



# Ivy Tech Community College Annual Security Report 2023 Madison Campus

Includes Policy Statements for the 2023-24 Academic Year and Crime Statistics  
for Calendar Years 2020, 2021 & 2022

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## Accessibility to Information and Non-Discrimination Policy

This publication is available in an alternate format upon request. Ivy Tech Community College is committed to the policy that all persons shall have equal access to programs, facilities, admission, and employment without regard to personal characteristics not related to ability, performance, or qualifications as determined by college policy or by state or federal authorities. It is the policy of Ivy Tech Community College to maintain an academic and work environment free of discrimination, including harassment. Ivy Tech Community College provides open admission, degree credit programs, courses, community service offerings, and student support services for all persons regardless of race, color, national origin, marital status, religion, sex, gender, sexual orientation, or gender identity, disability, age, or veteran status. The college also provides opportunities to students on the same non-discriminatory opportunity basis. Cases of perceived harassment or discrimination should promptly be reported to either the Vice Chancellor of Academic Affairs, (812) 265-2580, ext. 4105 Vice Chancellor of Student Success (812) 265-2580, ext. 4109 or the Vice Chancellor of Human Resources, (812) 265-2580, ext. 4123 or be reported via Incident Report on [MyIvy](#). All reported occurrences will be investigated, and appropriate corrective action taken, if necessary. Ivy Tech Community College of Indiana is an accredited, equal opportunity, affirmative action institution.

## Preparing the Annual Campus Security Report

Ivy Tech Community College is committed to providing the safest environment possible. This report is prepared to further that goal and to fulfill the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act commonly known as the Clery Act. This report discloses policy statements, and programming initiatives, and provides guidance, directions, and specific contact information which are integral to maintaining the safety and security of the Ivy Tech community.

The Department of Public Safety and Emergency Preparedness (henceforth referred to as PSEP) and the Executive Director of Clery Compliance is responsible for compiling and publishing the Ivy Tech Community College's Annual Campus Security Report. This report, which is published by October 1 of each calendar year, contains crime statistics and other vital information about safety and security on Ivy Tech's state-wide campuses. A copy of this report is located online at:

<https://www.ivytech.edu/media/ytzjf2li/madison-2023-final.pdf> A paper copy can be requested by emailing [security@ivytech.edu](mailto:security@ivytech.edu). All information contained in this report is compiled using data provided by departments as required by college policy, PSEP, Campus Security Authorities, and law enforcement agencies with jurisdictional authority over property owned or controlled by Ivy Tech Community College.

## Department of Public Safety and Emergency Preparedness

Campus PSEP staff is responsible for the emergency response, safety, and security of the Madison campus. The PSEP team consists of a campus Public Safety Lead responsible for working with campus leadership and Systems Office personnel in providing daily supervision, oversight, and leadership for PSEP for the campus. PSEP personnel report to the PSEP Lead. PSEP staff is available during normal business hours at the Madison campus.

## **PSEP Staff Authority**

Campus PSEP staff are appointed under Ivy Tech Community College policy 9.1 (revised October 2017) with the responsibility to provide security functions, report incidents, and security issues to the proper college officials and law enforcement agencies, and educate students, staff, and guests about proper security and safety procedures and to enforce campus security policies and regulations.

## **Madison Campus**

The campus PSEP team consists of sworn officers to provide for the safety and security of the campus. Sworn officers maintain police authority through their agency and have the power to make custodial arrests, issue an arrest summons, Uniform Traffic Tickets, and enforce local ordinances. Campus PSEP staff is available during normal business hours and patrols all campus-owned and controlled property and public streets immediately adjacent to campus. They do not extend patrol beyond these areas. The PSEP desk is located in the entrance lobby of 590 Ivy Tech Drive, Madison, IN 47250. The PSEP Lead can be contacted at (812) 265-2580, ext. 4133.

## **Working Relationships with Law Enforcement Agencies**

The PSEP staff maintains a working relationship with the Madison Police Department, but Ivy Tech does not have any written agreements with the Madison Police Department regarding the investigations of alleged criminal offenses that occur on Ivy Tech Property. Students, employees, and guests are subject to all local, state, and federal laws, campus policies, procedures, and regulations. Law enforcement agencies may arrest individuals when probable cause for violation of the law exists. For violations of college policies, reports may be referred to the Title IX Coordinator for conduct action. Police agencies may aid the college in any emergency that might require additional police services.

Ivy Tech does not have any recognized student organizations at off-campus locations for the Madison campus.

## **Reporting Criminal Actions and Other Emergencies**

### **Madison Campus**

Ivy Tech encourages all students, employees, and guests to report criminal incidents, accidents, and other non-emergencies accurately and promptly to the PSEP Office at (812) 265-2580, ext. 4113. This can also be done by submitting a report online utilizing the incident report form via MyIvy or directly [ivytech.edu/incident](http://ivytech.edu/incident) or by reporting to local law enforcement agencies by phone or in person. The Madison Police Department can be contacted at (812) 265-3347 or in person at 621 W. Main Street, Madison, IN 47250. Additional information about the Madison Police Department may be found online at: <https://www.madison-in.gov/department/index.php?structureid=10>

Crimes should be reported to the campus PSEP office to be included in the annual statistical disclosure of crimes, and for assessment for a timely warning or emergency notification. Report emergencies by calling 911.

Reports of sexual assaults, domestic violence, dating violence, and stalking should be reported to the Title IX Coordinator at (812) 265-2580, ext. 4109 or by submitting a report online utilizing the incident report form via MyIvy or directly at: [ivytech.edu/incident](http://ivytech.edu/incident).

In response to reports of emergencies or criminal actions, PSEP staff or local law enforcement will respond and vigorously investigate all reported incidents. This includes confidential reports (where the reporting parties' names are known but not released.)

Ivy Tech encourages accurate and prompt reporting of all crimes to the PSEP office, the Title IX Coordinator, and the appropriate police agencies when the victim elects to, or is unable to, make such a report due to incapacitation or other circumstances that would permit the victim from reporting. As described above, the Title IX Coordinator may receive reports containing violations of college policies or laws, which will prompt a conduct review and assessment when students are involved. Reports with violations of college policies or laws, when employees are involved, will be reviewed by the Department of Human Resources.

Daily crime logs containing the time, date, nature of the incident, and general locations of all reported incidents are available to the public by visiting the PSEP desk. Information from crime reports is analyzed to identify emerging crime trends and allocate resources more efficiently.

### **Voluntary Confidential Reporting**

A victim or witness of a crime, who does not want to pursue action within the criminal justice system or through the college, may still consider making a confidential report. The purpose of a confidential report is to comply with a reporting person's wish to keep the matter confidential while taking steps to ensure the future safety of others. With such information, the college can keep accurate records 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 through the issuance of a timely warning. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

On-campus confidential resources are available by contacting any of the following locations: Kokomo (765) 252-5491, Muncie (765) 289-2291 ext. 1721, Lafayette (765) 269-5166, Marion (765) 651-3100 ext. 3407, Bloomington (812) 330-6379, and Indianapolis (317) 921-4481 ext. 084418.

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of the immediacy of threat or danger, or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

### **Additional Individuals a Crime can be Reported**

The college has designated several individuals as Campus Security Authorities (CSA) who crimes can be reported. A CSA is defined under federal law as:

- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses, and;
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined

below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

An official is defined as any person who has the authority and the duty to act or respond to issues on behalf of the institution. Ivy Tech CSAs may include but are not limited to, the following positions: Vice President of PSEP; Assistant Vice President and Executive Directors of PSEP; PSEP Leads; PSEP staff; Vice Chancellor for Student Success; Title IX Coordinators; advisors of student organizations; Student Life and Student Success employees; and other individuals designated to lead student travel programs.

Campus “Pastoral Counselors” and Campus “Professional Counselors” are not considered to be CSAs and are not required to report crimes for inclusion in the annual disclosure of crime statistics. They are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual crime statistics.

A Pastoral Counselor is defined as:

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

A Professional Counselor is defined as:

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification.

Other persons who have significant responsibility for campus and student activities and counsel or advise students and employees are not exempt from reporting, even if the counseling is confidential.

### **Timely Warning Procedures**

When a Clery Act crime is reported on campus or in property owned or controlled by Ivy Tech, that per the judgment of the Vice President of PSEP or designee, constitutes an ongoing or continuing threat, a campus timely warning will be issued. The college may issue a timely warning for the following: arson, aggravated assault, criminal homicide, domestic violence, dating violence, robbery, burglary, motor vehicle theft, sexual assault (rape, fondling, incest, and statutory rape), stalking, and designated hate crimes. The college may also issue a timely warning for alcohol, drug, and weapons arrests that may pose a continuing threat to the campus community. Campus PSEP will distribute these warnings through a variety of ways, including but not limited to emails and posters.

The timely warning is generally written by the Vice President of PSEP or designee upon consultation with college legal counsel and the Senior VP/Chief Financial Officer. The purpose of a timely warning is to notify the campus community of the incident and to provide information that may enable the community to take steps to protect themselves from similar incidents. The college will issue timely warnings considering on a case-by-case basis the following criteria: (1) one of the above-listed crimes is reported; (2) the perpetrator has not been apprehended, and (3) there is a substantial risk to the safety of other members of the campus community because of this crime. An institution is not

required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor. The college may also issue an alert in other circumstances, which may pose a significant threat to the campus community. Timely warnings will be provided to students and employees in a timely manner, that withholds the names of victims as confidential, and will aid in the prevention of similar occurrences.

## **Emergency Response Procedures**

The college's Emergency Response Plan details instructions for determining priorities and performance expectations, shelter-in-place and evacuation guidelines, and local contingency and continuity planning requirements. The college conducts emergency tests, drills, and exercises each year for the purpose of assessing and evaluating emergency plans and capabilities of the college.

When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually PSEP staff. Depending on the nature of the incident, other college departments and other local or federal agencies could be involved in assisting PSEP staff to manage the event.

Emergency response and evacuation drills are conducted on an annual basis and may be announced or unannounced. Once a semester or three times a year, campus PSEP coordinates evacuation drills for all campus facilities. These drills help students learn all the locations of emergency exits and train students on the quickest and shortest paths for evacuation.

Evacuation decisions can be affected by the time of day, location of the building, availability of a designated emergency gathering, and other factors like location and nature of the threat. Because of this, the PSEP staff do not tell students in advance about designated locations for long-term evacuations.

The PSEP staff will be on the scene as soon as possible communicating information to building occupants on the developing situation or any status changes to the evacuation plan. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency.

In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the college an opportunity to test the operation of the fire alarm system components. Evacuation drills are monitored by PSEP to evaluate egress and behavioral patterns. Reports are prepared by the PSEP with recommendations for improvements and submitted to the appropriate departments and offices for consideration and action.

Data on Ivy Tech's tests, drills, and exercises is maintained by the Executive Director of Emergency Management and Continuity, Department of Public Safety and Emergency Preparedness.

## **Evacuation Procedures**

In situations where a building is to be evacuated, individuals should immediately proceed to the nearest exit in a quick but orderly manner.

## **Shelter in Place**

To shelter in place means finding a safe location indoors and staying there until a notice of all clear is given or if told to evacuate the building. You are likely to receive shelter-in-place directions for the

following threats and hazards: earthquake, hazardous materials release, severe weather, tornado, and winter weather.

### **Secure in Place**

You are likely to receive secure-in-place directions for the following threats and hazards: civil disturbances, and dangerous persons. A secure-in-place is similar to a shelter-in-place in that you remain inside the building. During a secure-in-place, the building is secured so people cannot enter. However, it is generally not necessary to cease all activities inside the building.

### **Basic Shelter in Place Guidance**

In incidents where the building is not damaged or compromised, stay inside seeking an interior room until you receive an “all clear” from an emergency responder. If your building is damaged, occupants should follow the evacuation procedures: close the door, proceed to the nearest exit, and make sure to use stairs instead of the elevator. Once evacuated, seek shelter at the nearest building. If emergency personnel are on the scene, follow their directions.

### **How You Will Know to Shelter in Place**

A shelter-in-place notification may come from several sources, including PSEP or other authorities using the college’s emergency notification system, IvyAlert.

### **How to Shelter in Place**

The basic steps of sheltering in place will generally remain the same no matter the location. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If inside, stay put. Collect any emergency shelter-in-place supplies and a telephone if possible. If located outdoors, quickly proceed into the closest building or follow instructions from emergency personnel on the scene.
2. Locate a room in which to shelter. It should be an interior room without windows or with the least number of windows. If there is a large group of people, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Make a list of everyone in the group and then call PSEP or local police with the list of names and the location of the group. If only students are present, one of the students should call in the list.
5. Remain calm.

### **Emergency Notification Procedures**

An emergency notification will be sent for situations that require an emergency response, or evacuation, or are deemed an immediate threat and danger to the campus. Once the reported incident is no longer a threat, an update will be provided to the community. Methods for issuing the update can vary. The college uses one, a series of, or all of the following systems to communicate and notify all Ivy Tech faculty, staff, and students: all-campus email, Alertus, fire alarm system voice announcement, IvyAlert (text message), Twitter and Facebook.



Ivy Tech will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. Ivy Tech uses the emergency notification system, RAVE, to provide alerts via IvyAlert, which is an emergency notification service available to students, faculty, and staff. IvyAlert is a closed, opt-in system and can be used to send emergency messages within minutes of the occurrence of an incident. Ivy Tech's emergency communication system is multi-modal, covering various forms of media at all Ivy Tech Community College locations. All Ivy Tech email addresses are automatically entered into the system and cannot be removed by the user.

Students and employees can sign up for additional methods to receive IvyAlerts, by logging into [getrave.com/login/ivytech](https://getrave.com/login/ivytech) using your MyIvy username and password. Add additional email addresses and/or a mobile phone for text alerts (standard data rates apply). Choose "Opt-In Lists" to check off any of the campuses for which you would like to receive alerts.

Campus PSEP staff or a Responsible College Official (RCO) are the primary developers and senders of emergency notification messages. An RCO is defined as an Ivy Tech employee that has the knowledge, skills, and abilities necessary to evaluate whether a particular event requires an emergency notification and whether such notification is warranted or would compromise the efforts to contain the emergency. This individual may also determine if a message should be sent to benefit the campus community's health, safety, and well-being for situations that do not pose a significant emergency or dangerous situation.

At the Marion campus, the following positions have been designated as primary developers and senders of emergency notification messages: PSEP Lead, PSEP Territorial Executive Director, Vice Chancellor of Student Success and Enrollment Services, and Vice Chancellor of Human Resources.

In most instances, campus PSEP is contacted first and made aware of a critical incident or other emergencies that potentially affect the health and safety of the campus community. An RCO may become aware of these situations when they are reported to PSEP or directly by a college employee.

The PSEP staff or RCO reserves the right to investigate an incident for confirmation of an immediate threat before issuing an emergency notification. Other confirmation methods may include verification by local law enforcement or other emergency responders, or multiple reports of an incident being made to the PSEP office or 911. Additionally, alerts by the National Weather Service or other emergency authorities may constitute verification of an emergency situation.

Ivy Tech will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible officials, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Because the emergency notification requires the community to act, the speed and accuracy of the information are of utmost importance. To ensure each message shares only essential information and is delivered quickly, the mass notification system contains pre-scripted templates for the most probable or highest impact emergencies. These messages identify the situation, allow for input of the location, and identify the immediate protective action that should be taken. The individual

authorizing the message will select the most appropriate template. In cases where there are no predetermined templates in the system, the individual selecting the template can choose the “dangerous situation” template to craft a specific message. The ultimate goal is to inform the community of the danger and instruct them on the best steps to stay safe. Campus PSEP staff or RCO will identify the appropriate segment or segments of campus to receive immediate notification. Methods for issuing an emergency notification can vary. The college uses one, a series of, or all of the following systems to communicate and notify all Ivy Tech faculty, staff, and students: all-campus email, Alertus, fire alarms/voice announcements, IvyAlert (text message), Twitter and Facebook. The Emergency Notifications systems are tested monthly.

Disseminating emergency information to the larger community includes posting information on the college website and utilizing local media outlets.

## **Security of and Access to Campus Facilities**

### **Madison Campus**

The Madison campus building is accessible to faculty, staff, students, guests and contractors during normal business hours on weekdays and during designated hours on the weekends. Normal operating hours vary for individual buildings and campus offices. The Madison campus building has 24-hour availability using card access; however, hours may vary during the periods of time the college is not in normal operations, (this includes most holidays.) Video cameras are utilized on campus. Campus PSEP staff patrol the building and property on a routine basis.

### **Maintenance of Campus Facilities**

The college maintains a very strong commitment to campus security and safety through monitoring of the following:

**Interior and Exterior Lighting:** Formal surveys of interior and exterior lighting on campus are conducted on a regular basis.

**Exterior Doors & Locks:** After buildings are secured, exterior doors are routinely checked by members of the Facilities Office and PSEP staff.

**Shrubbery and Trees:** Landscaping is maintained in a manner that reduces hazardous conditions. Ivy Tech encourages community members to promptly report any security concern to the PSEP Campus Lead.

## **Safety on Campus: Everyone’s Responsibility**

### **Campus Programming**

Ivy Tech enhances the safety and security of the college through the development of extensive annual educational campaigns consisting of a wide range of primary and ongoing programs, seminars, presentations, and events offered on a continual basis. A common theme of the awareness, education, and prevention programs and campaigns is encouraging students, faculty, and staff to be aware of their part in developing a safe and secure community. It is important that everyone is responsible for their personal safety, security, and the safety and security of others. E-Learning training sessions covering Safety Awareness, Workplace Safety, and Information Security are made available to the Ivy Tech Community through IvyLead.

Additionally, E-Learning programming on the topics of Handling Sensitive information, Safety Awareness, OSHA Bloodborne Pathogens, and Information Security is required by all Ivy Tech

employees and is available throughout the year for employees to develop a continuing understanding and the expected response to such occurrences.

PSEP staff conducted the following programs at the Madison Campus in 2022.

### **Active Threat Awareness Training**

This is a class for students and employees to learn about their options and the police response to an armed assailant. At each training, an Active Shooter video is shown and the important steps to protect yourself are explained in detail. Held on July 21, 2022

### **Stop the Bleed Training**

This is a class for students and employees to learn how to respond to incidences of victim trauma and apply three bleeding control techniques in order to save a life. Held on August 4, 2022

### **De-escalation Training**

This is a class for students and employees to learn how to effectively communicate during situations of confrontation or aggression. Held on July 26, 2022.

## **Alcohol and Drug Policy Statement**

The college prohibits the unlawful manufacture, distribution, dispensation, possession, and use of controlled substances. The unlawful or unauthorized use of alcohol by students, faculty or staff on college property is prohibited. The unlawful use or abuse of alcohol as a part of any college activity is also prohibited. Any student, faculty, or staff member of the college found to be using alcohol or using, possessing, manufacturing, or distributing controlled substances in violation of the law on college property or at college events shall be subject to disciplinary action in accordance with applicable policies of the college. Persons violating any of these policies will be subject to sanctions that may include suspension or dismissal from the college. Campus PSEP will enforce violations of state underage drinking, and state and federal drug law violations and report violations to the appropriate college authorities. The sale and use of alcohol at college-sponsored events must be approved by the College President.

No specific programs were conducted covering drug or alcohol abuse in the calendar year of 2022.

## **Crime Categories and Definitions**

The Clery Act requires crime statistics to be listed in four general categories:

- Criminal Offenses —Criminal Homicide (including murder and Non-negligent Manslaughter, and Manslaughter by Negligence); Sexual Assault; (including Rape, Fondling, Incest, and Statutory Rape); Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft and Arson.
- Hate Crimes—Any of the above-mentioned offenses, and any incident of Larceny-Theft, Simple Assault, Intimidation, or Destruction /Damage/Vandalism of Property that were motivated by bias.
- VAWA Offenses—Any incidences of Domestic Violence, Dating Violence, and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal offense category for Clery and reporting purposes).
- Arrests and Referrals for Disciplinary Action for Weapons, Liquor, and Drug Abuse Violations.

## Definitions of Criminal Offenses

### Criminal Homicide

- Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.
- Manslaughter by Negligence: The killing of another person through gross negligence.
- Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
- Rape: 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: (National Incident-Based Reporting System Definition) The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- Incest: (National Incident-Based Reporting System Definition) Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: (National Incident-Based Reporting System Definition) Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- Robbery: 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, violence, and/or causing the victim fear.
- Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is 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 with a gun, knife, or other weapon which could or probably would result in a serious potential injury if the crime were successfully completed.
- Burglary: 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.
- Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joy riding).
- Arson: 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.

### Hate Crimes

Any of the above-mentioned offenses, and any incident of Larceny-Theft, Simple Assault, Intimidation, or Destruction /Damage/Vandalism of Property that were motivated by bias.

- Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Destruction/Damage/Vandalism of Property: Willfully or maliciously destroy, damage, deface, or otherwise injure real property or personal property without the consent of the owner or the person having custody or control of it.

### **Violence Against Women Act Offenses**

Any incidences of Domestic Violence, Dating Violence, and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the category of the criminal offense for Clery Act reporting purposes).

- Domestic Violence: 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 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; or 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.
- Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- Stalking: Engaging in 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 suffer substantial emotional distress. For the purpose of this definition, course of conduct means two or more acts, including but not limited to, acts which the stalker 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. A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **Arrests and Disciplinary Referrals for Violations of Liquor, Drug Abuse, and Weapons Laws**

Arrests include individuals who are arrested or received a summons for violations of Indiana weapon, drug, or liquor law violations.

- **Liquor Law Violation:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, or possessing of intoxicating liquor; maintaining unlawful drinking places, bootlegging, operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition).
- **Drug Abuse Violations:** 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, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- **Weapons Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, 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.

Disciplinary referrals include those individuals referred to the Student Conduct Office for liquor law, drug law, and weapon law violations. The numbers include incidents that are reported to PSEP and local law enforcement agencies.

## **Indiana Criminal Code**

- **Rape:** Knowingly or intentionally having sexual intercourse with another person or knowingly or intentionally causing a person to submit to other sexual conduct when: the person is compelled by force or imminent threat of force; the other person is unaware that the sexual intercourse or other sexual conduct is occurring; or the other person is so mentally disabled or deficient that consent to sexual intercourse or other sexual conduct cannot be given.
- **Crime of Domestic Violence:** Crime of domestic violence means an offense or the attempt to commit an offense that: has as an element of the use of physical force; or threatened use of a deadly weapon; and is committed against a family or household member.
- **Family or Household Member:** An individual is a "family or household member" of another person if the individual: is a current or former spouse of the other person; is dating or has dated the other person; is or was engaged in a sexual relationship with the other person; is related by blood or adoption to the other person; is or was related by marriage to the other person; has or previously had an established legal relationship: (A) as a guardian of the other person; (B) as a ward of the other person; (C) as a custodian of the other person; (D) as a foster parent of the other person; or in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or has a child in common with the other person.
- **Domestic or family violence:** means, except for an act of self-defense, the occurrence of at least one of the following acts committed by a family or household member: Attempting to cause, threatening to cause, or causing physical harm to another family or household member without legal justification; placing a family or household member in fear of physical harm without justification; causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress; abusing, torturing, mutilating or killing a

vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member. Domestic and family violence also includes stalking, or a sex offense under whether or not the stalking or sex offense is committed by a family or household member.

- Dating Violence: Indiana does not define “dating violence” as a crime. It does include dating relationships in the Family or Household member definition (see above).
- Stalking: A person stalks a victim; and makes an explicit or an implicit threat with the intent to place the victim in reasonable fear of sexual battery serious bodily injury; or death.

"Stalk" means a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity.

## **Consent**

Ivy Tech policy defines consent as knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the college to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to bondage, discipline, sadism or masochism, or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so Ivy Tech’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

The State of Indiana does not legally define consent in reference to sexual activity.

## Definitions of Clery Act Geography

**On-Campus Buildings or Property:** 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 any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

**Non-Campus Buildings or Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution 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 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.

**On-Campus Residential:** Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. ***(Ivy Tech Community College does not operate any residential housing facilities at any of its state campus locations.)***

### Madison Campus

The table below lists the Clery Geography of the Madison campus.

On-Campus Property	Non-Campus Property
590 Ivy Tech Drive, Madison, IN 47250	The Madison campus does not have any non-campus property

## Reported Crime Statistics

These charts report crime statistics for Ivy Tech Community College-Madison campus for calendar years 2020, 2021, and 2022. Ivy Tech Community College is required to list a breakdown of reported crimes by geographic location.

In addition, Ivy Tech Community College is required to state if any of the subcategories of reported crimes fall under the category of hate crimes. In addition to the subcategories, the crimes of theft, simple assault, intimidation, and destruction/damage/vandalism of property shall be reported if perpetrated as hate crimes. A hate crime is defined as an act that has evidence to show the victim was intentionally selected because of the victim’s actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

The statistics in this annual report for the Madison campus were prepared by PSEP based on information gathered from individuals in the following college offices and departments and local law enforcement authorities:

PSEP Lead



Offense	Year	On-Campus	Non-Campus	Public Property	Total	Unfounded Crimes
Murder/Non-Negligent Manslaughter	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0

Offense	Year	On-Campus	Non-Campus	Public Property	Total	Unfounded Crimes
Statutory Rape	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0

Offense	Year	On-Campus	Non-Campus	Public Property	Total	Unfounded Crimes
Arson	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Arrests	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0

Offense	Year	On-Campus	Non-Campus	Public Property	Total	Unfounded Crimes
Drug Law Arrests	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Weapon Law Violations Referred for Student Conduct	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Violations Referred for Student Conduct	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Student Conduct	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0

**Hate Crimes**

2020: There were no reported hate crimes reported for 2020

2021: There were no reported hate crimes reported for 2021

2022: There were no reported hate crimes reported for 2022

## HEOA Victim Notification

The college will, upon written request, disclose to the alleged victim of any crime of violence or a nonforcible sex offense, the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of the crime or offense, the information shall be provided, upon request, to the next of kin of the alleged victim. The request should be made directly to the Vice Chancellor for Student Success.

## How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “Individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found at <https://www.ivytech.edu/prevent-sexual-violence/index.html>.

- If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive toward another and it is for you to interrupt.
- Keep a watchful eye out for friends and fellow students/employees. If someone looks like they could be in trouble or need help, ask if they are okay.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

## Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce the risk of becoming a victim.

- Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
- Avoid isolated areas. Obtaining help becomes much more difficult when no one is around.
- Walk with purpose. Even if you don't know where you are going, act as you do.
- Trust your instincts. If a situation feels unsafe or uncomfortable, it probably isn't the best place to be.
- Do not carry many items at once. This can make you appear more vulnerable.
- Always keep a charged cell phone with you and always make sure to have some cash on hand.
- Avoid being isolated with someone you don't know or trust.
- Avoid using music headphones in both ears to stay more aware of your surroundings, especially if walking alone.

- Attend events with a trusted group of friends. Make sure the group arrives together, checks in with each other throughout the event, and leaves together. Being familiar with the location and people around may help you find a way out of a bad situation.
- Report unusual activity. If you feel unsafe in a situation, listen to your gut feeling. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Do not leave drinks unattended at any point, which includes talking, dancing, using the restroom, or making a phone call. If you've 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, stay with the person as the drink is ordered and made. Then make sure to carry the beverage yourself. When at a party, do not drink from punch bowls or other large, open containers.
- Make sure the entire group is watching out for each other. If a friend seems to be incognizant, is acting out of character, or appears too overly intoxicated for the amount of alcohol they have consumed, get them to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.) Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some tactics to try:
  - Remember that being in this situation is not your fault. You did nothing wrong; it is the person who is making you uncomfortable who is to blame.
  - Be true to yourself. You are not obligated to do anything you do not want to do. Saying "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - Establish a code word with friends or family so that, if you do not feel comfortable, you can easily communicate your discomfort without verbally expressing your true feelings. Your friends or family can then come to get you as you form an excuse to exit the situation.
  - Lie. If you do not want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses are needing to take care of a friend or family member, not feeling well, having somewhere else you need to be, etc.
- Think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you have been drinking, say you would rather wait until you have your full judgment before doing anything you may regret later.

## **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

Ivy Tech has programs in place to prevent domestic violence, dating violence, sexual assault, and stalking. These programs are presented throughout the academic year and are available to students and employees of the college.

Ivy Tech takes the prevention of domestic violence, dating violence, sexual assault, and stalking seriously. It is a violation of college policy to engage in such activities. The college prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking.

Ivy Tech engages in comprehensive, intentional, and integrated programming. These initiatives, strategies, and campaigns are intended to end domestic violence, dating violence, sexual assault, and stalking.

These programs are designed to be culturally relevant, inclusive of diverse communities and identities, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcomes. Programming considers environmental risk and protective factors as they occur on the individual, relationship, institutional, communal, and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and employees and includes ongoing awareness programs and campaigns for students that:

- Contain information stating Ivy Tech prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking.
- Informs that there are federal and state definitions of domestic violence, dating violence, sexual assault, and stalking.
- Teach the applicable definition of consent.
- Explains a description of safe and positive options for bystander intervention.
- Provides information on risk reduction and information regarding:
  - Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Occurs”)
  - How the institution will protect the confidentiality of victims and other necessary parties;
  - Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
  - Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations, as well as protective measures; and
  - Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking.

E-Learning programming on the topic of Title IX: Misconduct Awareness and Prevention, Harassment Prevention, and Sexual Violence Awareness is required by all Ivy Tech employees and is available throughout the year for employees. The purpose of the training is to develop a continuing understanding of the signs of abuse, definitions of VAWA offenses and consent, consent, bystander intervention, risk reduction, confidential reporting and the reporting and investigation processes of the college. Additional resources may be found at: <https://www.ivytech.edu/prevent-sexual-violence/index.html> and [SaVe Act](#).

No initial or ongoing VAWA programs were conducted in the calendar year of 2022.

## **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

After an incident of domestic violence, dating violence, or sexual assault, the victim should consider seeking medical attention as soon as possible to assess for injury, sexually transmitted infections, and pregnancy. If you suspect a substance other than alcohol was used in the assault, it is recommended to report to the hospital as early as possible before the substance leaves your system. Immediate medical attention for victims of sexual assault is available at area hospitals that have a Center of Hope. With a victim's consent, a specially trained nurse will conduct an exam to collect evidence (fees for the exam and evidence collection are covered by the State of Indiana). At the hospital, you will be given an opportunity to speak with a police officer to report and investigate the incident. Choosing to speak with a police officer or not is completely up to the victim.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so evidence may be preserved. This may assist in proving the alleged criminal offense occurred/or is occurring and could be helpful in obtaining a protection order.

Victims of domestic violence, dating violence, sexual assault, and stalking are also encouraged to preserve evidence, which may include text messages, instant messages, social-networking pages, pictures, logs, and any other forms of communication or documentation that would be useful to college investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the college at a later date. This might assist in proving the alleged criminal offense occurred or in obtaining a protection order.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking you should report the incident promptly to the Title IX Coordinator or report in person to the PSEP (if the victim desires.) Reports of all crimes of domestic violence, dating violence sexual assault, and stalking will be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

The college's sexual harassment policy, including a description of the grievance procedures, can be found here: [Student Equal Opportunity, Harassment, and Nondiscrimination Policy](#).

## **Victims' Options for Involvement of Law Enforcement and Campus Authorities**

Although the college strongly encourages all members of its community to report violations of this policy to the college PSEP or local law enforcement, it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the college will assist any victim with notifying PSEP or local law enforcement if the victim so desires. The victim can contact the Title IX Coordinator or the Vice Chancellor of Student Success to request



assistance. Reports can also be made utilizing the incident report form via MyIvy or directly at [ivytech.edu/incident](http://ivytech.edu/incident).

The Madison Police Department may also be reached directly by calling (812) 265-3347 or in person at 621 W. Street, Madison, IN 47250. Additional information about the Madison Police Department may be found online at: <https://www.madison-in.gov/department/index.php?structureid=10>

### **Procedures the College will Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking is Reported**

The college has sensitive procedures in place to serve the victims who report domestic violence, dating violence, sexual assault, and stalking. This includes informing individuals about their right to file criminal charges, the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, financial aid, and other services on and/or off campus. Additionally, Ivy Tech offers options that would prevent contact between a complainant and an accused party, such as academic, transportation, and working accommodations, if reasonably available. If possible, the college will accommodate these requests, even if the victim does not report the crime to PSEP, or local law enforcement. Students and employees should contact the Title IX Coordinator to request assistance with accommodations.

The college will inform the victim of their options, which include the involvement of law enforcement and campus authorities if the victim chooses to report the incident. The victim will be notified of these options:

- To notify proper law enforcement authorities; and
- To be assisted by campus authorities in notifying law enforcement.

The college will provide written notifications of resources to students and employees with information about:

- Counseling services;
- Health services;
- Mental Health services;
- Victim Advocacy;
- Legal Assistance;
- Visa and Immigration Assistance;
- Student Financial Aid; and
- Other Services available for the victim, both within the institution and in the community.

The college will provide a written explanation of the rights and options for students and employees when they report that another student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus.

If a report of domestic violence, dating violence, sexual assault, or stalking is received by the college, below are the procedures the college will follow:

Incident Being Reported	Procedure Institution Will Follow
Sexual Assault	<p>Depending on when reported (immediate vs. delayed report), the institution will provide complainant with access to:</p> <p>Medical care;</p> <p>Student financial aid counseling;</p> <p>Education to the community or community subgroup(s);</p> <p>Altering work arrangements for employees or student-employees;</p> <p>Safety planning;</p> <p>Providing campus safety escorts;</p> <p>Providing transportation accommodations;</p> <p>Implementing contact limitations (no contact orders) between the parties;</p> <p>Academic support, extensions of deadlines, or other course/program-related adjustments;</p> <p>Trespass, Persona Non Grata (PNG);</p> <p>Class schedule modifications, withdrawals, or leaves of absence;</p> <p>Increased security and monitoring of certain areas of the campus; and</p> <p>Other actions deemed appropriate by the college or campus Title IX Coordinator.</p> <p>The college will provide a copy of the Sexual Misconduct Policy to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution;</p> <p>The college will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged, and the outcome of the hearing;</p>

	<p>The college will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</p>
Stalking	<p>The college will assess the immediate safety needs of the complainant.</p> <p>The college will assist the complainant with contacting local police if the complainant requests and the complainant provided with be provided with contact information for the local police department.</p> <p>The college will provide written information to the complainant for Protective Order.</p> <p>The college will provide written information to the complainant on how to preserve evidence.</p> <p>The college will assess the need to implement interim or long-term protective measures to protect the complainant, if appropriate.</p> <p>The college will provide a “No trespass” directive to the accused party if deemed appropriate.</p>
Domestic Violence	<p>The college will assess the immediate safety needs of the complainant.</p> <p>The college will assist the complainant with contacting local police if the complainant requests and the complainant provided with be provided with contact information for the local police department.</p> <p>The college will provide written information to the complainant for Protective Order.</p> <p>The college will provide written information to the complainant on how to preserve evidence.</p> <p>The college will assess the need to implement interim or long-term protective measures to protect the complainant, if appropriate.</p> <p>The college will provide a “No trespass” directive to the accused party if deemed appropriate.</p>

Dating Violence	The college will assess the immediate safety needs of the complainant.
	The college will assist the complainant with contacting local police if the complainant requests and the complainant provided with be provided with contact information for the local police department.
	The college will provide written information to the complainant for Protective Order.
	The college will provide written information to the complainant on how to preserve evidence.
	The college will assess the need to implement interim or long-term protective measures to protect the complainant, if appropriate.
	The college will provide a “No trespass” directive to the accused party if deemed appropriate.

### Assistance for Victims: Rights and Options

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

The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to Ivy Tech officials;

The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanction;

The right to a timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations;

The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible;

The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law;

The right to be treated with respect by Ivy Tech officials;

The right to have college policies and procedures followed without material deviation;

The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;

The right not to be discouraged by Ivy Tech officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;

The right to be informed by Ivy Tech officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by college authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report;

The right to have allegations of violations of this policy responded to promptly and with sensitivity by college law enforcement and/or other college officials;

The right to be informed of available interim actions and supportive measures such as:

- Supportive measures both on campus and in the community, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance;

The right to a college-implemented no-contact order [or a no-trespass order against a non-affiliated third party] when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others;

The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:

- Relocating an on-campus student's housing to a different on-campus location;
- Assistance from college staff in completing the relocation;
- Changing an employee's work environment (e.g., reporting structure, office/workspace relocation);
- Transportation accommodations;
- Visa/immigration assistance;
- Exam, paper, and/or assignment rescheduling or adjustment;
- Receiving an incomplete in, or a withdrawal from, a class (may be retroactive);
- Transferring class sections;
- Temporary withdrawal/leave of absence (may be retroactive);
- Campus safety escorts;
- Alternative course completion options;

The right to have the college maintain such actions for as long as necessary and for supportive measures to remain private, as long as privacy does not impair the college's ability to provide the supportive measures.;

The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible;

The right to ask the investigator(s) and Hearing Panel to identify and question relevant witnesses, including expert witnesses;

The right to provide the investigator(s) and/or the hearing Panel with a list of questions that, if deemed relevant by the investigator(s) and/or the hearing Panel Chair, may be asked of any party or witness;

The right not to have irrelevant prior sexual history or character admitted as evidence;

The right to know the relevant and directly related evidence obtained and to respond to that evidence;

The right to a fair opportunity to provide the investigator(s) with the victim's account of the alleged misconduct and have that account be on the record;

The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, as well as all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing;

The victim also has the right to have at least ten (10) business days to review the report prior to the hearing;

The right to respond to the investigation report, including offering additional relevant evidence and having that response on the record;

The right to be informed of the names of all witnesses whose information will be used to make a finding in advance of that finding, when relevant;

The right to regular updates on the status of the investigation and/or resolution;

The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and decision-maker(s) who have received at least eight hours of relevant annual training;

The right to a Hearing Panel that is not single-sex in its composition, if a panel is used;

The right to preservation of privacy, to the extent possible and permitted by law;

The right to meetings, interviews, and/or hearings that are closed to the public;

The right to petition that any college representative in the process be recused on the basis of disqualifying bias and/or conflict of interest;

The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process and;

The right to the use of the appropriate standard of evidence, [preponderance of the evidence; clear and convincing evidence] to make a finding after an objective evaluation of all relevant evidence.

### **Protective Orders**

The victim of domestic violence, dating violence, sexual assault, and stalking has the right to a college-implemented no-contact order [or a no-trespass order against a non-affiliated third party] when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.

### **Accommodations and Protective Measures Available for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Ivy Tech will provide written notification to students and employees about protective measures available to them.

Ivy Tech will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, reasonably available, and without fee or charge to the parties. The goal of these measures is to restore or preserve access to the college's education program or activity, including measures designed to protect the safety of all parties or the college's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The college or campus Title IX Coordinators promptly make supportive measures available to the parties upon receiving notice or a complaint. At the time the supportive measures are offered, the college will inform the complainant, in writing that they may file a formal complaint with the college either at that time or a time in the future if they have not done so already.

The college or campus Title IX Coordinators work with the complainant to ensure their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The college will maintain the privacy of the supportive measures, provided that it does not impair the college's ability to provide those supportive measures. Ivy Tech will work to ensure as minimal an academic impact on the parties as possible. The college will implement measures in a way that does not unreasonably burden the other party. These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services;
- Referral to the Employee Assistance Program;
- Referral to community-based service providers;
- Student financial aid counseling;
- Education to the community or community subgroup(s);
- Altering work arrangements for employees or student-employees;
- Safety planning;
- Providing campus safety escorts;
- Providing transportation accommodations;
- Implementing contact limitations (no contact orders) between the parties;

- Academic support, extensions of deadlines, or other course/program-related adjustments such as trespass and persona Non Grata (PNG);
- Timely warnings;
- Class schedule modifications, withdrawals, or leaves of absence;
- Increased security and monitoring of certain areas of the campus;
- Any other actions deemed appropriate by the college or campus Title IX Coordinator.

Violations of no-contact orders will be referred to the appropriate student or employee conduct processes for enforcement. To request assistance and support, a victim should contact the Title IX Coordinator to request help with accommodations. Ivy Tech must make such accommodations or provide these protective measures if they are reasonably available.

## **Victim Notification**

No less than ten (10) business days prior to the hearing, the college Title IX Coordinator must send notice of the hearing to the parties. Once mailed, emailed, and/or received in person, notice will be presumptively delivered. The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result;
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities;
- Any technology that will be used to facilitate the hearing;
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Panel and parties to see and hear a party or witness answering questions. Such a request must be raised with the college Title IX Coordinator at least five (5) business days prior to the hearing;
- A list of all those who will attend the hearing, along with an invitation to object to any Hearing Panel members on the basis of demonstrated bias. This must be raised with the college Title IX Coordinator at least two (2) business days prior to the hearing;
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing;
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Hearing Panel. For compelling reasons, the college Title IX Coordinator may reschedule the hearing;
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the college Title IX Coordinator if they do not have an Advisor, and the college will appoint one. Each party must have an Advisor present. There are no exceptions;
- A copy of all the materials provided to the Hearing Panel about the matter, unless they have been provided already;
- An invitation to each party to submit to the college Title IX Coordinator an impact statement pre-hearing that the Hearing Panel will review during any sanction determination;



- An invitation to contact the college Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing, and;
- Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the respondent is still subject to this policy) and are unable to be resolved prior to the end of the term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the college and remain within the 60-90 business day goal for resolution.

In these cases, if the respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this policy is not in good standing to graduate.

### On and Off-Campus Resources for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, the college will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement.

### Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking (On-Campus)

Madison Campus Resources for Students and Employees	
Counseling Services (Students)	Philosophical Counseling Services (812) 265-2580, ext. 4323
	<p><b>A. Mission</b> It is the mission of PCS to foster personal and academic success through offering individualized and comprehensive support for the personal growth and wellness of students. In general, Philosophical Counseling is built on the idea that anxiety, depression and low self-worth, often natural responses to the challenges of life, are complicated by unclear thinking. Counseling can help students identify ways in which errors in reasoning, conflicts of value and negative beliefs are contributing to emotional discomfort. It is not designed to be a replacement for traditional psychological counseling.</p> <p><b>B. Vision</b></p>

	<p>PCS aspires to offer the following services: counseling, crisis support that may include linkage to community services, coordination of care, prevention, and education. Through providing services to students, PCS will support the mission of Ivy Tech Madison and actively promote a learning environment that supports personal and academic success.</p> <p><b>C. Philosophy</b> Ivy Tech Madison recognizes that the academic journey is stressful in itself and that additional external factors may detract from the academic experience. PCS acknowledges the role of positive emotional support and cognitive health in academic success and is focused on assisting students in overcoming challenges and increasing opportunities. Through working with students and the college community, PCS strives to create an environment that empowers students to positively respond to challenges and opportunities which will lead to both personal and academic development.</p> <p><b>D. Equal Opportunity</b> PCS will provide services on a fair, equitable, and non-discriminatory basis in accordance with institutional policies and with all applicable state/provincial and federal statutes and regulations. PCS will maintain an educational and work environment free from discrimination in accordance with the law and institutional policy.</p>
Employee Assistance	Support Link 1-888-881-5462
Title IX	<a href="https://www.ivytech.edu/prevent-sexual-violence/index.html">https://www.ivytech.edu/prevent-sexual-violence/index.html</a> (812) 265-2580 ex. 4109
Student Financial Aid	(812) 265-2580 ex. 4100
Additional Resources Support	Ivy Cares (812) 265-2580 ex. 4143

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking (Off-Campus)**

Madison Off-Campus Resources for Students and Employees	
Counseling Services	Centerstone (812) 265-1918

Health Services	King's Daughters' Health Hospital (812) 801-0800
Mental Health Services	Behavioral Health Services (812) 283-2811 24-hour crisis line: (317) 621-5700
Victim Advocacy	WomensLaw.org <a href="https://www.womenslaw.org/find-help/in/advocates-and-shelters/local-programs/L">https://www.womenslaw.org/find-help/in/advocates-and-shelters/local-programs/L</a>
Legal Assistance	Indiana Legal Services <a href="https://www.indianalegalservices.org/">https://www.indianalegalservices.org/</a>
Visa and Immigration Services	US Citizenship and Immigration Services 950 N. Meridian St. Room #400 Indianapolis, IN 46204 1-800-375-5283 <a href="https://www.lawfirm4immigrants.com/local-uscis-offices/uscis-indianapolis-in/">https://www.lawfirm4immigrants.com/local-uscis-offices/uscis-indianapolis-in/</a>
Student Financial Aid	<a href="https://studentaid.gov/fafsa-app/ROLES">https://studentaid.gov/fafsa-app/ROLES</a>
Other Services	Indiana Coalition Against Domestic Violence 1-800-332-78385  Alternatives, Inc. (866) 593-9999 (Housing services, Sexual Assault Services)  Ivy Tech's web page lists a wide range of community services. IvyAssist: <a href="http://ivyassist.auntbertha.com">ivyassist.auntbertha.com</a>

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<https://www.justice.gov/ovw/sexual-assault>—United States Department of Justice

[www.rainn.org](http://www.rainn.org)—Rape, Abuse, and Incest National Network 1-800-656-Hope (24/7)

[www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)—Department of Education, Office of Civil Rights

## Adjudication of Violations

The college's disciplinary process includes a prompt, fair, and impartial process from the initial investigation to the final result. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault, and stalking complaints is completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause. When this happens, written notice of the delay and the reason behind the delay must be given to the accuser and the accused.

College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault, and stalking complaints are trained annually on the issues related to these crimes. This training shows college officials how to correctly investigate and hold a hearing. Furthermore, the policy provides that:

- The complainant and the accused will be given timely notice for meetings at which the accuser or accused, or both, may be present;
- The complainant, the accused, and appropriate officials will be given timely and equal access to any information that will be used during formal and informal disciplinary meetings and hearings;
- The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused; the accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding; and
- The accuser and the accused each has the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding.

The college will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to a consultative role by providing guidance on the policy and process, providing resources for care and treatment, and providing support during hearings. The role is to contribute actual information, not opinions or advice. The accuser and the accused will be notified simultaneously, in writing, of any initial, interim, and final decision of any disciplinary proceeding. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time it becomes final and of the end result once the appeal is resolved.

### **Types of Disciplinary proceedings utilized in cases of alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

The college has a policy for faculty, staff, and students governing the procedures for persons accused of committing domestic violence, dating violence, sexual assault, and stalking. The policy may be found at: [Student Equal Opportunity, Harassment, and Nondiscrimination Policy](#).

### **How to File a Complaint**

Any member of the college community, guest, or visitor, who believes there is a violation of the Discrimination Harassment and Nondiscrimination Policy, should contact the Title IX Coordinator. Contact information for the college Title IX Coordinator and the campus Title IX Coordinators can be found at: <https://www.ivytech.edu/prevent-sexual-violence/index.html>.

Anonymous reports are accepted but can give rise to a need to investigate. Although the college tries to provide supportive measures to all complainants, it is impossible with an anonymous report. Reporting carries no obligation to initiate a formal response, and the college respects the complainant's requests to dismiss complaints. Unless there is a compelling threat to health and/or

safety, the complainant is largely in control and should not fear a loss of privacy in making a report that allows the college to discuss and/or provide supportive measures.

A formal complaint means a document filed/signed by the complainant or signed by the college Title IX Coordinator alleging a policy violation by a respondent and requesting that the College investigate the allegation(s). A complaint may be filed with the college or campus Title IX Coordinators in person, through traditional mail, or by electronic mail. Using the contact information in the section immediately above, or as described in this section. If notice is submitted in a form that does not meet this standard, the college or campus Title IX Coordinators will contact the complainant to ensure it is filed correctly.

### **How the College Determines Whether this Policy Will be Used**

Upon receipt of a complaint or notice to the college or campus Title IX Coordinators of an alleged violation of the policy, Ivy Tech initiates a prompt initial assessment to determine the next steps the college needs to take. The college will initiate at least one of three responses:

- 1) Offering supportive measures because the complainant does not want to proceed formally and/or
- 2) An informal resolution; and/or
- 3) A Formal Grievance Process, including an investigation and a hearing.

The investigation and grievance process will determine whether or not the Policy has been violated. If it has the college will promptly implement effective remedies designed to ensure it is not deliberately indifferent to harassment or discrimination, potential recurrence, or its effects. All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses obtaining available, relevant evidence, and identifying sources of expert information as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, provide evidence and expert witnesses, and fully review and respond to all evidence on the record. The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the complainant.
- In coordination with campus partners, initiate or assist with any necessary supportive measures.
- Identify all policies implicated by the alleged misconduct and notify the complainant and respondent of all of the specific policies implicated.
- Assist the college Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and parties.
- Meet with the complainant to finalize their interview/statement, if necessary.
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations.

- Notice should inform the parties of their right to have the assistance of an advisor, who could be a member of the pool or an advisor of their choosing present for all meetings attended by the party.
- Provide each interviewed party and witness an opportunity to review and verify the investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings.
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible.
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Allow each party the opportunity to suggest witnesses and questions they wish the investigator(s) ask of the other party and witnesses, as well as document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding.
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included.
- The investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report.
- Prior to the conclusion of the investigation, provide the parties and their respective advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report, as well as an opportunity to inspect and review all of the evidence obtained, including evidence the college does not intend to rely on when reaching a determination. This must be made available for a ten (10) business day review and comment period to ensure each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the material shared will be watermarked on each page with the role of the person receiving it (e.g., complainant, respondent, complainant's advisor, respondent's advisor).
- The investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The investigator(s) should document all rationales for any changes made after the review and comment period.
- The investigator(s) shares the report with the college Title IX Coordinator for their review and feedback.
- The investigator will incorporate any relevant feedback, and then the final report is shared with all parties and their advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

## **Grievance Process Pool**

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process.

### **Pool Member Roles**

Members of the pool are trained annually and can serve in the following roles at the direction of the college Title IX Coordinator:

- Provide appropriate intake of and initial guidance pertaining to complaints;
- Act as an Advisor to the parties;
- Serve in a facilitation role in informal resolution;
- Perform or assist with initial assessment;
- Investigate complaints;
- Serve as a hearing facilitator (process administrator, no decision-making role); and
- Serve on a Hearing Panel.

### **Pool Member Appointment**

The college Title IX Coordinator appoints the pool, which acts with independence and impartiality. While members of the pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, Ivy Tech can also designate permanent roles for individuals in the pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

### **Title IX Coordinator Training**

Individuals who are responsible for investigating and conducting hearings receive annual training in the areas of initial and advanced investigations, hearing officer roles and responsibilities, and coordinator roles and responsibilities.

### **Notification of Charges**

The college or campus Title IX Coordinator will provide the written NOIA to the respondent upon commencement of the formal grievance process. This facilitates the respondent’s ability to prepare for the interview and to identify and choose an advisor to accompany them. The NOIA is also copied to the complainant, who is to be given advance notice when the NOIA will be delivered to the respondent. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges. Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official college records, or emailed to the parties’ college-issued email or designated accounts. Once mailed, emailed, and/or received in person, notice will be presumptively delivered.

### **Anticipated Timelines**

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. The college will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation

Ivy Tech will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business daytime period, including appeal, which can be extended as necessary for appropriate cause by the college Title IX Coordinator. Additionally, the Coordinator will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

### **Deliberation, Decision-Making, and Standard of Proof**

The hearing panel will deliberate in a closed session to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The college Title IX Coordinator may be invited to attend the deliberation by the Chair but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Hearing Panel may then consider the previously submitted party impact statements in determining the appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Hearing Panel may – at their discretion – consider the statements, but they are not binding.

The Hearing Panel will review the statements and any pertinent conduct history provided by Campus Conduct Lead and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required. The Chair will then prepare a written deliberation statement and deliver it to the college Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions or recommendations. This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the college Title IX Coordinator within two (2) business days of the end of deliberations, unless the college Title IX Coordinator grants an extension. If an extension is granted, the college Title IX Coordinator will notify the parties.

### **Standard of Evidence**

The standard of evidence used for the determination of a violation of this policy is the preponderance of the evidence (more likely than not).

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s);
- The Respondent's disciplinary history;
- Previous allegations or allegations involving similar conduct;
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation;



- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the complainant and the community;
- The impact on the parties; and
- Any other information deemed relevant by the Hearing Panel.

### **Student Sanctions**

The campus Conduct Officer or designee is authorized to impose any one or a combination of the following sanctions after finding a student responsible for acts of personal misconduct. The sanctions will be implemented as soon as feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

**Reprimand and Warning.** A student may be given a reprimand accompanied by a written warning that the student may receive additional sanctions if they choose to engage in the same misconduct again or commit any other violation of the Code.

**Reflective Activity.** A student may be required to complete a reflective activity, such as writing a letter of apology or other written activity, which demonstrates the student's learning and increased understanding of the College's expectations regarding behavior.

**Administrative Withdrawal.** A student may be administratively withdrawn from any or all courses during the semester in which the violation of college policy occurred.

**Disciplinary Probation.** A student may be placed on disciplinary probation for a specified period of time under conditions detailed in writing with a warning that any violation of the conditions or any further acts of misconduct may result in additional disciplinary sanctions, including suspension or expulsion from the college. As a condition of probation, the student may be required to participate in a specific program, such as a counseling program, or an alcohol education program, or to provide a specific service, such as the repair or restoration of any property damaged or taken by the student.

**Restitution.** A student may be required to pay the cost for the replacement or repair of any property damaged by the student. If the student fails to pay the cost or make the repairs, the student may be subjected to additional sanctions, including suspension or expulsion. A record of any restitution that a student is required to pay will remain a part of a student's disciplinary record until he/she graduates.

**Participation in a specific program.** A student may be required to participate in a specific program, such as a counseling program, a program designed to stimulate good citizenship within the college community, an alcohol education program, anger management, or any other activity that would foster civic engagement. If the student fails to participate in the program as directed, the student may be subjected to additional sanctions, including suspension or expulsion. The student must provide the college with verification of program completion and evidence of personal well-being. Verification of program completion must be from a certified agency or appropriately certified health care provider or mental health counselor.

**Provision of a specific service.** A student may be required to provide a specific service, such as the repair or restoration of any property damaged or taken by the student. If the student fails to provide the service as directed, the student may be subjected to additional sanctions, including suspension or expulsion. Completion of a specific required service will remain a part of a student's disciplinary record until he/she graduates.

**Suspension.** A student may be prohibited from participating in all aspects of college life for a specified period of time not to exceed five (5) years. When a student is suspended from the college, the suspension applies to all campuses of the College. As this is a system-wide sanction, the campus Student Affairs Officer or designee is required to notify and seek approval from the college's System Office Student Judicial representative prior to issuance of this sanction.

**Expulsion.** A student may be dismissed from the college permanently. When a student is expelled from the College, the expulsion applies to all campuses of the college. As this is a system-wide sanction, the campus Student Affairs Officer or designee is required to notify and seek approval from the college's System Office Student Judicial representative prior to issuance of this sanction. The student may not petition for readmission to the college.

### **Employee Sanctions**

The college will, after a determination is made, undertake prompt and appropriate corrective action, including discipline up to and including termination of employment, whenever it determines that a violation of this policy has occurred. Such corrective action will be reported to the employee making the complaint.

### **Range of Protective Measures to a Victim Alleging Misconduct**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the college Title IX Coordinator may carry out additional long-term remedies or actions with respect to the parties and/or the campus community that is intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services;
- Referral to the Employee Assistance Program;
- Education to the individual and/or the community;
- Provision of campus safety escorts;
- Climate surveys;
- Policy modification and/or training;
- Provision of transportation accommodations;
- Implementation of long-term contact limitations between the parties; and
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the college and Campus Title IX Coordinator, certain long-term support or measures may also be provided to the parties, even if no policy violation is found. When no policy violation is found, the college and Campus Title IX Coordinator will address any remedies owed by the college to the Respondent to ensure no effective denial of educational access. The college will

maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Ivy Tech's ability to provide these services.

### **Confidentiality of Directory Information**

Personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the college will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the college to provide the accommodations or protective measures. The college does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Timely Warning Notice is issued on the basis 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.

### **Sex Crimes Prevention Act**

This Act amends the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act* to require sex offenders already required to register in a state, to provide notice, as required under state law, to each institution of higher education in that state at which that person is employed, carries on a vocation, or is employed. The Indiana statewide Sex Offender Registry can be accessed at: <https://www.icrimewatch.net/indiana.php>

### **Fire Safety Report**

Ivy Tech Community College does not operate any residential housing facilities at any of its state campus locations and it is not required to provide fire safety report information.