

UNIVERSITY OF EVANSVILLE

ANNUAL SECURITY AND FIRE SAFETY REPORT

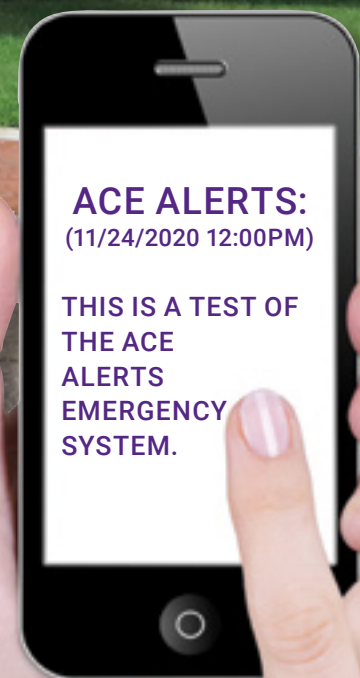
2020

**Statistics for
2017, 2018, 2019**



EMERGENCY
812-488-6911

NON-EMERGENCY
812-488-2051



INTRODUCTION

The University of Evansville is committed to providing as safe and secure an environment as possible for all members of the campus community. Unfortunately, there are no risk-free environments. Although the record for personal safety on our campus has been outstanding for many years, some incidents have occurred. To assist in the prevention of such incidents, a competent residence life staff, trained public officers, faculty, staff, and students must all share some responsibility for taking measures to ensure that they and their possessions are adequately protected. The University understands its role in this regard and is committed to developing programs and procedures that support an environment of well-being for the activities of its students, employees, and guests. Questions or suggestions about University safety programs or procedures may be directed to the Office of Public Safety, 812-488-2051, or the Office of the Vice President for Student Affairs and Dean of Students, 812-488-2500.

OFFICE OF PUBLIC SAFETY

The University of Evansville Office of Public Safety coordinates campus safety and security. The office is located at One South Frederick Street and is open 24 hours a day, providing around-the-clock protection and services. Foot and vehicular patrols are conducted 24 hours a day throughout the year.

The office is staffed by a chief who reports directly to the vice president for student affairs, two sergeants, a corporal, five public safety officers, and four dispatchers. New University public safety officers are sent to the Indiana Campus Law Enforcement Administrators 40-hour Campus Protection Officers course for training, as staffing allows. This school is conducted once a year. In addition, all officers receive monthly training and maintain certification in basic first aid, CPR, use of AEDs and the use of NARCAN.

Student personnel are also employed during the school year to assist in the performance of a number of services. A select group of student personnel make up the ACE patrol, which performs campus escorts and patrols around residence halls, academic buildings, and parking lots. Other student personnel perform parking enforcement services.

The public safety officers are charged with the enforcement of federal, state, and local laws and ordinances, as well as University policies and regulations. Campus security officers are not sworn police officers and have no police or arrest powers. Although the Office of Public Safety does not have any written "memorandum of understanding" (MOU) agreements with local, state, or federal law enforcement agencies, it maintains an outstanding working relationship with the Evansville Police Department as well as the Vanderburgh County Sheriff's Office, Indiana state agencies and local federal agencies. Whenever it is necessary for officers from these agencies to come to campus on official business, they will normally get in touch with the Office of Public Safety for assistance.

In addition to law enforcement, security, and emergency procedure responsibilities, the Office of Public Safety provides a number of support services for the needs of the campus community. Some of those services include:

- Registering vehicles and providing parking permits for members of the campus community
- Preparing photo identification cards for all members of the campus community

- Providing evening escort services
- Providing transportation to the Crayton E. and Ellen Mann Health Center for minor emergencies or illnesses, or from the health center to the hospital
- Providing assistance in starting stalled vehicles
- Inspecting and maintaining all fire extinguishers
- Inspecting buildings and grounds for safety compliance
- Maintaining a lost and found department

A close working relationship is maintained between the Facilities Management Office and the Office of Public Safety. Facilities management personnel maintain the buildings and grounds with a concern for safety and security. When broken windows, locks, or lights are reported to the public safety office, or are discovered by public safety officers during their patrols, they are reported to the Physical Plant. These reports are responded to quickly and the needed repairs or replacements are made to maintain a high level of safety and security for the campus.

Members of the Office of Public Safety make periodic inspections of all campus lighting and shrubbery. Physical Plant personnel and Office of Residence Life staff assist the Office of Public Safety in detecting problem areas on campus caused by overgrown trees and other vegetation, and suggest where improved lighting may be needed. All members of the campus community are encouraged to contact the Office of Public Safety whenever they find areas on campus of concern. Areas that need improvements are promptly corrected.

REPORTING EMERGENCIES AND CRIMINAL ACTIVITY

All members of the campus community are strongly encouraged to accurately and promptly report all emergencies and criminal incidents directly to the Office of Public Safety at 812-488-6911 (6911) or to local law enforcement agencies at 911. Reports of sexual assaults, domestic violence, dating violence, and stalking should be reported to the Office of Public Safety or the Title IX Coordinators. Thirteen blue light emergency phones have been placed in strategic locations around campus. Four other emergency phones are located in apartment complex laundry rooms, near the basement music practice rooms in the Krannert Hall of Fine Arts, and in the Wyttenbach Swimming Pool in the Carson Center. Campus phones have also been placed on the outside of the main entrances to the residence halls. These readily-accessible telephones can be used to contact the Office of Public Safety in an emergency by dialing extension 6911 or extension 2051 for non-emergencies.

Trained dispatchers are available 24 hours a day to respond to emergency calls. When notifying the Office of Public Safety of an emergency or criminal activity, you should be prepared to supply the following information to the dispatcher:

- Nature of incident
- Location of incident
- Description of person(s) involved, if criminal in nature
- Description of property involved, if criminal in nature
- Suspected injury or condition, if medical emergency
- Your name and where the responding officer can locate you

**If you witness a violent crime or criminal behavior,
do not take any chances! Notify security immediately.**

When the call is received, public safety officers will be dispatched immediately to the site of the complaint. They prepare and submit incident reports to the Office of Public Safety. You should remain available to assist the officers when they arrive by supplying them with additional information. Ask others to do the same. If assistance is needed from other medical emergency or law enforcement personnel, they are notified by the operator when requested by the responding officer.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The University of Evansville has an Emergency Response Plan and an Emergency Alert/Severe Weather Notification Plan. The Emergency Response Plan is a comprehensive document addressing the multiple aspects of appropriate response. A significant component of the Emergency Response Plan is implementing procedures outlined in the Emergency Alert Plan.

Emergency Alert/Severe Weather Notification Plan

The Emergency Alert/Severe Weather Notification Plan is intended for the immediate transmission of specific information regarding an emergency to all affected areas of the University. Campus emergency alert notifications are made through ACE Alerts, the University's emergency notification alerts system. Through this system, alerts can be sent through campus telephones, cell phones, email, campus computers, the campus television system, and audible messages through the speaker system in residential facilities. To receive text message notifications, members of the campus community must update their University profile to include their cell phone number. A test of the Ace Alerts Emergency Notification System will be conducted in the fall and spring semesters every year. Text messages will not be sent during these tests, but will be sent in actual emergencies.

Active Threat Siren

During an active threat emergency situation (non-weather related), an audible tone will play over University IP phones and external notification systems. When the siren is heard, the campus community should consult their text messages or email for information about the active threat. You can hear the tone on the Office of Public Safety website: Click "Emergencies and Reporting" and then "Emergency Notification System." (Note: Residence hall sirens will sound in the event of a weather-related emergency, such as a tornado warning).

The University of Evansville will test the emergency response and evacuation procedures on an annual basis. Throughout the year, the Emergency Response Team will meet and train on the University's response to critical incidents through a variety of exercises including tabletop and functional exercises. An annual campus-wide exercise will practice the University's emergency response and evacuation procedures. These tests may be announced or unannounced, depending upon the type of exercise. Members of the campus community are encouraged to review the University's emergency response information available at evansville.edu/safety, evansville.edu/residencelife, the online University telephone directory and in the Emergency Response Guide, which are available in all academic and administrative departments.

TIMELY WARNING/ EMERGENCY NOTIFICATION

Timely Warning

After consultation with the vice president of student affairs and/or the executive director of human resources and institutional equity, timely warnings may be issued by the Office of Public Safety to the campus community for Clery Act Crimes that have occurred on campus and are:

- Reported to campus security authorities or local police agencies; and
- Considered by the University to represent a serious continuing threat to students and employees

A decision to issue a timely warning will be made on a case-by-case basis using the following factors:

- The nature of the crime
- The continuing danger to the campus community
- The possible risk of compromising law enforcement.

The intent of a timely warning regarding a criminal incident(s) is to provide information in a timely manner, withholding the names of victims that contain information to aid in the prevention of similar occurrences. A timely warning should be issued as soon as pertinent information is available.

Timely warnings may also be issued if it is determined there is a pattern of crimes against persons or property that are non-Clery Act crimes, but indicate an ongoing threat to the campus community.

Upon confirmation, the appropriate methods of notification will be initiated. Campus-wide timely warnings are disseminated using ACE Alert, the University's emergency alert notifications system that includes the use of text messaging and email. Timely warnings may also be disseminated by other UE social media sites, such as Facebook, Twitter, the UE safety and security website, and the University of Evansville website. If the threat could extend beyond the confines of the campus, information will also be made available to the local radio and TV stations by the university relations coordinator.

Emergency Notification

Emergency notifications will be sent out **immediately**, upon confirmation, of any significant emergency or dangerous non-criminal situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. Emergency notifications will be issued using the ACE Alert notifications system. In some situations, additional methods of notification may be used, including Facebook, Twitter, and the University's website.

The Office of Public Safety reserves the right to investigate an incident for confirmation of an immediate threat before issuing an emergency notification. Confirmation of threats may be obtained through notification by a local law enforcement agency, the National Weather Service, or other emergency agency.

Emergency notifications will direct members of the campus community to take action. Some examples would include; "Shelter in Place," "Evacuate the Campus," or "Tornado Warning Take Shelter Immediately."

The Office of Public Safety will determine the appropriate segment or segments of the campus community to receive the immediate notification if the threat is limited to a particular segment of the campus.

VOLUNTARY CONFIDENTIAL REPORTING

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the chief or a supervisor designee within the Office of Public Safety can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution. You have the right to change the report at any time and initiate criminal or University proceedings.

CONFIDENTIAL REPORTING TO COUNSELORS

Campus pastoral counselors and campus professional counselors, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, they are encouraged when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis to the Office of Public Safety or local law enforcement.

A pastoral counselor is an employee of the University who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and functions within the scope of that recognition as a pastoral counselor.

CONFIDENTIALITY RECORD KEEPING/ ACCOMMODATIONS

The university does not publish the names of crime victims or other identifiable information regarding victims in the daily crime and fire logs or in the annual statistics that are disclosed in compliance with the Clery Act. If a timely warning is issued because of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld. This could include the specific location where an incident is reported to have occurred when disclosing the location could inadvertently identify the victim.

Victims may request that directory information on file with the university be withheld by request. Students can make a request, in person, by visiting the Office of the Registrar in Olmsted Administration Hall and completing a request form. Employees may contact the Office of Human Resources by phone at 812-488-2943 or in person in room 118 of Olmsted Administration Hall to request information be withheld. Regardless of whether a victim has opted-out of allowing the university to share directory information personally, identifiable information about the victim will be treated as confidential and only shared with persons who have a specific need to know. By only sharing personally-identifiable information with individuals on a need-to-know basis, the university will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confi-

dentiality would not impair the ability of the institution to provide the accommodations or protective measures.

SEX OFFENSE INFORMATION

TITLE IX AND OTHER SEXUAL HARASSMENT AND MISCONDUCT POLICY

Applies to the Title IX Definition of Sexual Harassment and All Other Forms of Sexual Harassment, Sexual Violence, Intimate Partner Violence and Stalking for Students, Staff, Faculty and Third Parties

I. Preamble

A. Reason for Policy

The University of Evansville (the “University”) is committed to fostering an atmosphere free from harassment and creating an inclusive campus for all members of the University community regardless of their sex, sexual orientation, or gender identity. Sexual and Gender-Based Harassment and interpersonal violence are destructive to such a climate and will not be tolerated in the University community. The Title IX and other Sexual Harassment and Misconduct Policy (the “Policy”) informs members of the University community about the University’s prohibition against Title IX Sexual Harassment, which includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as well as other forms of Sexual and Gender-Based Harassment (including conduct defined under Title VII) of the Civil Rights Act of 1964), Sexual Exploitation and Retaliation (collectively, “Prohibited Conduct”). It provides information about resources, reporting options, and prompt and equitable resolution options. The Policy reinforces the University’s commitment to: (1) preventing and responding to Prohibited Conduct in a manner consistent with applicable federal, state and local law; (2) cultivating a climate where all individuals are well-informed and comfortable in reporting Prohibited Conduct; and (3) identifying the standards by which potential violations of this Policy will be evaluated. As outlined in this Policy, the University will take steps to eliminate sexual and gender-based harassment and violence, prevent their recurrence, and remedy any discriminatory effects for members of the University community.

B. Policy Statement

Consistent with the University’s Non-discrimination Statement, the University does not discriminate against any person in any of its education or employment programs and activities on any basis prohibited by federal law or other applicable law, including on the basis of sex or gender, and it does not tolerate discrimination or harassment on the basis of sex or gender. This Policy has been drafted to comply with the applicable legal requirements of Title IX of the Education Amendments of 1972 (“Title IX”) and its implementing regulations, including the final Title IX regulations issued by the U.S. Department of Education’s Office for Civil Rights in May 2020, which prohibit discrimination on the basis of sex in all of the University’s education programs and activities. The requirement not to discriminate on the basis of sex in the educational program or activity extends to admission and employment. This Policy is also drafted to comply with

requirements from Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), as amended by relevant provisions of the Violence Against Women Reauthorization Act of 2013 (“VAWA”), which governs certain aspects of the University’s response to sexual assault, dating violence, domestic violence and stalking; and other applicable federal and Indiana state laws.

This Policy encourages prompt reporting of Prohibited Conduct; identifies persons to whom Prohibited Conduct may be reported; prohibits retaliation against persons who bring reports under this Policy; assures privacy to the extent possible consistent with the need to address and resolve Prohibited Conduct appropriately and foster a safe learning, living and working environment; assures all members of the University community that each report of Prohibited Conduct will receive a prompt, equitable, impartial and thorough investigation and/or resolution; and provides for appropriate disciplinary or other corrective action.

A person who is determined at the conclusion of an investigation to have committed Prohibited Conduct in violation of this Policy may be subject to disciplinary action, up to and including expulsion or termination. In some circumstances, the University reserves the right to remove a student from the University’s education program or activity, or place an employee on administrative leave prior to the conclusion of the Formal Resolution Process. Some forms of Prohibited Conduct may also violate federal, state and/or local law, and criminal prosecution may occur independently of any disciplinary action imposed by the University. The University’s ultimate goal is to prevent Prohibited Conduct through prevention and education. It is the responsibility of every member of the University community to foster an environment free of Prohibited Conduct. However, if Prohibited Conduct occurs, the University will respond firmly, fairly and in a timely manner, using both informal and formal procedures designed to eliminate the conduct, prevent its recurrence, and remedy any adverse effects of the conduct on individuals, members of the campus community, or University-related programs or activities. All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement or seeking assistance from a person in authority. Retaliation against community members who make good faith reports of Prohibited Conduct or who participate in an investigation under this Policy is prohibited. Nothing in this Policy shall be deemed to revoke any right a faculty member may have to file a grievance outlined in the Faculty Manual. Grievance procedures will be implemented in a manner consistent with the requirements of Title IX and the Clery Act.

II. Scope and Jurisdiction

This Policy governs the conduct of faculty, staff, students, alumni, volunteers and other participants in University programs and activities that occur on the campuses of the University of Evansville, the Stone Family Center for Health Sciences, and Harlaxton College. It

also governs the conduct of third parties, including visitors and third-party contractors and vendors.

In this Policy, the individual reported to have experienced Prohibited Conduct is referred to as the Complainant. The individual who is reported to have committed Prohibited Conduct is referred to as the Respondent.

This Policy applies to acts of Prohibited Conduct that occurs both in the United States and in the University’s education program or activity. The term “education program or activity” includes all of the University’s operations, including the Stone Family Center for Health Sciences, and Harlaxton College, and other locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the conduct occurs; and any building owned or controlled by a student organization that is officially recognized by the University. The University’s education program or activity can include on-campus, off-campus, or online conduct, and applies to employment and admissions. Examples include University-sponsored, University-funded or otherwise University-supported study off campus, research, internship, mentorship, summer session, conferences, meetings, social events, or other affiliated programs or premises.

The Policy also applies to Prohibited Conduct that occurs outside of the United States, but in connection with the University’s education program or activities, such as University-sponsored, University-funded or otherwise University-supported study abroad programs.

Under certain circumstances, the Policy may also apply to instances in which the conduct occurred outside of the education program or activity, but where the University otherwise regulates the conduct, the conduct has or could have a continuing impact within the University’s education program or activity, or the conduct may have the effect of posing a serious threat to the University community.

If the Respondent is not an employee or student, the University of Evansville’s ability to take disciplinary action will be limited and is determined by the context of the Prohibited Conduct and the nature of the relationship of the third party Respondent to the University. A visitor or third-party who is accused of violating this Policy may have their relationship with the University of Evansville terminated and/or be permanently barred from the University or subject to other restrictions for failing to comply with this Policy.

In instances where the University does not have disciplinary authority over the Respondent or the conduct is unconnected to a University education program or activity, the University will take steps to support a Complainant or other campus community members by offering reasonably available Supportive Measures and provide assistance in identifying external reporting mechanisms.

A. Federal Jurisdictional Requirements Unique to Title IX Sexual Harassment

The Title IX regulations apply to specific forms of sexual harassment that occur in an education program or activity in the United States. Where conduct occurs outside of the education program or activity, outside of the United States, or would not meet the definition of Title IX Sexual Harassment, the University is required to dismiss any allegations in a formal complaint under Title IX.

However, in keeping with the University’s educational mission and commitment to foster a learning, living, and working environment free from discrimination, harassment and

retaliation, the University can move forward under the same resolution process for Sexual and Gender-Based Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking and other forms of Prohibited Conduct that occur outside of Title IX Jurisdiction (e.g., not in the United States, or as noted above, outside of the education program or activity).

III. Intersection and Coordination with Other Policies and Procedures

Discrimination or harassment on the basis of race, color, creed or religion, national origin, age, disability, veteran status, gender identity, and all federally protected groups/classes not covered by Title IX do not fall under this Policy.

In addition, student, staff and faculty conduct is governed by applicable University policies and by the following:

- University of Evansville Employee Code of Conduct
- University of Evansville Drug and Alcohol Policies
- University of Evansville Student Handbook
- Harlaxton College Student Handbook
- University of Evansville Staff Manual
- University of Evansville Administrator Manual
- University of Evansville Faculty Manual
- University of Evansville Adjunct Faculty Manual
- Harlaxton College Employee Manual, Part 1
- Harlaxton College Employee Manual, Part 2

Where conduct involves the potential violation of both this Policy and another University policy, the University may choose to investigate other potential misconduct under the procedures set forth in this Policy, provided that it does not unduly delay a prompt or equitable resolution of the report. The classification of the Respondent's primary role (student or employee) will direct the processes that will be followed for resolution.

This Policy applies to all reports of Prohibited Conduct that are received by the University on or after the effective date of this Policy, regardless of when the Prohibited Conduct occurred. Where the date of the Prohibited Conduct precedes the effective date of this Policy, the definitions of Prohibited Conduct in existence at the time of the alleged incident(s) will be used. The procedures under this Policy, however, will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the incident(s) occurred.

IV. The Institutional Equity and Title IX Coordinator

The University has designated an Institutional Equity and Title IX Coordinator to oversee the implementation of this Policy and to ensure compliance with Title IX, relevant portions of VAWA and Title VII, and to work with the University's Office of Safety and Security to ensure compliance with the Clery Act and other applicable laws. The Institutional Equity and Title IX Coordinator is also charged with providing education and training; overseeing complaints; coordinating the University's investigation, response, and resolution of all reports of Prohibited Conduct under this Policy; maintaining centralized records of all reports, investigations and resolutions in accordance to Title IX and the Office of Institutional Equity's Document Retention Policy.

The University's Institutional Equity and Title IX Coordinator is:
Ms. Annie Sills
Institutional Equity and Title IX Coordinator
University of Evansville
Center for Diversity, Equity, and Inclusion, Room 263, Ridgway University Center
1800 Lincoln Avenue
Evansville, IN 47722
812-488-5261
cs175@evansville.edu
titleIX@evansville.edu

Concerns about the University's application of Title IX, Title VII and the Clery Act may be addressed to the University's Institutional Equity and Title IX Coordinator; the United States Department of Education, Clery Act Compliance Division (clery@ed.gov); the United States Department of Education, Office for Civil Rights (OCR@ed.gov or 800-421-3481); the Equal Employment Opportunity Commission (info@eeoc.gov or 800-669-4000); and/or (for Harlaxton College) the Office of Independent Adjudicator (<https://www.oiahe.org.uk/contact-us/> or 0118 959 9813).

To request disability accommodations, students should contact the University's Office of Counseling Services at (812) 488-2663 or counselingservices@evansville.edu. Employees and other members of the University community should contact the Office of Human Resources at (812) 488-2943 or hr@evansville.edu.

A. Prevention and Awareness Programs

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming, and returning students and current employees receive ongoing training and related programs.

The Institutional Equity and Title IX Coordinator maintains broad oversight responsibility, but may delegate responsibilities under this Policy to designated administrators or external professionals who will have appropriate training and/or experience. When used in this Policy, the term Institutional Equity and Title IX Coordinator may include an appropriate designee.

V. Definitions of Key Terms

- **Advisor:** The parties may be accompanied by an Advisor at any meeting or proceeding related to the resolution of a report under the Policy. The Advisor may be any person, including an attorney, and need not be affiliated with the University.
- **Complainant:** A student, employee, visitor, guest, or program participant who reports they have been the victim of sexual misconduct.
- **Confidential Resource:** Any University employee or independent contractor who has the ability to maintain the confidentiality of communications under applicable law or by designation. Confidential Resources include medical, clinical, and mental-health professionals, and clergy when acting in that professional role in the provision of services; and any employee providing administrative, operational and/or related support for such providers in their performance of such services.

- **Disciplinary Authority:** An disciplinary authority, who may be an external professional appointed by the University or an internal administrator, who is designated to review the investigative report and preside over the hearing to determine if a preponderance of the evidence exists to warrant the imposition of appropriate sanction(s) and/or remedies. The Disciplinary Authority for Respondents who are tenured or tenured track faculty is addressed below.
- **Exculpatory Evidence:** Evidence that indicates that a Respondent did not engage in Prohibited Conduct.
- **Formal Complaint:** A signed document filed by a Complainant or signed by the Institutional Equity and Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment.
- **Formal Grievance Process:** The investigation and adjudication of prohibited conduct resulting in a formal hearing and determination of responsibility, and if appropriate, accompanying sanctions.
- **Inculpatory Evidence:** Evidence that indicates that a Respondent engaged in Prohibited Conduct.
- **Informal Resolution:** A voluntary, structured interaction between the Complainant and Respondent to resolve concerns prior to a determination by the Disciplinary Authority. The informal resolution process is intended to be flexible while also providing for a full range of possible outcomes. Informal resolution may include mediation between the parties.
- **Preponderance of the Evidence:** The standard of evidence applied to determine whether Respondent is responsible for violating the policy. This means that the University will decide whether it is more likely than not, based upon the available information, that the Respondent is responsible for the alleged Policy violation(s).
- **Prohibited Conduct:** Reported conduct that is a violation of the Title IX and other Sexual Harassment and Misconduct Policy.
- **Respondent:** A student, employee, visitor, guest of program participant who is alleged by the Complainant to have committed Prohibited Conduct.
- **Responsible Employee:** A University of Evansville employee, who is not designated as a Confidential Resource, and is required to report incidents of Sexual Harassment and Misconduct to the Institutional Equity and Title IX Coordinator.
- **Supportive Measure:** A non-disciplinary, non-punitive individualized service offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent at any time before or after a Formal Complaint is filed or where no Formal Complaint has been filed.

VI. Definitions of Prohibited Conduct

This Policy prohibits a broad range of behaviors, which are referred to collectively as “Prohibited Conduct.” In determining whether reported conduct violates this Policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the reported conduct and the context in which it occurred. Prohibited Conduct can be committed by or against individuals of any sex, gender, gender identity, gender expression, or sexual orientation, and can occur between individuals

of the same or different sex or gender, gender identity, gender expression, or sexual orientation. It can occur between strangers or acquaintances, between individuals involved in a professional relationship, and between people involved in intimate or sexual relationships. Lack of familiarity with University policy is not a defense to a violation of this Policy. Unless specifically noted, intent is not a required element to establish a policy violation. Additionally, intoxication or impairment from alcohol, drugs or other substances is not a defense to a violation of this Policy.

A. Title IX Sexual Harassment

The Title IX regulations define Sexual Harassment as conduct on the basis of sex that must satisfy one or more of the following:

- (1) An employee conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct; or
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to an education program or activity; and
- (3) Sexual Assault, Dating Violence, Domestic Violence, Stalking and Retaliation, as defined below.
 - (a) **Sexual Assault:** Sexual assault is having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity (see below for definition of **consent**, including **incapacitation**). Sexual contact includes:
 - (i) sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight; or
 - (ii) sexual touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual’s body for the purpose of sexual gratification; or
 - (iii) attempts to commit Sexual Assault.
 - (b) **Dating and Domestic Violence** includes any act of violence against a Complainant who is or has been involved in a sexual, dating, domestic, or other intimate relationship with the Respondent, or against a person with whom the Respondent has sought to have such a relationship, as follows:
 - (i) **Dating Violence:** includes any act of violence committed by a person:
 - (1) Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
 - (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. the length of the relationship;
 - b. the type of relationship; and

c. the frequency of interaction between the persons involved in the relationship.

- (ii) **Domestic Violence:** includes any act of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Indiana state law, or by any other person against an adult or minor Complainant who is protected from that person's acts under Indiana state law.

Dating or Domestic Violence may also include forms of Sexual Harassment under this Policy, including Sexual Assault, Sexual Exploitation, and Stalking.

- (c) **Stalking:** 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 for their own safety or the safety of others or suffer substantial emotional distress.

Course of conduct means two or more instances including but not limited to unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

B. Other Forms of Prohibited Conduct

- (1) In addition, consistent with Title VII of the Civil Rights Act of 1964 and the recognition that Sexual Harassment can occur in a wider variety of contexts, the University also defines Sexual Harassment to include Sexual and Gender-Based Harassment, as described below:

- (a) **Sexual Harassment** is any unwelcome sexual advance, request for sexual favors, and/or other verbal or physical conduct of a sexual nature when one of the conditions outlined in (i), (ii) or (iii), in the following section on Gender-Based Harassment, is present.
- (b) **Gender-Based Harassment** includes harassment based on gender, sexual orientation, gender identity or gender expression, which may include acts of aggression, intimidation or hostility, whether verbal or nonverbal, graphic, physical or otherwise, even if the acts do not involve contact of a sexual nature, when one of the conditions outlined in (i), (ii) or (iii), below, is present:

- (i) Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of a person's instruction, academic standing, employment, or participation in any University program, activity or benefit.
- (ii) Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions.
- (iii) Such conduct creates a 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 benefiting from the University's educational, employment, and/or campus-residential experience when viewed through both a subjective and objective standard. 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.

(c) Sexual and Gender-Based Harassment:

- (i) May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- (ii) Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- (iii) May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- (iv) May be committed by a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship.
- (v) May be committed by or against an individual or may be a result of the actions of an organization or group.
- (vi) May occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- (vii) May occur in the classroom, in the workplace, in residential settings, or other settings, as outlined in the Scope and Jurisdiction section of this policy.

- (viii) May be a one-time event or may be part of a pattern of behavior.
- (ix) May be committed in the presence of others or when the parties are alone.
- (x) May affect the Complainant and/or third parties who witness or observe harassment.

Examples of Sexual and Gender-Based Harassment May Include, For Example:

- (i) Offering or implying an employment-related reward (such as a promotion, raise, or different work assignment) or an education related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any education program or activity) in exchange for sexual favors or submission to conduct of a sexual nature.
- (ii) Threatening or taking a negative employment action (such as termination, demotion, denial of an employee benefit or privilege, or change in working conditions) or negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because submission to conduct of a sexual nature is rejected.
- (iii) Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is not wanted, unwelcome physical contact of a sexual nature, or sexual gestures, noises, remarks, jokes, questions or comments about a person's sexuality that are so severe, persistent or pervasive that they would reasonably be perceived as creating a hostile or abusive work or educational environment.

C. Retaliation means any adverse action, intimidation, threat, coercion or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the individual has made a report or Formal Complaint of Prohibited Conduct, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding or hearing under this Policy. Retaliation includes such conduct through associates or agents of a Complainant, Respondent, or participant in any investigation or proceeding related to this Policy.

D. Sexual Exploitation occurs when a person violates the sexual privacy of another or takes advantage of another person's sexuality without Consent. Sexual Exploitation may include:

Surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved; recording, photographing, transmitting, showing, viewing, streaming or distributing intimate or sexual images, audio recordings or sexual information without the knowledge and consent of all parties involved; or exposing one's genitals or

breasts, or causing another to expose their own genitals or breasts, in non-consensual circumstances.

E. Complicity is any deliberate act or failure to act that knowingly or intentionally aids, attempts or assists the commission of a specific act of Prohibited Conduct by another person.

F. Violation of University Directive is the failure to abide by the terms of a Supportive Measure or comply with a requirement of this Policy.

VII. Related Definitions

In determining whether certain forms of Prohibited Conduct violate this Policy, the University must determine whether the acts occurred with the Consent of the Complainant.

A. Consent requires a voluntary, informed and freely-given agreement, communicated through mutually-understandable words and/or actions, to engage in agreed-upon Sexual Contact, Sexual Intercourse, Sexual Exploitation, or other sexual activity. Consent cannot be obtained through force, where there is a reasonable belief of the threat of force, or by taking advantage of another person's incapacitation.

In evaluating whether Consent has been freely sought and given, the University will consider the presence of any force, threat of force, or coercion; whether the Complainant had the capacity to give consent; and whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

Important considerations regarding Consent include:

- Consent to one form of sexual activity does not imply or constitute consent to another form of sexual activity.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- Consent to an act with one person does not constitute consent to an act with any other person.
- The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be real time and mutual consent to sexual activity.
- Consent can be withdrawn or modified at any time, and sexual contact must cease immediately once Consent is withdrawn.
- Consent cannot be inferred from the absence of a "no."
- Consent cannot be inferred from silence, passivity, or lack of verbal or physical resistance, and relying on nonverbal communication alone may result in a violation of this Policy.

The age of Consent in the State of Indiana is 16. Individuals who are 14 or 15 years of age are legally incapable of giving consent to Sexual Intercourse or Sexual Contact by an individual who is four or more years older.

Incapacitation is the inability, temporarily or permanently, to give Consent because the individual is mentally and/or physically impaired, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if the individual demonstrates that the individual is unaware at the time of the incident of where individual is, how

the individual got there, or why or how the individual became engaged in a sexual interaction.

When alcohol or other drugs are involved, Incapacitation is a state of drunkenness, intoxication or impairment that is so severe that it interferes with a person's capacity to make informed and knowing decisions. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination. The University does not expect community members to be medical experts in assessing Incapacitation. Individuals should look for the common and obvious warning signs that show that a person may be incapacitated or approaching Incapacitation. A person's level of intoxication is not always demonstrated by objective signs; however, some signs that a person may be incapacitated include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness or emotional volatility. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" "Do you know whom you are with?"

An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass and metabolism. It is especially important, therefore, that anyone engaging in sexual activity is aware of both their own and the other person's level of intoxication and capacity to give consent.

It is important to remember that the use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether Consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or Incapacitation, the safest course of action is to forgo or cease any sexual activity. Even where there is insufficient evidence to establish Incapacitation, a Complainant's level of impairment may still be a relevant factor in establishing whether Consent was sought and freely given.

In evaluating Consent in cases of reported Incapacitation, the University asks two questions: (1) Did the Respondent know that the Complainant was incapacitated? and if not, (2) Would a sober, reasonable person in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated? If the answer to either of these questions is "yes," there was no Consent; and the conduct is likely a violation of this Policy. A Respondent's voluntary intoxication is never an excuse for or a defense of Prohibited Conduct, and it does not diminish one's responsibility to determine that the other person has given Consent.

VIII. Understanding Privacy and Confidentiality

The University encourages all individuals who believe they have experienced or witnessed Prohibited Conduct to share information with the Institutional Equity and Title IX Coordinator or to a Responsible Employee (defined below), who will make a referral to the Institutional Equity and Title IX Coordinator. The Title IX Coordinator will provide the Complainant with information about resolution options and supports and resources. The Institutional Equity and Title IX Coordinator will also consult with the Complainant to determine whether and how the University should respond.

If a Complainant or witness does not wish to report to the University but wishes to seek support or information in a confidential setting, they should seek such support from one of the Confidential Resources listed below.

The following information about Privacy and Confidentiality is intended to differentiate these two terms as they are used in the Title IX process.

A. Privacy refers to the discretion that will be exercised by the University, including the Office of Institutional Equity, in the course of any investigation or disciplinary processes under this Policy. Information related to a report of Prohibited Conduct will be handled discreetly and shared with a limited circle of University employees or designees who need to know in order to assist in the assessment, investigation and resolution of the report and related issues. Individuals in the Office of Institutional Equity, along with Investigators, Disciplinary Authority members, and External Reviewers will receive training in how to safeguard private information. The University will make reasonable efforts to investigate and address reports of Prohibited Conduct under this Policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the University will maintain the privacy of the parties to the extent reasonably possible. The privacy of student education records will be protected in accordance with the university's Policy on the Access to Student Records in accordance with the Family Educational Rights and Privacy Act (FERPA). Access to an employee's personnel records is also governed by University policy and by applicable local laws.

B. Confidentiality refers to the level of protection that must be applied to statutory protections provided to individuals who disclose information in legally protected or privileged relationships, including professional mental health counselors, medical professionals, and ordained clergy (see Confidential Resources below). These Confidential Resources must maintain the confidentiality of communications disclosed within the scope of the provision of professional services. When an individual shares information with a Confidential Resource (on campus or in the community) as a confidential communication in the course of a protected relationship, the Confidential Resource cannot disclose the information (including information about whether an individual has received services) to any third party without the individual's written permission or unless permitted or required consistent with ethical or legal obligations. Similarly, medical and counseling records cannot be released without the individual's written permission or unless permitted or required consistent with ethical or legal obligations.

Confidential Resources submit non-personally identifying information about Clery-reportable crimes to the Office of Safety and Security for purposes of the anonymous statistical reporting under the Clery Act.

C. Release of Information by the University: Pursuant to the Clery Act, the University must disclose statistics about Clery Act crimes in its daily crime log and Annual Security Report and provides those statistics to the U.S. Department of Education. If a report of Sexual Assault, Dating Violence, Domestic Violence or Stalking discloses a serious or continuing threat to the campus community, the University will issue a timely notification to the campus community to protect the health and

safety of the campus community as required by the Clery Act. In all of these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident. In addition, Confidential Resources may submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or student.

The University will not release the name of the Complainant, the Respondent or witnesses to the general public except as otherwise permitted or required by law. The University will also maintain the confidentiality of any Supportive Measures provided to a Complainant, to the extent that maintaining such confidentiality would not impair the University's ability to provide the Supportive Measures. The University may also share non-personally identifying information about reports received in aggregate form, including data about outcomes and sanctions. All University proceedings are conducted in compliance with the requirements of FERPA, the Clery Act (as amended by VAWA), Title IX, state and local law, and University policy.

IX. Reporting Responsibility of University Employees

It is important to understand the different responsibilities of University employees. Some employees are designated as **Confidential Resources**, meaning that they will maintain the Confidentiality of information shared with them, as described above. All other employees are designated as **Responsible Employees**, meaning that they are required to promptly share all information about Prohibited Conduct with the Institutional Equity and Title IX Coordinator.

A. Confidential Resources include any University employee or independent contractor who has the ability to maintain the confidentiality of communications under applicable law or by designation. Confidential Resources include medical, clinical, and mental-health professionals, and clergy when acting in that professional role in the provision of services; and any employee providing administrative, operational and/or related support for such providers in their performance of such services. Confidential Resources will not disclose information about Prohibited Conduct without the individual's written permission or as set forth in the Confidentiality section above. When individuals who otherwise are Confidential Resources receive information outside of the provision of services, the Confidential Resource is required to share that information with the Institutional Equity and Title IX Coordinator. For example, a licensed counselor who receives a disclosure in the context of speaking at a prevention program would be required to share the information with the Institutional Equity and Title IX Coordinator.

The following are on-campus Confidential Resources:

Office of Counseling Services

Room 200, Ridgway University Center
812-488-2663
counselingservices@evansville.edu
www.evansville.edu/counseling/

The Office of Counseling Services is staffed by professional, licensed counselors and is available to all students. The office is open from 8:00 a.m. to 4:30 p.m. Monday through Friday, with reduced hours in the summer. These hours may be adjusted by the University at any time. Appointments can be made by calling 812-488-2663. Emergency counseling services are available

after hours by calling the Office of Safety and Security at 812-488-2051, and asking for the counselor on call.

Director of Religious Life

Ridgway University Center 262
812-488-5262
religiouslife@evansville.edu
www.evansville.edu/religiouslife/

The Office of Religious Life is staffed with licensed and ordained clergy in the United Methodist Church who provide pastoral care and counseling resources to the University of Evansville. Chaplains are best available by appointment or can be reached after hours by contacting the Office of Safety and Security at 812-488-2051.

Crayton E. and Ellen Mann Health Center

Sampson Hall
812-488-2033
healthcenter@evansville.edu
www.evansville.edu/offices/healthcenter/

The Health Center is staffed and operated by a third party vendor and is available to all full-time students, as well as employees who are enrolled on UE health insurance. The University of Evansville Health Center is staffed by Nurse Practitioners, Registered Nurses and medical assistants who are under the supervision of a medical doctor of the third party vendor. The Health Center is open from 8:00 a.m. to 5:00 p.m. Monday through Friday during the fall and semesters, with reduced hours in the summer. The hours may be adjusted by the University at any time.

While these Confidential Resources will ordinarily be able to maintain the confidentiality of the information shared with them in the course of their duties, there are certain limited circumstances where they may be required by law to share information. Those circumstances include:

- If they believe there is imminent danger of self-harm, or harm to others.
- If there is reason to believe that child, elder, or dependent abuse has occurred.
- If you report being sexually assaulted and are under the age of 18.
- If the individual express threats of violence towards another person.
- If federal law enforcement officials request your information under the United States Patriot Act.
- Under court order, subpoena or as otherwise required by law.

Employees may obtain confidential counseling from the University's Employee Assistance Program, which can be accessed by contacting 1-888-293-6948.

B. Responsible Employees are expected to promptly report any information they learn about suspected Prohibited Conduct or potential violations of this Policy. All University employees, except for those that are designated as Confidential Resources, are considered Responsible Employees.

Responsible Employees are expected to report all known information, including the identities of the parties, the date, time and location and any details about the reported incident to the Institutional Equity and Title IX Coordinator. The Institutional Equity and Title IX Coordinator may share reports with

other University employees to ensure a coordinated institutional response. Responsible Employees may provide support and assistance to a Complainant, witness or Respondent; but they cannot promise Confidentiality or withhold information about Prohibited Conduct. Failure by a Responsible Employee to report suspected Prohibited Conduct in a timely manner may subject them to appropriate discipline, including removal from a position or termination of employment.

Responsible Employees are not required to report information disclosed at public awareness events (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs” or other public forums in which students may disclose Prohibited Conduct (collectively, public awareness events). The University may provide information about Title IX and available University and community resources and support at public awareness events. When individuals who are designated as Responsible Employees also serve, at times, a dual role as Confidential Resources, the individuals should not report information that they receive while providing services as Confidential Resources (except as set forth in the Confidentiality section above). In addition, a Complainant may choose not to make a report in their own case, even if the Complainant would otherwise have reporting obligations as a Responsible Employee.

C. Clery Act Reporting

Pursuant to the Clery Act, the University includes statistics about certain offenses in its Annual Security Report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the University withholds the names and other personally identifying information of Complainants when issuing timely warnings to the University community.

D. Mandatory Reporting of Child Abuse and Neglect

In addition to the above reporting responsibilities, all University employees have an obligation to report known or suspected child abuse and neglect consistent with Indiana state law. Child Abuse can be reported to the Indiana Department of Child Services hotline at 1-800-800-5566.

X. Campus and Community Resources

A Complainant or witness has many options, including seeking counseling or assistance from a Confidential Resource, making a report under this Policy, and/or making a report to law enforcement. The University encourages prompt reporting of Prohibited Conduct to the Institutional Equity and Title IX Coordinator and law enforcement. The University also recognizes that deciding among these options can be difficult and is an intensely personal decision. Complainants and witnesses are encouraged to seek assistance from a Confidential Resource and to explore all potential reporting and support options.

A. Emergency Resources and Law Enforcement

Emergency medical assistance and campus Safety and Security assistance are available 24/7 both on and off campus. Individuals are encouraged to contact law enforcement and seek medical

treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense.

To report Prohibited Conduct that is imminent, in progress, or threatened, call:

University of Evansville: the University’s Office of Safety and Security at 812-488-2051 or the Evansville Police Department at 812-436-7896 or 911.

Stone Family Center for Health Sciences: IU Police Department/G4S Security at 812-855-2425 or 812-855-2421 or the Evansville Police Department at 812-436-7896 or 911.

Harlaxton College: Lincolnshire Police at 101 or 999.

B. Medical Treatment and Preservation of Evidence

Regardless of whether a report is filed with local law enforcement, individuals should preserve all evidence that could be relevant to any criminal charges that may be brought or that might be needed to obtain a protection order. Individuals who have been subjected to sexual assault are encouraged to obtain a physical examination by a Sexual Assault Nurse Examiner (SANE). University of Evansville and Stone Family Center for Health Sciences:

Deaconess Hospital

www.deaconess.com/Services/Emergency-Care/S-A-N-E

Hours: 24/7

812-450-3405

St. Vincent’s Hospital

www.stvincent.org/Locations/Hospitals/Evansville

Hours: 24/7

812-485-4491

Harlaxton College:

Grantham Hospital

www.nhs.uk/Services/hospitals/Services/Service/DefaultView.aspx?id=345138

Hours: Daily from 8:00 a.m. - 6:30 p.m.

Manthorpe Rd, Grantham

NG31 8DG

01476 565232

Peterborough City Hospital

www.nwangliaft.nhs.uk/a-z-of-services/e/emergency-and-out-of-hours-care/

Hours: 24/7

Edith Cavell Campus

Bretton Gate, Peterborough

PE3 9GZ

01733 678000

Before obtaining a SANE examination, individuals should avoid showering, using the toilet, washing, applying soaps or lotions, changing clothes, combing hair, drinking, eating or altering their physical appearance. If you must change clothes, put them in a paper bag or wrap them in a clean sheet. Do not place these items in a plastic bag as the bag may distort evidence. It is also important not to disturb any evidence that may be present in the location where the offense occurred or destroy or delete any correspondence relative to the offense. Even if a SANE exam is not sought, all victims of violence should consider obtaining medical attention so that any issues relating to possible injury or disease from the incident may be addressed.

C. Campus Resources

Members of the University community may obtain information about resources relating to Prohibited Conduct from:

- Annie Sills, Institutional Equity and Title IX Coordinator
812-488-5261, cs175@evansville.edu
- Keith Gehlhausen, Executive Director of Human Resources and Institutional Equity
812-488-2943, kg77@evansville.edu
- Dr. Dana Clayton, Vice President of Student Affairs/Dean of Students
812-488-2500, dc26@evansville.edu
- Dr. Rob Shelby, Chief Diversity Officer
812-488- 2949, rs262@evansville.edu

The Institutional Equity and Title IX Coordinator will provide Complainants with written notice about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services, as well as options and available assistance for changing academic, living, transportation and working situations, if requested, if reasonably available and regardless of whether reports are made to law enforcement. These supports are described in greater detail in the section on Supportive Measures.

D. Community Resources

In addition to the on-campus confidential medical and counseling resources outlined in the Confidential Resources section of this Policy, assistance and information relating to incidents involving sexual assault, intimate partner violence and stalking may also be obtained from these organizations not affiliated with the University. Be sure to ask each organization about its policy concerning confidentiality.

University of Evansville and Stone Family Center for Health Sciences:

Holly's House: Non-residential victim advocacy center
750 N. Park Drive
Evansville, IN 47710
(812) 437-7233
www.hollyshouse.org

Albion Fellows Bacon Center: Victim advocacy and shelter
Domestic Violence Hotline: 812-422-5622
Sexual Assault Hotline: 812-424-7273
www.albionfellowsbacon.org

RAINN: National sexual assault hotline
1-800-656-HOPE (4673) for 24/7 live chat or more information
www.rainn.org

Matthew 25: HIV/AIDS services
Old Post Office Plaza
101 NW 1st St, Suite 215
Evansville, IN 47708
812-437-5192
matthew25clinic.org

Vanderburgh County Health Department: HIV/STD clinic
420 Mulberry Street
Evansville, IN 47713
812-435-2400
health.vanderburghcounty.in.gov

Harlaxton College:

Spring Lodge: Sexual Assault Referral Centre
01522 524 402 (9-5, M-F)
0303 1234 0000 (After hours)
www.springlodge.org

Trust House – Lincolnshire: Rape/Sexual Abuse Counseling and Support Services
01476 570 284
trusthouselincolnshire.org

Lincolnshire Rape Crisis: Rape/Sexual Abuse Counseling and Support Services
18 Melville St
Lincoln LN5 7HW
0800 33 4 55 00
www.lincolnshirerapecrisis.org.uk/

XI. Reporting Options

The University encourages all individuals to report Prohibited Conduct or a potential violation of this Policy to the Institutional Equity and Title IX Coordinator, the Office of Safety and Security, and/or to local law enforcement. A Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the University will assist a Complainant in contacting law enforcement at any time. Under limited circumstances (posing a threat to health or safety of any individual or to comply with applicable law), the University may independently notify law enforcement.

An individual may make a report to the University, to law enforcement, to neither, or to both. Campus Title IX processes and law enforcement investigations operate independently of one another, although the Institutional Equity and Title IX Coordinator may coordinate information with law enforcement as part of the Initial Assessment. Anyone can make a report as follows:

A. Make a report to the Institutional Equity and Title IX Coordinator in person, by telephone, or email at:

Ms. Annie Sills
Institutional Equity and Title IX Coordinator
Center for Diversity, Equity and Inclusion RUC 263
812-488-5261
cs175@evansville.edu
titleix@evansville.edu

B. Make a report to local Law Enforcement

A Complainant has the right to report, or decline to report, to law enforcement at any time. The University's investigation and adjudication processes are distinct from the criminal justice/law enforcement process. The University will assist a Complainant in contacting law enforcement or the Complainant may contact law enforcement directly.

- University of Evansville and Stone Family Center for Health Sciences:
 - **Evansville Police Department** at **812-436-7896** or **911**.
- Harlaxton College:
 - **Lincolnshire Police** at **101** or **999**.

C. Make an anonymous report

A Complainant is not required to reveal their identity in order to report an incident; however, an anonymous report may limit the ability to respond with an investigation or disciplinary

action. An incident can be anonymously reported to the University at:

University of Evansville Office of Safety and Security Report A Concern Form

Campus Conduct Hotline

Although providing anonymous information may limit the ability of the University to investigate or impose discipline, it can help the University maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location, group or Respondent; and alert the campus community to potential dangers when appropriate.

A Complainant or witness also has the ability to make an anonymous report to local law enforcement by contacting:

**University of Evansville and
Stone Family Center for Health Sciences:**

WE TIP Crime Hotline

1-800-78-CRIME

1-800-782-7463

wetip.com/

Harlaxton College:

Crimestoppers

0800 555111

crimestoppers-uk.org/

The University will assist a Complainant in contacting WE TIP/Crimestoppers or the Complainant may contact WE TIP/Crimestoppers directly.

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue a Title IX report and a criminal complaint). When initiating any of the above options, an individual does not need to know whether they wish to request any particular course of action nor how to label what happened. As part of a report to the Institutional Equity and Title IX Coordinator, an individual can also request Supportive Measures.

D. Timeframe for Reporting

Complainants and witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. The University does not, however, limit the timeframe for reporting. Depending on the relationship of the Respondent to the University, the University may not have the authority to impose disciplinary action. Where the University does not have Disciplinary Authority (for example, a report is made after a student has left or graduated or an employee no longer works for the University), the University will still seek to meet its Title IX obligations by evaluating the reported conduct, providing reasonably available Supportive Measures to the Complainant, assisting the Complainant in identifying external reporting options, and may take other appropriate action to address the reported conduct.

E. Amnesty

The University encourages reporting and seeks to remove barriers to reporting by providing amnesty for Complainants and witnesses who report Prohibited Conduct for potential conduct violations occurring at or near the time of the incident. In gen-

eral, the University will not pursue disciplinary action against a student who makes a good faith report to the University as a Complainant or witness to Prohibited Conduct for personal consumption of alcohol or other drugs (underage or illegal) which would otherwise be a violation of the University's Drug and Alcohol Policies, provided the misconduct did not endanger the health or safety of others. The University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

F. Requests for Anonymity

Once a report has been shared with the Institutional Equity and Title IX Coordinator, a Complainant may request that their identity not be shared with the Respondent (request for anonymity), that no investigation occur, or that no disciplinary action be pursued. The University will carefully balance this request in the context of the University's commitment to provide a safe and non-discriminatory environment for all University community members. The University will take all reasonable efforts to investigate and respond to the report consistent with a Complainant's request, but in order to pursue disciplinary action against a Respondent, the Respondent must be provided with sufficient notice of the reported conduct. In some circumstances, the Institutional Equity and Title IX Coordinator may arrange for limited preliminary fact-finding by an Investigator to gain a better understanding of the context of the report or take other appropriate steps, including consulting with appropriate administrators. For more information, see the section on **Balancing Complainant Autonomy with University Responsibility to Investigate**.

G. Coordination with Law Enforcement

A Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the University will assist a Complainant in contacting law enforcement at any time. Under limited circumstances posing a threat to health or safety of any University community member, the University may independently notify law enforcement. An individual may make a report to the University, to law enforcement, to neither, or to both. The University's resolution process and law enforcement investigations may be simultaneously pursued, but will operate independently of one another. The University will, when appropriate, coordinate information with law enforcement if law enforcement is notified.

XII. Supportive Measures

Upon receipt of a report of Prohibited Conduct, the University will provide reasonable and appropriate Supportive Measures. A Supportive Measure is a non-disciplinary, non-punitive individualized service offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent at any time before or after a Formal Complaint is filed or where no Formal Complaint has been filed. Supportive Measures are designed to preserve access to the University's educational programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of the Complainant, the Respondent or broader University community; maintain the integrity of the investigative and/or resolution process; and deter retaliation.

Supportive measures may include counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on con-

tact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Available Supportive Measures include, but are not limited to:

- Facilitating access to counseling and medical services.
- Guidance in obtaining a sexual assault forensic examination.
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines.
- Academic support.
- Assistance in requesting long-term academic accommodations through the Office of Counseling Services if the individual qualifies as an individual with a disability.
- Change in class schedule, including the ability to transfer course sections or withdraw from a course.
- Allow either a Complainant or a Respondent to drop a class in which both parties are enrolled in the same section.
- Voluntary changes in the Complainant's or Respondent's University work schedule or job assignment.
- Change in campus housing.
- Escort and other safety planning steps.
- Mutual "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals.
- Voluntary leave of absence.
- Referral to resources to assist in obtaining a protective order.
- Referral to resources to assist with any financial aid, visa or immigration concerns.
- Any other remedial measure that does not interfere with either party's access to education can be used to achieve the goals of this Policy.
- Reasonable Change in the Respondent's class schedule.
- Reasonable Change in the Respondent's University work schedule or job assignment.
- Reasonable Change in the Respondent's campus housing.
- Any other reasonable restrictive measure that can be used to achieve the goals of this Policy

The availability of Supportive Measures will be determined by the specific circumstances of each report. The University will consider a number of factors in determining which Supportive Measures to take, including the needs of the student or employee seeking Supportive Measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the parties; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether court proceedings have been used to protect any parties (e.g., protective orders). The University will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.

The Institutional Equity and Title IX Coordinator is responsible for ensuring the implementation of Supportive Measures and coordinating the University's response with the appropriate offices on campus. The Institutional Equity and Title IX Coordinator has the discretion to impose and/or modify any Supportive Measure based

on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of Supportive Measures. The University will maintain the privacy of any Supportive Measures provided under this Policy to the extent practicable.

The University will provide reasonable Supportive Measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the University.

A. Emergency Removal

Certain circumstances may warrant removing a student Respondent from a University education program or activity. The University may remove a student Respondent on an emergency basis from University property or employment, education or research programs or activities. The determination of whether to remove a student may be made by the Institutional Equity and Title IX Coordinator in consultation with other University employees, as necessary. This decision may be made at any point in the process.

Before imposing an emergency removal, the University will undertake an individualized analysis of safety and risk for the campus community to determine whether the Respondent's presence in the program or activity poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct and justifies removal of the Respondent from the University program or activity.

The Institutional Equity and Title IX Coordinator will promptly provide the Respondent with written notice of any removal and an opportunity to challenge the removal. During any challenge, the Respondent will remain off-campus and must comply with the notice of removal. That notice shall include a statement that the use of any information the Respondent chooses to provide may subsequently be used in implementing any aspect of this Policy, including the investigation and adjudication. The Respondent will have 72 hours to submit a written challenge of the safety and risk analysis to the Institutional Equity and Title IX Coordinator. The Institutional Equity and Title IX Coordinator will assign the matter to be reviewed by a decision-maker to evaluate the information in support of the individualized safety and risk analysis and any information provided by the Respondent and the Complainant, as applicable. The decision-maker will submit a final decision in writing to the Respondent and the Complainant within three (3) business days, with a copy to the Institutional Equity and Title IX Coordinator.

B. Administrative Leave

Following a report of Prohibited Conduct, the University may place a non-student employee Respondent on administrative leave, with or without pay.

XIII. Overview of the University's Resolution Processes

The University is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this Policy. To implement this Policy, the University has developed a formal and an informal resolution process to resolve reports of Prohibited Conduct:

- **Informal Resolution:** an informal framework that includes informal or restorative options for resolving reports that typically do not involve disciplinary action against a Respondent.

- **Formal Resolution:** formal procedures that involve an investigation, adjudication and, if appropriate, the imposition of sanctions.

In all formal and informal resolution processes, the University will treat Complainants and Respondents equitably by offering Supportive Measures to a Complainant when the University has notice of potential Prohibited Conduct, and by following either the formal or informal resolution process before the imposition of any disciplinary sanction against a Respondent. Upon receipt of a report of Prohibited Conduct, the University will conduct an initial assessment of the available information and consider the Complainant's stated interests, as well as the University's compliance obligations, in determining how to proceed. A report of Prohibited Conduct may be resolved through: provision of Supportive Measures only; pursuing the formal resolution process, which involves a prompt, equitable and impartial investigation, a live hearing, and an appeal; or, pursuing an informal resolution process, which requires the voluntary and written consent of the Complainant, the Respondent and the University. A Complainant is always entitled to reasonably available Supportive Measures, regardless of whether a formal or informal resolution process is initiated.

A. Time Frame for Resolution

The University will seek to complete the appropriate resolution process as promptly as possible, consistent with the need to conduct sensitive and informed fact-gathering to ensure an equitable resolution. The Policy designates reasonably prompt timeframes for the major stages of the investigation and resolution process (typically set forth in business days), but the University may extend any timeframe in this Policy for good cause. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the University calendar, University finals periods, the complexity of the investigation, the volume of information, number of witnesses, length of the written record, and/or the severity and extent of the alleged misconduct. While requests for delays by the parties may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a report under this Policy. Reasonable requests for delays by the parties may serve to extend the time period for resolution of the report.

The Institutional Equity and Title IX Coordinator, in consultation with the Investigators, has the authority to determine whether an extension is required or warranted by the circumstances. The University will notify the parties in writing of any extension of the timeframes for good cause, the reason for the extension and the length of the extension. Although cooperation with law enforcement may require the University to suspend the fact-finding portion of a Title IX investigation temporarily, the University will promptly resume its Title IX investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin or conclude its own investigation and, if needed, will take immediate steps to provide appropriate Supportive Measures.

Investigations will proceed according to the timeframes in this Policy to the extent possible during the summer and at other times when classes at the University are not in session. The Institutional Equity and Title IX Coordinator will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.

Timeframes for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings and any related review of the finding, apply equally to both the Complainant and the Respondent.

B. Advisor

Throughout the informal or formal resolution process, each party has the right to be accompanied at any meeting or hearing by an Advisor of their choice. The Advisor may be any person, including an attorney. A party may decline to use an Advisor for any or all stages of the formal or informal resolution process, with the exception of the hearing, where any questioning of the other party must be conducted by the party's Advisor. If a party does not have an Advisor for the hearing, the University will provide an Advisor, free of charge, who may be, but is not required to be, an attorney, to attend the hearing and conduct questioning on behalf of that party.

The Advisor may observe, provide support, and provide guidance or advice to the party (in a non-disruptive manner). With the exception of the Advisor's live questioning during the hearing, they may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt or interfere with meetings and/or proceedings. An Advisor should plan to make themselves reasonably available; the University will not unduly delay the scheduling of meetings or proceedings based on an Advisor's unavailability. An Advisor may be asked to meet with a University administrator in advance of any proceedings to understand the expectations of the role, privacy considerations and appropriate decorum. An Advisor may be removed for failure to follow these expectations.

The Advisor is entitled to review all information gathered in the investigation that is directly related to the allegations (as part of evidence review), access to the investigation report, and to cross-examine the other party and all witnesses during the hearing.

C. Obligation to Provide Truthful Information

All University community members are expected to provide truthful information in any proceeding under this Policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions, in accordance with the Students' Rights and Responsibilities section of the University of Evansville Student Handbook, Student Code of Conduct section of the Harlaxton College Student Handbook, the University of Evansville Employee Code of Conduct, and other applicable University policies and procedures. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

XIV. Intake and Initial Assessment

A. Response to a Report of Prohibited Conduct

Any person may report Prohibited Conduct to the Institutional Equity and Title IX Coordinator, the Office of Safety and Security, or the other reporting options cited above. Upon receipt of a report of Prohibited Conduct, the Institutional Equity and Title IX Coordinator will contact the Complainant to discuss the availability of Supportive Measures with or without the filing of a Formal Complaint, explain to the Complainant the process for filing a Formal Complaint, and consider the Complainant's wishes with respect to Supportive Measures.

During the Initial Assessment, a Complainant may request Supportive Measures only, or may file a Formal Complaint. Alternatively, as described below, the Institutional Equity and Title IX Coordinator may determine that it is appropriate to file a Formal Complaint on behalf of a Complainant. After the filing of a Formal Complaint, the Complainant may decide to seek Informal Resolution in lieu of a formal resolution process (investigation, hearing and appeal). A Complainant is always entitled to reasonably available Supportive Measures, regardless of whether a formal or informal resolution process is initiated.

The Institutional Equity and Title IX Coordinator will also determine whether the Policy applies to the report and whether the reported conduct falls within the jurisdiction and scope of the Policy and/or Title IX.

(1) Overview of Initial Assessment

As part of the Initial Assessment, the Institutional Equity and Title IX Coordinator will:

- Promptly contact the Complainant to discuss the availability of Supportive Measures.
- Consider the Complainant's wishes with respect to Supportive Measures.
- Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the Complainant, the Respondent, any witness and/or any other individual with knowledge of the reported incident.
- Address immediate physical safety and emotional well-being needs.
- Conduct an individualized analysis of safety and risk for the campus community to determine whether a student Respondent's presence in the University's education programs or activities poses an immediate threat to the physical health or safety of any student or other individual that justifies removal.
- Notify the Complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order.
- Notify the Complainant of the right to seek medical treatment.
- Notify the Complainant of the importance of preservation of evidence.
- Refer the report to the Office of Safety and Security to assess the reported conduct for any Clery Act obligations, including entry in the daily crime log or issuance of a timely warning.

- Provide the Complainant with written information about on and off campus resources.
- Provide the Complainant with a copy of this Policy and an explanation of the procedural options, including seeking Supportive Measures, the process for filing a Formal Complaint, the formal resolution process and informal resolution.
- Notify the Complainant of the right to be accompanied at any meeting or proceeding by an Advisor of their choice, and that the University will provide an Advisor, without fee or charge, to conduct questioning on behalf of that party at the hearing if they do not have an Advisor.
- Assess the available information for any pattern of conduct by Respondent.
- Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns).
- Explain the University's policy prohibiting retaliation and how to report acts of retaliation.
- Determine the age of the Complainant; and if the Complainant is a minor, make the appropriate report of suspected abuse consistent with Indiana state law.

The Initial Assessment will be conducted promptly and the time frame for the initial assessment will be tailored to the context and circumstances. The University will seek to complete the Initial Assessment within 10 business days, but recognizes that there may be circumstances in which the Initial Assessment takes longer based on the availability of the Complainant or other necessary information, a Complainant's request to maintain privacy or not seek disciplinary action, or other factors outside of the University's control. The University understands that a Complainant may engage in delayed decision-making, which may impact the timing of the conclusion of the initial assessment.

(2) Formal Complaint

The formal resolution process (investigation, hearing and appeal) is initiated by the filing of a Formal Complaint. A Formal Complaint is a written document submitted to the Institutional Equity and Title IX Coordinator by the Complainant alleging that a Respondent engaged in Prohibited Conduct and requesting an investigation. The Formal Complaint may be submitted to the Institutional Equity and Title IX Coordinator in person, by mail, or by electronic mail. The Institutional Equity and Title IX Coordinator can be reached at:

Ms. Annie Sills

Institutional Equity and Title IX Coordinator

University of Evansville

Center for Diversity Equity and Inclusion, RUC Room 263
1800 Lincoln Ave.

Evansville, IN. 47722

812-488-5261

cs175@evansville.edu

titleIX@evansville.edu

The Complainant may also contact the Institutional Equity and Title IX Coordinator directly for assistance in making a Formal Complaint. Where a Complainant files a Formal

Complaint and the reported conduct falls within the scope and jurisdiction of the Policy, the Institutional Equity and Title IX Coordinator must pursue either a formal or informal resolution process.

B. Dismissal of a Formal Complaint

The Institutional Equity and Title IX Coordinator will determine whether the conduct alleged in the Formal Complaint falls within the scope of the Policy and the definitions of Prohibited Conduct. The Title IX regulations require the University to dismiss some or all of the allegations in the Formal Complaint related to Title IX Sexual Harassment, including Sexual Assault, Dating Violence, Domestic Violence and Stalking, if: 1) the conduct alleged, even if substantiated, would not constitute Title IX Sexual Harassment as defined in the Title IX regulations; 2) the conduct did not occur within University's education program or activity; or, 3) the conduct did not occur against a person in the United States. This means that the University may be required by law to dismiss some or all of the allegations in the Formal Complaint under Title IX and provide the parties notice of the dismissal and the opportunity to appeal that dismissal.

While Formal Complaints falling outside of the Title IX regulations will be dismissed for Title IX purposes, where such conduct otherwise constitutes Prohibited Conduct and falls within the scope of this Policy, it will still be addressed and proceed to either the formal or informal resolution process.

In addition, the Institutional Equity and Title IX Coordinator may dismiss a Formal Complaint, at any stage of the process, in any of the following three circumstances: (1) the Complainant notifies the Institutional Equity and Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; (2) the Respondent is no longer enrolled or employed by the University; (3) or specific circumstances, including a Complainant's decision not to respond to outreach from the University, prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

The decision about whether to dismiss a Formal Complaint, in whole or in part, may be made at any time in the process and will be communicated to all parties in writing. If some or all of the allegations in the Formal Complaint have been dismissed, the parties will receive written information about how to appeal the dismissal of the Formal Complaint.

C. Balancing Complainant Autonomy with University Responsibility to Investigate

The University endeavors to respect the wishes of a Complainant to not pursue a Formal complaint. If a Complainant requests that their name or other personally-identifiable information not be shared with a Respondent, that no investigation into a particular incident be pursued, and/or that no disciplinary action be taken against the Respondent, the University will balance this request against its commitment to a safe, non-discriminatory learning, living, and working environment for all community members, including for the Complainant. In particular, the Institutional Equity and Title IX Coordinator will take into account the Complainant's articulated concerns, the safety of the campus community, fairness to all individuals involved, and the University's obligations under Title IX.

In these instances, before taking any further investigative steps, the Institutional Equity and Title IX Coordinator will discuss any concerns with the Complainant and seek to address and remedy barriers to reporting based upon concerns about retaliation or questions about procedural options and potential outcomes.

In evaluating the appropriate manner of resolution, including whether the Institutional Equity and Title IX Coordinator will file a Formal Complaint in the absence of a Formal Complaint by the Complainant, the Institutional Equity and Title IX Coordinator will consider a range of factors, including:

- the totality of the known circumstances;
- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the Complainant and Respondent;
- the risk that the Respondent may commit additional acts of Prohibited Conduct or other violence, taking into consideration, among other matters, any known history of arrests, violence, or other complaints of Prohibited Conduct involving the Respondent, any threats of future violence made by the Respondent, and whether multiple Respondents were involved in the reported incident;
- whether the report reveals a pattern of misconduct related to Prohibited Conduct (e.g., illicit use of drugs or alcohol) at a given location or by a particular group;
- the Complainant's interest in the University not pursuing an investigation or disciplinary action and the impact of such actions on the Complainant;
- whether the University possesses other means to obtain relevant evidence;
- fairness considerations for both the Complainant and the Respondent;
- the University's obligation to provide a safe and non-discriminatory environment; and
- any other available and relevant information.

Where possible based on the facts and circumstances, the University will take all reasonable steps to respond to the report consistent with the Complainant's requested course of action, but its ability to do so may be limited based on the reported information. Where the balance of factors requires the Institutional Equity and Title IX Coordinator to file a Formal Complaint on behalf of the Complainant, the Institutional Equity and Title IX Coordinator will inform the Complainant in writing about the chosen course of action.

D. Consolidation of Formal Complaints

The University may consolidate Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances. All parties will receive simultaneous, timely notification of any such consolidation. During the course of the investigation, the investigation may reveal the existence of additional or different potential policy violations, which may also be consolidated following notification to the parties of the amended notice of investigation.

E. Determination after the Initial Assessment: Scope and Manner of Resolution

The Institutional Equity and Title IX Coordinator will consider the nature of the report, the safety of the individual and the campus community, and the Complainant's expressed preference for the manner of resolution in determining the appropriate course of action to achieve the goals of Title IX and the Policy. The range of available resolution options include:

No Further Action

(which may involve referral to another University policy)

Supportive Measures Only

(regardless of whether a Formal Complaint is filed)

Formal Resolution

(following a Formal Complaint by the Complainant or the Institutional Equity and Title IX Coordinator)

Informal Resolution

(following a Formal Complaint by the Complainant or the Institutional Equity and Title IX Coordinator)

At the conclusion of the Initial Assessment, the Complainant will receive a written notice of the determination about how the University will proceed.

XV. Informal Resolution

The University may resolve reports through Informal Resolution (which may include the possibility of mediation), as appropriate based on the circumstances. Informal Resolution is not appropriate for all cases of Prohibited Conduct, and the University retains the discretion to determine which cases may be appropriate for Informal Resolution and the type of Informal Resolution process that may be appropriate in a specific case.

Informal Resolution is available only once a Formal Complaint has been filed, prior to a determination of responsibility, and if the Complainant, Respondent and the University voluntarily consent to the process in writing. Informal Resolution is not available in cases in which an employee is alleged to have sexually harassed a student.

Informal Resolution may involve agreement to pursue individual and/or community remedies that are designed to address a report of Prohibited Conduct; targeted or broad-based educational programming or training; requiring counseling; providing housing accommodations for student Complainants; making academic accommodations for student Complainants or providing workplace accommodations for employee Complainants; and/or any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy. With the voluntary consent of the parties, Informal Resolution may be used to impose agreed-upon disciplinary sanctions. Any person who facilitates an Informal Resolution will be trained on the definition of Prohibited Conduct, including Sexual Harassment; the scope of the University's education program or activity; how to conduct an informal resolution process, including how to serve impartially, and be free from conflicts of interest or bias for or against either party.

If the parties are interested in pursuing Informal Resolution, the Institutional Equity and Title IX Coordinator will send written notice to the parties describing:

1. The allegations at issue;
2. The requirements of the Informal Resolution;
3. The circumstances under which the parties are precluded from resuming a Formal Complaint arising from the same allegations;
4. The right to end the Informal Resolution process at any time prior to resolution and resume the Formal Complaint process;
5. The consequences resulting from participating in the Informal Resolution, including that the records and communications created or maintained as part of the Informal Resolution process may be viewed by parties, or later used or considered in the Formal Complaint process, including at a hearing.

If an agreement acceptable to the University, the Complainant and the Respondent is reached through Informal Resolution, the matter is considered to be resolved, and the parties will be precluded from filing another Formal Complaint arising from the same set of facts or circumstances. Prior to reaching a resolution, any party can withdraw from the Informal Resolution process and resume the Formal Complaint process. The Institutional Equity and Title IX Coordinator will maintain records of all reports and conduct referred for Informal Resolution, which will typically be complete within 60 business days of the initial report. Records are maintained in accordance with the Office of Institutional Equity's Record Retention Policy.

XVI. Formal Resolution Process: Investigation

The University will conduct a prompt and equitable investigation to gather information relevant to the determination of whether there is sufficient information, by a Preponderance of the Evidence, to determine that a Policy violation occurred. The investigation will be impartial and will be conducted by trained Investigators who have no actual bias or conflict of interest for or against the Complainant or Respondent.

During the investigation and disciplinary proceedings, both the Complainant and Respondent have equitable opportunities, including the opportunity to receive a written notice of investigation; to participate in the investigation; to review and present information and evidence; to be accompanied by an Advisor of their choice to any meeting; to timely and equal access to information that will be used in disciplinary proceedings; to timely notice of meetings at which their presence will be requested or required; to simultaneous written notice of the outcome, sanction and rationale; and to appeal the outcome.

The Investigators, not the parties, are responsible for gathering relevant evidence. The Complainant and Respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications and other evidence, if available. The parties are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution and are encouraged to preserve relevant evidence. In the event that a party declines to voluntarily provide material information, the University's ability to conduct a prompt, thorough and equitable investigation may be impacted.

A. Initiating an Investigation

When the decision is made to initiate an investigation, the University will designate two Investigators to conduct a prompt, thorough, fair and impartial investigation. The Investigators may be University employees and/or external Investigators. Any Investigator used by the University will receive annual training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence and stalking; the definition of Sexual Harassment in the Title IX regulations; the scope of the University's education program and activity; how to conduct an investigation that is fair and impartial, providing the parties with notice and a meaningful opportunity to be heard, protecting the safety of all participants while promoting accountability; how to create an Investigative report that fairly summarizes relevant evidence; and, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The Investigators will be impartial and free from actual bias or conflict of interest for or against the Complainant or Respondent. If either party believes an assigned Investigator has a conflict of interest or bias, they may notify the Institutional Equity and Title IX Coordinator, who will determine if a different Investigator should be appointed.

B. Notice of Investigation

The Institutional Equity and Title IX Coordinator will notify the Complainant and the Respondent, in writing (typically via e-mail to each party's University e-mail address) of the following information: (1) the names of the Complainant and the Respondent; (2) the date, time (if known), location, and a brief summary of the reported conduct; (3) the reported Policy violation(s); (4) the presumption that the Respondent is not responsible unless determined by the Disciplinary Authority; (5) the right to an Advisor of their choice, who may or may not be an attorney; (6) the name of the Investigators; (7) information about the parties' participation options in the process; (8) the prohibition against Retaliation; (9) the importance of preserving any potentially relevant evidence in any format; (10) how to challenge participation by the Investigators on the basis of a conflict of interest or bias; (11) access to Counseling Services for students and/or Employee Assistance Program for employees; (12) a list of Supportive Measures available to parties and (13) a copy of this Policy. If, at any time, the investigation reveals the existence of additional or different potential violations of this Policy, the Institutional Equity and Title IX Coordinator will issue a supplemental notice of investigation.

C. Acceptance of Responsibility

At any point during the investigation, the Respondent may elect to accept responsibility for some or all of the Policy violations at issue. Where there is an acceptance of responsibility as to some but not all of the charges, the investigation will continue to conclusion. Where there is an acceptance of responsibility as to all of the potential Policy violations, the Investigators will complete an investigative report of all information gathered to date and refer the matter to the Disciplinary Authority for sanctioning as described below. Where both parties and the University agree, the matter may also be resolved through the Informal Resolution process.

D. Investigative Steps

During an investigation, the Investigators will seek to meet separately with the Complainant, Respondent and relevant witnesses. The Investigators are responsible for gathering inculpatory and exculpatory evidence directly related to the Formal Complaint. The Investigators will send written notice of the interview date, time, and location, name of participants and purpose of the interview to the parties and witnesses, in sufficient time for the party to prepare and participate.

The Investigators will interview the parties, and any witnesses likely to have information directly related to the Formal Complaint. The Investigators will also gather other related information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person), and other electronic records as appropriate.

At the conclusion of the investigation, the Complainant and the Respondent will both have the opportunity to review and respond to all information gathered in the investigation that is directly related to the allegations, including information shared by the Complainant or the Respondent during their interviews or through evidence either provides.

(1) Witnesses

Both the Complainant and Respondent have the option to provide names of potential witnesses to the Investigators. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, the parties or related matters. Witnesses may also be offered to provide subject matter expert information (See Other Evidence: Site Visits and Experts below).

Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be included in the written investigation report, which the parties will have the opportunity to review at the conclusion of the investigation. Witnesses may be asked to participate in the hearing in response to the information gathered by the Investigators.

(2) Additional Evidence

Both the Complainant and the Respondent are permitted to provide other relevant evidence to the Investigators. Evidence may be inculpatory or exculpatory. Evidence includes any facts or information presented in support of an assertion and may include text messages, email exchanges, timelines, receipts, photographs, etc. Any documentation shared by the Complainant or the Respondent with the Investigators will be provided to the other party. The Investigators may also consider additional documents, items or other relevant information.

During the course of the investigation, the parties should bring any new or evolving evidence, such as harassing or retaliatory conduct, to the attention of the Investigators. The Investigators may consider such information in the investigation and will also share any information about retaliation or violation of the terms of a Supportive Measure with the Institutional Equity and Title IX Coordinator for further action.

(3) **Relevance**

The University will not restrict the ability of either party to gather and present relevant evidence. Evidence is relevant if it makes a material fact more or less probable than it would be without the evidence. In general, the Investigators have the discretion to determine the relevance and probative value of information proffered or received. At the live hearing, as further described below, the Disciplinary Authority has the discretion to determine whether questions posed by the party's Advisor are relevant, and only relevant questions may be asked of parties or witnesses at the hearing.

In addition, the Investigators and Disciplinary Authority will be guided by the following evidentiary considerations:

- ***Prior or Subsequent Conduct of the Respondent:*** Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct so distinctive and so closely resembling either party's account of the encounter as to tend to prove a material fact may be considered. The Investigators will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.
- ***Prior Sexual History of the Complainant:*** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are: 1) offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or, 2) the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. As set forth in the consent definition above, however, previous relationships or prior consent cannot imply consent to future sexual acts. The Investigators, in consultation with the Institutional Equity and Title IX Coordinator, will assess whether information related to prior sexual history makes a material fact in the investigation more or less likely. Where a sufficient informational foundation exists for the inclusion of prior sexual history, the Investigators will provide notice to both parties of the scope of any inclusion of such information in the investigative report. The parties will have a full and fair opportunity to respond to the information included in the investigative report.

(4) **Social Media and Personal Communications**

The Investigators may also consider information publicly available from online sources that comes to the attention of Investigators. The University does not actively monitor online sources, however, and as with all potentially relevant

information, the Complainant, Respondent or witness should bring online information to the attention of the Investigators if they believe it is relevant. The Investigators may also consider communications involving or relating to one or both parties that either party brings to the attention of the Investigators or that is provided by the parties in response to a request by the Investigators. The Investigators may also seek a review of information available on University devices or servers, consistent with the University's technology policies.

(5) **Other Evidence: Site Visits and Experts**

The Investigators may visit relevant sites or locations and record observations through written, photographic or other means. In some cases, the Investigators may consult with relevant experts when deemed appropriate and necessary by the University. If the Investigators or the Disciplinary Authority determine that expert witness testimony is necessary, then the University would secure attendance and be responsible for costs. If either party wishes to provide expert testimony or evidence, they are solely responsible for securing attendance of any expert witness at a hearing, and for the costs or fees associated with any expert report or testimony.

(6) **Medical and Counseling Records**

The Investigators will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. If a person voluntarily chooses to share medical or counseling records with the Investigators, they must sign a written consent that acknowledges that relevant information from the medical or counseling records must be shared with the other party to ensure the other party has notice of that information and an opportunity to respond.

(7) **Expectations of the Parties**

The University expects all members of the University community to cooperate fully with the investigation and disciplinary procedures. It is understood that there may be circumstances in which a Complainant or Respondent wish to limit their participation, and the University will respect the choice of the Complainant or Respondent as to how to engage in proceedings under this Policy. The University may, however, move forward with formal resolution without the participation of a party or parties.

The University will not draw any adverse inference solely from a Complainant's or Respondent's decision not to participate in the investigation or any form of resolution under this Policy; however, the Complainant or Respondent should be aware that declining to participate in the investigation may impact the timing and outcome of the case.

(8) **Effect of Withdrawal**

At any time, the University may place an administrative hold on the Respondent's University transcript, or defer or withhold the award of the Respondent's degree. Even if a Respondent withdraws from the University, the Institutional Equity and Title IX Coordinator may proceed with further action as necessary to eliminate, prevent or address any impacts of the reported conduct.

(9) Safeguarding the Privacy of Complainants and Respondents

As stated above, the University will not restrict the ability of either party to gather and present relevant evidence. Individuals involved in investigations or disciplinary proceedings under this Policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation.

While discretion regarding the process is important, Complainants and Respondents are not restricted from discussing and sharing information with others who may support or assist them during the process. All parties, however, are encouraged to maintain the privacy of Family Educational Rights and Privacy Act (FERPA)-protected and/or sensitive information gathered or learned in the process.

(10) Timing of Investigation

The Investigators will provide periodic updates to the parties about the status of the investigation, with a goal to complete the fact-gathering portion of the investigation within approximately 50 business days.

(11) Coordination with Law Enforcement

If there is a concurrent criminal investigation, the University will seek to work in a collaborative manner in order to respect the integrity of external investigations and University investigations. This may include contacting the law enforcement agency that is conducting any investigation to inform that agency that a University investigation is also in progress, attempting to ascertain the status of the criminal investigation, and seeking to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation.

(12) Evidence Review

At the conclusion of their fact-gathering, the Investigators will make information gathered in the investigation available for review by the parties and their Advisors. Both parties and their Advisors will be given equal opportunity to inspect and review, either in hard copy or an electronic format, any evidence obtained by the Investigators that is directly related to the allegations submitted in the Formal Complaint. This includes evidence that the University does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Each party will have ten business days to submit a written response to the Investigators, which the Investigators will consider prior to the completion of the investigative report. In the written submission, the parties may offer additional comment or feedback on the facts as gathered, clarify information previously shared, suggest additional witnesses, suggest additional lines of questioning or inquiry, or identify any other relevant information or evidence to assure the thoroughness, sufficiency and reliability of the investigation. All collected evidence, regardless of inclusion in the investigative report, should be available during the hearing.

As necessary, the Investigators will designate reasonably prompt timeframes to ensure a timely completion of the

process while also providing an adequate opportunity for both parties to respond thoroughly to the information gathered during the investigation. In the absence of good cause, information that could have been learned that is not provided to the Investigators upon review of the information gathered will not be considered in the determination of responsibility for a violation of the Policy.

(13) Investigative Report

Upon the conclusion of the evidence review by the Complainant and Respondent (including any additional investigative steps requested by the parties or identified by the Investigators, normally within ten business days after receipt and consideration of additional comments, questions and/or information from the parties), the Investigators will provide the Institutional Equity and Title IX Coordinator with an investigative report, who will then simultaneously share with the Complainant, Respondent, and appropriate Disciplinary Authority in writing (typically via e-mail to each party's University e-mail address).

The investigative report will include both inculpatory and exculpatory facts. As noted above, the Investigators have the discretion to determine the relevance of any witness or other evidence. The investigative report will be sent to each party and their Advisors in an electronic format or a hard copy, for their review and written response. If a party disagrees with the Investigators determinations about relevance, the party can make that argument in the party's written response to the investigative report and to Disciplinary Authority at any hearing held.

XVII. Formal Resolution Process: Hearing and Appeal

The University's formal resolution process is designed to identify and implement a tailored and individual response intended to address Prohibited Conduct, while supporting the University's educational mission, legal obligations and commitment to Title IX.

A. Notice of Hearing

The Complainant and Respondent will be notified in writing of the date, time, and location of the hearing; the charges to be reviewed by the Disciplinary Authority, including the date, time, location and factual allegations concerning the violation; the provisions of the Policy alleged to have been violated; the name of the Disciplinary Authority; how to challenge participation of the Disciplinary Authority on the basis of conflict of interest or bias; the right to have an Advisor present at the hearing and conduct questioning on the party's behalf; that the University will provide an Advisor, without fee or charge, to conduct questioning on behalf of the party at the hearing if the party does not have an Advisor present for the hearing; how to request that witnesses be present at the hearing; information about the hearing format; and the sanctions that may be imposed. The Respondent and Complainant will be provided the Notice of Hearing at least ten days prior to the date of the hearing. The time frame in which the hearing is conducted may be extended for good cause at the discretion of the Institutional Equity and Title IX Coordinator. Good cause may include the availability of the parties, the availability of witnesses, the timing of semester breaks, or any other extenuating circumstances. Hearings may be scheduled whenever the University is officially open (including summer and winter breaks).

B. Selection of Disciplinary Authority

The Disciplinary Authority will be either an external professional appointed by the University or an internal administrator. Any Disciplinary Authority used by the University will be free from conflicts of interest and bias for or against either party; receive annual training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence and stalking; the scope of the University's education program or activity; how to conduct a hearing and adjudicate in a manner that is fair and impartial by avoiding prejudgment of the facts at issue; technology that will be used at a live hearing; and on issues of relevance of questions and evidence. Training materials will be posted on the University's Office of Institutional Equity webpage. If either party believes the Disciplinary Authority has a conflict of interest or bias, they may notify the Institutional Equity and Title IX Coordinator, who will determine if a designee should be appointed.

The role of the Disciplinary Authority is to provide all parties with an equitable opportunity to be heard, to make relevance determinations, and to objectively evaluate all relevant inculpatory and exculpatory evidence in order to reach a full and fair determination as to responsibility and imposition of any sanction, should there be a finding of responsibility. The Disciplinary Authority will review the investigative report and any written statements provided by the parties in response to the investigative report, all exhibits, and any additional relevant evidence introduced at the hearing. The Disciplinary Authority will determine whether there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility as to each element of each Policy violation at issue. The Disciplinary Authority may reach credibility determinations, but may not base credibility determinations on a person's status as a Complainant, Respondent or witness. Where a Complainant or Respondent declines to participate in a hearing, the Disciplinary Authority may not make an adverse inference against that party.

The Institutional Equity and Title IX Coordinator is administratively responsible for coordinating all aspects of the formal resolution process. For cases involving student Respondents, the Institutional Equity and Title IX Coordinator may utilize the Office of the Dean of Students for administrative assistance in coordinating the disciplinary process. For cases involving employee-Respondents, the Institutional Equity and Title IX Coordinator may utilize the Office of Human Resources for administrative assistance in coordinating the disciplinary process.

The Executive Director of Human Resources and Institutional Equity, or their designee, will serve as an advisor to the Disciplinary Authority. In all instances, the Disciplinary Authority may consult with the Executive Director of Human Resources and Institutional Equity or their designee to ensure that the sanction(s) and/or remedies satisfy the University's obligation to eliminate the Prohibited Conduct, prevent its recurrence and address its effects.

*For tenured and tenure track faculty Respondents who may be subject to termination or suspension, the Disciplinary Authority is outlined below in the Adjudication and Appeal Process for Tenured and Tenure Track Faculty section.

C. Impact or Mitigation Statements

In the time frame directed by the Institutional Equity and Title IX Coordinator, the Complainant and Respondent may submit a written impact or mitigation statement for consideration by the Disciplinary Authority. The decision whether to provide an impact or mitigation statement is completely voluntary.

An impact statement is written information from the Complainant regarding how the Prohibited Conduct has affected them and the Complainant's views on an appropriate sanction. Impact statements may include a description of: emotional impacts caused by the Prohibited Conduct; negative social or educational consequences arising from the Prohibited Conduct; medical or psychological consequences sustained as a result of the Prohibited Conduct; the Complainant's view on the Prohibited Conduct; or the Complainant's view on the appropriate sanction.

A mitigation statement is written information from the Respondent regarding any potential mitigating factors. Mitigation statements may include a description of: the Respondent's previous good character; worthy social or academic contributions and public service; whether the Respondent accepted responsibility for the Prohibited Conduct; cooperation with the investigation; the Respondent's mental or physical health; the Respondent's view on an appropriate sanction; and the likely effect of the sanctions on Respondent.

The Institutional Equity and Title IX Coordinator will review all information submitted in an impact statement or mitigation statement for relevance and appropriateness and may determine that some or all of the information submitted will not be provided to the Disciplinary Authority. Both parties will receive a copy of the impact or mitigation statement provided to the Disciplinary Authority.

D. Adjudication and Appeal Process for Tenured and Tenure Track Faculty

An external Disciplinary Authority will review the investigative report for tenured and tenure track faculty Respondents prior to a Disciplinary Authority hearing to assess whether the reported conduct could result in the termination or suspension of the faculty member. If the external Disciplinary Authority determines termination or suspension could be an appropriate sanction if the tenured and tenure track faculty Respondent is found responsible, the adjudication and appeal of the case will be handled in accordance with the University's Tenure/Tenure Track Faculty Suspension and Termination Policy.

If the external Disciplinary Authority determines that termination or suspension may not be an appropriate sanction for reported conduct of a tenured and tenure track faculty Respondent, the Disciplinary Authority will be the external Disciplinary Authority and the faculty member will be subject to the adjudication and appeal policies outlined below. However, if at any time during the Disciplinary Authority hearing, the external Disciplinary Authority determines termination or suspension could be an appropriate sanction, the adjudication and appeal of the case will be handled in accordance with the University's Tenure/Tenure Track Faculty Suspension and Termination Policy.

For faculty members who are not tenured or tenure track, the Disciplinary Authority will be the external Disciplinary Author-

ity and the faculty member will be subject to the adjudication and appeal policies outlined below, regardless of the sanctions that may be imposed.

E. Disciplinary Authority Hearing

Hearings will be conducted either in-person or virtually with technology that enables the Disciplinary Authority and parties to simultaneously see and hear all participants.

The hearing is an opportunity for the parties to address the Disciplinary Authority. The parties may address any information in the investigative report and supplemental statement submitted in response to the investigative report. The University will make all evidence directly related to the allegations, as shared in the evidence review, available to the parties at the hearing, including for the purposes of cross-examination.

The Disciplinary Authority has the discretion to determine the format for the hearing and its deliberations. Typically, the Complainant and Respondent will have an opportunity to provide an opening statement to the Disciplinary Authority. Each party will then have an opportunity to address the Disciplinary Authority and respond to questions by the Disciplinary Authority, or as described below, the other party's Advisor. The Disciplinary Authority will also hear from relevant witnesses, including the Investigator(s). Each party will have the opportunity to question the other party, the witnesses, and the Investigator(s) through their Advisor of choice or hearing Advisor provided by the University directly, orally, and in real time. If a party does not have an Advisor present at the live hearing, the University will provide an Advisor, free of charge, who may be, but is not required to be, an attorney, for questioning on behalf of that party.

Only relevant questions may be asked of a party or witness. Before a Complainant, Respondent, or witness responds to a question, the Disciplinary Authority will first determine whether the question is relevant and briefly explain any decision to exclude a question as not relevant as defined above. If a party or witness does not submit to questioning by the other party's Advisors at the hearing, the Disciplinary Authority may not rely on any statement made by that party or witness in reaching a determination regarding responsibility. The Disciplinary Authority may not draw any inference from the decision of a party or witness to not participate at the hearing.

After all parties and witnesses have been heard, the parties will have an opportunity to provide a closing statement. The Advisor may not provide the opening or closing statement and may not provide answers or responses on behalf of a party. The Advisor's role during the hearing is to conduct questioning of the other party and any witnesses. A party may never conduct questioning of the other party themselves.

An audio recording will be made of the hearing. The recording will be maintained by the Office of Institutional Equity for at least ten years from the date of the hearing. A written transcript of the hearing will not be prepared. Requests to listen to the audio recording of a hearing should be made to the Institutional Equity and Title IX Coordinator.

F. Determination of Violation and Possible Sanctions

At the conclusion of the hearing, the Disciplinary Authority will determine whether there is sufficient information, by a Prepon-

derance of the Evidence, to support a finding of responsibility for a violation(s) of the Policy. A Respondent is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the resolution process. If a Respondent is found responsible, the Disciplinary Authority will determine the appropriate sanction(s) and may be given access to the Respondent's discipline/criminal history for consideration.

The Policy prohibits a broad range of conduct, all of which is serious in nature. In keeping with the University's commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Disciplinary Authority has great latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the Complainant and surrounding community, and accountability for the Respondent. Sanctions should support the University's educational mission and federal obligations.

In determining the appropriate sanction(s) and/or remedies, the Disciplinary Authority will consider a number of factors, including:

- the nature of the conduct at issue;
- the impact of the conduct on the Complainant;
- the impact or implications of the conduct on the University community;
- prior misconduct by the Respondent, including the Respondent's relevant prior discipline history, both at the University or elsewhere, and any criminal convictions, if such information is available and known;
- any expression of remorse or acceptance of responsibility by the Respondent;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the University community;
- the necessity of any specific action in order to eliminate the Prohibited Conduct, prevent its recurrence and remedy its effects on the Complainant or other University community members; and,
- any mitigating, aggravating or compelling circumstances in order to reach a just and appropriate resolution in each case.

The Disciplinary Authority may also consider restorative outcomes that, taking into account the safety of the University community as a whole, allow a Respondent to develop insight about their responsibility for the behavior, learn about the impact of the behavior on the Complainant and the community, and identify how to prevent or change the behavior. Sanctions may be issued individually, or a combination of sanctions may be imposed. Sanctions will typically be imposed immediately, although the Institutional Equity and Title IX Coordinator in consultation with the Dean of Students (if a student) or Executive Director of Human Resources and Institutional Equity (if an employee) has the discretion to stay imposition of some or all sanctions pending an Appeal.

(1) Sanctions and Corrective Action for Student Respondents

Sanctions and corrective actions for student Respondents include, but are not limited to, censure, disciplinary probation, restitution, suspension, expulsion, educational program

attendance, educational project, professional assessment, transcript notation and/or notification to other institutions, and withholding or delaying the conferral of a degree.

Student-employees who are reported to have engaged in Prohibited Conduct in their employment capacity may be subject to sanctions both in connection with their employment and in connection with their student status, as appropriate under applicable processes. If a student is employed through a financial aid package, such as work study, any modification to the employment will not result in a decrease in student aid funds.

(2) Sanctions and Corrective Action for Employee Respondents

Sanctions and corrective actions for employee Respondents include, but are not limited to, verbal or written warning, disciplinary probation, suspension, termination of employment, training, guidance, adjustment of supervisory or evaluative responsibilities, other reasonable sanctions and corrective actions, and measures to protect health and safety. Sanctions of a faculty member may be subject to procedures outlined in the Faculty Manual. Those Procedures will be implemented in a manner consistent with the requirements of Title IX and the Clery Act.

G. Written Notice of Outcome

The Disciplinary Authority will prepare a written decision and rationale, including the finding of responsibility or non-responsibility, and, if applicable, the sanction and rationale. The Complainant and Respondent will receive simultaneous written notification of the outcome (typically via e-mail to each party's University e-mail address) from the Institutional Equity and Title IX Coordinator or their designee, including:

1. Identification of the allegations potentially constituting Prohibited Conduct;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the Policy to the facts;
5. A statement of, and rationale for, the result as to each alleged Policy violation, including a determination regarding responsibility, any disciplinary sanctions, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the Complainant; and
6. The procedures and permissible bases for the Complainant and Respondent to appeal.

The Institutional Equity and Title IX Coordinator will also document individual remedies provided to the Complainant and other steps the University took or will take to eliminate a hostile environment, if one is found to exist. That documentation may be provided to the Complainant and/or Respondent as appropriate.

H. Appeals

(1) Grounds for Appeal

A Complainant or Respondent may appeal the decision of the Disciplinary Authority on one or more of the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could materially affect the outcome;
- The sanction(s) was grossly disproportionate to the Prohibited Conduct for which the Respondent was found responsible; or
- The Institutional Equity and Title IX Coordinator, Investigators, and/or Disciplinary Authority had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The Complainant or Respondent may appeal the outcome by submitting a written appeal within five business days of the date of the Notice of Outcome to the Institutional Equity and Title IX Coordinator in person or via e-mail.

If the Disciplinary Authority determines termination or suspension could be an appropriate sanction if the tenured and tenure track faculty Respondent is found responsible, the adjudication and appeal of the case will be handled in accordance with the University's Tenure/Tenure Track Faculty Suspension and Termination Policy, which complies with the most current version of the AAUP guidelines and Title IX Final Rule regulations.

When a party appeals either the determination of the Disciplinary Authority or the dismissal of a Formal Complaint, the Institutional Equity and Title IX Coordinator will do the following:

- a. Notify the other party in writing when an appeal is filed;
- b. Ensure that the External Reviewer for the appeal is not the Disciplinary Authority and ensure that this individual is trained appropriately;
- c. Allow both parties the opportunity to submit a written statement in regards to the appeal; and
- d. Issue the External Reviewer's written decision regarding the appeal and rationale to both parties.

(2) External Reviewer

The appeal for students and all employees that are not subject to the University's Tenure/Tenure Track Faculty Suspension and Termination Policy will be conducted by an External Reviewer. The External Reviewer will be a neutral party outside of the University, most often an attorney with legal experience, training and knowledge regarding sexual and gender-based harassment and interpersonal violence. The External Reviewer will be free from bias or conflict of interest for or against Complainants and Respondents and receive annual training on: (a) the definition of Prohibited Conduct, including Sexual Harassment; (b) the scope of

the University's education program or activity; (c) how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; (e) the presumption of "not responsible" until any appropriate process concludes; and, (f) how to conduct an investigation and hearing process that protects the safety of complainants and promotes accountability.

The University will maintain a pool of External Reviewers selected through an inclusive committee process under the direction of the Institutional Equity and Title IX Coordinator. The External Reviewers will serve for a limited term, unless reappointed by the selection committee.

Within ten (10) working days of receipt of the appeal, the External Reviewer will render a written decision to the Institutional Equity and Title IX Coordinator, who will simultaneously share the written decision with the parties and their Advisors.

The options available to the External Reviewer are to: (a) affirm the findings, disciplinary decision and/or the sanction(s); (2) modify the findings, disciplinary decision and/or sanction(s); or (3) in the event of significant new evidence, order a new hearing based on the totality of the evidence.

The decision by the External Reviewer is final. No further appeals are available.

Document History

This Policy supersedes the following policy:

- Sexual Harassment and Misconduct Policy

Document History

Policy Revision Date: August 14, 2020

Policy Origination Date: August 1, 2019

This Policy supersedes the following policy:

- Sexual Harassment and Misconduct Policy

HARASSMENT AND DISCRIMINATION POLICY

Applies to all forms of harassment and discrimination outlined in the university's non-discrimination statement, excluding conduct prohibited by the sexual harassment and misconduct policy for students, staff, faculty and third parties.

Policy Statement

The University of Evansville is committed to creating and maintaining an atmosphere where all members of the community – students, faculty, staff, and visitors – are treated with respect and dignity.

Reason for Policy

This policy document informs members of the University community about the University's prohibition against harassment and discrimination. It provides information about resources, reporting options, and prompt and equitable resolution options. The policy reinforces the University's commitment to creating and maintaining an atmosphere of respect and dignity. Consistent with the procedures set forth in this policy, the University will take steps to eliminate harassment and discrimination and prevent their recur-

rence, and remedy any discriminatory effects for individuals or members of the University community.

Who Is Governed by This Policy?

All students, employees, alumni, independent contractors, vendors, as well as all visitors and guests of the University of Evansville, who are participating in University programs or activities, or on University owned, affiliated, or operated properties.

Policy

Consistent with the University's non-discrimination statement, the University does not discriminate and does not tolerate discrimination against students, faculty, staff, applicants for admission and employment, and visitors, in its education programs, activities, and its employment practices on the basis of race, color, gender, gender identity and expression, sexual orientation, creed or religion, national origin, age, disability, veteran status and all federally protected groups/classes.

Discrimination includes harassment, which includes a wide range of abusive and humiliating verbal or physical behaviors that are directed against a particular person or persons because of one or more of the above protected groups or classes. This includes creating a "hostile environment" where the conduct is sufficiently severe, pervasive, or persistent, which alters the conditions of the person's employment or educational experience at the University. The University will not tolerate any form of harassment of our employees, students, or other persons performing services for our campus by anyone, including any supervisor, coworker, vendor, student, parent, or alumni of our University.

All employees are responsible to help ensure that we avoid discrimination and harassment. If you feel that you have experienced or witnessed any conduct that is inconsistent with this policy, you are to notify the director of institutional equity.

The University forbids retaliation against anyone for reporting harassment or discrimination, assisting in making a discrimination or harassment complaint, cooperating in a discrimination or harassment investigation, or filing an EEOC claim.

The University's policy is to investigate all harassment or discrimination complaints thoroughly and promptly. To the fullest practical extent, the University will keep complaints and the terms of their resolution confidential. If an investigation confirms that a violation of the policy has occurred, the University will take corrective action, including discipline, up to and including immediate termination of employment or dismissal of a student from the University.

The University has designated a institutional equity and Title IX coordinator to oversee the implementation of this policy and to ensure compliance with applicable laws, and to work with the Office of Public Safety on compliance with the Clery Act and other applicable laws. The University's institutional equity and Title IX coordinator is Keith Gehlhausen:

Keith Gehlhausen
Executive Director of Human Resources and Institutional Equity
University of Evansville
Olmsted Administration Hall, Room 118
1800 Lincoln Avenue
Evansville, Indiana 47722
812-488-2943
kg77@evansville.edu

Concerns about the University's application of this policy may be addressed to the University's institutional equity and Title IX coordinator; the United States Department of Education, Clery Act Compliance Division (clery@ed.gov); the United States Department of Education, Office for Civil Rights (ocr@ed.gov or 800-421-3481); the Equal Employment Opportunity Commission (info@eoc.gov or 800-669-4000); and/or (for Harlaxton College) the Office of Independent Adjudicator (oiahe.org.uk/contact-us/ or 0118-959-9813).

To request disability accommodations, students should contact the University's Office of Counseling Services at 812-488-2663 or counselingservices@evansville.edu. Employees and other members of the University community should contact the Office of Human Resources at 812-488-2943 or kg77@evansville.edu.

Prevention and Awareness Programs

The University is committed to the prevention of prohibited conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming, and returning students and current employees receive ongoing training and related programs.

Scope and Jurisdiction

This policy governs the conduct of faculty, staff, students, alumni, volunteers and other participants in University programs and activities that occur on the campuses of the University of Evansville, the Stone Center for Health Sciences, and Harlaxton College. It also governs the conduct of third parties, including visitors and third-party contractors and vendors.

In this policy, the term "complainant" refers to a person who is reported to have experienced prohibited conduct, regardless of whether that person makes a report or seeks disciplinary action. The term "respondent" refers to a person who is reported to have engaged in prohibited conduct.

This policy applies to prohibited conduct that occurs:

- On campus or University-owned, affiliated, or operated properties;
- In the context of any University-related or sponsored education program or activity, regardless of the location (including, but not limited to, University-sponsored travel, research or internship programs, or University-sponsored athletic events, including NCAA, club and recreational activities);
- Through the use of University-owned or provided technology resources; or
- When the conduct has continuing adverse effects or the creation or continuation of a hostile environment on campus. (See the discussion of hostile environment under the section on prohibited conduct.)

The University's institutional equity and Title IX coordinator will review the circumstances of the reported conduct to determine whether the University has jurisdiction or disciplinary authority over the respondent or the conduct. In instances where the University does not have disciplinary authority over the respondent or the conduct is unconnected to a University program or activity, the University will take reasonably available steps to support a complainant or other community members through interim support measures and provide assistance in identifying external reporting mechanisms.

This policy addresses discrimination on the basis of race, color, creed or religion, national origin, age, disability, veteran status and

all federally protected groups/classes not covered by Title IX as it relates to prohibited conduct reportedly committed by a student, employee, third party or student organization. Discrimination or harassment on the basis of sex or gender do not fall under this Policy.

In addition, student, staff and faculty conduct is governed by applicable University policies and by the following:

- University of Evansville Employee Code of Conduct
- University of Evansville Drug and Alcohol Policies
- University of Evansville Student Handbook
- Harlaxton College Student Handbook
- University of Evansville Staff Manual
- University of Evansville Administrator Manual
- University of Evansville Faculty Manual
- University of Evansville Adjunct Faculty Manual
- Harlaxton College Employee Manual, Part 1
- Harlaxton College Employee Manual, Part 2

Where conduct involves the potential violation of both this policy and another University policy, the University may choose to investigate other potential misconduct under the procedures set forth in this policy, provided that it does not unduly delay a prompt or equitable resolution of the report. The classification of the respondent's primary role (student or employee) will direct the processes that will be followed for resolution.

This policy applies to all reports of prohibited conduct that are received by the University on or after the effective date of this policy, regardless of when the prohibited conduct occurred. Where the date of the prohibited conduct precedes the effective date of this policy, the definitions of prohibited conduct in existence at the time of the alleged incident(s) will be used. The procedures under this policy, however, will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

The Role of the Institutional Equity and Title IX Coordinator

The University's institutional equity and Title IX coordinator oversees the University's centralized response to all reports of prohibited conduct to ensure consistent implementation of this policy and compliance with applicable federal, state and local law. The institutional equity and Title IX coordinator and/or designated staff will:

- Communicate with all members of the University community regarding applicable law and policy and provide information about how individuals may access resources and reporting options.
- Maintain and implement applicable University policies to ensure institutional compliance with applicable law.
- Ensure that all students and employees have access to education and training regarding prohibited conduct defined in this Policy.
- Respond to any report regarding conduct that may violate this Policy. In this capacity, the institutional equity and Title IX coordinator shall:
 - Direct the provision of any interim support and protective Measures (including oversight of the failure to abide by an interim protective measure).
 - Oversee the prompt and equitable investigation and resolution of the report.

- Through alternative resolution or disciplinary resolution, take appropriate action to eliminate the prohibited conduct, prevent its recurrence and remedy its effects.
- Maintain centralized records of all reports, investigations and resolutions.

The institutional equity and Title IX coordinator maintains broad oversight responsibility, but may delegate responsibilities under this policy to designated administrators or external professionals who will have appropriate training and/or experience. When used in this policy, the term institutional equity and Title IX coordinator may include an appropriate designee.

Prohibited Conduct

In determining whether reported conduct violates this policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the reported conduct and the context in which it occurred. Lack of familiarity with University policy is not a defense to a violation of this policy. Unless specifically noted, intent is not a required element to establish a policy violation.

Prohibited conduct may include, among other things, telling jokes or making offensive or derogatory remarks about another person's race, ancestry, national origin, age, disability, veteran status or membership in another protected group. Prohibited conduct may occur through:

- Direct oral expression and/or physical gestures or actions;
- Notes, letters and other forms of written communication distributed via U.S. mail, campus mail, or otherwise made visible to the public;
- Phone calls, phone messages, or other forms of electronic verbal communication;
- Email, text messages, instant messaging, social networks, or other means of electronic communication.

Definitions/Glossary

The following definitions are University-wide definitions and will be used as a reference for all cases involving harassment and discrimination covered by this policy:

Protected Characteristics – Includes race, color, religion, national origin, age, disability status, genetic information, veterans' status, ethnic origin, ancestry, marital and parental status, or any other basis protected by applicable federal, state or local laws, but not covered by the University's sexual harassment and misconduct policy.

Discrimination Based on Protected Characteristics – Discrimination based on protected characteristics involves treating someone (an applicant, student, or employee) unfavorably because he/she is of a certain protected or because of personal characteristics associated with a protected class (e.g., hair texture, skin color, or certain facial features).

Harassment Based on Protected Characteristics – Harassment based on protected characteristics is a form of prohibited discrimination. Harassment often takes the form of verbal statements regarding an individual's protected characteristics, such as epithets, derogatory comments or slurs, profanity, gestures, innuendo, jokes, or forms of address. Harassment can also take the form of other adverse conduct motivated by a person's protected characteristics, such as teasing or tricks, physical abuse or bullying.

Intent vs. Impact – It is the impact of the behavior, not the intent of the person who exhibited the behavior, that determines whether or not prohibited conduct has occurred. According to the law, actual intent is irrelevant. Courts have found a hostile environment exists if the victim believes the environment to be abusive and a reasonable person would find it to be an abusive environment.

Race, Color, National Origin, or Ethnicity Harassment is any verbal or physical conduct that is directed at an individual because of his or her race, color, national origin or ethnicity, and that is sufficiently severe or pervasive so as to have the effect of creating an intimidating, hostile, or offensive work or educational environment, which unreasonably interferes with work or educational performance, or negatively affects an individual's employment or educational opportunities. Such harassment is prohibited.

Disability Harassment* is any verbal or physical conduct or a pattern of a lack of reasonable accommodation that is directed at an individual because of his or her mental or physical impairment, and that is sufficiently severe or pervasive so as to have the effect of creating an intimidating, hostile, or offensive work or educational environment which unreasonably interferes with work or educational performance, or negatively affects an individual's employment or educational opportunities. Such harassment is prohibited.

** If a student is dissatisfied with the accommodations recommended by a Disability Services staff member, they are not receiving the recommended accommodations from their instructor, or they feel they have been unjustly denied eligibility for Disability Services, the student should first follow the Disability Services Grievance Procedure.*

Religious Harassment is any verbal or physical conduct that is directed at an individual because of his or her religion and/or religious beliefs pertaining to religion and that is sufficiently severe or pervasive as to have the effect of creating an intimidating, hostile, or offensive work or educational environment, which unreasonably interferes with work or educational performance, or negatively affects an individual's employment or educational opportunities. Such harassment is prohibited.

Veteran Status Harassment is any verbal or physical conduct that is directed at an individual because of his or her status as a person who serves or has served in the Armed Forces, Reserves, National Guard, or other uniformed services, and that is sufficiently severe or pervasive as to have the effect of creating an intimidating, hostile, or offensive work or educational environment, which unreasonably interferes with work or educational performance, or negatively affects an individual's employment or educational opportunities. Such harassment is prohibited.

Retaliation includes words or acts, as described below, committed against an individual or group of individuals involved in a protected activity. Protected activity includes making a good faith report under this policy; filing an external complaint; or opposing in a reasonable manner and consistent with University policy an action reasonably believed to constitute a violation of this policy. Retaliation may also include words or acts committed against an individual or group of individuals because they have participated in proceedings under this policy. Retaliation can take many forms, including, but not limited to, adverse action or violence, threats and intimidation that would discourage a reasonable person (under similar circumstances and with similar identities to the targeted individual or group) from engaging in protected activity.

Complicity is any deliberate act or failure to act that knowingly or intentionally aids, attempts or assists the commission of a specific act of prohibited conduct by another person.

Violation of University Directive is the failure to abide by the terms of an interim protective measure or comply with a requirement of this policy.

Understanding Privacy and Confidentiality

The University encourages all individuals who believe they have experienced or witnessed prohibited conduct to share information with a responsible employee (defined below), who will make a referral to the institutional equity and Title IX coordinator. The institutional equity and Title IX coordinator will provide the complainant with information about resolution options and supports and resources. The institutional equity and Title IX coordinator will also consult with the complainant to determine whether and how the University should respond.

If a complainant or witness does not wish to report to the University but wishes to seek support or information in a confidential setting, they should seek such support from one of the confidential resources listed below.

The following information about privacy and confidentiality is intended to differentiate these two terms as they are used in the Title IX process.

Privacy refers to the discretion that will be exercised by the University, including the Office of Institutional Equity and Title IX, in the course of any investigation or disciplinary processes under this policy. Information related to a report of prohibited conduct will be handled discreetly and shared with a limited circle of University employees or designees who need to know in order to assist in the assessment, investigation and resolution of the report and related issues. Individuals in the Center for Diversity, Equity and Inclusion, along with investigators, disciplinary authority members, and external reviews will receive training in how to safeguard private information. The University will make reasonable efforts to investigate and address reports of prohibited conduct under this policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the University will maintain the privacy of the parties to the extent reasonably possible. The privacy of student education records will be protected in accordance with the university's Policy on the Access to Student Records in accordance with the Family Educational Rights and Privacy Act (FERPA). Access to an employee's personnel records is also governed by University policy and by applicable local laws.

Confidentiality refers to the statutory protections provided to individuals who disclose information in legally protected or privileged relationships, including professional mental health counselors, medical professionals, and ordained clergy (see confidential resources below). These confidential resources must maintain the confidentiality of communications disclosed within the scope of the provision of professional services. When an individual shares information with a confidential resource (on campus or in the community) as a confidential communication in the course of a protected relationship, the confidential resource cannot disclose the information (including information about whether an individual has received services) to any third party without the individual's written permission or unless permitted or required consistent with

ethical or legal obligations. Similarly, medical and counseling records cannot be released without the individual's written permission or unless permitted or required consistent with ethical or legal obligations.

Confidential resources submit non-personally identifying information about Clery-reportable crimes to the Office of Public Safety for purposes of the anonymous statistical reporting under the Clery Act.

Reporting Responsibility of University Employees

It is important to understand the different responsibilities of University employees. Some employees are designated as confidential resources, meaning that they will maintain the confidentiality of information shared with them, as described above. All other employees are designated as responsible employees, meaning that they are required to promptly share all information about prohibited conduct with the University's Title IX coordinator.

Confidential Resources include any University employee or independent contractor who has the ability to maintain the confidentiality of communications under applicable law or by designation. Confidential resources include medical, clinical, and mental-health professionals, and clergy when acting in that professional role in the provision of services; and any employee providing administrative, operational and/or related support for such providers in their performance of such services. Confidential resources will not disclose information about prohibited conduct without the individual's written permission or as set forth in the confidentiality section above. When individuals who otherwise are confidential resources receive information outside of the provision of services, the confidential resource is required to share that information with the institutional equity and Title IX coordinator. For example, a licensed counselor who receives a disclosure in the context of speaking at a prevention program would be required to share the information with the institutional equity and Title IX coordinator.

The following are on-campus confidential resources:

Office of Counseling Services

Room 200, Ridgway University Center
812-488-2663
counselingservices@evansville.edu
evansville.edu/counseling/

The Office of Counseling Services is staffed by professional, licensed counselors and is available to all students. The office is open from 8:00 a.m. to 4:30 p.m. Monday through Friday. Appointments can be made by calling 812-488-2663. Emergency counseling services are available after hours by calling the Office of Public Safety at 812-488-2051, and asking for the counselor on call.

University Chaplains

Neu Chapel
812-488-2235
religiouslife@evansville.edu
evansville.edu/religiouslife

The Office of Religious Life is staffed with licensed and ordained clergy in the United Methodist Church who provide pastoral care and counseling resources to the University of Evansville. Chaplains are best available by appointment or can be reached after hours by contacting the Office of Public Safety at 812-488-2051.

Crayton E. and Ellen Mann Health Center

Sampson Hall

812-488-2033

healthcenter@evansville.edu

evansville.edu/offices/healthcenter

The Health Center is staffed and operated by Tri-State Community Clinics, LLC (TSCC) and is available to all full-time students, as well as employees who are enrolled on UE health insurance. The University of Evansville Health Center is staffed by nurse practitioners, registered nurses and medical assistants who are under the supervision of R. Chad Perkins, MD, Chief Medical Officer of TSCC. The Health Center is open from 8:00 am to 5:00 pm Monday through Friday during the fall and semesters, with reduced hours in the summer.

While these confidential resources will ordinarily be able to maintain the confidentiality of the information shared with them in the course of their duties, there are certain limited circumstances where they may be required by law to share information. Those circumstances include:

- If they believe there is imminent danger of self-harm, or harm to others.
- If there is reason to believe that child, elder, or dependent abuse has occurred.
- If the individual express threats of violence towards another person.
- If federal law enforcement officials request your information under the United States Patriot Act.
- Under court order, subpoena or as otherwise required by law.

Employees may obtain confidential counseling from the University's employee assistance program, which can be accessed by contacting 1-888-293-6948.

Responsible Employees are required to promptly report any information they learn about suspected prohibited conduct or potential violations of this policy. All university employees, except for those that are designated as confidential resources, are considered responsible employees.

Responsible employees must report all known information, including the identities of the parties, the date, time and location and any details about the reported incident to the institutional equity and Title IX coordinator. The institutional equity and Title IX coordinator may share reports with other University employees to ensure a coordinated institutional response. Responsible employees may provide support and assistance to a complainant, witness or respondent; but they cannot promise confidentiality or withhold information about prohibited conduct. Failure by a responsible employee to report suspected prohibited conduct in a timely manner may subject them to appropriate discipline, including removal from a position or termination of employment.

Responsible employees are not required to report information disclosed at public awareness events, e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose prohibited conduct (collectively, public awareness events). The University may provide information about this policy and available University and community resources and support at public awareness events. When individuals who are designated as responsible employees also serve, at times, a dual role

as confidential resources, the individuals should not report information that they receive while providing services as confidential resources (except as set forth in the confidentiality section above). In addition, a complainant may choose not to make a report in their own case, even if the complainant would otherwise have reporting obligations as a responsible employee.

Clery Act Reporting

Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the University withholds the names and other personally identifying information of complainants when issuing timely warnings to the University community.

Campus and Community Resources

A complainant or witness has many options, including seeking counseling or assistance from a confidential resource, making a report under this policy, and/or making a report to law enforcement. The University encourages prompt reporting of prohibited conduct to the institutional equity and Title IX coordinator and law enforcement. The University also recognizes that deciding among these options can be difficult and is an intensely personal decision. Complainants and witnesses are encouraged to seek assistance from a confidential resource and to explore all potential reporting and support options.

Emergency Resources and Law Enforcement

Emergency medical assistance and campus safety and security assistance are available 24/7 both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense.

To report prohibited conduct that is imminent, in progress, or threatened, call:

University of Evansville: the University's Office of Public Safety at 812-488-2051 or the Evansville Police Department at 812- 436-7896 or 911.

Stone Center for Health Sciences: IU Police Department/G4S Security at 812-855-2425 or 812-855-2421 or the Evansville Police Department at 812-436-7896 or 911.

Harlaxton College: Lincolnshire Police at 101 or 999.

Medical Treatment and Preservation of Evidence

Regardless of whether a report is filed with local law enforcement, individuals should preserve all evidence that could be relevant to any criminal charges that may be brought or that might be needed to obtain a protection order.

University of Evansville and Stone Center for Health Sciences

Deaconess Hospital

deaconess.com/Services/Emergency-Care

Hours: 24/7

812-450-3405

St. Vincent's Hospital

stvincent.org/Locations/Hospitals/Evansville

Hours: 24/7

812-485-4491

Harlaxton College

Grantham Hospital

ulh.nhs.uk/hospitals/grantham-district

Hours: Daily from 8:00 a.m. - 6:30 p.m.

Manthorpe Rd, Grantham

NG31 8DG

01476 565232

Peterborough City Hospital

nwangliaft.nhs.uk/a-z-of-services/e/emergency-and-out-of-hours-care/

Hours: 24/7

Edith Cavell Campus

Bretton Gate, Peterborough

PE3 9GZ

01733 678000

Campus Resources

Members of the University community may obtain information about resources relating to prohibited conduct from:

- Keith Gehlhausen, *Executive Director of Human Resources and Institutional Equity*
812-488-2943, kg77@evansville.edu
- Dana Clayton, PhD, *Vice President of Student Affairs/Dean of Students*
812-488-2500, dc26@evansville.edu
- Rob Shelby, *Chief Diversity Officer*
812-488-2413, lw161@evansville.edu

The institutional equity and Title IX coordinator will provide complainants with written notice about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services, as well as options and available assistance for changing academic, living, transportation and working situations, if requested, if reasonably available and regardless of whether reports are made to law enforcement. These supports are described in greater detail in the section on Interim Measures.

Reporting Options

The University encourages all individuals to report prohibited conduct or a potential violation of this policy to the institutional equity and Title IX coordinator, the Office of Public Safety, and/or to local law enforcement. A complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the University will assist a complainant in contacting law enforcement at any time. Under limited circumstances (posing a threat to health or safety of any individual or to comply with applicable law), the University may independently notify law enforcement.

An individual may make a report to the University, to law enforcement, to neither, or to both. Campus discrimination processes and law enforcement investigations operate independently of one another, although the institutional equity and Title IX coordinator may coordinate information with law enforcement as part of the initial assessment. Anyone can make a report as follows:

- Make a report to the institutional equity and Title IX coordinator in person, by telephone, by email, or online at:
Keith Gehlhausen
Executive Director of Human Resources and Institutional Equity
Olmsted Administration Hall, Room 118
812-488-2943
kg77@evansville.edu
Annie Sills
Title IX and Institutional Equity Coordinator
Ridgway University Center, Room 263
812-488-5261
csl75@evansville.edu

- Make a report to local law enforcement

A complainant has the right to report, or decline to report, to law enforcement at any time. The University's investigation and adjudication processes are distinct from the criminal justice/law enforcement process. The University will assist a complainant in contacting law enforcement or the complainant may contact law enforcement directly.

University of Evansville and Stone Center for Health Sciences:

Evansville Police Department at 812-436-7896 or 911.

Harlaxton College:

Lincolnshire Police at 101 or 999.

- Make an anonymous report

A complainant is not required to reveal their identity in order to report an incident; however, an anonymous report may limit the ability to respond with an investigation or disciplinary action. An incident can be anonymously reported to University administration at:

University of Evansville Office of Public Safety Report A
Concern Form
Campus Conduct Hotline

Although providing anonymous information may limit the ability of the University to investigate or impose discipline, it can help the University maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location, group or respondent; and alert the campus community to potential dangers when appropriate.

A complainant or witness also has the ability to make an anonymous report to local law enforcement by contacting:

University of Evansville and Stone Center for Health Sciences

WE TIP Crime Hotline

1-800-78-CRIME

1-800-782-7463

wetip.com

Harlaxton College

Crimestoppers

0800 555111

crimestoppers-uk.org

The University will assist a complainant in contacting WE TIP/Crimestoppers or the complainant may contact WE TIP/Crimestoppers directly.

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue a discrimination report and a criminal complaint). When initiating any of the above options, an

individual does not need to know whether they wish to request any particular course of action nor how to label what happened. As part of a report to the institutional equity and Title IX coordinator, an individual can also request interim measures and support.

Timeframe for Reporting

Complainants and witnesses are encouraged to report prohibited conduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. The University does not, however, limit the timeframe for reporting. Depending on the relationship of the respondent to the University, the University may not have the authority to impose disciplinary action. Where the University does not have disciplinary authority, the University will still seek to meet any federal obligations by evaluating the reported conduct, providing reasonably available interim support measures, assisting the complainant in identifying external reporting options, and taking reasonably available steps to end the prohibited conduct, prevent its recurrence, and address its effects.

Amnesty

The University encourages reporting and seeks to remove barriers to reporting by providing amnesty for complainants and witnesses who report prohibited conduct for potential conduct violations occurring at or near the time of the incident. In general, the University will not pursue disciplinary action against a student who makes a good faith report to the University as a complainant or witness to prohibited conduct for personal consumption of alcohol or other drugs (underage or illegal) which would otherwise be a violation of the University's drug and alcohol policies, provided the misconduct did not endanger the health or safety of others. The University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

Requests for Anonymity

Once a report has been shared with the institutional equity and Title IX coordinator, a complainant may request that their identity not be shared with the respondent (request for anonymity), that no investigation occur, or that no disciplinary action be pursued. The University will carefully balance this request in the context of the University's commitment to provide a safe and non-discriminatory environment for all University community members. The University will take all reasonable efforts to investigate and respond to the report consistent with a complainant's request, but in order to pursue disciplinary action or impose interim protective measures against a respondent, the respondent must be provided with sufficient notice of the reported conduct. In some circumstances, the institutional equity and Title IX coordinator may arrange for limited preliminary fact-finding by an investigator to gain a better understanding of the context of the report or take other appropriate steps, including consulting with appropriate administrators. For more information, see the section on balancing complainant autonomy with university responsibility to investigate.

Interim Measures

Upon receipt of a report of prohibited conduct, the University will provide reasonable and appropriate interim measures designed to preserve access to educational opportunities; address safety concerns of the complainant, the respondent or broader University community; maintain the integrity of the investigative and/or resolution process; and deter retaliation. These actions may be supportive (measures designed to provide support and maintain continued access to educational opportunities) or protective (involving a restrictive action against a respondent).

Interim support measures are available to the complainant regardless of whether the complainant pursues an investigation or seeks a disciplinary resolution. Interim support measures are also available to respondents. In contrast, interim protective measures are only available when the University initiates an investigation as part of a disciplinary resolution. Interim protective measures may be imposed when the University has an articulable factual foundation that would support the taking of a restrictive measure prior to the conclusion of the investigation.

Interim support measures may include:

- Facilitating access to counseling and medical services.
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines.
- Academic support.
- Assistance in requesting long-term academic accommodations through the Office of Counseling Services if the individual qualifies as an individual with a disability.
- Change in class schedule, including the ability to transfer course sections or withdraw from a course.
- Allow either a complainant or a respondent to drop a class in which both parties are enrolled in the same section.
- Voluntary changes in the complainant's or respondent's University work schedule or job assignment.
- Change in campus housing.
- Escort and other safety planning steps.
- Mutual "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals.
- Voluntary leave of absence.
- Referral to resources to assist in obtaining a protective order.
- Referral to resources to assist with any financial aid, visa or immigration concerns.
- Any other remedial measure that does not interfere with either party's access to education can be used to achieve the goals of this policy.

Interim protective measures may include:

- Imposition of a "no contact order" prohibiting certain individuals from having contact or communications with other individuals.
- Change in the respondent's class schedule.
- Change in the respondent's University work schedule or job assignment.
- Change in the respondent's campus housing.
- Exclusion from all or part of University housing.
- Exclusion from specified activities or areas of campus.
- Prohibition from participating in student activities or representing the University in any capacity such as playing on an official team; serving in student government; performing in an official band, ensemble, or production; participating in a recognized student organization; participating in Greek life activities; or participating in academic honor ceremonies.
- Interim suspension
- Any other protective measure that can be used to achieve the goals of this policy.

The availability of supportive and protective measures will be determined by the specific circumstances of each report and interim

measures will be tailored to avoid depriving all parties of their education. The University will consider a number of factors in determining which measures to take, including the needs of the student or employee seeking supportive and/or protective measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the parties; whether the complainant and the respondent share the same residence hall, academic course(s), or job location(s); and whether court proceedings have been used to protect any parties (e.g., protective orders). The University will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority. The determination of whether to impose the Interim protective measure of interim suspension of a student may be made by the institutional equity and Title IX coordinator in consultation with other University employees as necessary. A respondent may be suspended on an interim basis when there is evidence that the continued presence of the student on the campus poses a substantial and immediate threat to themselves or to others or to the stability and continuance of normal University functions. The University may also impose a period of leave or separation for an employee. The decision to impose interim suspension or separation may be made at any point in the process. The University will provide reasonable supportive and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the University. The institutional equity and Title IX coordinator is responsible for ensuring the implementation of interim measures and coordinating the University's response with the appropriate offices on campus. The institutional equity and Title IX coordinator has the discretion to impose and/or modify any interim measure based on all available information and is available to meet with a complainant or respondent to address any concerns about the provision of interim measures. The University will maintain the privacy of any supportive and protective measures provided under this policy to the extent practicable and will promptly address any violation of an Interim protective measure.

All individuals are encouraged to report to the institutional equity and Title IX coordinator any concerns about the failure of another to abide by any restrictions imposed through an interim protective measure. In the event of an immediate health or safety concern, individuals should law enforcement or the Office of Public Safety immediately. The University will take action to enforce a previously implemented measure, which may include additional interim restrictions and/or disciplinary penalties for failing to abide by a University-imposed interim protective measure.

Overview of Resolution Processes

The University is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this Policy. The University uses two processes to resolve reports of prohibited conduct under this Policy:

- Alternative resolution: an informal framework that includes informal or restorative options for resolving reports that typically do not involve disciplinary action against a Respondent.
- Disciplinary resolution: formal procedures that involve an investigation, adjudication and, if appropriate, the imposition of sanctions.

The institutional equity and Title IX coordinator will determine the appropriate resolution process after making an initial assess-

ment of the reported information, consulting with the complainant, considering campus safety, and evaluating the University's obligation to maintain an environment free from harassment and discrimination. Where a complainant requests a disciplinary resolution and the available information raises the elements of prohibited conduct, the institutional equity and Title IX coordinator will initiate an investigation.

Time Frame for Resolution

The University will seek to complete the appropriate resolution process as promptly as possible, consistent with the need to conduct sensitive and informed fact-gathering to ensure an equitable resolution. The policy designates reasonably prompt timeframes for the major stages of the investigation and resolution process (typically set forth in business days), but the University may extend any timeframe in this policy for good cause. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the University calendar, University finals periods, the complexity of the investigation, the volume of information, number of witnesses, length of the written record, and/or the severity and extent of the alleged misconduct. While requests for delays by the parties may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a report under this policy. Reasonable requests for delays by the parties may serve to extend the time period for resolution of the report. The institutional equity and Title IX coordinator, in consultation with the investigators, has the authority to determine whether an extension is required or warranted by the circumstances. The University will notify the parties in writing of any extension of the timeframes for good cause, the reason for the extension and the length of the extension. Although cooperation with law enforcement may require the University to suspend the fact-finding portion of an institutional equity investigation temporarily, the University will promptly resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin or conclude its own investigation and, if needed, will take immediate steps to provide appropriate interim support measures. Investigations will proceed according to the timeframes in this policy to the extent possible during the summer and at other times when classes at the University are not in session. The institutional equity and Title IX coordinator will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.

Timeframes for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings and any related review of the finding, apply equally to both the complainant and the respondent.

Advisor of Choice

Throughout alternative or disciplinary resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation or whose role in the process does not otherwise create a conflict of interest. On-campus confidential resources (Counseling Services staff, chaplains, and Health Center staff) cannot serve as an advisor. The parties may be accompanied by

their respective advisor at any meeting or proceeding related to the resolution of a report under this policy. While the advisor may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt or interfere with meetings and/or proceedings. The University will not unduly delay the scheduling of meetings or proceedings based on an advisor's unavailability. An advisor may be asked to meet with a University administrator in advance of any proceedings to understand the expectations of the role, privacy considerations and appropriate decorum.

Obligation to Provide Truthful Information

All University community members are expected to provide truthful information in any proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of prohibited conduct is prohibited and subject to disciplinary sanctions, in accordance with the students' rights and responsibilities section of the University of Evansville Student Handbook, Student Code of Conduct section of the Harlaxton College Student Handbook, the University of Evansville Employee Code of Conduct, and other applicable University policies and procedures. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

Intake and Initial Assessment

Upon receipt of a report of prohibited conduct, the institutional equity and Title IX coordinator will take immediate and appropriate steps to investigate or otherwise determine what happened and work to resolve the matter promptly and equitably. The first step in this process is called an initial assessment.

As part of the initial assessment, the institutional equity and Title IX coordinator will gather information about the reported conduct and respond to any immediate health or safety concerns raised by the report. The institutional equity and Title IX coordinator will assess the complainant's safety and well-being, offer the University's immediate support and assistance, and assess the nature and circumstances of the report to determine whether the reported conduct raises a potential policy violation, whether the reported conduct is within the scope of this policy, and the appropriate manner of resolution under this policy. The institutional equity and Title IX coordinator may consult with other University administrators as part of the initial assessment.

As part of the initial assessment, the institutional equity and Title IX coordinator will typically:

- Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness and/or any other individual with knowledge of the reported incident;
- Address immediate physical safety and emotional well-being;
- Notify the complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
- Notify the complainant of the right to seek medical treatment;
- Notify the complainant of the importance of preservation of evidence;
- Refer the report to the Office of Public Safety to enter the report into the University's daily crime log if required by the Clery Act;

- With the Office of Public Safety, assess the reported conduct and discern the need for a timely warning under the Clery Act;
- Provide the complainant with written information about on and off campus resources;
- Notify the complainant of the range of interim measures available, including the right to reasonable interim support measures regardless of whether they choose to participate in a University or law enforcement investigation;
- Notify the complainant of the range of interim protective measures available if the University pursues an investigation;
- Provide the complainant with an explanation of the procedural options, including disciplinary resolution and alternative resolution;
- Notify the complainant of the right to be accompanied at any meeting by an advisor of choice;
- Assess the available information for any pattern of conduct by respondent;
- Discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns); and
- Explain the University's policy prohibiting retaliation and how to report acts of retaliation.

When the institutional equity and Title IX coordinator decides to initiate an investigation, impose interim protective measures, or take any other action that impacts a respondent, the institutional equity and Title IX coordinator will also ensure that respondent is notified and receives written information on available resources and options, consistent with the list outlined above.

The initial assessment will be conducted promptly and the time frame for the initial assessment will be tailored to the context and circumstances. The University will seek to complete the initial assessment within 10 business days, but recognizes that there may be circumstances in which the initial assessment takes longer based on the availability of the complainant or other necessary information, a complainant's request to maintain privacy or not seek disciplinary action, or other factors outside of the University's control. The University understands that a complainant may engage in delayed decision-making, which may impact the timing of the conclusion of the initial assessment.

Balancing Complainant Autonomy with University Responsibility to Investigate

In order to protect the safety of the campus community, the institutional equity and Title IX coordinator may need to proceed with an investigation even if a complainant specifically requests that the matter not be pursued. The institutional equity and Title IX coordinator may also initiate an investigation of potential violations of this policy even absent a formal report or identified complainant or respondent and even if a report has been withdrawn. In such a circumstance, the institutional equity and Title IX coordinator will take into account the complainant's articulated concerns, the safety of the campus community, fairness to all individuals involved, and the University's legal obligations.

A complainant may request that their name or other personally-identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps, the institutional equity and Title IX coordinator will discuss any con-

cerns with the complainant and seek to address and remedy barriers to reporting based upon concerns about retaliation or questions about procedural options and potential outcomes.

The institutional equity and Title IX coordinator will balance the complainant's request against the following factors in reaching a determination on whether the request can be honored:

- The totality of the known circumstances;
- The nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- The respective ages and roles of the complainant and respondent;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- Whether there have been other reports of other prohibited conduct or other misconduct by the respondent;
- Whether the report reveals a pattern of misconduct related to prohibited conduct (e.g., illicit use of drugs or alcohol) at a given location or by a particular group;
- The complainant's interest in the University not pursuing an investigation or disciplinary action and the impact of such actions on the complainant;
- Whether the University possesses other means to obtain relevant evidence;
- Fairness considerations for both the complainant and the Respondent;
- The University's obligation to provide a safe and non-discriminatory environment; and
- Any other available and relevant information.

The institutional equity and Title IX coordinator will consider what steps may be possible or appropriate when a respondent is unknown or the complainant requests anonymity and what other measures or remedies might be considered to address any effects of the reported behavior on the campus community. The institutional equity and Title IX coordinator will make a determination regarding the appropriate manner of resolution under the policy. The University will seek resolution consistent with the complainant's request, if it is reasonably possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the parties and the University community.

Where the institutional equity and Title IX coordinator determines that a complainant's request(s) can be honored, the University may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate support measures to the Complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies.

The institutional equity and Title IX coordinator may also re-open a report under this policy if any new or additional information becomes available, and/or if the complainant later decides that they would like a disciplinary resolution to occur.

In those instances when the institutional equity and Title IX coordinator determines that the University must proceed with an investigation despite the complainant's request that it not occur, the institutional equity and Title IX coordinator will notify the complainant that the University intends to initiate an investigation. The complainant is not required to participate in the investigation or in any of the actions taken by the University.

The University's ability to investigate and respond fully to a report may be limited if the complainant requests anonymity or declines to participate in an investigation. The University will, however, pursue other steps to limit the effects of the reported conduct and prevent its recurrence. In all cases, the final decision on whether, how and to what extent the University will conduct an investigation and whether other interim support or protective measures will be taken in connection with a report of prohibited conduct will be made in a manner consistent with this policy.

At the conclusion of the initial assessment, the University will proceed with one of the following options:

- (1) Proceed with alternative resolution. This will always require the consent of the complainant. The consent of the respondent is also required when the form of resolution involves the respondent.
- (2) Proceed with an investigation under the disciplinary resolution process. This will occur when a complainant requests an investigation, where the institutional equity and Title IX coordinator determines to proceed with an investigation even when a complainant requests that no investigation be pursued, or where alternative resolution is not appropriate or available.
- (3) If outside the scope of this policy, refer the matter to another appropriate office or department for resolution under the relevant policy.

Alternative Resolution

Alternative resolution is a voluntary and remedies-based resolution. In some forms of alternative resolution, the remedies imposed will focus on supporting the complainant with no participation or involvement by the respondent. In other forms of alternative resolution, the respondent may agree to participate. Depending on the form of alternative resolution used, it may be possible for a complainant to maintain anonymity.

Potential Remedies

Any form of alternative resolution and any combination of interventions and remedies may be utilized. Where an initial assessment concludes that alternative resolution may be appropriate, the University will take prompt action through the imposition of individual and community remedies designed to maintain access to the educational, extracurricular, and employment activities at the University and to remedy the impacts of conduct on members of the University community. Examples of interim support measures are included in the interim measures section of the policy.

Other potential remedies include targeted or broad-based educational programming or training, supported direct conversation or interaction with the respondent, and/or indirect action by the institutional equity and Title IX coordinator. In some circumstances, alternative resolution may involve disciplinary action against a respondent. Disciplinary action will only be imposed against a respondent where there is a sufficient factual foundation and both the complainant and the respondent have agreed to forego the additional procedures set forth in this policy and accept an agreed upon sanction. The University will not compel a complainant to engage in mediation, to confront the respondent directly, or to participate in any particular form of alternative resolution. The decision to pursue alternative resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time.

Participation in Alternative Resolution

Participation in alternative resolution is voluntary, and either party can request to end alternative resolution at any time. If an agreement acceptable to the University, the complainant, and the respondent is reached through alternative resolution, the terms of the agreement are implemented and the matter is deemed resolved and closed. If an agreement is not reached, and the institutional equity and Title IX coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the alternative resolution, the matter may be referred for an investigation and disciplinary resolution.

Where the complainant or the respondent withdraws from alternative resolution or alternative resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the alternative resolution may be considered in a subsequent investigation and disciplinary resolution.

Record Keeping

The institutional equity and Title IX coordinator will maintain records of all reports and conduct referred for alternative resolution, which will typically be complete within 60 business days of the initial report.

Disciplinary Resolution: Investigation

The University will conduct a prompt and equitable investigation to gather information relevant to the determination of whether there is sufficient information, by a preponderance of the evidence, to determine that a policy violation occurred. The investigation will be impartial and will be conducted by trained individuals who have no actual bias or conflict of interest.

During the investigation and disciplinary proceedings, both the complainant and respondent have equitable opportunities, including the opportunity to receive a written notice of investigation; to participate in the investigation; to review and present information and evidence; to be accompanied by an advisor of their choice to any meeting; to timely and equal access to information that will be used in disciplinary proceedings; to timely notice of meetings at which their presence will be requested or required; to simultaneous written notice of the outcome, sanction and rationale; and to appeal the outcome.

The investigator, not the parties, is responsible for gathering relevant evidence. The complainant and respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications and other evidence, if available. The parties are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution and are encouraged to preserve relevant evidence. In the event that a party declines to voluntarily provide material information, the University's ability to conduct a prompt, thorough and equitable investigation may be impacted.

Initiating an Investigation

When the decision is made to initiate an investigation, the University will designate two investigators to conduct a prompt, thorough, fair and impartial investigation. The investigators may be a University employee and/or an experienced external investigator. Any investigator used by the University will receive annual training on issues related to this policy on how to conduct an investigation that is fair and impartial, provide parties with notice and a meaningful opportunity to be heard, and protect the safety of all participants

while promoting accountability. The investigators will be impartial and free from conflict of interest or actual bias for or against the complainant or respondent. If either party believes an assigned Investigator has a conflict of interest or bias, they may notify the institutional equity and Title IX coordinator, who will determine if a different investigator should be appointed.

Notice of Investigation

The institutional equity and Title IX coordinator will notify the complainant and the respondent, in writing (typically via e-mail to each party's University e-mail address) of the following information: (1) the names of the complainant and the respondent; (2) the date, time (if known), location, and a brief summary of the nature of the reported conduct; (3) the reported policy violation(s); (4) the name of the Investigators; (5) information about the parties' participation options in the process; (6) the prohibition against retaliation; (7) the importance of preserving any potentially relevant evidence in any format; (8) how to challenge participation by the Investigators on the basis of a conflict of interest or actual bias; (9) access to Counseling Services for students and/or employee assistance program for employees; and (10) a copy of this policy. If the investigation reveals the existence of additional or different potential violations of this policy, the investigators will issue a supplemental notice of investigation.

Consolidation of Investigation

The institutional equity and Title IX coordinator has the discretion to consolidate multiple reports into a single investigation if evidence relevant to one incident is relevant to the others. Consolidation might involve multiple complainants and a single respondent, one complainant and multiple respondents, or conduct that is temporally or logically connected.

Investigative Steps

During an investigation, the investigators will seek to meet separately with the complainant, respondent and relevant witnesses. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, the parties or related matters. Witnesses may not participate solely to speak about an individual's character. Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be included in the written investigation report, which the parties will have the opportunity to review at the conclusion of the investigation. The Investigators will also gather other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person), and other electronic records as appropriate.

Social Media and Personal Communications

The investigators may also consider information publicly available from online sources that comes to the attention of investigators. The University does not actively monitor online sources, however, and as with all potentially relevant information, the complainant, respondent or witness should bring online information to the attention of the investigators if they believe it is relevant. The investigators may also consider communications involving or relating to one or both parties that either party brings to the attention of the investigators or that is provided by the parties in response to a request by the investigators. The investigators may also seek review of infor-

mation available on University devices or servers, consistent with the University's technology policies.

Other Evidence: Site Visits and Experts

The investigators may visit relevant sites or locations and record observations through written, photographic or other means. In some cases, the investigators may consult with relevant experts when deemed appropriate and necessary by the University. The University will not consider polygraph results.

Medical and Counseling Records

In general, a person's medical and counseling records are confidential and not accessible to the investigators unless the person voluntarily chooses to share those records with the investigator. In those instances, the relevant information from the records must be shared with the other party.

Prior or Subsequent Conduct

Prior or subsequent conduct may be considered in determining pattern, knowledge, intent or motive. For example, evidence of an articulable pattern of prohibited conduct by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of responsibility for the prohibited conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct. The investigators will determine the relevance of this information, which may involve additional investigative steps, and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

Relevance

The investigators will review all information identified or provided by the parties and will determine the appropriateness, relevance and probative value of the information developed or received during the investigation. In general, the investigators will not consider statements of personal opinion or statements as to any party's general reputation for any character trait. All information considered relevant by the investigators will be provided to the parties for their review and comment, as described in this policy.

Expectations of the Parties

The University expects all members of the University community to cooperate fully with the investigation and disciplinary procedures. It is understood that there may be circumstances in which a complainant or respondent wish to limit their participation, and the University will respect the choice of the complainant or respondent as to how to engage in proceedings under this policy. The University may, however, move forward with an investigation and disciplinary action without the participation of a party or parties.

If a complainant or respondent chooses not to answer any or all questions in an investigation for any reason, the University will continue its process; and the University will issue any discipline or sanctions as appropriate. The University will not draw any adverse inference solely from a complainant's or respondent's decision not to participate in the investigation or any form of resolution under this policy; however, the complainant or respondent should be aware that declining to participate in the investigation may impact the timing and outcome of the case.

Effect of Withdrawal

At any time, the University may place an administrative hold on the respondent's University transcript, or defer or withhold the award of

the respondent's degree. Even if a respondent withdraws from the University, the institutional equity and Title IX coordinator may proceed with further action as necessary to eliminate, prevent or address any impacts of the reported conduct.

Safeguarding the Privacy of Complainants and Respondents

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation.

While discretion regarding the process is important, complainants and respondents are not restricted from discussing and sharing information with others who may support or assist them during the process. All parties, however, are encouraged to maintain the privacy of Family Educational Rights and Privacy Act (FERPA)-protected and/or sensitive information gathered or learned in the process.

Timing of Investigation

The investigators will provide periodic updates to the parties about the status of the investigation, with a goal to complete the fact-gathering portion of the investigation within approximately 50 business days.

Coordination with Law Enforcement

If there is a concurrent criminal investigation, the University will seek to work in a collaborative manner in order to respect the integrity of external investigations and University investigations. This may include contacting the law enforcement agency that is conducting any investigation to inform that agency that a University investigation is also in progress, attempting to ascertain the status of the criminal investigation, and seeking to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation.

Review of Preliminary Investigative Report

At the conclusion of the fact-gathering portion of the investigation, the Investigators will provide the institutional equity and Title IX coordinator with a preliminary investigative report that includes all facts gathered thus far in the investigation. The institutional equity and Title IX coordinator will then provide the complainant and the respondent equal and timely access to preliminary investigative report for their review. After reviewing the preliminary investigative report, each party will have five business days to: (1) provide written comment or feedback, (2) submit additional information, (3) identify additional witnesses, and/or (4) request the collection of other information by the investigators. The investigators will determine the appropriateness of additional investigative steps and the relevance of additional information. If either party provides a written response or makes a request for additional investigation, the written response and any additional information gathered by the Investigators will be shared with the other party and incorporated as appropriate in the final investigative report. Any information gathered through additional investigation steps will be shared with both parties, and, as appropriate, each will have the opportunity for further response. Typically, each party will have three business days to review any additional substantive information.

As necessary, the investigators will designate reasonably prompt timeframes to ensure a timely completion of the process while also providing an adequate opportunity for both parties to respond thoroughly to the information gathered during the investigation. In the absence of good cause, information that could have been learned that is not provided to the investigator upon review of the

preliminary investigative report will not be considered in the determination of responsibility for a violation of the policy.

Final Investigative Report

Upon the conclusion of the preliminary investigative report review by the complainant and respondent (including any additional investigative steps requested by the parties or identified by the Investigators, normally within five business days after receipt and consideration of additional comments, questions and/or information from the parties), the investigators will provide the institutional equity and Title IX coordinator with a final investigative report, who will then simultaneously share with the complainant, respondent, and appropriate disciplinary authority in writing (typically via e-mail to each party's University e-mail address).

Disciplinary Resolution: Finding of Responsibility and Sanction

The University's disciplinary resolution process is designed to identify and implement a tailored and individual response intended to eliminate prohibited conduct, prevent its recurrence and remedy its effects, while supporting the University's educational mission, legal obligations and commitment to federal laws. Sanctions or interventions may also serve to promote safety and/or deter other individuals from similar future behavior. Other remedies may include corrective action that is intended to be non-punitive, such as targeted or broad-based educational programming or training.

Disciplinary Authority

The disciplinary authority refers to the Student Equity/Title IX Misconduct Hearing Board or the Employee Equity/Title IX Misconduct Hearing Board, which are designated to review the final investigative report and determine if a preponderance of evidence exists to warrant the imposition of appropriate sanction(s) and/or remedies. The disciplinary authority may consist of University employees and/or an experienced external adjudicator(s). Any disciplinary authority used by the University will receive annual training on issues related to harassment and discrimination of the protected classes outlined in this policy, and on how to adjudicate in a manner that is fair and impartial, will provide the parties a meaningful opportunity to be heard, and will protect the safety of all participants while promoting accountability. The disciplinary authority will be impartial and free from actual bias or conflict of interest. If either party believes a member of the disciplinary authority has a conflict of interest or bias, they may notify the institutional equity and Title IX coordinator, who will determine if a designee should be appointed.

The institutional equity and Title IX coordinator is administratively responsible for coordinating all aspects of the disciplinary process. For cases involving student-respondents, the institutional equity and Title IX coordinator may utilize the Office of the Dean of Students for administrative assistance in coordinating the disciplinary process. For cases involving employee-respondents, the institutional equity and Title IX coordinator may utilize the Office of Human Resources for administrative assistance in coordinating the disciplinary process.

The disciplinary authority over the Respondent is as follows:

- For student respondents, the disciplinary authority is the Student Equity/Title IX Misconduct Hearing Board. This hearing board is comprised of faculty and administrators, who are appointed by the president to serve as a pool of members for the Student

Equity/Title IX Misconduct Hearing Board. From the pool of members, the equity and Title IX coordinator will select a total of three individuals from this pool to serve on the hearing board.*

- For employee respondents, the disciplinary authority is the Employee Equity/Title IX Misconduct Hearing Board, which consists of the vice president of fiscal affairs and administration, vice president of student affairs/dean of students, and executive vice president of academic affairs/provost or their designee(s).^{*} If the complainant or respondent reports to one of the disciplinary authority members, the disciplinary authority member is a party to the complaint, or if a disciplinary authority member is unable to serve, the institutional equity and Title IX coordinator will appoint a designee from a pool of trained senior administrators.
- For tenured and tenure track faculty respondents who may be subject to termination or suspension, the disciplinary authority is outlined below in the adjudication and appeal process for tenured and tenure track faculty section.
- For a respondent who is both a student and employee, the disciplinary authority is the Student Equity/Title IX Misconduct Hearing Board if the respondent's primary status is an enrolled student. The disciplinary authority is the Employee Equity/Title IX Misconduct Hearing Board if the respondent's primary status is an employee who is enrolled as a student as a benefit of their own employment. Where there is a question about the predominant role of the respondent, the institutional equity and Title IX coordinator will consult with the dean of students and the executive director of human resources and institutional equity to determine the most appropriate disciplinary authority. Further, a Respondent may be subject to any of the sanctions applicable to students and employees.

**The equity/Title IX coordinator will appoint one of these individuals to be the presiding board member for the hearing.*

The executive director of human resources and institutional equity, or their designee, will serve as an advisor to the disciplinary authority. In all instances, the disciplinary authority may consult with the executive director of human resources and institutional equity to ensure that the sanction(s) and/or remedies satisfy the University's obligation to eliminate the prohibited conduct, prevent its recurrence and address its effects.

Impact or Mitigation Statements

In the time frame directed by the institutional equity and Title IX coordinator, the complainant and respondent may submit a written impact or mitigation statement for consideration by the disciplinary authority. The decision whether to provide an impact or mitigation statement is completely voluntary.

An impact statement is written information from the complainant regarding how the prohibited conduct has affected them and the complainant's views on an appropriate sanction. Impact statements may include description of: emotional impacts caused by the prohibited conduct; negative social or educational consequences arising from the prohibited conduct; medical or psychological consequences sustained as a result of the prohibited conduct; the complainant's view on the prohibited conduct; or the complainant's view on the appropriate sanction.

A mitigation statement is written information from the respondent regarding any potential mitigating factors. Mitigation statements may include a description of: the respondent's previous good character; worthy social or academic contributions and public service;

whether the respondent accepted responsibility for the prohibited conduct; cooperation with the investigation; the respondent's mental or physical health; the respondent's view on an appropriate sanction; and the likely effect of the sanctions on respondent.

The institutional equity and Title IX coordinator will review all information submitted in an impact statement or mitigation statement for relevance and appropriateness and may determine that some or all of the information submitted will not be provided to the disciplinary authority. Both parties will receive a copy of the impact or mitigation statement provided to the disciplinary authority.

Adjudication and Appeal Process for Tenured and Tenure Track Faculty

The Employee Equity/Title IX Misconduct Hearing Board will review the final investigative report for tenured and tenure track faculty respondents prior to a disciplinary authority hearing to assess whether the reported conduct could result in the termination or suspension of the faculty member. If the Employee Equity/Title IX Misconduct Hearing Board determines termination or suspension could be an appropriate sanction if the tenured and tenure track faculty respondent is found responsible, the adjudication and appeal of the case will be handled in accordance with the University's tenure/tenure track faculty suspension and termination policy.

If the Employee Equity/Title IX Misconduct Hearing Board determines that termination or suspension may not be an appropriate sanction for reported conduct of a tenured and tenure track faculty respondent, the disciplinary authority will be the Employee Equity/Title IX Misconduct Hearing Board and the faculty member will be subject to the adjudication and appeal policies outlined below. However, if at any time during the disciplinary authority hearing, the Employee Equity/Title IX Misconduct Hearing Board determines termination or suspension could be an appropriate sanction, the adjudication and appeal of the case will be handled in accordance with the University's tenure/tenure track faculty suspension and termination policy.

For faculty members who are not tenured or tenure track, the disciplinary authority will be the Employee Equity/Title IX Misconduct Hearing Board and the faculty member will be subject to the adjudication and appeal policies outlined below, regardless of the sanctions that may be imposed.

Disciplinary Authority Hearing

1. The investigators should be prepared to attend the hearing to answer questions posed by either party or by the disciplinary Authority or to provide additional information as requested.
2. Both the complainant and the respondent will be invited to be present for the entire hearing. Although the University will not compel either party to attend or participate, a party's decision not to attend or not to participate may impact the outcome as the disciplinary authority's determination will necessarily be based upon the available information.
3. When requested, the University will make arrangements to keep the parties separated during the hearing. For example, the University may use a physical barrier so that the parties cannot see one another, or the University may use phone or video conferencing to allow the parties to participate from separate rooms.
4. Each party may submit a list of witnesses to be called at the hearing at least 48 hours before the hearing starts. If a witness was not interviewed by the investigators, the party must identify the information

expected to be gleaned from that witness at the hearing. The institutional equity and Title IX coordinator will arrange for witnesses to be present and will inform each party of the witnesses requested by the other party. The institutional equity and Title IX coordinator has discretion to decline to call witnesses if they are being offered solely for an improper purpose, such as reputation/character. The complainant and respondent will each have the opportunity to prepare questions to be asked of the other party and of each witness. The presiding officer will collect the prepared questions during the hearing and will ask the questions to the parties and/or witnesses. The presiding officer, in consultation with the executive director of human resources and institutional equity, or their designee, will have discretion to rephrase or decline to ask questions that are inappropriate, such as questions about prior sexual history, character/reputation, or other acts not relevant to the alleged conduct.

The order of a hearing will be as follows:

1. The complainant will be invited to deliver an opening statement.
2. The respondent will be invited to deliver an opening statement.
3. The complainant will be made available for questioning.
 - a. The respondent may submit questions to be asked of the complainant through the presiding officer.
 - b. The disciplinary authority may ask questions of the complainant.
4. The respondent will be made available for questioning.
 - a. The complainant may submit questions to be asked of the respondent through the presiding officer.
 - b. The disciplinary authority may ask questions of the respondent.
5. Witnesses will be called individually for questioning.
 - a. The complainant may submit questions to be asked through the presiding officer.
 - b. The respondent may submit questions to be asked through the presiding officer.
 - c. The disciplinary authority may ask questions of each witness.
6. The investigator(s) will be made available for questioning. Questions will be limited to the facts of the case. Investigators may not offer recommendations on a finding of responsibility or sanctions.
 - a. The complainant may submit questions to be asked through the presiding officer.
 - b. The respondent may submit questions to be asked through the presiding officer.
 - c. The disciplinary authority may ask questions of the investigator(s).
7. The complainant may make a closing statement, including an impact statement and a description of the desired outcome from the hearing.
8. The respondent may make a closing statement, including a mitigation statement and a description of the desired outcome from the hearing.
9. The parties will leave the hearing in such a way to avoid contact with each other.

Determination and Possible Sanctions

At the conclusion of the hearing, the disciplinary authority will evaluate the investigative report and the record of the hearing to determine, by majority vote, a finding of responsibility (based on a preponderance of the evidence) and, if found responsible, sanctions

for the respondent. If a respondent is found responsible, only then will the disciplinary authority be given access to the respondent's discipline/criminal history.

In determining the appropriate sanction(s) and/or remedies, the disciplinary authority will consider a number of factors, including:

- The nature of the conduct at issue;
- The impact of the conduct on the complainant;
- The impact or implications of the conduct on the University community;
- Prior misconduct by the respondent, including the respondent's relevant prior discipline history, both at the University or elsewhere, and any criminal convictions, if such information is available and known;
- Any expression of remorse or acceptance of responsibility by the respondent;
- Maintenance of a safe and respectful environment conducive to learning;
- Protection of the University community;
- The necessity of any specific action in order to eliminate the prohibited conduct, prevent its recurrence and remedy its effects on the complainant or other University community members; and,
- Any mitigating, aggravating or compelling circumstances in order to reach a just and appropriate resolution in each case.

The disciplinary authority may also consider restorative outcomes that, taking into account the safety of the University community as a whole, allow a respondent to develop insight about their responsibility for the behavior, learn about the impact of the behavior on the complainant and the community, and identify how to prevent or change the behavior. Sanctions may be issued individually, or a combination of sanctions may be imposed. Sanctions will typically be imposed immediately, although the institutional equity and Title IX coordinator in consultation with the dean of students (if a student) or executive director of human resources and institutional equity (if an employee) has the discretion to stay imposition of some or all sanctions pending an appeal.

Sanctions and Corrective Action for Student Respondents

Sanctions and corrective actions for student respondents include, but are not limited to, censure, disciplinary probation, restitution, eviction from residence, suspension, expulsion, restriction from employment at the University, educational program attendance, educational project, professional assessment, removal from specific courses, activities or organizations, no contact order, transcript notation and/or notification to other institutions, withholding or delaying the conferral of a degree, prohibitions against participation in academic honor ceremonies, such as graduation, training, guidance, other reasonable sanctions and corrective actions, and measures to protect health and safety.

Student-employees who are reported to have engaged in prohibited conduct in their employment capacity may be subject to sanctions both in connection with their employment and in connection with their student status, as appropriate under applicable processes. If a student is employed through a financial aid package, such as work study, any modification to the employment will not result in a decrease in student aid funds.

Sanctions and Corrective Action for Employee Respondents

Sanctions and corrective actions for employee respondents include,

but are not limited to, verbal or written warning, disciplinary probation, suspension, termination of employment, training, guidance, adjustment of supervisory or evaluative responsibilities, other reasonable sanctions and corrective actions, and measures to protect health and safety. Sanctions of a faculty member may be subject to procedures outlined in the faculty manual. Those procedures will be implemented in a manner consistent with the requirements of relevant laws and the Clery Act.

Written Notice of Outcome

The complainant and respondent will receive simultaneous written notification of the outcome (typically via e-mail to each party's University e-mail address) from the institutional equity and Title IX coordinator or designee, including:

1. The disciplinary authority's finding, by a preponderance of the evidence, as to whether or not a Policy violation occurred;
2. The disciplinary authority's rationale for the finding;
3. If there was a finding of responsibility, the sanctions imposed on the respondent that directly relate to the complainant;
4. The disciplinary authority's rationale for the sanction;
5. Information regarding the appeal process.

The institutional equity and Title IX coordinator will also document individual remedies provided to the Complainant and other steps the University took or will take to eliminate a hostile environment, if one is found to exist. That documentation may be provided to the complainant and/or respondent as appropriate.

Appeals

The complainant or respondent may appeal the outcome by submitting a written appeal within five business days of the date of the notice of outcome by contacting the institutional equity and Title IX coordinator in writing via e-mail. The appeal will be conducted in an impartial manner and equivalent procedural rights will be provided to both parties throughout the process.

If the Employee Equity/Title IX Misconduct Hearing Board determines termination or suspension could be an appropriate sanction if the tenured and tenure track faculty respondent is found responsible, the adjudication and appeal of the case will be handled in accordance with the University's tenure/tenure track faculty suspension and termination policy.

External Reviewer

The appeal review for students and all employees that are not subject to the University's tenure/tenure track faculty suspension and termination policy will be conducted by an external reviewer. The external reviewer will be a neutral party outside of the university, most often an attorney with significant legal experience, training and knowledge regarding sexual and gender-based harassment and interpersonal violence. The external reviewer will receive annual training regarding the University's policies and procedures and other relevant issues.

The University will maintain a pool of external reviewers selected through an inclusive committee process under the direction of the institutional equity and Title IX coordinator. The external reviewers will serve for a limited term, unless reappointed by the selection committee. Any individual selected as an external reviewer must be free from actual bias or conflict of interest.

The appeal process for faculty is outlined below.

Grounds for Appeal

A complainant or respondent may appeal on one or more of the following grounds:

- A material deviation from the procedures that affected the outcome of the case.
- There is new and relevant information that was unavailable, with reasonable diligence and effort, at the time of the investigation that could materially affect the investigation findings.
- The sanction(s) was clearly inappropriate and/or disproportionate to the prohibited conduct for which the respondent was found responsible.

Process for Review

The appeal shall consist of a plain, concise and complete written statement outlining the basis for appeal and all relevant information to substantiate the claim. Dissatisfaction with the outcome is not sufficient grounds for appeal. The appeal will be narrowly tailored to the stated appeal grounds.

Each party will be given the opportunity to review and respond in writing to the other party's appeal. Any response by a party to the other party's appeal must be submitted within three business days. All appeal documents from each party will be considered together in one review process.

The external reviewer will review the matter based on the issues identified in the appeal(s) materials. The external reviewer has the authority to determine the appropriateness of evidence, including whether certain evidence should be considered, and the strength and weight that evidence will be given. The external reviewer will consider the final investigative report, any written submissions by the parties, and any impact or mitigation statements. The external reviewer may request additional information as necessary.

Appeals are not intended to be a reevaluation of the facts gathered, nor may the external reviewer substitute their judgment for that of the investigators or disciplinary authority merely because they disagree with the outcome. The finding and sanction are presumed to have been decided reasonably and appropriately, and the external reviewer should give deference to the underlying outcome unless there is clear error based on the stated appeal grounds.

The external reviewer may conclude that there is no error and therefore determine that the outcome be affirmed. In the alternative, the external reviewer may identify error based on one of the stated appeals grounds. If so, the external reviewer may modify the finding or may refer the matter back to the institutional equity and Title IX coordinator, investigators, or disciplinary authority with instructions or recommendations for additional actions. The external reviewer does not have the authority to modify sanction(s) in cases where the external reviewer upholds a finding that the policy has been violated. However, the external reviewer may recommend that the sanction(s) be reconsidered if, based on the record, the external reviewer reasonably believes that the sanctions(s) may be inappropriate and/or disproportionate to the prohibited conduct for which the respondent was found responsible. In such instances, the external reviewer may refer the matter to the following with recommendations for consideration*:

- For student respondents, the vice president of student affairs/dean of students or their designee

- For employee respondents, the vice president for the area to whom they report or their designee
- For employee respondents that report to the president, the president, or their designee
- If the Respondent is the president, the chair of the board of trustees, or their designee

**The above individuals cannot serve in this role if they previously served as a member of the hearing board for that case, or if they are a party to the complainant.*

The external reviewer will strive to complete the appeal review within 10 business days of receipt of all documents. Both parties will be provided with written notice of the outcome of the appeal. The determination by the external reviewer is final, except in cases where the external reviewer refers the matter of appropriate sanction(s), as stated above. In such cases, the individuals identified above make the final determination with respect to sanction(s).

Document History

Policy origination date: August 1, 2019

This policy supersedes the following policies:

Policy prohibiting administrators, faculty members, staff members, and students from engaging in sexual and other unlawful harassment

ADDITIONAL INFORMATION REGARDING VICTIM SUPPORT AND OUTCOMES

For any individual who reports that they are a victim of a crime, including a Title IX/VAWA, harassment or discrimination offense and regardless of whether the offense occurred on or off campus, verbal and written information regarding the student's and employee's rights and options, as well as the resources and existing counseling and mental health resources, medical assistance, victim advocacy, VISA and immigration assistance, interim measures, and other services available within the community will be provided as part of the intake process.

Additional information specific to possible sanctions can be found on the institutional Equity/Title IX website at evansville.edu/offices/titleix/additional-procedures-cfm regarding cases that are adjudicated through the University institutional equity/Title IX process.

CAMPUS SEX CRIMES PREVENTION ACT OF 2000

The Campus Sex Crimes Prevention Act of 2000 requires sex offenders, when they register with the designated law enforcement agency, to indicate whether and where they are enrolled, employed, or volunteering on a college campus. The registering agency must share that information with the relevant colleges, and the colleges must tell students, faculty members, administrators, and staff members where information on registered sex offenders can be obtained. The designated law enforcement agency for our community is the Vanderburgh County Sheriff's Department.

As of January 1, 2003, Indiana's "Zachary's Law" requires sheriff's departments to jointly establish and maintain the Indiana Sheriffs' Sex Offender Registry to provide detailed information about individuals who register as sex or violent offenders at Indiana sheriff departments (or in Marion County, the Indianapolis Police Depart-

ment). The purpose of the registry is to inform the general public about the identity, location, and appearance of sex and violent offenders who live, work, or study in Indiana. Information about the offenses requiring registration and information about individuals included in the Vanderburgh County registry can be accessed at vanderburghsheriff.com/SexOffender/sex_offender.htm.

In addition to the detailed information about registered offenders, Zachary's Law requires the Indiana Criminal Justice Institute to keep Indiana's Sex and Violent Offender Directory, a list of all offenders convicted of a sex or violent crime. This directory can be accessed on the internet at in.gov/serv/cji_sor.

CAMPUS SECURITY AUTHORITY

In addition to campus security, there are other University personnel who are classified as a "campus security authority" according to the regulations of the Jeanne Clery Act. These are individuals who have significant responsibility for student activities and are responsible for forwarding reports of crimes to the preparer of this report for inclusion in this report and for purposes of placing the campus community on alert should the crime be considered a threat to other students and employees. When a threat of this nature exists, the appropriate timely notice of this incident shall be made to students and employees by means described in the "timely warning" section of this brochure. Positions who generally meet the criteria for being campus security authorities include:

- University president
- Executive VP for academic affair/provost
- VP student life affairs/dean of students
- Chief diversity officer
- Title IX coordinator
- Residential life staff
- Student engagement staff
- Fitness center staff
- Cultural engagement/international services
- Athletic director and all coaches
- Greek affairs
- Advisors to student organization

CRIME STATISTICS REPORTED TO THE UNIVERSITY OF EVANSVILLE SECURITY

The statistics in this annual report were prepared by the Office of Public Safety based on information gathered from reports filed with the Office of Safety & Security, Campus Security Authorities (CSAs), Office of Residential Life, Title IX Office, Evansville Police Department, State Excise Police and the IU Police Department. The University has two non-campus student organization facilities. Any crimes reported at these facilities would be included with the statistics received from the on-campus officers or other reporting law enforcement agencies. The Clery Act mandates statistics be gathered on the following crimes:

- Murder and non-negligent manslaughter
- Negligent manslaughter

- Sex offenses
 - Rape
 - Fondling
 - Incest
 - Statutory rape
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

VAWA (Violence Against Womens Act)

- Domestic violence
- Dating violence
- Stalking

Note that sexual assault is also a VAWA crime, but is included in the criminal offense category for Clery Act Purposes.

Hate Crimes (Associated with race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability)

- All of the previously listed crimes
- Larceny
- Vandalism
- Intimidation
- Assault

Also reportable are statistics for students arrested or referred for disciplinary sanctions for:

- Liquor law violations
- Drug law violations
- Illegal weapons possessions

When the violations are violations of criminal law.

DISTRIBUTION OF ANNUAL SECURITY AND FIRE SAFETY REPORT

The Clery Act mandates the University distribute an annual security report to all currently enrolled students and all current employees by October 1 each year. NOTE: Due to the impact of COVID-19, the date for publishing the 2020 report was extended to December 31, 2020. This report must also be provided to any prospective student or prospective employees upon request. When the annual security report has been completed, and is available for viewing, every currently enrolled student and current employee will receive an email prior to October 1 each year, notifying him or her the annual security report is available for viewing. The notification will include a list and brief description of the information contained in the annual security report and the exact URL that provides a direct link to the annual security report. Every prospective student and employee will be provided with a notice containing a statement of the report's availability, a brief description of its contents, the URL that provides a direct link to the annual security report and the opportunity to request a copy. The Clery Act also mandates the university submit the crime statistics and fire safety report information from the annual security report to the Department of Education via the annual Campus Safety and Security Survey.

DEFINITIONS OF CLERY GEOGRAPHY

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around the University of Evansville campus.

On-Campus Buildings or Property

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and
2. Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

Non-Campus Buildings or Property

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institu-

tion that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Buildings or Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

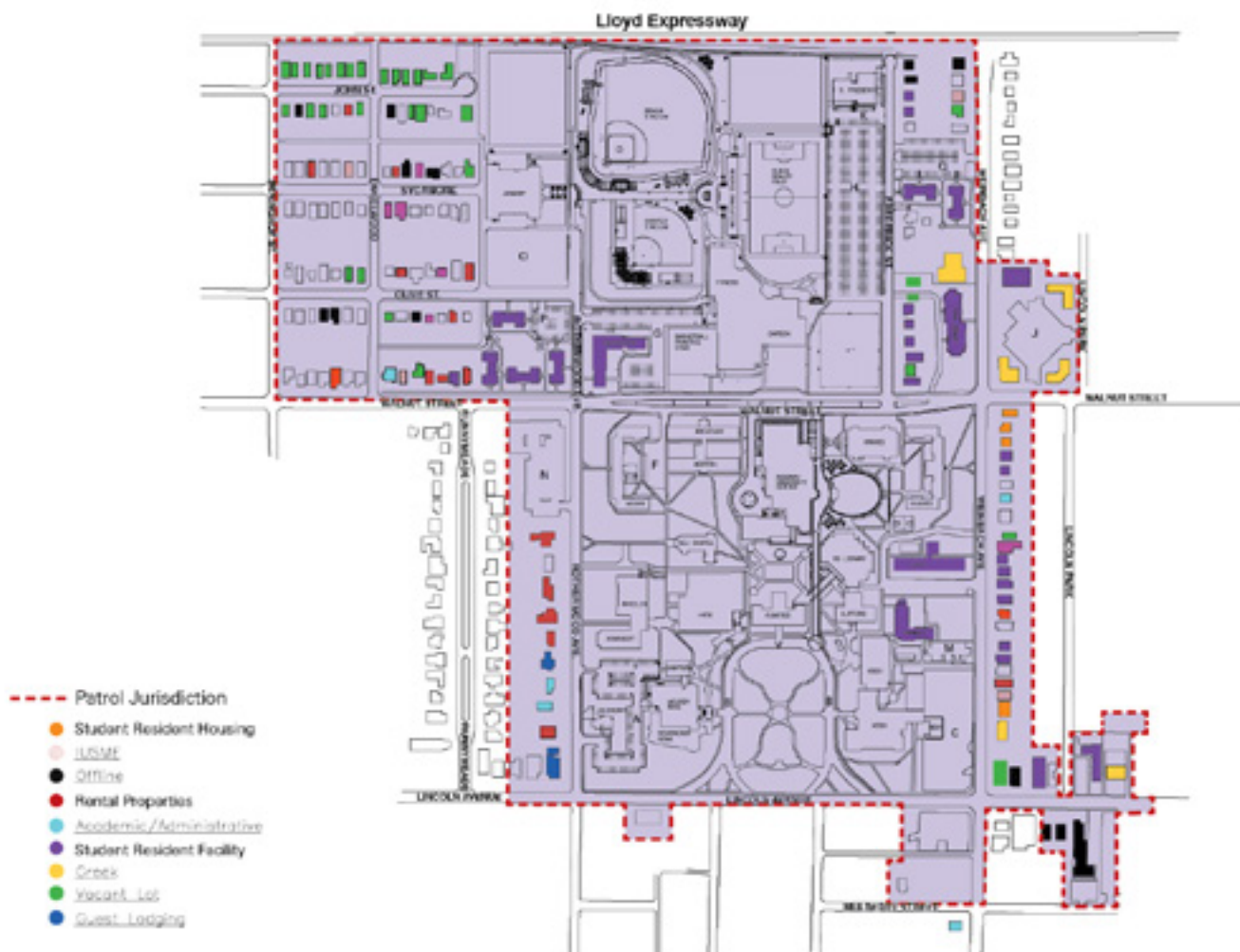
The University of Evansville crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

Boundaries of the University of Evansville Clery Geography

South on Englewood Street from Lloyd Expressway to Walnut Street
 East on Walnut Street to Rotherwood Avenue
 South on Rotherwood Avenue to Lincoln Avenue
 East on Lincoln Avenue to Lincoln Park Drive
 North on Weinbach Avenue from Lincoln Avenue to Walnut Street
 East on Walnut Street to Lincoln Park Drive
 North on Lincoln Park Drive to Lloyd Expressway



Clery Jurisdictional Categories



Definitions of Criminal Offenses

Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could or probably would result in a serious potential injury if the crime were successfully completed.

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property, etc.

Burglary is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Dating violence is violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Domestic violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Drug abuse violations are defined as the violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine), marijuana, synthetic narcotics (demerol, methadones), and dangerous non-narcotic drugs (barbiturates, benzedrine).

Hate crimes are committed against a person or property that is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability.

Liquor law violations are defined as the violation of laws or ordinance prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor (drunkenness and driving under the influence are not included in this definition.)

Manslaughter by negligence is the killing of another person through gross negligence.

Motor vehicle theft is the theft or attempted theft of a motor vehicle.

Murder and non-negligent manslaughter is the willful (non-negligent) killing of one human being by another.

Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sexual Assault (Sex Offenses) is any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity.

Incest is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape is sexual intercourse with a person who is under the statutory age of consent

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

Weapons are defined as the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as the manufacturing, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

HATE CRIMES

Reported crimes include those that must be reported in the annual report. Those involving bodily injury, theft, simple assault, intimidation and destruction, damage, or vandalism of property that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability.

There were no reported hate crimes for the applicable categories for calendar years 2017, 2018, or 2019.

ARRESTS/REFERRALS FOR CAMPUS DISCIPLINARY ACTION

	Arrests On-Campus	Public Property	Referrals	Year
Liquor Law Violations	5	4	58	2019
	2	0	57	2018
	0	0	36	2017
Drug Violations	1	0	20	2019
	0	3	10	2018
	0	3	17	2017
Weapons Possession	0	0	0	2019
	0	0	0	2018
	0	1	0	2017

REPORTED CRIMES

Crimes reported that occurred in student residences are included in the “campus” crime column.

Crime	Campus	Student Residence	Public Property	Non-Campus	Year
Aggravated Assault	0	0	0	0	2019
	0	0	0	0	2018
	0	0	0	0	2017
Arson	2	1	0	0	2019
	0	0	0	0	2018
	0	0	0	0	2017
Burglary	0	0	0	0	2019
	0	0	0	0	2018
	2	0	0	0	2017
Murder/Non-negligent Manslaughter	0	0	0	0	2019
	0	0	0	0	2018
	0	0	0	0	2017
Manslaughter by Negligence	0	0	0	0	2019
	0	0	0	0	2018
	0	0	0	0	2017
Robbery	0	0	0	0	2019
	0	0	1	0	2018
	1	0	1	0	2017
Sex Offenses					
(2019 Total)	1	0	0	0	2019
Rape	0	0	0	0	2019
Fondling	1	0	0	0	2019
Incest	0	0	0	0	2019
Statutory Rape	0	0	0	0	2019
(2018 Total)	0	0	0	3	2018
Rape	0	0	0	3	2018
Fondling	0	0	0	0	2018
Incest	0	0	0	0	2018
Statutory Rape	0	0	0	0	2018
(2017 Total)	7	6	0	0	2017
Rape	3	3	0	0	2017
Fondling	4	3	0	0	2017
Incest	0	0	0	0	2017
Statutory Rape	0	0	0	0	2017
Vehicle Theft	0	0	0	0	2019
	0	0	3	0	2018
	0	0	0	0	2017

VAWA CRIMES

Crime	Campus	Student Residence	Public Property	Non-Campus	Year
Dating Violence	1	0	0	0	2019
	0	0	0	0	2018
	0	0	0	0	2017
Domestic Violence	1	1	0	0	2019
	0	0	0	0	2018
	4	2	0	0	2017
Stalking	3	3	0	0	2019
	1	1	0	0	2018
	1	0	0	0	2017

Note that sexual assault is also a VAWA crime, but is included in the criminal offense category for Clery Act purposes.

UNFOUNDED REPORTS OF CRIMES

An “unfounded” crime report is one that has been investigated by law enforcement officials and they determined that the report has no foundation or basis in fact and cannot be substantiated. A crime report that been determined by law enforcement officials to be unfounded may be removed from those required to be reported under the Clery Act. However, the number of unfounded crime

reports that were withheld from their crime statistics must be disclosed in the university’s annual report.

There were no unfounded criminal reports during the 2018 and 2019 calendar years. There was one (1) criminal report during the 2017 calendar year that was “unfounded” by the Evansville Police Department.

CRIME STATISTICS FOR NON-CAMPUS FACILITIES STONE FAMILY CENTER FOR HEALTH SCIENCES – IU/UE/USI

CRIMINAL OFFENSES

Offense	On Campus	On Campus Residential Facilities	On Campus Total	Non-Campus	Public Property	Year
Murder/Non-negligent Manslaughter	0	0	0	0	0	2019
	0	0	0	0	0	2018
Manslaughter by Negligence	0	0	0	0	0	2019
	0	0	0	0	0	2018
Rape	0	0	0	0	0	2019
	0	0	0	0	0	2018
Fondling	0	0	0	0	0	2019
	0	0	0	0	0	2018
Incest	0	0	0	0	0	2019
	0	0	0	0	0	2018
Statutory Rape	0	0	0	0	0	2019
	0	0	0	0	0	2018
Robbery	0	0	0	0	0	2019
	0	0	0	0	0	2018
Aggravated Assault	0	0	0	0	0	2019
	0	0	0	0	0	2018
Burglary	0	0	0	0	0	2019
	0	0	0	0	0	2018
Motor Vehicle Theft	0	0	0	0	0	2019
	0	0	0	0	0	2018
Arson	0	0	0	0	0	2019
	0	0	0	0	0	2018

VAWA OFFENSES

Domestic Violence	0	0	0	0	0	2019
	0	0	0	0	0	2018
Dating Violence	0	0	0	0	0	2019
	0	0	0	0	0	2018
Stalking	0	0	0	0	0	2018
	0	0	0	0	0	2018

ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION

Weapons Law Arrests	0	0	0	0	0	2019
	0	0	0	0	0	2018
Drug Law Arrests	1	0	0	0	0	2019
	0	0	1	0	0	2018
Liquor Law Arrests	0	0	0	0	0	2019
	0	0	0	0	0	2018
Weapons Law Violations	0	0	0	0	0	2019
Referred for Disciplinary Action	0	0	0	0	0	2018
Drug Law Violations	0	0	0	0	0	2019
Referred for Disciplinary Action	0	0	0	0	0	2018
Liquor Law Violations	0	0	0	0	0	2019
Referred for Disciplinary Action	0	0	0	0	0	2018

HATE CRIMES

There were 0 (zero) hate crimes reported in 2019.

UNFOUNDED CRIMES

There were 0 (zero) unfounded crimes reported in 2019.

HARLAXTON CRIME STATISTICS

	On Campus			Residence Halls			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder/Non-negligent Homicide	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sexual Assault	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0

HARLAXTON CRIME STATISTICS *(continued)*

	On Campus			Residence Halls			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Arrests	0	0	0	0	0	0	0	0	0
Weapon related	0	0	0	0	0	0	0	0	0
Drug related	0	0	0	0	0	0	0	0	0
Alcohol related	0	0	0	0	0	0	0	0	0
Referrals for Disciplinary Action	0	0	0	0	0	0	0	0	0
Weapon related	0	0	0	0	0	0	0	0	0
Drug related	0	0	0	0	0	0	0	0	0
Alcohol related	0	0	0	0	0	0	0	0	0

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

Numerous efforts are made to advise members of the campus community on a timely basis about campus crime, crime-related problems, and crime prevention. Some of the ways in which members of the campus community are advised about campus crime and prevention methods are as follows:

- **Annual Report:** A comprehensive annual report of crime-related and fire safety information is compiled, and all current students and employees are emailed an electronic copy of the report on October 1 each year. The report is also available online at evansville.edu/safety/downloads/securitybooklet.pdf. Prospective students and employees are advised by the Office of Admission or the Office of Human Resources of the availability of the report online at the indicated address or by contacting the Office of Public Safety.
- **Student Magazine:** The *Crescent Magazine* publishes the “Campus Crime” column in its online version on a monthly basis that contains information about all criminal reports received by the Office of Public Safety during the previous week.
- **Daily Crime/Fire Safety Log:** The Office of Public Safety maintains a daily log of the date, time, location, case report number, and disposition of all crimes filed with the office. The log also contains information about any fires reported on campus. This log is public record. Entries and updates are made into the log within two business days. Crime logs for the most recent 60-day period are available for public inspection during normal business hours, Monday through Friday. Crime and fire logs for the most recent 60 days period can also be viewed anytime online at evansville.edu/safety/crime-and-fire-log.cfm. Requests for viewing crime logs older than 60 days will be available within two business days.
- **Timely Warning:** If a crime or series of crimes has occurred on campus or close to campus and could be considered a threat to other students and employees, the University may implement its “timely warning.” The director of safety and security is responsible for making the decision to initiate and prepare the warning after consultation with the vice president of student affairs. These warnings serve to heighten awareness and help prevent recurrences. Campus-wide warnings will be issued using ACE Alerts, the University’s emergency alert notification system. Through these warnings, members of the campus community are provided with prompt notice of incidents and are provided with crime prevention tips to deter the types of crimes reported.

- **Security Office Home Page:** The Office of Public Safety has a home page, evansville.edu/safety, on the University computer network. Through the home page, members of the campus community can learn more about the Office of Public Safety, its staff, information in the annual security brochure, crime prevention tips, weekly crime reports, and security alerts. It also provides the opportunity to direct questions and comments or to provide information concerning safety or security issues electronically to the attention of the Office of Public Safety.
- **Student Handbook:** The residence life and safe living sections of the student handbook contain crime prevention tips and security services offered and encourage students to participate in their own personal safety and the safety of others.
- **Security Awareness Week:** The third week of September has been designated Security Awareness Week. Officers and displays are present in Ridgway University Center each day to provide information and answer questions. Information on a different topic each day is provided to the campus.

Crime Prevention Initiatives and Services:

- **Crime Prevention Presentations:** Crime prevention programs encourage students and employees to be aware of their responsibility for their own security and the security of others. We truly believe that **security begins with you**. The Office of Public Safety, in cooperation with other University organizations and departments, is responsible for presenting programs to the campus community on an on-going basis.
- **Evening Escort Service:** Escort services are provided by the ACE patrol or campus security officers from dusk to dawn seven days per week, 365 days a year for all members of the campus community who request it.
- **Facilities Surveys:** Routine inspections and surveys of exterior lighting, exterior doors, and grounds are made by the Office of Public Safety personnel.
- **Residence Hall Security:** In cooperation with the Office of Residence Life staff, crime prevention and awareness programs are presented each semester to all resident students.
- **Certified Rape Aggression Defense (RAD) Program:** Certified RAD instructors provide training for female members of the campus community in defensive concepts and techniques against various types of assaults by utilizing easy, effective, and proven self-defense/martial art tactics. It is a comprehensive course for women that begins with awareness, prevention, risk reduction,

and avoidance, while progressing on to the basics of hands-on defense training. It is not a martial arts program.

- **Project ID:** We offer Project ID, a crime prevention program that enables students to check out an engraver to mark their valuables with an identifying number as well as an inventory sheet to record serial numbers and descriptions of those items.
- **Bike Registration:** Members of the campus community can fill out an online form with the serial number and description of their bikes. This is not a prevention technique but it may assist in the recovery of your bike if it is stolen. For tips on preventing bike theft check out the safety tips page on the Office of Public Safety website at evansville.edu/safety.
- **Campus Patrol:** Routine patrol of the campus is conducted on a daily basis by members of the Office of Public Safety both inside and outside buildings, and through the entire campus, including parking areas. Patrols are conducted by foot, bicycle, golf cart, and automobile.

PREVENTION PROGRAMS FOR DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

The University Office of Counseling Services, Office of Risk Management, and the Title IX office provide education programming pertaining to all areas of sexual misconduct, including the prevention of dating violence, domestic violence, sexual assault, and stalking to employees and students during the school year. Some of the programs that are provided are:

For Employees Employment Orientation

- **Sexual Harassment: Staff-to-Staff (Online):** This course provides staff members with a basic understanding of staff-to-staff sexual harassment as well as strategies to maintain a harassment-free environment in the workplace. Topics covered include defining sexual harassment and sexual harassment in the workplace. The content in this course was designed with care and sensitivity. However, some may find certain topics personally upsetting, especially for survivors of sexual abuse or assault.
- **Campus SaVE Act for Employees – Sexual Violence Awareness (On-Line):** The goal of this course is to inform employees about the requirements of the Campus SaVE Act. This includes the identification of and response to incidents of sexual violence against students. This course will cover sexual violence awareness, risk reduction and bystander intervention to take after sexual violence has occurred, and student disciplinary proceedings, victim protections and sanctions. The content in this course was designed with care and sensitivity. However, some may find certain topics personally upsetting, especially for survivors of sexual abuse or assault.

For Students

- **Welcome Week/Freshman Surveys – (sexual assault awareness Component):** Orientation leaders perform skits portraying sexual misconduct situations, and discussed the traumatic impact on students involved. Bystander intervention concepts and prevention strategies are reviewed in small groups led by trained peer facilitators.
- **RA Training – Behind Closed Doors:** Resident assistants participate in a roleplay activity that portrays a student who had expe-

rienced sexual misconduct. The roleplay is followed by feedback and discussion on appropriate responses and interventions with students in this situation. Policy reporting and resources are also reviewed.

- **Orientation and International Orientation Leader Training- Orientation Leaders:** Learn about the dynamics of sexual assault and misconduct behaviors and how they relate to their roles and responsibilities as an OL. They also receive training about University policies, reporting issues and bystander intervention strategies. Information about opportunities for additional training is provided.
- **Sex Signals:** Actors provide a definition of active consent, unpack the importance and necessity of consent, explain the relationship between alcohol and sexual assault, frame rape as a moral issue, encourage the importance of bystander intervention, deconstruct the impact of rape on the victim (and the community), and debunk myths surrounding rape and survivors of violence.
- **Albion Center/Evansville Police Department:** Albion and EPD detectives present on sexual violence, domestic violence, and stalking. They give definitions, warning signs, and talk about characteristics of unhealthy relationships. Discussed reporting options and ways to remain safe in potential dangerous situations.
- **It's On Us Table/Pledge Campaign:** Counselor facilitates Ridgway table, presenting about sexual assault awareness. Students are also able to take a pledge to step up and be part of the solution in high-risk situations.
- **Rachael's First Week Speaker:** Group of speakers tell the story of Rachel Fiege, who died due to an alcohol related injury during her first week as an IU student. Alcohol education is provided as well as touching on some other substances, the law related to such and consent in relation to alcohol and other substances use.
- **Bike Race:** Students attending the annual Bike Race are provided information about BAC levels and predictable effects along with warning signs of alcohol poisoning. Students are encouraged to engage in fun activities that do not involve alcohol consumption.
- **Health and Fitness Fair:** A table set up at the fair provides safe Spring Break tips to encourage students to limit the amount of alcoholic beverages consumed as well as warning signs of alcohol poisoning and appropriate response.
- **Brochures:** Provides brochures to RAs for different programs or bulletin boards on topics such as consent, healthy relationships, and sexual health. These brochures were available in the counseling office for all members of the campus community.
- **Annual Drag Show:** Provides brochures on various topics, including consent and healthy relationships for the health fair portion of the event.

ACCESS TO CAMPUS FACILITIES

Most campus buildings and facilities are accessible to members of the campus community and to guests and visitors during normal business hours, Monday through Friday. During the school year, some buildings are open extended hours seven days a week to allow students access to the academic computer labs in these buildings. Some buildings are open on weekends for limited hours if special events are taking place.

After buildings have been secured, entry can be obtained by employees who work in the specific building if they have been issued the proper key for the building or have been granted after-hours electronic card access for those buildings having electronic card access capabilities. Students may gain access to academic labs after closing if they have obtained a valid written pass approved by the appropriate faculty member. The Office of Public Safety must be contacted so that a security officer can meet the student requesting entry into a lab. Upon presentation of a valid pass to the officer, along with a student identification card, the student can be granted entry into the building and the lab by the officer.

SECURITY IN THE RESIDENCE HALLS

The University of Evansville residential community houses students in six residence halls and the University Villages, which includes fully furnished houses, three apartment complexes, and six townhouses, all of which are University-owned. A residential coordinator, head resident, or resident assistant lives in each residence hall and in the apartment complexes. All members of the University residence life staff are on call 24 hours a day. Other University-owned alternative housing units do not have a member of the residence life staff living in them. However, they are under the supervision of a residential coordinator of the residence life staff.

All residence life staff members undergo thorough training in the enforcement of residence hall security policies. They participate in lectures and seminars associated with the safety and security of the campus, conducted by University administrators and campus security personnel. Services and programs intended to enhance the quality of life and to assure the safety and security of the resident student body are a major priority for the residence life administrators and staff. Security and safety policies and procedures, especially regarding locking individual rooms and building entrances and eliminating door propping and related precautions, are discussed with residents in crime prevention programs and in their routine floor meetings conducted by the residence staff.

Four of the residence halls, North Hall, and the Walnut and Frederick Commons townhouses are equipped with electronic card access on the exterior doors and the doors leading into the living areas. All doors leading directly into the residential areas of the halls are locked 24 hours a day. Selected exterior doors leading into public areas of the halls are unlocked between 8:00 a.m. and 11:00 p.m. For security purposes, all doors in the residence halls are locked at 11:00 p.m. every night. Campus telephones are located on the outside of the main entrance to each residence hall for use by visitors after 11:00 p.m. to contact residents of the hall for entry. Both on-campus and off-campus visitors to residence halls must be escorted through the residence halls by a resident at all times.

During semester breaks, when classes are not in session, special security procedures are established for resident facilities. Outside door locks are changed to special cores, and card access to resident facilities is temporarily deactivated. Students authorized to remain on campus in residential facilities are normally moved into one residence hall and are granted access to his hall only. Those students authorized to remain during this time are registered with the Office of Residence Life and the Office of Public Safety.

Types of housing, policies, room selection, and other matters concerning residential life are published in the residence life section of the student handbook.

MISSING PERSON POLICY

Missing Persons Confidential Contact

Students living in on-campus University housing, including University-approved housing, have the option to identify a confidential contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing by the Office of Public Safety or by the Evansville Police Department. This information will be kept confidential and will be accessible only to authorized campus officials and law enforcement personnel in the furtherance of a missing person investigation. Students living in on-campus University or University-approved housing may register their confidential contact person(s) at selfservice.evansville.edu/student.

Missing Persons Protocol

If a student residing in an on-campus University or University-approved housing, is believed to be missing for a period of 24 hours, the Office of Public Safety should be immediately notified at 812-488-2051(2051). The Office of Public Safety will prepare a missing person's report and initiate an investigation, including an internal search of the campus. This may include using residence life staff, verifying class attendance with faculty members, and interviewing friends of the missing student.

All reports of missing students made to the University Office of Public Safety will be investigated.

If the internal investigation determines that the student has been missing more than 24 hours, the University will, within 24 hours:

- Notify the individual(s) identified as the missing student's confidential missing person contact.
- If under 18 years of age, and not emancipated notify a parent or guardian and any other designated person(s)
- Regardless of whether the student has identified a contact person, is above the age of 18 or is an emancipated minor, the University will contact the Evansville Police Department.

EMERGENCY CONTACT REGISTRATION

Each year, the University will request all students, on a voluntary basis, provide the University with an emergency contact person(s). This person(s) would be contacted in case of an emergency, medical or otherwise, occurring with the student. The student has the option to use the same contact person(s) that they selected as their missing person contact, or they can select a different person(s). Students can register their emergency contact person(s) at selfservice.evansville.edu/student.

DRUG AND ALCOHOL ABUSE POLICY AND PREVENTION PROGRAM FOR EMPLOYEES AND STUDENTS

CAMPUS POLICY

The purpose of this policy is to communicate the concern of the University regarding the health and safety of its employees and students, and the intent to comply with the Drug Free Schools and Communities Act Amendment of 1989 (P.L. 101-226) 20 U.S.C. Section 11458.

This policy shall apply to all employees (i.e., faculty members, administrators, and staff members) and students of the University of Evansville at all locations. This includes all “direct charge” employees, (i.e., those whose services are directly and explicitly paid for by grant funds) and “indirect charge” employees, (i.e., those members who perform support or overhead functions related to the grant and for which the federal government pays its share of expenses). Any other person who is on the payroll and works in any activity under the grant, even if not paid from grant funds, is also considered to be an employee.

The following statement formalizes the University’s policy regarding the effects of drug and alcohol use and the unlawful possession of controlled substances on University property:

The University strictly prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance (as defined in schedule I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and by regulations 21 CFR 1300.00 through 1300.15 and Title 35, and Article 48 of the 1990 Indiana Code) and alcohol on University property or as part of any University activity. Violations of this policy will result in disciplinary action, up to and including expulsion and termination, and may have legal consequences.

Employees and students are expected and required to report for work and classes in an appropriate mental and physical condition. Our intent is to provide a drug and alcohol-free, healthful, safe, and secure learning environment.

Legal Sanctions

(1) Alcohol Use

All members of the campus community and guests are expected to abide by Indiana state law and university policies regarding the possession, consumption, use, production or sale of alcohol. The state of Indiana defines the legal drinking age as 21 years of age or older. Individuals who are of legal drinking age may possess and consume alcohol within the provisions prescribed in the University alcohol use guidelines – refer to evansville.edu/alcoholpolicy.

Under no circumstances is it acceptable for an individual or group to possess, consume, or distribute alcohol in violation of Indiana State law (iga.in.gov/legislative/laws/2016/ic/titles/7.1), or the University’s alcohol use guidelines, or disrupts the educational mission of the university, or contribute to behaviors in violation of the student code of conduct.

At no time can student activity funds be used for the purchase or promotion of alcoholic beverages at a student organization sponsored event. The institution does not prohibit events being held in facilities where alcohol is sold by the facility or business to those of legal age.

The laws of the state of Indiana regarding the purchase and possession of alcoholic beverages will be upheld on campus. These laws may be enforced by University staff or local or state authorities.

(2) Drug Use

The University of Evansville prohibits the possession, consumption, use, or sale of unauthorized prescription drugs, illegal drugs. Unauthorized manufacture, distribution, possession of controlled substances including marijuana, cocaine, and LSD are prohibited by both state and federal law and are punishable by severe penalties. The University does not condone or tolerate such conduct. Employees or students determined to violate the University’s policy or state

or federal laws may be referred by University authorities for criminal prosecution.

Article 48 of the 1990 Indiana Criminal Code contains the laws which apply to controlled substances. Employees and students should be aware that most drug offenses are classified as felonies and that conviction of such an offense can have serious consequences, including imprisonment.

Disciplinary Action

Whether or not a criminal charge is brought, employees and students are also subject to University disciplinary action for illegal manufacture, distribution, use, or possession of any controlled substance or for violating the university’s alcohol use guidelines: (1) on University-owned or leased property, or (2) at University-sponsored or supervised functions, or (3) off-campus under certain circumstances involving a direct and substantial connection to the University.

Any employee or student found in violation of University policy regarding drugs or alcohol is subject to the entire range of actions specified in the employee manuals or the student handbook, including but not limited to suspension or expulsion, probation, termination of employment, and/or referral to a prescribed counseling/rehabilitation program at the employee’s or student’s expense. Complete information on the University’s disciplinary process may be found in the employee manuals or the student handbook.

Responsible Good Neighbor Exemption

If students find themselves in a situation where they believe someone’s health and safety is at risk due to excessive alcohol consumption, they should always call for emergency assistance, regardless of concern about the university disciplinary process. Students should call the Office of Public Safety at ext. 6911 or 812-471-6911 or 911 immediately if there is any possibility that professional medical assistance is necessary for the health and safety of another person. The University has made an amnesty provision for students through the responsible good neighbor exemption. This exemption provides students the opportunity for University disciplinary action to be waived if medical or other emergency assistance for another has been sought. The decision to grant the exemption shall be at the discretion of the dean of students or her appointee and may be contingent upon participation in an educational program focusing on risky behaviors in college. Students should also be aware that the state of Indiana provides similar immunity from some alcohol-related criminal charges under the Indiana Lifeline Law. More information about the Indiana Lifeline Law can be found at indianalifeline.org/

NOTE: The responsible good neighbor exemption does not apply to any criminal charges that might be incurred as a result of an offense.

Drug and Alcohol Violation Disclosures

According to the Higher Education Amendments of 1998, nothing in the General Education Provisions Act or the Higher Education Act of 1965 shall be construed to prohibit an institution of higher education from disclosing, to a parent or legal guardian of a student, information regarding any violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student’s education records, if (A) the student is under the age of 21; and (B) the insti-

tution determines that the student has committed a disciplinary violation with respect to such use or possession.

Suspension of Eligibility for Drug-Related Offenses

The Higher Education Amendments of 1998 states the following:

(1) In general – A student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified below.

If convicted of an offense involving:

The possession of a controlled substance, ineligibility period is

First offense	One year
Second offense	Two years
Third offense	Indefinite

The sale of a controlled substance, ineligibility period is

First offense	Two years
Second offense	Indefinite

(2) Rehabilitation – A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if

- (A) The student satisfactorily completes a drug rehabilitation program that
 - (i) Complies with such criteria as the secretary of education shall prescribe in regulations for purposes of this paragraph; and
 - (ii) Includes two unannounced drug tests; or
- (B) The conviction is reversed, set aside or otherwise rendered nugatory.

(3) Definitions – In this subsection, the term “controlled substance” has the meaning given the term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802[6]).

Health Risks

Many areas of a person’s life can be affected by drug or alcohol use and abuse. The negative physical and mental effects of the use of alcohol and other drugs are well documented.

Abusers have higher than normal incidents of illness, ranging from lethargy, depression, irritability, malnutrition, high blood pressure, blackouts, deterioration of brain cells, cirrhosis of the liver, heart collapse, damage to major organs, and sexually transmitted diseases including HIV complex (AIDS). The onset of these effects can be immediate. The withdrawal from chemical dependency may also cause serious physical and psychological problems.

In addition to the physical risks, drug or alcohol use is often associated with increased social isolation, public embarrassment, date/acquaintance rape, vandalism, financial problems, and the deterioration of personal relationships and work or school performance. Alcohol use and abuse is also associated with poor academic performance.

Resources and Assistance

The University recognizes drug and alcohol dependency and abuse as illness and major health problems. The University also recognizes drug and alcohol abuse as a potential health, safety, and security problem. The counselors in the Office of Counseling Services are available for consultation, intervention services, and referral information. Campus resources available for assistance and referral are:

Office of Counseling Services

812-488-2663
Ridgway University Center

Coordinator of Health Education and Wellness

812-488-1082
Ridgway University Center

Crayton E. and Ellen Mann Health Center

812-488-2033
Sampson Hall

Office of Public Safety

812-488-2051
1 South Frederick Avenue

Crisis Lines Available

Emergency Room, St. Vincent Hospital	812-485-4491
Emergency Room, Deaconess Hospital	812-450-3405
Deaconess Cross Pointe Center	812-476-7200
Southwestern Behavioral Healthcare	812-423-7791
Albion Fellows Bacon Center	800-339-7752
Rape Crisis Line	812-424-7273
Domestic Violence Line	812-422-5622
Alcoholics Anonymous	812-434-4952
Narcotics Anonymous	877-642-5831
National Council on Alcoholism Information Line	800-NCA-CALL
Indiana Prevention Resource Center	800-346-3077
AIDS Hotline	800-232-4636

All University of Evansville students and employees are expected to abide by this policy and cooperate with the University in complying with the Drug Free School and Communities Act. Please contact the director of human resources or dean of students for further information or assistance.

ALCOHOL/DRUG AWARENESS PROGRAMS

The University’s Office of Counseling Services provides educational sessions on alcohol and substance use for students on an on-going basis. The coordinator of health education focuses on providing programming related to these topics, as well as other health and wellness issues. Some of the programs that are offered include:

Alcohol eCheckup to Go: This is a self-report inventory which measures personal and risk patterns for counseling review. This assessment/educational tool was used with new members of Greek organizations and with students individually.

Choices Alcohol Education Program: This is an interactive alcohol education program which is used for groups of three to 15 students for awareness and prevention purposes, and also as an intervention with some students who receive campus violations. Choices involves having all student participants complete a pre-test and post-test to

measure change in student understanding of risk factors associated with alcohol use.

Choices Marijuana: This is an interactive alcohol education program which is used for groups of three to 15 students for awareness and prevention purposes, and also as an intervention with some students who receive campus violations. Choices involves having all student participants complete a pre-test and a post-test to measure change in student understanding of risk factors associated with alcohol use.

New Member Greek Orientation: Every year, at least one program is offered to Greek new members in order to educate the group regarding risks associated with excessive alcohol use and binge drinking, including the link between alcohol use and sexual assault.

TIPS Training: This program is designed for students who intend to host or monitor campus parties where alcohol is allowed for students over 21 years of age. Participants are provided with education about alcohol consumption, intoxication, intervention strategies, and state specific alcohol-related laws. This program also provides a skills training portion that allows students the opportunity to engage in realistic scenarios. The students have the opportunity to role-play their own scenarios and practice interventions. Participants must pass the required exam for certification, which is graded by Health Communications, INC. (Management Company of TIPS).

Behind Closed Doors: Training for resident assistants in how to handle various alcohol situations including person with alcohol poisoning. Facilitated discussion regarding alcohol poisoning, the link between excessive alcohol use and sexual assault, RA role and response.

National Collegiate Alcohol Awareness Week – Safe Drinking Tips: Ace Notes article detailing safe drinking tips, E-Checkup link for online assessment, and contact information for counseling/health education.

Delta Sigma Business Fraternity Risk Management: Alcohol and marijuana education.

WEAPONS POSSESSION

The Office of Public Safety enforces all federal, state, local statutes and University regulations pertaining to the possession and/or use of firearms, ammunitions, explosive devices, fireworks, or fireworks, or other potentially lethal weapons. All of these items are strictly prohibited in or on University-owned or controlled property regardless of whether a federal or state license to possess the same has been issued to the possessor. Any violations of these statutes and regulations may result in disciplinary action as well as criminal prosecution.

EMPLOYEE AND STUDENT RESPONSIBILITIES

While the Office of Public Safety is responsible for coordinating campus safety and security, the primary responsibility for crime prevention and personal safety rests with each individual. At the University of Evansville, we sincerely believe safety begins with you. The cooperation and involvement of all members of the campus community in a campus security program is absolutely necessary. Each person must assume responsibility for his or her own personal belongings and safety by taking simple common sense precautions.

RISK REDUCTION

Following are some strategies to reduce your risk of being a victim of a crime.

Personal Safety

Be aware of your surroundings and of those people around you.

- Walk in well-lighted areas.
- Avoid walking or jogging alone.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with a purpose. Even if you do not know where you are going, act like you do.
- Avoid putting headphones in both ears so that you can be more aware of your surroundings, especially if you are walking or jogging alone.
- Call campus security for an escort across campus late at night.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be.
- Make sure your cell phone is with you and charged at all times.
- Know the location of the campus emergency blue light telephones and other emergency phones on campus.
- Do not allow yourself to be isolated with someone you do not trust or someone you do not know.
- Do not leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, get a new one.
- Do not accept drinks from people you do not know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties don't drink from the punch bowls or other large, common open containers.

Personal Property Safety

- Lock the doors and windows to your room, apartment, or house when you leave, when you are sleeping, or when you are in the bathroom.
- Do not prop open locked doors.
- Secure valuables left in your residence hall room, apartment, or vehicle.
- Engrave all valuables with a unique number such as your social security number or driver's license number.
- Secure your bicycle with a quality bicycle lock.
- Use a lock on your gym locker.
- Do not loan or give your keys to anyone else to use.
- Do not leave your keys unattended anywhere.
- Do not leave books, bags, purses, wallets, or any other possessions unattended, even for a moment. Take them with you.

Office Safety

- Lock your office when you leave.
- Keep your purse, wallet, and other valuables in a secure location.
- Do not leave cash unattended.
- If you are entrusted with a key to a specific area, never lend it to anyone.
- Be alert to strangers in your area.

- Promptly report the loss or theft of keys, equipment, or valuables.
- Invest in a car alarm; kill switch, and/or steering wheel locking device.

ANNUAL CAMPUS FIRE SAFETY REPORT OVERVIEW

The Higher Education Opportunity Act (PL 110-315) became law in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining the fire safety practices, standards, and all fire-related on-campus housing statistics. The following public disclosure report details all information required by this law as it relates to the University of Evansville.

FIRE LOG

The Office of Public Safety maintains an electronic fire log that records, by the date the fire was reported, any fire that occurred in an on-campus student housing facility. This log includes the nature, date, time, and general location of each fire. This log is maintained in conjunction with the required crime log.

RESIDENTIAL FACILITIES

The University of Evansville has various types of on-campus residential facilities available for our students, including six residence halls, apartment buildings, six townhouses, and single family dwellings. There are also three University-owned residential facilities providing housing for fraternities and three privately-owned residential fraternity buildings. All facilities used for student housing are protected by portable fire extinguishers and smoke detectors. Listed below are the types of fire alarm systems in these facilities.

Brentano, Hale, Moore, Morton, Powell, and Schroeder Residence Halls

Each of these buildings is a traditional-style residence hall. Each is covered by an integrated automatic sprinkler and fire alarm system that is monitored 24 hours a day, seven days a week at the Office of Public Safety. The fire alarm systems comprise pull stations, smoke detectors, heat sensors, horns, and strobe lights.

Jones Hall

Jones Hall is an apartment-style building with 21 four-person apartments. It is covered by an integrated automatic sprinkler and fire alarm system that is monitored 24 hours a day, seven days a week at the Office of Public Safety.

Lincoln Park, University, and Weinbach Apartments

Each of these is an apartment comprising a number of apartments. None of the complexes are covered by sprinkler systems. All of the complexes have smoke detectors in the apartments. The smoke detectors are not monitored at a central station.

Frederick/Walnut Commons Townhouses

There are six-two story townhouses, each comprising six units. Two of the townhouses are the Frederick Commons and four of the townhouses are the Walnut Commons. Some of the townhouses contain handicap accessible units. All of the units are covered by an integrated automatic sprinkler and fire alarm system that is monitored 24 hours a day, seven days a week, at the Office of Public Safety. In the handicap accessible units, strobe lights have also been

installed for hearing impaired students in the living room area and the handicap accessible bedrooms.

Village Houses

The University has 18 houses that are used for student housing. There are one- and two-story houses. All of the houses have smoke detectors on each level of the house. The smoke detectors are not monitored at a central station.

Delta Omega Zeta

Delta Omega Zeta sorority is housed in a University-owned house. Delta Omega Zeta is not covered by a sprinkler system. There are smoke detectors located in the house. They are not monitored at a central location.

Lambda Chi Alpha

Lambda Chi Alpha fraternity is housed in a privately-owned building. Lambda Chi Alpha is not covered by a sprinkler system but has a fire alarm system, comprising pull stations, smoke detectors, horns, and strobes, that is monitored 24 hours a day, seven days a week at the Office of Public Safety.

Phi Gamma Delta

Phi Gamma Delta fraternity is housed in a University-owned building. Phi Gamma Delta is not covered by a sprinkler system but has a fire alarm system, comprising pull stations, smoke detectors, horns, and strobes. The fire alarm system is not monitored at a central location.

Phi Kappa Tau

Phi Kappa Tau fraternity is housed in a University-owned building. Phi Kappa Tau is covered by a sprinkler system in the basement area only. There is a fire alarm system comprising pull stations, smoke detectors, horns, and strobe lights. The fire alarm system is not monitored at a central location.

Sigma Alpha Epsilon

Sigma Alpha Epsilon fraternity is housed in a privately-owned building. Sigma Alpha Epsilon is covered by an integrated automatic sprinkler and fire alarm system comprising pull stations, smoke detectors, horns, and strobe lights. The fire alarm system is not monitored at a central location.

Sigma Phi Epsilon

Sigma Phi Epsilon fraternity is housed in a privately-owned building located on University-owned property. Sigma Phi Epsilon is covered by a sprinkler system in the basement area only. There is a fire alarm system comprising pull stations, smoke detectors, horns, and strobes lights. The fire alarm system is not monitored at a central location.

Tau Kappa Epsilon

Tau Kappa Epsilon fraternity is housed in a University-owned house. Tau Kappa Epsilon is not covered by a sprinkler system. There are smoke detectors on each level of the house. The smoke detectors are not monitored at a central station.

FIRE DRILLS

Each semester, the Offices of Residence Life, Public Safety, and Risk Management conduct fire drill exercises in the residence halls, North Hall, apartments, and the fraternity buildings. Fire drills are

not conducted in houses used for student housing. During the drills, the alarms are sounded and staff members who check every resident's room to verify all students have exited the buildings. All students are instructed to assemble at the site designated in the emergency response plan manual for the building. Students not leaving the buildings during a fire alarm drill are subject to referral to the dean of students for disciplinary action.

POLICIES ON SMOKING, OPEN FLAMES, AND PORTABLE ELECTRICAL APPLIANCES

The University of Evansville is a tobacco-free campus that prohibits the use of all tobacco products in any form, and includes the use of e-cigarettes. This policy includes the inside and outside of buildings, and in vehicles parked in University lots. To minimize the potential for fires at the University of Evansville, the University of Evansville prohibits open or exposed flame of combustion that produces heat, light, or smoke, and has the potential to cause a fire. Examples in residential facilities include candles, incense or any type of device requiring kerosene or other type of flammable liquid fuel.

Electrical heating devices, including hot plates, toaster ovens, open-coil appliances (George Foreman grills and sandwich-makers), and halogen lamps are prohibited in student rooms. All other electrical appliances, extension cords, and lamps must be U.L. approved. Small refrigerators that do not exceed 3.7 cubic feet and 2.5 amps are permitted. Electrical appliances are not to exceed 2.5 amps, and total amperage per room may not exceed 15 amps. Radio transmitters and exterior antennae are prohibited.

EVACUATION PROCEDURES FROM STUDENT HOUSING

Upon hearing a fire alarm or observing smoke or fire, check your door before opening it. If the door or doorknob is hot, do not open your door. Call 6911 to inform the dispatcher of your situation. Go to the window to yell for help. Hang an article of clothing out the window to gain attention. If the doorknob is not hot, open your door cautiously and exit the room. Close your room door, and leave it unlocked. Leave your belongings. If there is smoke use a wet cloth over your face and stay low to the floor where there is more oxygen. Proceed to the nearest exit quickly without running. Always use stairs instead of an elevator. If the alarm has not sounded, activate the nearest pull station if you can do so safely. Clear the building by at least 50 feet and assemble in your posted assembly location. Do not re-enter the building until expressly advised that it is safe to do so by campus emergency personnel.

FIRE SAFETY EDUCATION AND TRAINING

Basic fire safety instruction is provided to all students living in residence halls who attend the mandatory orientation program at the beginning of each academic year. Prior to the arrival of residential students at the beginning of the academic year, advanced training is provided to residence life staff, including a table-top exercise relating to fire safety and other emergency situations. Hands-on training is also provided at the beginning of the academic year to all residence life staff for the proper use of portable fire extinguishers. Every student room has an emergency evacuation map installed on the inside of the front door as well, to direct occupants to primary and secondary exits. Each campus building has a designated building safety coordinator. They facilitate emergency preparedness training for the faculty and staff of their building, which includes the dissemination of information and the appropriate action steps for various emergency situations (fire, evacuation, shelter-in-place, etc.). They conduct a tabletop exercise for faculty and staff in their building at the beginning of the academic school year.

REPORTING A FIRE

If you discover a fire in a building, you should immediately evacuate the building and activate the closest pull station as you are leaving to warn others if the system has not already been activated. Call the campus emergency number, **6911**, if using a University phone, or **812-488-6911** if using a cell phone. Advise the dispatcher of the situation providing as much information as possible. If not in immediate danger, remain at the scene to direct security officers or firefighters to the fire location. Any fires that were quickly extinguished or any evidence of recent fires must be reported immediately to a residence life staff member or the University of Evansville Office of Public Safety who will document the incident as required.

FUTURE IMPROVEMENTS

As facilities are added or upgraded, the University will continue to look at ways to improve fire safety on campus. The Office of Risk Management has provided fire safety training to members of the campus community in the past and strives to increase training as resources become available.

2017 FIRE STATISTICS – STUDENT HOUSING

Facility	Address	Number	Cause	Damage	Injuries	Deaths
Frederick TH	200 S. Frederick	0	0	0	0	0
308 S. Frederick	308 S. Frederick	0	0	0	0	0
312 S. Frederick	312 S. Frederick	0	0	0	0	0
320 S. Frederick	320 S. Frederick	0	0	0	0	0
1620 E. Walnut	1620 E. Walnut	0	0	0	0	0
Weinbach TH	201 S. Weinbach	0	0	0	0	0
400 S. Weinbach	400 S. Weinbach	0	0	0	0	0
404 S. Weinbach	404 S. Weinbach	0	0	0	0	0
408 S. Weinbach	408 S. Weinbach	0	0	0	0	0
426 S. Weinbach	426 S. Weinbach	0	0	0	0	0
430 S. Weinbach	430 S. Weinbach	0	0	0	0	0
450 S. Weinbach	450 S. Weinbach	0	0	0	0	0
452 S. Weinbach	452 S. Weinbach	0	0	0	0	0
500 S. Weinbach	500 S. Weinbach	0	0	0	0	0
512 S. Weinbach	512 S. Weinbach	0	0	0	0	0
SAE Fraternity	1723 Lincoln Avenue	0	0	0	0	0
Phi Gamma Delta	227 S. Lincoln Park	0	0	0	0	0
Phi Kapp Tau	2016 E. Walnut	0	0	0	0	0
Lambda Chi Alpha	213 S. Weinbach	0	0	0	0	0
Sigma Phi Epsilon	316 S. Weinbach	0	0	0	0	0
Delta Omega Zeta	530 S. Weinbach	0	0	0	0	0
Tau Kappa Epsilon	544 S. Weinbach	0	0	0	0	0
University Apts	2010 Lincoln Ave	0	0	0	0	0
Lincoln Prk Apts	2024 Lincoln Ave	0	0	0	0	0
Weinbach Apts.	216 S. Weinbach	0	0	0	0	0
Jones Hall	301 S. Weinbach	0	0	0	0	0
Brentano Hall	1761 E. Walnut	0	0	0	0	0
Hale Hall	451 S. Weinbach	0	0	0	0	0
Moore Hall	400 S. Rotherwood	0	0	0	0	0
Morton Hall	1771 E. Walnut	0	0	0	0	0
Powell Hall	501 S. Weinbach	0	0	0	0	0
Schroeder Hall	1700 E. Walnut	0	0	0	0	0
Olive Street TH	1651 E. Olive	0	0	0	0	0
Rotherwood TH	315 S. Rotherwood	0	0	0	0	0
Walnut TH #1	1650 E. Walnut	0	0	0	0	0
Walnut TH #2	1660 E. Walnut	0	0	0	0	0
TOTAL FIRES		0				

2018 FIRE STATISTICS – STUDENT HOUSING

Facility	Address	Number	Cause	Damage	Injuries	Deaths
Frederick TH	200 S. Frederick	0	0	0	0	0
308 S. Frederick	308 S. Frederick	0	0	0	0	0
312 S. Frederick	312 S. Frederick	0	0	0	0	0
320 S. Frederick	320 S. Frederick	0	0	0	0	0
1620 E. Walnut	1620 E. Walnut	0	0	0	0	0
Weinbach TH	201 S. Weinbach	0	0	0	0	0
400 S. Weinbach	400 S. Weinbach	0	0	0	0	0
404 S. Weinbach	404 S. Weinbach	0	0	0	0	0
408 S. Weinbach	408 S. Weinbach	0	0	0	0	0
426 S. Weinbach	426 S. Weinbach	0	0	0	0	0
430 S. Weinbach	430 S. Weinbach	0	0	0	0	0
450 S. Weinbach	450 S. Weinbach	0	0	0	0	0
452 S. Weinbach	452 S. Weinbach	0	0	0	0	0
500 S. Weinbach	500 S. Weinbach	0	0	0	0	0
512 S. Weinbach	512 S. Weinbach	0	0	0	0	0
SAE Fraternity	1723 Lincoln Avenue	0	0	0	0	0
Phi Gamma Delta	227 S. Lincoln Park	0	0	0	0	0
Phi Kapp Tau	2016 E. Walnut	0	0	0	0	0
Lambda Chi Alpha	213 S. Weinbach	0	0	0	0	0
Sigma Phi Epsilon	316 S. Weinbach	0	0	0	0	0
Delta Omega Zeta	530 S. Weinbach	0	0	0	0	0
Tau Kappa Epsilon	544 S. Weinbach	0	0	0	0	0
University Apts	2010 Lincoln Ave	0	0	0	0	0
Lincoln Prk Apts	2024 Lincoln Ave	0	0	0	0	0
Weinbach Apts.	216 S. Weinbach	0	0	0	0	0
Jones Hall	301 S. Weinbach	0	0	0	0	0
Brentano Hall	1761 E. Walnut	0	0	0	0	0
Hale Hall	451 S. Weinbach	0	0	0	0	0
Moore Hall	400 S. Rotherwood	0	0	0	0	0
Morton Hall	1771 E. Walnut	0	0	0	0	0
Powell Hall	501 S. Weinbach	0	0	0	0	0
Schroeder Hall	1700 E. Walnut	0	0	0	0	0
Olive Street TH	1651 E. Olive	0	0	0	0	0
Rotherwood TH	315 S. Rotherwood	0	0	0	0	0
Walnut TH #1	1650 E. Walnut	0	0	0	0	0
Walnut TH #2	1660 E. Walnut	0	0	0	0	0
TOTAL FIRES		0				

FIRES REPORTED TO THE UNIVERSITY OF EVANSVILLE OFFICE OF PUBLIC SAFETY IN ON-CAMPUS HOUSING FACILITIES

2019 FIRE STATISTICS – STUDENT HOUSING

Facility	Address	Number	Cause	Damage	Injuries	Deaths
Frederick TH	200 S. Frederick	0	0	0	0	0
308 S. Frederick	308 S. Frederick	0	0	0	0	0
312 S. Frederick	312 S. Frederick	0	0	0	0	0
320 S. Frederick	320 S. Frederick	0	0	0	0	0
1620 E. Walnut	1620 E. Walnut	0	0	0	0	0
Weinbach TH	201 S. Weinbach	0	0	0	0	0
400 S. Weinbach	400 S. Weinbach	0	0	0	0	0
404 S. Weinbach	404 S. Weinbach	0	0	0	0	0
408 S. Weinbach	408 S. Weinbach	0	0	0	0	0
426 S. Weinbach	426 S. Weinbach	0	0	0	0	0
430 S. Weinbach	430 S. Weinbach	0	0	0	0	0
450 S. Weinbach	450 S. Weinbach	0	0	0	0	0
452 S. Weinbach	452 S. Weinbach	0	0	0	0	0
500 S. Weinbach	500 S. Weinbach	0	0	0	0	0
512 S. Weinbach	512 S. Weinbach	0	0	0	0	0
SAE Fraternity	1723 Lincoln Avenue	0	0	0	0	0
Phi Gamma Delta	227 S. Lincoln Park	0	0	0	0	0
Phi Kapp Tau	2016 E. Walnut	0	0	0	0	0
Lambda Chi Alpha	213 S. Weinbach	0	0	0	0	0
Sigma Phi Epsilon	316 S. Weinbach	0	0	0	0	0
Delta Omega Zeta	530 S. Weinbach	0	0	0	0	0
Tau Kappa Epsilon	544 S. Weinbach	0	0	0	0	0
University Apts	2010 Lincoln Ave	0	0	0	0	0
Lincoln Prk Apts	2024 Lincoln Ave	0	0	0	0	0
Weinbach Apts.	216 S. Weinbach	0	0	0	0	0
Jones Hall	301 S. Weinbach	0	0	0	0	0
Brentano Hall	1761 E. Walnut	0	0	0	0	0
Hale Hall	451 S. Weinbach	0	0	0	0	0
Moore Hall	400 S. Rotherwood	0	0	0	0	0
Morton Hall	1771 E. Walnut	0	0	0	0	0
Powell Hall	501 S. Weinbach	0	0	0	0	0
Schroeder Hall	1700 E. Walnut	0	0	0	0	0
Olive Street TH	1651 E. Olive	1	Unit E small microwave fire	Under \$100	0	0
Rotherwood TH	315 S. Rotherwood	0	0	0	0	0
Walnut TH #1	1650 E. Walnut	0	0	0	0	0
Walnut TH #2	1660 E. Walnut	0	0	0	0	0
TOTAL FIRES		1				

2019 HARLAXTON FIRE STATISTICS – STUDENT HOUSING

Housing Facility	Date	Time	Cause of Fire	Injuries	Deaths	Value of Damage	Case No.
Carriage House	0	0	0	0	0	0	0
Manor House	0	0	0	0	0	0	0

2018 HARLAXTON FIRE STATISTICS – STUDENT HOUSING

Housing Facility	Date	Time	Cause of Fire	Injuries	Deaths	Value of Damage	Case No.
Carriage House	0	0	0	0	0	0	0
Manor House	0	0	0	0	0	0	0

2017 HARLAXTON FIRE STATISTICS – STUDENT HOUSING

Housing Facility	Date	Time	Cause of Fire	Injuries	Deaths	Value of Damage	Case No.
Carriage House	0	0	0	0	0	0	0
Manor House	0	0	0	0	0	0	0

HARLAXTON COLLEGE

The University of Evansville currently maintains a study abroad location in Grantham, England, called Harlaxton College. Harlaxton students are all enrolled as UE students and are treated as UE students in both rights and responsibilities. All UE policies, procedures, rights, and resources are available to current Harlaxton students, with any modifications being related to Harlaxton's location. Those instances where Harlaxton differs from UE are outlined in the Harlaxton safety guide. This public document is posted on the Harlaxton website, distributed electronically to each student prior to arrival, and available in hard copy at the manor. Students can utilize both the UE and Harlaxton resources in any way that is most helpful to them. Staff members are available to assist students with any issues that may arise while on campus or traveling abroad.

Contact Information

Harlaxton College
Holly Carter
Interim Principal
44-1476-403014

Emergency Phone Numbers

Harlaxton College Reception: 44-147640-3000
Police: 999
Ambulance: 999
Fire Department: 999
Non-emergency police: 101
Non-emergency medical: 111
US Embassy: 020-7499-9000

Harlaxton College coordinates its own campus safety and security that is based from the college reception area. General reception operates from 8:30 a.m. until 4:30 p.m. and the security team carry on through the evenings from 4:30 p.m. until 8:30 a.m. during weekdays. Weekends have continuous cover (24 hours) by the security team. The security team comprises five part-time officers who report directly to the estates manager (maintenance office) and are in regular communication with the director of student development (Student Development Office). The college regularly organizes first aid courses and fire prevention training for all security officers, student development staff, and other members of staff in all departments of the college. The security team keeps a daily log of all suspicious and/or potentially criminal activity.

Most campus buildings and facilities are open via key access to members of the campus community and to guests and visitors during normal business hours, Monday through Friday. Some areas of the buildings are open on weekends for limited hours if special

events are taking place. The buildings are secured 24 hours a day, with reserved access to guests. All guests must report to reception, sign in, and display a visitor badge while on the premises. Residents have 24-hour access to most facilities through a pre-allocated electronic ID system. Individual lost or stolen ID cards can be deleted from the system and no longer used to gain access. Deliveries all report to reception and must be buzzed in.

The College has a total of 15 CCTV cameras covering major ingress and egress routes from the college grounds and major buildings. Reception staff and security officers monitor the CCTV displays at Reception, which have approximately 45 to 60 days of recording capacity. One of the cameras also has number plate recognition (NPR) capabilities.

Personnel identified as campus security authorities at Harlaxton are trained on relevant safety measures and protocol and are listed in the Harlaxton safety guide. Harlaxton cabinet members receive training from UK Special Branch and the college principal has a specified contact within the Special Branch for advice and support in an emergency. Due to the cultural differences in each country, students are encouraged to contact the appropriate site staff who will assist them in contacting local law enforcement in an emergency. Students may also contact the proper authorities directly. In the event of an emergency, law enforcement should be immediately notified.

Fire prevention and response actions are carried out by members of the cabinet and their designees. A fire log records, by date, any fire or fire alarm that occurs on campus and is maintained in the reception area. This log includes the nature, date, time, and general location of each fire or fire alarm. This log is maintained in conjunction with the required crime log located at reception. Each full semester, the campus community participates in an unannounced fire drill at the beginning of the term and monthly drills thereafter. The monthly drills are used to test the sounders in all residential and classroom spaces. A detailed description of fire prevention education and response procedures can be found in the Harlaxton safety guide.

Crime statistics from Harlaxton are contained in this report and are obtained directly from the site program administrators. Crimes statistics can be found on page 45 of the report. Note that the legal drinking age in the United Kingdom is 18 years of age. As the college follows the laws of the area, issues with consuming alcohol under the age of 21 is not a legal matter. All Harlaxton students are required to be above the age of 18.

HARLAXTON SAFETY GUIDE

Introduction

Harlaxton College, as part of the University of Evansville, is committed to providing as safe and secure an environment as possible for all members of the campus community. The record for personal safety on campus has been outstanding for many years; unfortunately, there are no risk-free environments. This comprehensive guide serves to educate and provide resources for safety on campus and away.

All members of the campus community must share some responsibility for ensuring that they, the college, and subsequent possessions are adequately protected and to take all matters of safety seriously. The college understands its role in this regard and is committed to developing programs and procedures that support an environment of well-being for the activities of its students, employees, and guests. But it starts with personal safety and accountability. Questions or suggestions about college safety programs or procedures may be directed to the Security team/reception: 01476 403000, or the office of the director of student development: 01476 403003. To reduce potential risks in the campus community, the college provides competent student development staff and trained security officers to assist students, faculty, and employees in maintaining a safe campus environment.

Overview of Safety and Security

All members of the Harlaxton community are expected to take safety seriously and report any suspected crimes to the relevant authorities. Anyone may call 999 for direct access to Grantham police or fire response units.

Harlaxton College coordinates its own campus safety and security that is based from the college reception area. General reception operates from 8:30 a.m. until 4:30 p.m. and the security team carry on through the evenings from 4:30 p.m. until 8:30 a.m. during weekdays. Weekends have continuous cover (24 hours) by the security team. The campus security officers follow British and local laws along with the policies of Harlaxton College and the University of Evansville.

In addition to campus safety and emergency procedures, the officers also provide the following services:

- Supervise parked vehicles for members of the College community.
- Prepare and distribute identification cards for visitors.
- Accompany residents who may feel unsafe walking alone.
- Arrange transportation (through the Student Development Office) to hospital and doctor's surgery.
- Inspect and maintain fire protection equipment and alarms.
- Serve as campus telephone operator during the evening and weekend hours.
- Inspect buildings and grounds for safety compliance.
- Protect residents, staff, visitors, guests, events, buildings, and equipment from fire, theft, and other internal and external security risks.
- Regularly patrol all college property, buildings and grounds.
- The service reception area – monitors phones, CCTV cameras, and other specialised security equipment, logs visitors, and accepts payment for accommodation.

- Maintain a lost and found department.
- Attend to and log unusual events and accidents and report extraordinary behaviour to the relevant authorities – internal (e.g. student development staff) and external (e.g. fire/police/ambulance).
- Security officers do not have the legal right to make arrests.

Maintenance

Maintaining a safe environment is important to the college community. If something is broken, missing, or out of place, there are appropriate ways to report this issue. For non-emergencies, there is a “fix it” list in the main area of reception. This list is checked daily during the work week. Issues that need a more immediate response should be reported at reception. Maintenance personnel, resident assistants, and the security team stay vigilant and are trained in detecting problem areas on campus. All members of the campus community are encouraged to contact the reception/security team whenever they find areas on campus they believe should be of concern. Areas that need improvements are promptly corrected. Maintenance and security staff work to facilitate the active involvement of students in achieving the college goal of providing a safe and secure environment.

FIRE SAFETY

Understanding fire safety at Harlaxton is extremely important. All buildings on campus have very sophisticated and sensitive detection systems in order to keep everyone safe. Things that would not normally set off a fire alarm (i.e. hairspray, heat from a hair straightener, body spray, etc.) will trigger the system and result in a full evacuation. Although it may be a false alarm, it is imperative that you take every alarm seriously and follow the evacuation protocol. This document is available on the Harlaxton website and distributed to every incoming student and faculty member prior to arrival on campus.

Evacuation Procedures

The following action should be taken in the event of a fire:

- When the fire alarm sounds, all staff, faculty, students, and any visitors should evacuate the building along the nearest fire escape route as quickly as possible, without stopping to take equipment or possessions.
- Lifts must not be used.
- Since the manor and Carriage House have separate fire alarms, only the building in which the alarm is sounding will be evacuated. Evacuation of other buildings will be authorized, if necessary, by the fire marshal.
- As a rule, all firefighting should be left to the professionals (i.e. the fire service). Attempts to fight a fire should be done only with the firefighting equipment available and only if authorized and trained to do so, and where the fire is very small in nature or impinging on an exit route. The first priority is to raise the alarm and evacuate.
- All occupants should proceed to the designated fire assembly point. This assembly point is indicated on fire action notices throughout the manor, Carriage House, and sports hall.
- Once at the assembly point, occupants should locate their color-coded board that is designated for each residential student floor. Visitors and staff use “white” as their color designation.

- It is important the staff, faculty, students, and visitors do not remain near the entrances of buildings which have been evacuated; this can restrict the evacuation and hinder access for fire service personnel.
- At all times during the emergency, staff, faculty, students, and visitors should comply with all instructions given to them by the fire marshal, security officers, student development staff or cabinet members.
- Residents should not re-enter the building until advised to do so by the fire marshal.

Notes: The fire marshal can be identified by a high visibility jacket. The stopping of the alarm does not mean that the fire is out or that the building is free of hazards.

Reporting a Fire

Any member of staff, faculty, or student discovering a fire should set off the alarm at the nearest available fire alarm point. Any resident having first set off the alarm should either:

- Go immediately to reception (ensuring a safe route is taken) and give details of the location of the fire (including, where possible floor and room numbers); or
- Immediately call Reception (ext. 0 or 01476-403000 if using a landline or mobile phone) giving details of the location of the fire (including, where possible floor and room numbers).

Fire Log

The security officers and maintenance team maintain a fire log that records, by date, any fire or fire alarm that occurs on campus. This log includes the nature, date, time, and general location of each fire or fire alarm. This log is maintained in conjunction with the required crime log located at Reception. Harlaxton fire statistics can be found on Page 56.

Policies on Smoking, Open Flames, and Portable Electronic Appliances

In compliance with British law, smoking is not allowed anywhere inside Harlaxton College buildings, including bedrooms, nor adjacent to those buildings. The exclusive designated smoking area is between the main manor house and the Carriage House. Identified receptacles must be used for cigarettes. Cigarettes may not be discarded in trashcans or on the ground. This policy includes the use of electronic e-cigarettes. The vapours emitted from an e-cigarette will set off our detectors.

To minimize the potential for fires at Harlaxton College, open or exposed flame of combustion that produces heat, light, or smoke, and has the potential to cause a fire are prohibited. Examples in residential facilities include candles, incense, or any type of device requiring kerosene or other type of flammable liquid fuel. Everyday items like curling irons, aerosol deodorant, and hairdryers can set off the alarm if used near by the detectors. It is always best to avoid the detectors and take preventative measures such as opening a window.

Electrical heating devices, including hot plates, toaster ovens, open-coil appliances (George Foreman grills and sandwich makers), and halogen lamps are prohibited in student rooms. All other electrical appliances, extension cords, and lamps must be tested and approved by the maintenance team. Small refrigerators are permitted in student rooms for medical purposes only and can be acquired by request from the Student Development Office.

Fire Safety, Education, and Training

Because of the age and interior wood construction of Harlaxton Manor and the Carriage House, fire is the greatest safety concern at the college. All students and faculty members are asked to serve as informal "fire wardens" to help identify and correct fire hazards and to reduce fire risks. Basic fire safety instruction is provided to all students and faculty living in residence halls who attend the mandatory orientation session at the beginning of each academic term, including all summer groups. All facilities used for student housing are protected by portable fire extinguishers and there is a smoke detector in each room. Every student room has an emergency evacuation map installed as well, to direct occupants to primary and secondary exits. All residents should familiarize themselves with multiple escape routes for both living and classroom spaces.

Each semester, the Student Development Office, with support from security and residential staff, conducts a campus-wide fire drill. During the drill, the alarms are sounded and students assemble at the designated fire assembly point outside of the manor and Carriage House. Resident assistants take attendance for their respective floors. Students who do not leave the buildings during the fire alarm drill are subject to referral to the director of student development for disciplinary action.

Staff also undergo regular fire awareness training sessions. A more detailed guidance on fire safety instruction and training can be found in the fire safety – instruction and training manual dated October 2008.

As facilities are added or upgraded, the College will continue to look at ways to improve fire safety on campus and distribute information accordingly via student and staff handbooks, as well as the fire emergency procedures manual and the Harlaxton safety guide.

**The Higher Education Opportunity Act (PL 110-315) became law in August 2008, requiring all United States academic institution to produce an annual fire safety report outlining the fire safety practices, standards, and all fire related on-campus housing statistics. The above public disclosure report details all information required by this law as it relates to Harlaxton College.*

HARLAXTON POLICY ON ALCOHOL AND DRUGS

The legal drinking age in Britain is 18. Expectations around alcohol use and drugs are discussed at a mandatory orientation session on community expectations. The session clearly articulates the expectations of the college policy and how students are required to behave. It outlines the policy and gives directions for further information. Residents are encouraged to exercise responsibility and moderation in their approach towards alcohol consumption.

Possession and consumption of alcohol on campus is strictly prohibited. This includes individual student rooms. This prohibition extends to the grounds, sports hall, playing fields, and all vehicles used by the College. On-campus drinking is normally allowed only in the Bistro, and only of drinks purchased in the Bistro. For special events, there may be a bar in the state rooms or wine served at dinner. In these instances, drinking is confined to the state rooms being used. During certain programs in the Bistro, no outside cups, mugs, water bottles, etc. will be allowed in the Bistro space. Student development staff, College drivers, RAs, and security and assistance

officers will confiscate any alcohol brought onto campus and the director of student development will hold accountable those deemed responsible. Staff members are allowed to search student rooms and property (i.e. bags) if they have a reason to suspect that the student is in possession of alcohol. Empty alcohol bottles in student rooms will be construed as evidence of policy violation and everyone in the room will be held accountable. Intoxicated persons will not be allowed on vehicles used by the College or into college sponsored events. Students who violate these expectations will be subject to disciplinary action. If a student is exhibiting consistently problematic behaviours when it comes to alcohol and they are disruptive to the Harlaxton program or a danger to themselves, they can be removed from the program. Depending on the severity of the issue and timing of the dismissal, a refund may not be possible.

The use, possession, or distribution of non-prescription drugs is illegal in Britain and prohibited by Harlaxton College. Under no circumstances should drugs be brought on campus. Violating this not only breaks the Harlaxton policy, but it also breaks the law. Staff reserve the right to search rooms and property (i.e. backpacks) if they have a reasonable expectation that the student is in possession of illegal drugs. Students with drug dependency problems are encouraged to ask for help prior to it becoming an issue. The matter will be treated in the strictest confidence and will not necessarily result in an immediate removal from the program. Students who violate the expectations around drugs will be subject to disciplinary action.

STUDENT RIGHTS AND RESPONSIBILITIES

The students' rights and responsibilities section of this document operates as the code of conduct for the University of Evansville. Students at Harlaxton College are afforded the same rights and responsibilities as those at the University of Evansville (UE) campus. While expectations around theft and weapons aren't expressly stated in this document, their inclusion in the UE documents and policies means they apply in the Harlaxton context as well. Students participating in the Harlaxton program from other institutions are held to the same standard while enrolled in the program. The following document clearly articulates modifications of the UE judicial process for the Harlaxton campus. All policies and procedures not addressed in this document remain the same for both locations. Policy documents in their entirety can be accessed at evansville.edu/offices/deanstudents.

It is important that all students review this policy prior to arrival at Harlaxton. It is easily accessible from the UE website or link provided above. Lack of awareness is not an excuse when it comes to being held accountable to these policies. A basic explanation is covered in the community expectations session at orientation but it is the student's responsibility to familiarize themselves with the full policy on their own time.

II. C. 2. Due Process

- a. The principal sees that the case is processed with correct procedures and with the stated elements of due process. The principal also either serves as advisor to the hearing body or appoints an advisor to do so.
- b. Procedures
 - (2) The written report is to be submitted to the principal.
 - (3) When a violation is reported to the principal, they may elect one of the following methods for disposition:

- a) No action – note and file
- b) Administrative action – counsel, advise, admonish, reprimand, refer, sanction; administrative action by the principal may conclude some cases without further hearing
- c) Disciplinary hearing – by the judicial board or by administrative hearing

Further, in such cases, especially those incidents which involve physical violence, firearms, drugs, or violations of US or UK laws, the University reserves the right to contact local and US authorities for action separate from or in addition to University disciplinary action.

II. C. 3. Disciplinary Hearing Structure

- a. Administrative hearing – The principal or designee will establish an administrative hearing body of no less than three members. The principal may not serve on the hearing body.

In cases where the accused admits the violation or at the request of the accused student, the administrative hearing may consist only of a hearing with the director of student development

- b. University judicial board – If a judicial board is deemed appropriate by the principal or UE dean of students, Harlaxton College will facilitate a virtual hearing. All procedures will follow the UE process via a visual and auditory communication platform (i.e. Skype).

II. C. 4. University Appeals Structure

Following the hearing, the alleged violator has the right to appeal the decision to a higher level. The desire to appeal must be submitted in writing to the principal within one week of the date of the notice of decision.

If an appeal is submitted to the principal, the person submitting the appeal may choose to have the appeal heard by the UE Appeals Board (under the direction of the UE dean of students) or by the Harlaxton principal, provided they have not been more than an advisor to the process. If the appeals board is chosen, Harlaxton College will facilitate a virtual hearing. All procedures will follow the UE process via a visual and auditory communication platform (i.e. Skype).

SEXUAL MISCONDUCT POLICIES AND RESOURCES

Harlaxton College is committed to fostering an atmosphere free from sexual harassment, sexual violence, and other forms of sexual misconduct. This document provides additional information for interpreting the UE policy prohibiting sexual misconduct for students, faculty, staff, and participants of the Harlaxton program. This information is to be used in conjunction with the UE policy. Any response to an accusation of sexual misconduct will be coordinated with the UE Title IX coordinator or their designee. If the complainant or respondent are not UE students, the Title IX coordinator for the respective institution(s) may also be included in the response.

The full UE policy and resources can be accessed here: evansville.edu/offices/titleix. This sheet acts as a supplementary document to the full policy and should be used in conjunction with that information in any case of possible misconduct at Harlaxton.

Definition of Sexual Misconduct

Sexual misconduct is a broad term that includes sexual violence, sexual harassment, creating a hostile environment, sexual exploitation, domestic violence, dating violence, stalking, retaliation, and intimidation. Sexual misconduct is of a non-consensual nature if the complainant objected or clearly attempted to object to the conduct, or if his or her capacity to consent was substantially impaired by reason of physical force, threat, or intimidation, lack of opportunity to object, physical or mental disability, drug or alcohol consumption, or other voluntary or involuntary cause.

Title IX at Harlaxton

Concerns, reports, training, and additional information on sexual misconduct should be directed to the Harlaxton director of student development. The director of student development is the designated liaison between complainants, respondents, local law enforcement, and campus Title IX coordinators. This person is a responsible employee (see reporting option three below).

- Megan Janasiewicz, *Director of Student Development*
Harlaxton College
mjanasiewicz@harlaxton.ac.uk
44+ 1476 403003 (office)
07899 798523 (mobile)

If needed, the Title IX liaison, UE Title IX coordinator, and the Harlaxton Principal may execute interim measures to ensure the safety of the claimant and/or community. Campus based measures will be done in consultation with the dean of students at UE and can range from a no contact order, restraining order, etc. to immediate removal from the program. Legal orders will be done in conjunction with the Grantham Police.

Sexual Violence Response

If a student has experienced some form of sexual violence, they are encouraged to first reach out to one or more of the reporting options. Preserving evidence is key to an investigation and students are encouraged to keep their clothing, not shower or bathe, contact the relevant authorities. Anyone that reports some form of sexual misconduct will be given a written explanation of their rights and options.

Confidentiality and Reporting

Below is a list of reporting options at Harlaxton. Each category has details on their legal requirement to report information to the Title IX liaison. A more detailed description can be found in the UE policy. As UE students, the resources at Evansville are also available to Harlaxton students. Confidentiality is addressed with the utmost care and the College will make every effort to maintain confidentiality throughout the entire process.

1. Pastoral counsellors and medical professionals can maintain confidentiality and are not required to report sexual misconduct to the Title IX liaison. There are two confidential employees at Harlaxton.
 - Elizabeth Gaunt, *College Counsellor*
Harlaxton College
egaunt@harlaxton.ac.uk

- Lesley Selby, *College Nurse*
Harlaxton College
lselby@harlaxton.ac.uk
+44 1476 403027

2. Responsible Employees are required to report sexual misconduct to the Title IX liaison.
 - Harlaxton College defines responsible employees as: **any full time, part-time, visiting, and volunteer faculty, administration, staff, coaches, and resident assistants (RAs)**.
3. Local community support organizations are not required to report sexual misconduct to the Title IX liaison and are not connected to the College in any way.
 - Spring Lodge
01522 524 402 (9-5, M-F)
0303 1234 0000 (After hours)
Lpn-tr.springlodge@nhs.net
 - Trust House – Lincolnshire
01476 570 284
support@trushouselincolnshire.org
 - Lincolnshire Rape Crisis
lincolnshirerapecrisis.org.uk
4. Law enforcement can be reached at 999. Claimants can be assisted when calling law enforcement or may reach out to them on their own. Claimants also reserve the right to decline to notify the authorities.
 - An anonymous law enforcement tip line is available in Evansville, Indiana, and is an option for reporting incidents that happen in their jurisdiction. The number to call is 001-800-782-CRIME.
5. Accident and Emergency (A&E) is the emergency room equivalency in the United Kingdom. The Grantham Hospital has limited hours but area hospitals (Lincoln, Peterborough, Nottingham) can provide afterhours care. Medical professionals (doctors and nurses) are not required to reach out to the College.

Investigations

The claimant holds a great deal of power when it comes to an investigation. Claimants may choose to move forward with an investigation at the university level, the legal level, or not at all. The Title IX coordinator and investigators designated by the Title IX coordinator will conduct an investigation of sexual misconduct. This may be done via videoconferencing or an in-person investigation. In the instance that a videoconferencing investigation is not sufficient, Harlaxton College will arrange for a trained investigator from UE to facilitate the on-site investigation.

Adjudication

Harlaxton College will follow the same process as the Evansville campus for interim measures, administrative hearings, and sexual misconduct hearing boards. Please refer to the UE policy to understand the full scope of the adjudication process and the rights and responsibilities of those involved.

- Interim measures will be carried out through a coordinated effort between the UE Title IX coordinator and the college Principal.

- Administrative hearings will be conducted by the dean of students at UE.
- Sexual misconduct hearing and appeals will be carried out via a videoconferencing platform in the same manner as Evansville based hearings and appeals.
- If a non-UE student is no longer enrolled at Harlaxton, they can still be subject to the outcomes of a hearing.

Education

All Harlaxton students attend an orientation session on community expectations. This session covers the rights and reporting options for students in the event of suspected sexual misconduct. Harlaxton strives to keep an open dialogue around sexual misconduct so that students feel comfortable reaching out for support. Copies of the sexual misconduct and resources document are given to resident assistants, all members of staff, and are posted in visible spaces around campus. Staff members are given additional training on how to support students in vulnerable situations and how to refer them to the available resources.

Harlaxton Employees

For incidents involving a Harlaxton employee(s), the Harlaxton College procedures (grievance, disciplinary etc.) and/or relevant UK laws will be factored into any investigation or action by the college. Harlaxton employees should consult their employee handbook for additional information regarding these policies and procedures.

GENERAL SAFETY

Because of the importance of personal safety, multiple sessions during orientation week cover this topic in different ways. All of these sessions are mandatory and important for keeping safe while at Harlaxton and abroad.

Harlaxton and Grantham are relatively safe towns. However, when venturing out to travel, petty theft such as pick pocketing and bag snatching is possible. A heightened awareness of surroundings and belongings when out traveling is encouraged. Students are advised to only carry the essential items when traveling and be wary of their surroundings. Tips to avoid becoming a victim of crime:

- Do not carry a wallet in a back pocket.
- Do not keep valuables in a backpack – or take it off and hold it in busy areas.
- Fasten a purse and wear it across your body if it has a strap, so that it is not easily accessible.
- Do not leave your belongings on the floor in a pub, restaurant, shop, theatre or movie theatre. Use the handbag clips available in many pubs, or loop the strap around your ankle or under a chair leg.
- Be aware of people trying to distract your attention.
- Cover your PIN number at cash points.
- Don't use an ATM if it looks strange or is in a nondescript area.
- Do not carry your passport with you, except when traveling out of the country.
- Make copies of all your important documents and credit card numbers, including the numbers to call to cancel your cards and have them replaced. Keep these copies in a safe place in your room.
- Be conscious of your belongings in busy places and tourist spots.

- Think about what you need to take with you – do you really need all your credit cards and all your cash?
- Remember that alcohol consumption impairs your judgment.
- Set aside some money separate from your wallet, so you can always get home.
- Do not walk alone at night – take a licensed cab or a streetcar (Harlaxton-approved taxi company)
- Never accept a ride from someone offering you a taxi. Only use clearly marked cabs for transportation.

Staying Connected in an Emergency

There are multiple ways to stay in contact in the event of an emergency on or off campus. Each initiative is listed below. Students are asked to familiarize themselves with all reporting expectations and follow them accordingly. If students have any questions or issues with the technology or the process in general, they are asked to reach out to the Student Development Office. The following processes ensure that we are able to support students in an emergency situation. The likelihood of using these systems for an actual emergency are slim, but the systems are in place for the collective safety of the Harlaxton community. In the event of a serious emergency, staff will use this information to offer support and to communicate back with the home campus and potential family members.

Alert Traveller

The Alert Traveller app is a great way to monitor the current safety situation and to stay connected with the manor. It is available in the app store or the google play store and should work on most devices. All students should download and activate the app before arriving in the UK. There are many great features of the app, including real time safety alerts and immediate connection to emergency services, based on GPS location. The Alert Traveller app is used for both travel and campus-based warnings. Staff can and will use this app to notify the campus of any major safety issues on campus. There is a session during orientation that helps students understand the app and how it fits into the expectations of travel at Harlaxton. A test of the system will take place each semester during the safety session. This is the best opportunity for students to familiarize themselves with the notification process in case of an emergency.

Weekend Checkout

The weekend checkout process is a mandatory and necessary part of life at Harlaxton. There is an orientation session that will explain the process in detail but requires a high level of personal accountability. Each week, students will complete the Weekend Checkout process via the myHarlaxton system. Simply follow the link provided in the daily email to access the form. Students will need to log in to the myHarlaxton system for completion. Make sure you remember your password for easy login. There are two parts of the one-page questionnaire. The first part is the itinerary location, and the second is the details questionnaire. Both sections must be completed to finalize the submission. It is important to be detailed and accurate in responding. All students will receive an email as confirmation of the form submission. Always double check for the email to be certain that the form was submitted. This is required as part of the Harlaxton program. Failure to complete the form by the stated deadline will result in a loss of house points. Continual failures to submit on time may result in a financial penalty. If at any

point, students have trouble with the system, they must reach out to the Student Development Office for assistance. They cannot help you after hours, so it is in the best interest of the student to complete the form as soon as travel plans are solidified.

“On the Move” Form

Harlaxton encourages spontaneous travel and exploring the beautiful country. If students decide to travel outside of the Thursday-Sunday weekend checkout timeline or decide to take a trip after the form has been submitted, they can log travel on the “on the move” form. This brief set of questions is posted on the Travel board between the stone and wooden staircases. It can be filled out as any point prior to departure. There is no need to fill out the form to go into Grantham. It is important that all students use this form to keep the manor updated on travel changes.

Crime

Harlaxton is a safe environment but there is still the possibility of experiencing or witnessing a crime taking place. Anyone that feels they are the victim of a crime or witness a crime taking place should call the police at 999. The non-emergency police number is 101. This will work from any phone in the UK, regardless of data or call allowances. Please report the incident to a member of staff as soon as possible. A crime report will be recorded for reporting purposes but can be anonymous if the reporting party so chooses.

Emergency Protocol

In the event of an emergency, the relevant staff members will begin the emergency response protocol. Based on the situation, the campus community may be notified via verbal announcement, fire alarm, or electronic notification. Electronic notifications will come from both Alert Traveller and the semester Facebook group. It is imperative that each member of the campus community follow the messages and react accordingly.

Timely Warning

In some cases, a “timely warning” may be issued to notify campus community members of the following crimes: aggravated assault, criminal homicide, robbery, burglary, rape, fondling, incest, statutory rape, and hate crimes. They may also be issued for other crimes if necessary. The following questions help guide the members of the Harlaxton Cabinet (principal, vice principal, director of student development, and facilities manager) decide when to issue a timely warning:

Was the suspect identified?

Was the suspect apprehended?

If known, does the suspect have prior arrests, reports or complaints or any other history of violent behaviour?

If known, does the suspect have a history of failure to comply with a University no-contact directive, other protective measures or judicial protective order?

Did the incident involve physical violence?

Has the suspect threatened to commit physical violence?

Did the incident involve multiple victims?

Does it appear to be an isolated incident involving a specifically “targeted” victim?

Does the report reveal a pattern of behaviour (e.g., by the suspect, by a particular group or organization, around a particular recurring event or activity or at a particular location)?

Did the suspect use date-rape or similar drugs or intoxicants?

Did the incident occur while the victim was unconscious, physically helpless or unaware that it was occurring?

Was the victim under 18 years of age?

Were there other aggravating circumstances or signs of predatory behaviour that may constitute a serious or ongoing threat?

The Harlaxton Cabinet members are responsible for issuing a timely warning to members of the campus community. They will be issued via email but may also be issued via the Alert Traveller App and other electronic platforms. Information will be given on the nature of the incident, a description of the suspect(s), date/time of the warning release, safety tips, and any other relevant information.

Staff Training

Members of staff participate in training exercises to stay abreast of changes and the evolution of campus safety. Most staff members are trained first aiders and the college nurse is available most morning to assist in any medical responses. The College principal has a direct line of contact to the United Kingdom Special Branch to assist in any large-scale threats. The College will seek their assistance in the event of any terrorist activity in the country or abroad. The Harlaxton Cabinet participates in regular training with the Special Branch.

Missing Student

The nature of Harlaxton lends itself to spontaneous travel and exploration. Students must follow the outlined travel notification processes to ensure safety. Anyone that suspect that a student is missing should notify the student development team (during regular working hours) or reception (after hours) with as much detail as possible. If the student has been missing for more than 24 hours, then within the next 24 hours, the director of student development or their designee will begin search procedures. Among others, these steps will be taken, depending on the circumstances:

- The student development team (SDO) will attempt to contact the student through all reasonable and available means.
- SDO may notify appropriate University personnel and seek their aid in investigation (security, Cabinet, resident assistants, etc.)
- SDO will contact appropriate law enforcement as necessary to aid in the investigation.

If within 24 hours of the report, the student has not been located, a member of Cabinet will notify the designated emergency contact and document the date and time of the notification. If the missing student is under the age of 18 and not emancipated, a member of the Cabinet will notify the student’s custodial parent or guardian and document the date and time of the notification.

Harlaxton College, Grantham Police, and any other relevant law enforcement will coordinate their efforts to locate the missing student. The principal will notify appropriate UE employees as necessary. When the student is located, the director of student development will contact the student to offer any appropriate support. They will then notify the emergency contact that had been previously contacted that the student has been located. If the initial

investigation is unsuccessful in locating the missing student, Harlaxton will continue to work with the authorities in accordance with police procedures. The members of the Cabinet will decide further action, if any, by the college.