forward. Any non-appealable issues will be redacted from the appeal before it is shared.

The appellate official will provide written notice of their initial determination to each party. If any portion of the appeal moves forward, the other party will be provided the opportunity to review the appeal and submit a response. A response must be submitted to the appellate official within seven (7) calendar days of the delivery of notice of the initial appellate determination.

Appeals are not intended to be a full rehearing of the case. The appellate official will confine their analysis to review of the written documentation related to the case and information contained in the appeal. In making a decision regarding the appeal, the appellate official may select one of the following outcomes:

- a. Uphold the original finding of responsibility and/or original assignment of sanction(s), or
- b. Set aside the original finding and:
  - i. Impose a new decision regarding responsibility and/or sanctions, OR
  - ii. Send the case back to an investigator or Title IX Coordinator/ designee for further review.

The appellate official will provide notice of outcome of the appeal to each party within ten (10) calendar days of the conclusion of the seven-day response period.

*In any case in which the appellate official is the Respondent or should for any other reason be disqualified to act, the President or designee will appoint an individual to assume the appellate official's role in this process.*

10. Withdrawal or Resignation while a Case is Pending

a. Students

- i. Should a Respondent withdraw from the University while a case is pending, that case will nonetheless continue.
  1. Respondent may continue to participate in the case. If they choose not to participate, the case will proceed without the benefit of their participation.
  2. Respondent's transcript may reflect that the student withdrew while a case regarding their alleged violation of the Sexual Misconduct Policy was pending.
  3. A hold may be placed on Respondent's University account to prevent re-enrollment and release of official transcripts.
  4. Respondent's ability to return to the University will depend on the outcome of the case. In cases where there is a responsible finding and the standing sanction assigned is dismissal, Respondent will not be permitted to return. In cases where there is a responsible finding and the standing sanction is anything less than dismissal, Respondent will not be permitted to return unless all sanctions and educational outcomes have been satisfied.
- ii. Should a Complainant withdraw from the University while a case is pending, the case may continue.

b. Employees

- i. Should an employee Respondent resign while a case is pending, the employee's record will reflect a resignation with a case regarding their alleged violation of the Sexual Misconduct Policy pending. The employee Respondent will not be eligible for rehire.

G. RECORDS

In implementing this Policy, records of all complaints, investigations, and resolutions will be kept by the Title IX Coordinator. Decisions finding a student responsible for violations of this Policy will be noted in their student conduct file. Decisions findings an employee responsible for violations of this Policy will be noted in their personnel file. Student records will be kept at least seven (7) years.



RESOURCE TABLE

<b>IMMEDIATE HEALTH ASSISTANCE</b>	
<p><i>Sexual Assault Nurse Examiner (SANE)</i>  <b>Center of Hope at Methodist Hospital</b>  <i>(within E.R.)</i>                      1701 North Senate Avenue, Indianapolis, IN 46206                      317-963-3394 or 317-962-1172 (24/7)</p> <p><b>Center of Hope at St. Vincent Hospital</b>  <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>

<b>LAW ENFORCEMENT ASSISTANCE</b>	
<i>Law Enforcement</i>	<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><b>Butler University Police Department</b>                      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><b>Indianapolis Metropolitan Police Department</b>                      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>Georgia Hensley 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>

<i>Butler University Responsible Employee</i>	<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), Jules Grable</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> 4615 Sunset Avenue 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 <a href="mailto:dgmeyers@butler.edu">dgmeyers@butler.edu</a>.</p> <p>This is a confidential resource.</p>
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<b>CAMPUS HEALTH AND PSYCHOLOGICAL SERVICES FOR STUDENTS</b>	
<p>Butler University Counseling and Consultation Services</p> <p>Butler University Health Services Health and Recreation Complex 317-940-9385</p> <p><b>After Hours</b> <i>St. Vincent's Stress Center</i> 317-338-4800 (available 24/7)</p> <p><i>Community Health Network</i> 317-621-5700 (available 24/7) Text Option 20121</p>	<p>Counseling Center Services and Health Services are provided to students. These are available Monday–Friday from 8:00 AM–4:00 PM.</p> <p>These are confidential resources.</p>

<b>OTHER CAMPUS RESOURCES FOR STUDENTS</b>	
<p><i>Office of the Vice President for Student Affairs</i> Atherton Union, Room 200 317-940-9570</p> <p><i>Student Disability Services</i> Jordan Hall, Room 136 317-940-9308</p> <p><i>International Student Services</i> Atherton Union, Room 004 317-940-9888</p> <p><i>Center for Global Education</i> Jordan Hall, Room 138 317-940-8473</p> <p><i>Office of Financial Aid</i> Robertson Hall, lower level 317-940-8200</p>	<p>These offices can provide you with additional information and resources if you find you need assistance within these areas.</p>

<b>OTHER CAMPUS RESOURCES FOR EMPLOYEES</b>	
<p><i>Employee Assistance Program Consultants</i> 855-387-9727 TDD - 800-697-0353</p>	<p>Web: <a href="https://www.guidanceresources.com">https://www.guidanceresources.com</a> Web ID - ONEAMERICA3</p> <p>Confidential</p>

**OFF-CAMPUS RESOURCES FOR  
STUDENTS AND EMPLOYEES**

<p><i>Shelters</i> Julian Center Shelter 317-920-9320 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> 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. 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.  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> Center for Victim and Human Rights Indianapolis, IN 317-610-3427 Indiana Coalition Against Domestic Violence 1915 W. 18th Street, Indianapolis, IN 317-917-3685 Julian Center 2011 N. Meridian Street, Indianapolis, IN 317-941-2200 317-920-9320 (available 24/7) Latino Coalition 300 E Fall Creek Pkwy N Dr # A, Indianapolis, IN 317-926-4673 Legal Aid 615 N. Alabama Street, #122, Indianapolis, IN 317-635-9538 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>

<b>ADDITIONAL RESOURCES</b>	
<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><a href="http://www.cdc.gov/lgbthealth/links.htm">www.cdc.gov/lgbthealth/links.htm</a> <a href="http://www.cdc.gov/violenceprevention/">www.cdc.gov/violenceprevention/</a></p>
<p>Connect2Help 211 <a href="http://www.Connect2Help.org">www.Connect2Help.org</a></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>





