BUTLER UNIVERSITY

RIGHTS and OPTIONS

for VICTIMS of SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, and STALKING

2015–2016
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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 Butler University’s Civil Rights Equity Grievance Resolution Process (CREGP) for Faculty, Students, and Staff; 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 you understand your rights and options.

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. **Seek Medical Attention,** if you are injured. There are several resources on and off campus which will provide you with treatment. See listed resources for additional information.

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.
Free medical care and preservation of evidence.

- Report to a Sexual Assault Nurse Examiner (SANE) at Methodist or St. Vincent’s Hospital. (They will offer to make contact with law enforcement if you choose.)

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

Making a report to any of the following will give you various resources and assist you in notifying the appropriate contacts for an administrative or criminal process:

- Report to Butler University’s Victim Advocate
- Report to Butler University’s Title IX Coordinator
- Report to Butler University’s Counseling and Consultation Services, and Health Services
- Report to a 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?

Your Rights in a Title IX (Administrative) Process

- To be treated with respect by University officials.
- Students may access campus support resources (such as Counseling & Consultation Services, a Victim Advocate, clergy affiliated with the Center for Faith and Vocation, and University Health Services). Employees may access the Employee Assistance Program Consultants.

Other resources can be found on page 24.
• To request and receive disability-related reasonable accommodations.
• To be informed of option to file criminal charges in addition to pursue a complaint through the University’s internal CREGP process.
• To experience a safe living, educational and work environment.
• To have an advisor during this process.
• To have his/her identity or personally identifiable information withheld during the investigation.
• To refuse to have an allegation resolved through mediation procedures.
• To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
• To be free from retaliation.
• To request remedial and responsive actions from the University intended to restore a sense of safety and/or ability to participate in University programs and activities.
• To have complaints heard in substantial accordance with these procedures.
• To full participation of the injured party in any CREGP process whether the injured party is serving as the complainant or the University is serving as complainant.
• To be kept informed of the status of the complaint and anticipated resolution timeline.
• To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible.
• To be informed about how to appeal the outcome.

Your Rights in a Criminal Process.

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 postconviction release decision.
• To make a written or oral statement for use in preparation of the presentence report.
• 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.

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 24.

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 requires universities to report crime statistics. However, 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) 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 1-800-800-5556. 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 1-800-992-6978. This is a confidential hotline and you do not need to identify yourself.

**PROTECTIVE MEASURES**

Butler University can provide protective measures for the complainant in the form of changes in academic, living, and work situations as well as provide counseling and administrative no contact orders.

Assistance in changing academic, living, transportation, and/or work situations may be requested through the Title IX Coordinator. Requests will be reviewed and may be granted if such a request is reasonable, regardless of whether the incident is reported to the campus police, local law enforcement or through an internal reporting process.
RETALIATION

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. 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. The University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Civil behavior is expected for all parties involved in an CREGP complaint. It is similarly unacceptable for complainant(s) and their associates to engage directly or indirectly with the alleged perpetrator(s) once the University has received notice of a violation. The University will address harassing behaviors directed toward a complainant(s) by an accused(s), and vice versa.

FILING A TITLE IX COMPLAINT

Any member of the community, guest or visitor who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated should contact the Title IX Coordinator or a member of the Equity Grievance Panel (EGP). It is also possible for employees to notify a supervisor, or for students to notify a Student Affairs staff member, faculty member, or any member of the community may contact the University Police. The University offers reporting resources on their website, which may be used to initiate a complaint.

- Campus Security Authority online reporting form: www.butler.edu/public-safety/policies-and-procedures/campus-security-authority-(csa)
- Personally identifiable information may be withheld at the complainant’s request.
- Butler University Police Department “Silent Watch” online reporting form: www.formstack.com/forms/butler-budp_silent_watch_reporting
- This form of reporting can be anonymous. However, anonymous complaints will be investigated.
• Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated.

• All employees receiving reports of a potential violation of University policy must promptly contact the Title IX Coordinator, if involving students—the Vice President of Student Affairs (or designee), within 24 hours of becoming aware of a report or incident. (Licensed counselors, the Victim Advocate, health care providers and affiliated clergy must abide by professional codes of conduct and state licensing expectations. These professionals are obligated to inform a complainant of their existing reporting options).

All initial contacts will be treated with the maximum possible privacy: specific information on any complaints received by any party will be reported to the Title IX Coordinator, but subject to the University’s obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of a complaint. In all cases, the University will give consideration to the complainant with respect to how the complaint is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal complaint.

TRAINING

Members of the Equity Grievance Panel (advisor, investigator, and hearing panelists) receive annual face-to-face training outlined by the United States Department of Education. Training topics include working with and interviewing persons subjected to sexual violence; particular types of conduct that would constitute sexual violence, including same-sex sexual violence; the proper standard of review for sexual violence complaints (preponderance of the evidence); consent and the role drugs or alcohol can play in the ability to consent; the importance of accountability for individuals found to have committed sexual violence; the need for remedial actions for the perpetrator, complainant, and school community; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to conduct investigations; confidentiality; the effects of trauma, including neurobiological change; and cultural awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.
5. **INITIAL DETERMINATION**

Based on available information the Title IX Coordinator determines whether a case merits investigation. Cases that do not rise to a potential violation of the CREGP will be forwarded to the Vice President of Student Affairs or the Office of the Provost.

6. **FORMAL NOTIFICATION**

When a case is forwarded to investigation, the accused and the complainant will be formally notified simultaneously and meet with the Title IX Coordinator.

7. **LIMITED IMMUNITY AND ASSIGNMENT OF ADVISORS**

The University seeks to remove any barriers to reporting. The University will generally offer any student, whether the complainant or a third party, who reports sexual harassment, sexual violence or intimate partner violence limited immunity from being charged 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. The University may choose, however, to pursue educational or therapeutic remedies for those individuals.

Following receipt of a complaint, the Title IX Coordinator will promptly assign separate EGP panel members to be advisors to the complainant and the accused student.

- If the complaint does not appear to allege a policy violation, or if mediation is desired by the complainant and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation.
• If the complaint does appear to allege a policy violation or is not otherwise appropriate for mediation, the Title IX Coordinator will assign an investigator to assist the University in fact gathering.

Deliberately false and/or malicious accusations of harassment, as opposed to complaints which, even if erroneous, are made in good faith, are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

8. INTERIM REMEDIES

The Title IX Coordinator will, as requested by the complainant and as necessary, provide interim remedies intended to address the short or long-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the complainant and the campus community and to prevent further harassment or violations. Interim remedies may also be used when, in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student/campus organization whose behavior is in question.

These interim remedies may include referral to Counseling and Consultation Services and Health Services or to the Employee Assistance Program, education to the campus community, altering the housing situation of an accused student or resident employee (or the complainant, if desired), altering work arrangements, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, dining arrangements, etc.

The University may impose an interim suspension on an employee, student, and/or organization pending the completion of CREGP investigation and procedures.

• In all cases in which interim suspension of an employee is considered, the employee will be given the opportunity to meet with Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented.

• When a student or student organization is involved, the Vice President for Student Affairs will conduct the interim suspension process as detailed in the student handbook.
The Title IX Coordinator has sole discretion to impose or stay an interim suspension under this policy, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension, a student or employee may be denied access to University housing and/or the University campus/facilities/events. As determined by the Title IX Coordinator in conjunction with the Vice President of Student Affairs (or designee), this restriction includes classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator in conjunction with the appropriate administrative officer, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

9. INVESTIGATION

If a complainant wishes to pursue a formal complaint, or if the University based on the alleged policy violation wishes to pursue a formal complaint, then the Title IX Coordinator appoints EGP members to conduct the investigation after determining that a complaint should proceed. An investigation may be necessary if there is evidence of a pattern of misconduct or a perceived threat of further harm to the campus community or any of its members. The University aims to complete all investigations within a 60-day time period, which can be extended as necessary by the Title IX Coordinator with notice to the parties. Delays could occur when the University is closed or during academic breaks. Investigation may take longer when initial complaints fail to provide direct first-hand information.

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. University action will not be precluded on the grounds that civil or criminal charges involving the same incident have or have not been filed or that charges have been dismissed or reduced. The Civil Rights Equity Grievance Resolution Process is distinct from the criminal investigation and flows from the University’s obligation under Title IX to ensure it is providing a safe environment.

If a complainant wishes to pursue a criminal complaint exclusively, the complainant may request, in writing, that the Title IX Coordinator
temporarily defer the Civil Rights Equity Grievance Resolution Process. In most cases, the complainant’s wishes will be respected. However, the University may continue the CREGP where the allegation, if taken as true, leads the University to believe that the accused may be an imminent threat to the safety of the complainant, other students or faculty/staff members. The complainant has the right to pursue both a criminal complaint and the University Title IX process simultaneously.

All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

10. COMPLAINT RESOLUTION

Upon the completion of investigation, the investigators will present findings and recommendations to the Title IX Coordinator. The Title IX Coordinator will make a decision on whether there is reasonable cause to proceed with the complaint. If the Title IX Coordinator decides that no policy violation has occurred or that the preponderance of evidence (i.e., whether it is more likely than not) does not support a finding of a policy violation, then the process will end. This decision lies in the sole discretion of the Title IX Coordinator.

a. Mediation

Mediation is a voluntary process often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if mediation is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to mediation. The Title IX Coordinator will appoint a mediator to facilitate a dialogue with the parties to effect resolution, if possible. The parties agree to appropriate sanctions or remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the agreement can result in appropriate disciplinary actions.

Mediation will not be used to address complaints of non-consensual sexual intercourse.

It is not necessary to pursue mediation first in order to make a formal complaint, and anyone participating in mediation can stop that process at any time and request a formal hearing.
If agreed to by the parties, mediation can take place at any point in time after a complaint is filed but should typically be completed within thirty (30) calendar days of the initial report.

b. **Formal Hearing**

For any complaints that are not appropriate for mediation, the Title IX Coordinator will initiate a formal hearing.

i. **Hearing Panels for Student Cases**

The Title IX Coordinator will appoint a non-voting panel Chair, usually an EGP member in Student Affairs (in most cases the Dean of Student Life), and three members of the EGP to the hearing panel, none of whom have been previously involved with the complaint. EGP members who served as investigators will be called to present the case at the hearing of the complaint and therefore may not serve as hearing panel members. Hearing panels may include both faculty and non-faculty employees. No member of the panel may be a practicing attorney. The panel will meet at times determined by the Chair. The University Counsel can be used as a consultant throughout the process.

ii. **Hearing Panel for Faculty/Staff Cases**

The Title IX Coordinator will appoint a non-voting panel Chair and three members of the EGP to the hearing panel, none of whom have been previously involved with the complaint. EGP members who served as investigators will be called to present the case at the hearing of the complaint and therefore may not serve as hearing panel members. Hearing panels may include both faculty and non-faculty employees. No member of the panel may be a practicing attorney. The panel will meet at times determined by the Chair. The University Counsel can be used as a consultant throughout the process.

iii. **Notification of Charges**

At least one week prior to the hearing, or as far in advance as is reasonably possible, the EGP Chair will send a letter to the parties with the information below. Once sent to a University email address, and/or received in-person, notice will be presumptively delivered. The letter will contain:

- A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result.
• The time, date and location of the hearing and a reminder that attendance is mandatory for the accused, superseding all other campus activities. The complainant has the option to participate in alternate ways and multiple avenues of participation can be explored. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Chair may reschedule the hearing.

• The parties may have the assistance of their advisor, at the hearing. Typically, advisors are members of the campus community. Any advisor who was not appointed by the Title IX Coordinator MUST attend a pre-hearing briefing with the EGP Chair prior to the hearing. The purpose of the pre-hearing briefing is to ensure advisors understand their role, the process followed during the hearing and the consequences for failing to abide by the hearing procedures. Advisors will be removed from the hearing for disruption of the proceedings, with or without prior warning. The parties to the hearing are expected to ask and respond to questions on their own behalf, without representation by their advisor. The advisor may consult with the advisee quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the advisee to the panel.

• Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-day goal for resolution.

iv. **Hearing Procedures**
EGP Hearings will be convened, usually within two (2) weeks of the completion of the investigation, and will be conducted in private. The EGP has the authority to hear all collateral misconduct, meaning that it hears all allegations of discrimination, harassment and retaliation, but also may hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within EGP jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary.
Individuals who require disability-related reasonable accommodation in order to equitably participate in the process are encouraged to make their request at least one week in advance of the hearing in order to allow enough time to make the necessary arrangements.

The complainant has the option to participate in alternate ways and multiple avenues of participation can be explored. If alternative hearing arrangements are desired (privacy screens, Skype, etc.), the parties should request them from the Chair at least two (2) business days prior to the hearing.

Only the following may participate in the hearing: the non-voting Chair, the three (3) members of the panel, the investigator(s), the complainant(s) and accused (or three organizational representatives in a case where an organization is charged), one (1) university affiliated advisor for each party, one (1) advisor unaffiliated with to the university for each party and any witnesses. The Chair will exchange the names of witnesses the University intends to call, all pertinent documentary evidence and any written findings from the investigators between the parties at least five (5) business days prior to the hearing.

- Witnesses will be called by the Chair in consultation with the investigator.
- Both the complainant and accused may request witnesses participate in the hearing. The Chair will ask for the general substance of each witnesses proposed testimony.

In addition, the parties will be given a list of the names of each of the EGP panel members at least five (5) business days in advance of the hearing. Should either (any) party object to any panelist, he/she must raise all objections, in writing, to the Chair immediately. Panel members will only be unseated if the Chair concludes that their bias precludes an impartial hearing of the complaint. Additionally, any EGP participants who feel he/she cannot make an objective determination must recuse him/herself from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.
The Chair, in consultation with the parties and investigators, and/or University Counsel may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) during the hearing. After the investigator’s presentation, all parties will have ample opportunity to present any additional evidence not covered within the investigator’s report with consent of the Chair. Formal cross-examination is not used between the parties. All questions are directed through the Chair and may not be asked directly by a party.

- Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the EGP.

- The investigator(s) will be present during the entire hearing process and may provide clarifications throughout.

- Once the investigator(s) is/are questioned, the EGP will permit questioning of and by the parties.

- Next the complainant’s witnesses, if any, are called. After presentation of the witness’s testimony, the witness may be questioned by the parties.

- After all witness and documentary evidence by the complainant is presented, the accused may present witness and documentary evidence subject to the same procedure specified above.

- At the conclusion of all evidence, each party may make a brief closing statement.

Advisors may not speak on behalf of the complainant or the accused. Formal rules of evidence will not apply. Any evidence that the panel believes is relevant, reliable and credible may be considered, including hearsay, history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility. The Chair will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf.
v. Decisions
The EGP will deliberate in closed session to determine whether the accused is responsible for the policy violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the accused individual committed each alleged policy violation). If the accused individual or organization is found responsible by a majority of the panel, the panel will recommend appropriate sanctions to the Title IX Coordinator.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the finding, a summary outcome of the voting, the information cited by the panel in support of its recommendation and any information the hearing panel excluded from its consideration and why. The report will conclude with any recommended sanctions. This summary report must be submitted to the Title IX Coordinator within three (3) business days of the end of deliberations.

The Title IX Coordinator will inform the accused individual and the complainant of the final determination within seven (7) business days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties’ University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

vi. Sanctions
Sanctions or responsive actions will be recommended by the EGP to the Title IX Coordinator. Factors considered when determining a sanction or responsive action may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual’s disciplinary history.
- Previous complaints involving similar conduct.
- Any other information deemed relevant by the EGP.
- The need for sanctions or responsive actions to bring an end to the discrimination, harassment and/or retaliation.
• The need for sanctions or responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation.

• The need to remedy the effects of the discrimination, harassment and/or retaliation on the complainant and the campus community.

vii. Student Sanctions
The following are the usual sanctions that may be imposed upon students or student organizations singularly or in combination:

• **Warning:** 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 responsive actions.

• **Probation:** A written reprimand for violation of the Code of Student Conduct, 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. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.

• **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 tenure at University.

• **Dismissal:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend University sponsored events. This sanction will be noted on the student’s official transcript.

• **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 complaint pending, or as a sanction if the student is found responsible for an alleged violation while a student.
Organizational Sanctions: Deactivation, de-recognition, loss of all privileges (including University registration), for a specified period of time.

Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

viii. Employee Sanctions
Responsive actions for an employee who has engaged in discrimination, harassment and/or retaliation could include one or more of the following:

• Warning: 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.

• A mandated assessment by a university approved licensed psychologist, physician or healthcare provider

• Demotion: A reduction in rank or status.

• Suspension with pay: Temporary removal of an employee from performing his/her work duties.

• Suspension without pay: Temporary removal of an employee from performing his/her work duties and from receiving pay.

• 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.

ix. Contractors and Visitors Sanctions

• Warning: A warning is a formal method of informing a contractor or visitor of a violation of University rules, guidelines, and/or policies.

• Trespass: Individuals or groups may be formally trespassed from University property or sponsored events.

• Termination: Contractor agreement will be terminated.

x. Withdrawal or Resignation While Charges Pending
The University does not permit an accused student to withdraw
if that student has a complaint pending for violation of the Civil Rights Equity Grievance Policy. Should a student decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student’s absence to a reasonable resolution and that student will not be permitted to return to Butler University unless all sanctions have been satisfied. Additionally, the transcript may reflect that the student withdrew while investigation of a complaint under the Civil Rights Equity Grievance Policy was pending. A hold may be placed on the student’s account to prohibit re-enrollment and the release of transcripts.

This process will continue even in the event of the withdrawal of the complainant.

The University does not support an employee resigning if that employee has a Civil Rights Equity Grievance Policy complaint pending. Should an employee resign while charges are pending, the employee’s record will reflect ‘resigned with charges pending’, and the University responses to any future inquiries regarding employment references for that individual will reflect the status of ‘resigned with charges pending’. The Title IX Coordinator will act to promptly and effectively remedy the effects of the conduct upon the complainant and the campus community.

xi. Appeals

Either party may appeal the outcome of an EGP hearing. A review of the matter will be prompt and narrowly tailored to stated appeal grounds. Dissatisfaction with the outcome of the investigation is not grounds for appeal.

Grounds for appeals are limited to the following:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).

- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
All requests for appeal considerations must be submitted in writing, asserting the reason for the appeal, to the Title IX Coordinator within three (3) business days of the delivery of the written finding of the Title IX Coordinator.

The Title IX Coordinator will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests an appeal, the other party (parties) will be notified and may respond to the appeal. The response to the appeal must be submitted within three (3) business days from receipt of the appeal from the Title IX Coordinator. In the event that both parties initially appeal the findings, each party will be provided notice and a copy of the other party’s appeal.

In determining whether to grant the appeal, the Title IX Coordinator shall abide by the following guidelines:

• Appeals decisions are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.

• Appeals are not intended to be a full rehearing of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original hearing panel for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator. Sanctions imposed are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

• The Title IX Coordinator will render a written decision on the appeal to all parties within seven to nine (7-9) business days from the date upon which the appeal was initiated.

• All parties will be informed whether the grounds for an appeal are accepted and the results of the appeal decision.
xii. Failure to Complete Sanctions/Comply with Responsive Actions
All accused are expected to comply with conduct sanctions/ responsive/corrective actions within the time frame specified. Failure to follow through on conduct sanctions/responsive/ corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/ responsive/corrective actions and/or suspension, expulsion and/or termination from the University (which would be noted on a student’s official transcript). A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator. For students or student organizations this decision will be made in consultation with the Vice President for Student Affairs.

xiii. Records
In implementing this policy, records of all complaints, resolutions, and hearings will be kept by the Title IX Coordinator. Employee records will be retained indefinitely. Decisions regarding a student found responsible for violations of this policy will be noted in his/her student conduct file which are governed/retained as outlined in the student handbook under Student Conduct Records.

xiv. Statement of Complainant’s Rights
- To be treated with respect by University officials.
- Students and employees may access campus support resources (such as Counseling & Consultation Services, a Victim Advocate, clergy affiliated with the Center for Faith and Vocation, and University Health Services.) Employees may also access the Employee Assistance Program Consultants.
- To request and receive disability-related reasonable accommodations
- To be informed of option to file criminal charges in addition to pursue a complaint through the University’s internal EGP process.
- To experience a safe living, educational and work environment.
- To have an advisor during this process.
• To have his/her identity or personally identifiable information withheld during the investigation.
• To refuse to have an allegation resolved through mediation procedures.
• To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
• To be free from retaliation.
• To request remedial and responsive actions from the University intended to restore a sense of safety and/or ability to participate in University programs and activities.
• To have complaints heard in substantial accordance with these procedures.
• To full participation of the injured party in any EGP process whether the injured party is serving as the complainant or the University is serving as complainant.
• To be kept informed of the status of the complaint and anticipated resolution timeline.
• To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible.
• To be informed about how to appeal the outcome.

xv. Statement of Accused’s Rights
• To be treated with respect by University officials.
• Students and employees may access campus support resources (such as Counseling & Consultation Services, clergy affiliated with the Center for Faith and Vocation, and University Health Services for students. Employees may also access the Employee Assistance Program Consultants.
• To have an advisor during this process.
• To be free from harassment levied by the complainant or those acting as the complainant’s agent.
• To refuse to have an allegation resolved through mediation procedures.
• To have complaints heard in substantial accordance with these procedures.
• To request reasonable accommodations to ensure equitable participation in meetings/hearings.
• To be informed of the outcome/resolution of the complaint and the rationale for the outcome, in writing.
• To be informed about how to appeal the outcome.
xvi. Participant/Witness Rights

- To be treated with respect by University officials.
- To be free from retaliation.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To request and receive disability related reasonable accommodations

RESOURCE TABLE

<table>
<thead>
<tr>
<th>IMMEDIATE HEALTH ASSISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sexual Assault Nurse Examiner (SANE)</strong></td>
</tr>
<tr>
<td>Center of Hope at Methodist Hospital <em>(within E.R.)</em></td>
</tr>
<tr>
<td>1701 North Senate Avenue, Indianapolis, IN 46206</td>
</tr>
<tr>
<td>317-962-4673</td>
</tr>
<tr>
<td>Center of Hope at St. Vincent Hospital <em>(within E.R.)</em></td>
</tr>
<tr>
<td>2001 W. 86th Street, Indianapolis, IN 46260</td>
</tr>
<tr>
<td>317-338-3756</td>
</tr>
<tr>
<td>Specially trained nurses located at Center of Hope facilities <em>(available 24 hours)</em> within many hospitals around Indiana.</td>
</tr>
<tr>
<td>This is a free, confidential resource available to students and employees.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LAW ENFORCEMENT ASSISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Law Enforcement</strong></td>
</tr>
<tr>
<td>Butler University Police Department</td>
</tr>
<tr>
<td>525 W. Hampton Drive, Indianapolis, IN</td>
</tr>
<tr>
<td>317-940-2873</td>
</tr>
<tr>
<td>Make a police report, conduct a criminal investigation, and refer to the Marion County Prosecutor’s Office. <em>(The victim can choose to only make a police report, ask an investigation to stop at any time, or not pursue criminal prosecutions.)</em></td>
</tr>
<tr>
<td>BUPD can also assist the victim with application to court for a Protection Order. This process can be done on campus.</td>
</tr>
</tbody>
</table>
Indianapolis Metropolitan Police Department
911
327-3811 (Nonemergency Assistance)

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)

<table>
<thead>
<tr>
<th>CAMPUS REPORTING OPTIONS for ADMINISTRATIVE ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Butler University Title IX Coordinator</strong></td>
</tr>
<tr>
<td>Title IX Coordinator</td>
</tr>
<tr>
<td>317-940-6509</td>
</tr>
<tr>
<td>Identify resources.</td>
</tr>
<tr>
<td>Conduct administrative investigation and process. Can assist in making accommodations for student, faculty, and staff.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Butler University Campus Security Authority (CSA)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>Identify resources.</td>
</tr>
<tr>
<td>Is required to minimally report criminal information to include: date, time, location, and general type of crime.</td>
</tr>
<tr>
<td>Butler University Responsible Employee</td>
</tr>
<tr>
<td>---</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CAMPUS VICTIM ADVOCACY SERVICES for STUDENTS</th>
</tr>
</thead>
</table>
| **Butler University Victim Advocate**  
Health and Recreation Complex  
317-910-5572 | Offers support and identify resources on and off campus. Is required to minimally report criminal information to include: date, time, location, and general type of crime. Victims may remain anonymous. |

<table>
<thead>
<tr>
<th>CAMPUS HEALTH and PSYCHOLOGICAL SERVICES for STUDENTS</th>
</tr>
</thead>
</table>
| **Butler University Counseling and Consultation Services**  
**Butler University Health Services**  
Health and Recreation Complex  
317-940-9385  
Butler University Counseling and Consultation Services  
Butler University Health Services | Counseling Center services and health services are available during normal business hours. This is a confidential resource. |
### OTHER CAMPUS RESOURCES for STUDENTS

<table>
<thead>
<tr>
<th>Office of the Vice President for Student Affairs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atherton Union, Room 200</td>
</tr>
<tr>
<td>317-940-9570</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Student Disability Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jordan Hall, Room 136</td>
</tr>
<tr>
<td>317-940-9308</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>International Student Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atherton Union, Room 004</td>
</tr>
<tr>
<td>317-940-9888</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Center for Global Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jordan Hall, Room 212</td>
</tr>
<tr>
<td>317-940-8473</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Office of Financial Aid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robertson Hall, lower level</td>
</tr>
<tr>
<td>317-940-8200</td>
</tr>
</tbody>
</table>

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

### OTHER CAMPUS RESOURCES for EMPLOYEES

<table>
<thead>
<tr>
<th>Employee Assistance Program Consultants (EPAC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>800-869-0276</td>
</tr>
</tbody>
</table>

Confidential

### OFF-CAMPUS RESOURCES for STUDENTS and EMPLOYEES

<table>
<thead>
<tr>
<th>Shelters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Julian Center Shelter</td>
</tr>
<tr>
<td>317-920-9320</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Salvation Army Emergency Lodge</th>
</tr>
</thead>
<tbody>
<tr>
<td>317-637-5551</td>
</tr>
</tbody>
</table>

These shelters are located in Indianapolis and provide assistance 24/7.

<table>
<thead>
<tr>
<th>Protection Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Marion County Superior Court 21</th>
</tr>
</thead>
<tbody>
<tr>
<td>200 E. Washington Street, Indianapolis, IN</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City-County Building, Room G108</th>
</tr>
</thead>
<tbody>
<tr>
<td>317-327-8577 – Protective Order Intake</td>
</tr>
</tbody>
</table>

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 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.
### Legal Assistance

<table>
<thead>
<tr>
<th>Organization</th>
<th>Address</th>
<th>Phone Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Center for Victim and Human Rights</td>
<td>Indianapolis, IN</td>
<td>317-610-3427</td>
</tr>
<tr>
<td>Indiana Coalition Against Domestic Violence</td>
<td>1915 W. 18th Street, Indianapolis, IN</td>
<td>317-917-3685</td>
</tr>
<tr>
<td>Julian Center</td>
<td>2011 N. Meridian Street, Indianapolis, IN</td>
<td>317-941-2200</td>
</tr>
<tr>
<td>Legal Aid</td>
<td>615 N. Alabama Street, #122, Indianapolis, IN</td>
<td>317-635-9538</td>
</tr>
<tr>
<td>Neighborhood Christian Legal Clinic</td>
<td>3333 N. Meridian Street, Suite 201, Indianapolis, IN</td>
<td>317-429-4131</td>
</tr>
</tbody>
</table>

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.

### Additional Resources

<table>
<thead>
<tr>
<th>Organization</th>
<th>Address</th>
<th>Phone Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Julian Center</td>
<td>2011 N. Meridian Street, Indianapolis, IN</td>
<td>317-941-2200 (24/7)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>317-920-9320</td>
</tr>
<tr>
<td>Legacy House</td>
<td>2505 N. Arlington Avenue, Indianapolis, IN</td>
<td>317-554-5272</td>
</tr>
<tr>
<td>Prevail (serving Hamilton County and surrounding counties)</td>
<td>1100 S. 9th Street, Suite 100, Noblesville, IN</td>
<td>317-776-3472 (24/7)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>317-773-6942</td>
</tr>
<tr>
<td>Indiana Coalition Against Domestic Violence</td>
<td>1915 W. 18th Street, Indianapolis, IN</td>
<td>317-917-3685</td>
</tr>
<tr>
<td>RAINN—Rape, Abuse, and Incest National Network</td>
<td></td>
<td>Crisis Support</td>
</tr>
<tr>
<td></td>
<td></td>
<td>800-656-Hope (24/7)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>online.rainn.org (24/7)</td>
</tr>
</tbody>
</table>

These organizations can provide a wide range of services for victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.
<table>
<thead>
<tr>
<th><strong>Indiana Youth Group</strong></th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2943 E. 46th Street, Indianapolis, IN 317-541-8726</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Centers for Disease Control and Prevention</strong></th>
<th><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></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lesbian, Gay, Bisexual, and Transgender Health Injury Prevention and Control: Division of Violence Prevention</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Connect2Help</strong></th>
<th>This free service is available 24/7 and can provide assistance in locating health care, support groups, mental health services, and other needs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>211</td>
<td></td>
</tr>
<tr>
<td><a href="http://www.Connect2Help.org">www.Connect2Help.org</a></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>VINE (Victim Information and Notification Services within Marion Co.)</strong></th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>866-959-8463 866-847-1298</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Marion County Prosecutor's Office</strong></th>
<th>Assistance with matters concerning criminal charges within Marion County.</th>
</tr>
</thead>
<tbody>
<tr>
<td>251 E. Ohio Street, #160, Indianapolis, IN 317-327-3522</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>US Citizenship and Immigration Services</strong></th>
<th>Local U.S. Governmental office dealing with visa issues.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gateway Plaza Building 950 N. Meridian Street, Room 400, Indianapolis, IN</td>
<td></td>
</tr>
</tbody>
</table>