

Procedures for Investigation and Resolution of Sexual Misconduct, Intimate Partner Violence, and Stalking.¹

The Title IX Coordinator will assign an investigator to reports of violation of Policy 922.

The Investigator will conduct a prompt, adequate, reliable, and impartial investigation of all complaints, except in cases where a complainant has requested that the investigation not proceed and the Investigator has agreed. During the investigation phase, both the complainant and respondent will have the opportunity to give a statement, present witnesses and provide evidence.

The Investigator and, in the case of complaints involving student respondents, the Title IX Panel will use the guiding principles below to investigate and resolve each report of a violation of the policy.

1. The investigation and resolution of reports will be conducted in a manner that will protect the rights of all involved, including providing primary participants with timely and equal information and the opportunity to be heard during the investigation.
2. The investigation and resolution of reports will be conducted objectively and impartially. In the event of a conflict of interest, those involved in the investigation or resolution of the complaint will not serve in a decision-making or investigative capacity.
3. The investigation and resolution of reports will be conducted promptly.
4. The investigation and resolution of reports will be conducted with discretion. The dissemination of information will only be done on a need-to-know basis, thus maintaining privacy for the primary participants.
5. The investigation and resolution of reports will be conducted by individuals who have been trained in the investigation and resolution of reports of sexual misconduct, intimate-partner violence, and stalking.

Complaints Involving Student Respondents – Investigation and Determination of Policy Violation.

I. Initial Review

A. The Investigator will meet with the complainant – in person if possible – promptly upon receiving a report that the policy may have been violated. During the initial meeting, the complainant may be accompanied by an advisor of his or her choice (friend, instructor, parent, or attorney). The ISU Victim Advocate will be notified about all initial meetings and will attend upon request by the complainant.

¹ ISU's Policy 922 Prohibiting Sexual Misconduct, Intimate Partner Violence, and Stalking sets forth an outline of the institutional process for investigation and resolution of alleged violations. The policy includes sexual harassment, sexual violence, intimate partner violence, and stalking. All investigations follow the same procedures.

- B. During the initial meeting, the Investigator will assess the situation, gather preliminary information, and provide information to the complainant about available options, services, and resources.
- C. The Investigator will, during this time, discuss possible interim measures with the complainant. As set forth in Policy 922, interim measures are intended to provide additional safety of the complainant and the campus community. Interim measures may be imposed regardless of whether the Investigator pursues an investigation. In some cases the University will implement interim measures without request from the complainant. Interim measures may consist of counseling, housing assistance, academic assistance, no contact orders, or other measures deemed appropriate. Determinations about appropriate interim measures will be made on a case-by-case basis by the Investigator.
- D. The Investigator will also discuss available options with the complainant, including the process for investigation by the Investigator, making a police report, and pursuing a civil protective order through the court system. The Investigator will also provide information on privacy and limits on privacy of the investigative materials and conversations.
- E. The Investigator may determine that a report, if taken as true, would not be a violation of the Sexual Misconduct Policy. If so, the Investigator will refer the matter to Student Conduct and Integrity, Office of Human Resources, or any other appropriate ISU department.
- F. During the initial meeting (or at any time during the course of the investigation), the complainant may request that an investigation not be pursued. If the complainant makes such a request, the Investigator will review the severity of the report, the possible safety risks to the campus community, prior reports involving the same respondent, and the specific request by the complainant.
- G. The Investigator will make the final determination about whether or not to proceed with the investigation. If determination not to proceed with an investigation is made, the Investigator will document the reasons for the determination. The initial report will be maintained and will be included as part of the Annual Campus Security Report statistics.
- H. In the event that a complainant will not meet with the Investigator, the Investigator will use the evaluation criteria listed in I.E. above to make a determination about whether or not an investigation will go forward. In situations where the respondent has other serious conduct violations pending and the complainant hasn't come forward, the Investigator may defer to Student Conduct and Integrity without an investigation.

II. Investigation.

After the initial report, the Investigator will initiate an investigation, except in cases where the complainant has requested that an investigation not proceed and the Investigator has agreed. The Investigator will notify the complainant(s) and the respondent(s) of the substance of the complaint. The Investigator will conduct a prompt, complete, and impartial investigation of the

complaint, which shall including the opportunity for the parties to provide the names and contact information of witnesses and provide other information. Investigative protocols will include the following:

A. The Investigator will conduct interviews with both the complainant and respondent and any witnesses that may provide relevant information about the complaint. During the interview, the complainant and respondent may be accompanied by a support person of their choice (friend, instructor, parent, or attorney). In the case of the complainant, the Victim Advocate may attend to offer support if the complainant chooses. In the case of the respondent, the Associate Dean of Students may attend to offer support if the student chooses. The role of any person accompanying the student is to support the student through the investigatory process. The support person will not be allowed to participate in the interview by answering or asking questions, making comments, or discussing the subject of the complaint.

B. The Title IX investigator has the responsibility to gather additional evidence as may be necessary and available to further the investigation.

C. During an investigation, both the complainant(s) and respondent(s) will have equal rights to:

- Protection under applicable laws;
- Information about university policy and procedures related to the investigation.
- Updates regarding the status of the investigation;
- Ability to name witnesses and evidence relevant to complaint
- Ability to meet with the Investigator prior to completion of the investigation to review preliminary report of investigation.

D. The Investigator will provide the complainant and the respondent the opportunity to review the preliminary report of investigation. The complainant and respondent will have five calendar days in which to respond to the preliminary report.

E. The Investigator will then prepare a final report of investigation that summarizes the information gathered and identifies the areas of agreement and disagreement between the parties and any supporting information or accounts. The Coordinator will note the modifications to the report that were requested by the parties during the review period.

III. Determination and Disciplinary Outcome.

A. The Investigator will notify both the complainant and respondent of four potential Title IX panel members that have been randomly selected from the Title IX Committee. Both the complainant and the respondent will have one opportunity to remove one of the potential panel members. If none of the potential panel members are removed, the investigator will randomly select three to serve on Title IX panel for that case. In the event that one panel member is removed by the complainant and/or respondent, the remaining three will serve on the panel. In

the event that two panel members are removed by the complainant and the respondent, the investigator will randomly select a member of the Title IX Committee to serve on the panel. In the event that a panel member is unavailable to serve on the panel after selection, the Investigator will randomly select a member of the Title IX Committee as a replacement. In all cases, the Investigator will notify the complainant and respondent of the final panel assignment before the panel meets to review the investigation report and make a determination

B. Upon completion of the investigation, the Investigator will present the final report of investigation to the Title IX Panel. The panel will be empowered to review the investigative findings and request additional complaint documentation from the Investigator to determine whether it is more likely than not that the respondent violated the Policy 922 Prohibiting Sexual Misconduct, Intimate Partner Violence, and Stalking. If so, the Title IX Review Panel will determine a disciplinary outcome for the respondent(s). The Panel has discretion in the type and severity of the disciplinary outcome, which may include a conduct warning, conduct probation, mandated assessments, educational requirements, and/or temporary or permanent separation from Indiana State University in accordance with the Code of Student Conduct.

C. The complainant and the respondent may choose to participate in the Title IX Panel with a support person; however, no witnesses may attend and the Investigator or her designee and the Director of Student Conduct or his designee shall be present to answer questions from the Title IX Panel. The Title IX Panel may confer with the General Counsel on matters of policy, if necessary.

D. The determination of the Title IX Review Panel shall be reached on the basis of a simple majority.

E. The investigation and determination should result in written findings and recommendations within 60 calendar days of the date the complaint was received by the Office of Equal Opportunity and Title IX. With notice to all the complainant(s) and respondent(s), the investigation period may be extended by the Investigator if the investigator believes it necessary for a reasonable resolution of the complaint.

F. Notification of the determination and disciplinary outcomes (if any) will be provided by the Investigator.

G. Examples of sanctions/outcomes for student respondents may include but are not limited to: a conduct warning, conduct probation, mandated assessments, educational sanctions, relocation or loss of campus housing privileges, no contact order issued by the University restricting communication and contact between parties, reassignment of academic courses to avoid contact with the complainant, probation, suspension or expulsion from the university in accordance with the Code of Student Conduct.