

# **University of Notre Dame 2016/17 Annual Safety Report For Dublin Campus**

## **Security and Law Enforcement on the Dublin Campus**

The University of Notre Dame's facility in Dublin is the O'Connell House, located at 58 Merrion Square South, Dublin 2, Ireland. Law enforcement is provided by An Garda Síochána, the national police service of Ireland. The agency is often referred to simply as Garda. The Mission of An Garda Síochána is working with communities to protect and serve. Following the establishment of the Irish Free State in 1922, the Dublin Metropolitan Police merged with the An Garda Síochána in 1925.

The Garda Station nearest to O'Connell House is the Pearse Street Garda Station in the Dublin Metropolitan Region. The Pearse Street Garda Station is located at 1 – 6 Pearse Street, Dublin 2 (Tel: +353 1 666 9000). Garda Eamon Lunch & Garda Gerard Walsh are located at Pearse Garda Station and look after the Dublin 2 area. Direct Dial + 353 (1) 666 9030.

The premises at O'Connell House are protected by an alarm system which is monitored 24 hours per day, 7 days a week, by Top Security company. Top Security also provides key holding services and is the first point of call for intruder and fire alarms. All information in respect of the activation and subsequent actions taken are recorded on a real time basis and can be recalled at any time. Top Security does not have the authority to make arrests and does not provide any security functions at O'Connell House other than those mentioned above. University employees do not perform these or any security functions.

Neither the Dublin Campus nor Top Security has a memorandum of understanding with the Garda or any local police agency.

The Garda maintains a 24-hour presence from O'Connell House to the Royal Society of Antiquaries of Ireland, a few doors away.

The University does not officially recognize any student organization in Dublin with a location outside the O'Connell House. The University does not maintain on-campus student housing at the O'Connell House or elsewhere in Dublin.

## **Emergency Procedures and Crime Reporting**

Individuals are encouraged to accurately and promptly report crimes, including when the victim is unable to make such a report. Any crime, emergency, or suspicious situation should be reported immediately to the Garda by dialing 999 or 112. This call is free on landline and mobile phones. For a fire or medical emergency, call 999. In the event of a crime, emergency, or suspicious situation, resident staff at O'Connell house should be notified

immediately, regardless of whether local law enforcement officials have already been contacted.

Except for confidential communications made to pastoral or professional counselors or health care professionals, University employees who are Campus Security Authorities under the Clery Act are required to inform the Program Director of any crime reported to the employee that occurred at O'Connell House. This policy is necessary so the University can comply with federal regulations regarding disclosure of campus crimes.

The section below entitled "Sexual Assault, Dating Violence, Domestic Violence and Stalking" provides an overview of the University's procedures for reporting instances of sexual assault, dating violence, domestic violence and stalking, and of the confidential resources available to students and employees. For more detailed information concerning the reporting options and on- and off-campus resources available to those who wish to report incidents of sexual assault, dating violence, domestic violence and stalking, see the Reporting and Response Procedure set forth in *du Lac: A Guide to Student Life* ("Reporting and Response Procedure for Student Violations"), which is attached as Appendix 3 and also located at <http://dulac.nd.edu/community-standards/important/#procedures>, for reporting violations by students; and see the *Reporting and Response Procedure for Violations of the University's Policy on Sexual and Discriminatory Harassment by Faculty and Staff* ("Reporting and Response Procedure for Faculty/Staff Violations"), which is attached to this Report as Appendix 2 and also located at <https://equity.nd.edu/sexual-harassment-title-ix/>, for reporting violations by faculty and staff.

Confidential reports that provide sufficient detailed information for classification of the offense by the Notre Dame Security Police department ("NDSP") using FBI Uniform Crime Report guidelines will be included in crime statistics. Note that crime reports may be made confidentially and such reports will enable the University to provide more complete data on crimes committed at the O'Connell House. Reporting forms are available to use in reporting crimes for inclusion in the annual disclosure of crime statistics. The form for reporting sexual assaults confidentially for inclusion in such crime statistics is available at [http://ndsp.nd.edu/assets/123429/sexual\\_assault\\_form.pdf](http://ndsp.nd.edu/assets/123429/sexual_assault_form.pdf). The form for reporting other crimes confidentially for inclusion in such crime statistics is available at [http://ndsp.nd.edu/assets/123428/crime\\_statistic\\_form.pdf](http://ndsp.nd.edu/assets/123428/crime_statistic_form.pdf). Confidential crime reports made to pastoral or professional counselors may be shared with NDSP officials with no personally identifying information disclosed for the purposes of including the information in crime statistics. Anonymous reports that contain sufficiently detailed facts for classification of the offense by law enforcement officials using FBI UCR guidelines will be included in annual crime report disclosures.

## **Campus Safety Begins With You...**

The University provides important services to the community, but nothing we do can replace your actions in maintaining security and safety at O'Connell House. Please see the student handbook for advice on safety in Dublin. The Garda provide (upon request) crime prevention and security awareness advice, and there is liaison between the Garda and the University. Take time to learn about crime prevention and safety – for yourself and your fellow community members. Information and awareness are your best weapons against crime and accidents. Information in du Lac: A Guide to Student Life and a brochure, "How to be 'Streetwise' and Safe", which is available from NDSP upon request, provide important strategies for promoting safety. The frequency of programs facilitated in person varies from year to year and is based on requests from the O'Connell House community. For more information about the frequency of such programs contact the Program Director.

A good source of information on crime and safety is the NDSP department website: <http://ndsp.nd.edu>. Although this information was developed for the U.S. campus most of the information is relevant and applicable anywhere. Crime prevention information includes video presentations on a variety of topics such as protecting property and identity, sexual assault, everyday personal safety, stalking, and what to do in the event of a shooting at a university facility or in public.

## **Campus Lighting and Physical Plant**

The staff at O'Connell House maintains the academic building with a concern for the safety and security of the members of our community. Campus facilities and lighting are regularly surveyed by staff. Anyone who notices a safety or security problem with the physical plant or campus landscaping should contact building staff.

## **Security of and Access to O'Connell House**

The University facilities at O'Connell House are private property. Individuals are allowed on campus at the discretion of the University. It is the University's expectation that visitors abide by University rules. Policies for persons visiting are outlined in the student handbook. Visitors to O'Connell House must sign in and out of the building. Reception has an intercom with inbuilt monitor so that the receptionist can identify and communicate verbally with a visitor before he/she is granted access to the building. Hours of operation are from 9:00 am to 8:00 pm Monday through Wednesday and 9:00 am to 5:00 pm Thursday and Friday, and are extended as necessary to meet the needs of students. The building is closed on weekends.

Within O'Connell house, a fingerprint recognition system is in use which allows students, staff and faculty access to the building. Staff will know who is in the building at all times for health & safety reasons.

The premises at O'Connell House are monitored 24 hours per day, 7 days a week by Top Security company. Top Security also provides key holding services and is the first point of call for intruder and fire alarms.

## **Alcohol and Other Drugs**

The University has adopted and implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees.

With respect to students, the specific policies and standards pertaining to the use of illicit drugs and alcohol are presented in du Lac: A Guide to Student Life, which is available at the following web site: <http://dulac.nd.edu/community-standards/resources/drugfree/>. The information presented in du Lac includes the standards of conduct that apply to the unlawful possession, use, or distribution of illicit drugs and alcohol by students; the sanctions the University will impose on students for violations of such standards; the legal sanctions that apply to the unlawful possession or distribution of illicit drugs and alcohol; and the health risks-associated with the use of illicit drugs and the abuse of alcohol. The website of the Center for Student Well-Being describes the drug and alcohol education, counseling, treatment, rehabilitation, and reentry programs available to students: <http://wellness.nd.edu/>.

With respect to employees, the specific policies and standards pertaining to the use of illicit drugs and alcohol are maintained by the Office of Human Resources and are available at the following website: [http://hr.nd.edu/assets/32995/drugfree\\_for\\_employees.pdf](http://hr.nd.edu/assets/32995/drugfree_for_employees.pdf). These policies and standards include the standards of conduct that apply to the unlawful possession, use, or distribution of illicit drugs and alcohol by employees; the sanctions the University will impose on employees for violations of such standards; the legal sanctions that apply to the unlawful possession or distribution of illicit drugs and alcohol; the health risks-associated with the use of illicit drugs and the abuse of alcohol; and the employee assistance program available for employees who want assistance with overcoming drug and/or alcohol abuse.

The Center for Student Well-Being provides prevention, intervention and educational programs and coordinates assessment activities that support the health of Notre Dame students. All incoming students must complete AlcoholEdu, an online pre-matriculation course, prior to their arrival on campus. The Center also provides online assessments to support the health and well-being of all students throughout their time at the University. Additional information is available for students from the Center for Student Well-Being (574-631-7970) and the University Counseling Center (574-631-7336). Employees may call LifeWorks at 1-888-267-8126 for information or assistance programs.

## **Support Services for Victims**

Emergency services are provided by the appropriate Irish public safety resources to assist students, faculty and staff who may become the victim of a crime on campus, or who may be injured in a serious accident or other emergency situation on campus. In addition to prompt and professional emergency medical services provided by local police, ambulance, or hospital staff, the program director can assist in arranging for referrals to other services that may be needed such as counseling, or pastoral care.

For more detailed information concerning the reporting options and support services available to those who wish to report incidents of sexual assault, dating violence, domestic violence and stalking, see the Reporting and Response Procedure set forth in *du Lac: A Guide to Student Life* (“*Reporting and Response Procedure for Student Violations*”), which is attached to this report as Appendix 3 and also located at <http://dulac.nd.edu/community-standards/important/#procedures>, for reporting violations by students; and see the *Reporting and Response Procedure for Faculty/Staff Violations* (Appendix 2, or <https://equity.nd.edu/sexual-harassment-title-ix/>) for reporting violations by faculty and staff.

The University’s Deputy Title IX Coordinator (or designee) is also available to discuss reporting and response procedures, and the support services available, with University students. The Deputy Title IX Coordinator can be reached at (574) 631-7728 or [DepTitleIXCoordinator@nd.edu](mailto:DepTitleIXCoordinator@nd.edu). Similarly, faculty and staff members are encouraged to contact the Title IX Coordinator / Office of Institutional Equity at (574) 631-0444 with questions concerning the reporting and response procedures and/or the support services available to those who wish to report crimes.

## **RESOURCES FOR VICTIMS NEEDING VISA AND IMMIGRATION ASSISTANCE**

Assistance for those victims needing help with Visa and Immigration issues can be found at Notre Dame’s Office of International Student and Scholar Affairs located in Room 105 of the Main Building. The office can be contacted by phone at (574) 631-3825 or by email at [issa@nd.edu](mailto:issa@nd.edu). The office is open Monday through Friday from 8:00 am to 5:00 pm. Additional information regarding visas and immigration issues can be found on the United States State Department website at <https://travel.state.gov/content/travel/en.html>.

## **Sexual Assault, Dating Violence, Domestic Violence, and Stalking**

The University of Notre Dame strives to maintain a community characterized by a respect for others. At a minimum, this means a community that is free from sexual harassment and sexual violence. The acts of sexual assault, dating violence, domestic violence and stalking can be considered forms of sexual harassment. Accordingly, Notre Dame prohibits sexual harassment in all its forms, including, but not limited to, the acts of sexual assault, dating violence, domestic violence and stalking.

Additional information concerning the University’s prohibition of sexual assault, dating violence, domestic violence and stalking, can be found in the University’s *Policy on Sexual and Discriminatory Harassment*, which is attached to this Report as Appendix 1 and is also located at <https://equity.nd.edu/sexual-harassment-title-ix/>.

### **A. Definitions Of Sexual Assault, Dating Violence, Domestic Violence, And Stalking**

Acts of sexual assault, dating violence, domestic violence and stalking not only violate University policy, but can be crimes as well.

## **1. Irish Law**

### **a. Sexual assault**

Irish law defines *rape* as a sexual assault that includes —

- a. penetration (however slight) of the anus or mouth by the penis, or
- b. penetration (however slight) of the vagina by any object held or manipulated by another person.

### **b. Dating violence**

There is no specific definition of dating violence under Irish criminal law.

### **c. Domestic violence**

Irish law defines domestic violence as “any form of physical, sexual and psychological violence which threatens the safety or welfare of family members and certain persons in domestic relationships.” Included as “family members” and “certain persons in domestic relationships” are spouses, any children or other dependent persons, two persons of the same sex who are parties to a civil partnership registration that has not been dissolved or the subject of a decree of nullity.

### **d. Stalking**

The offense of stalking is not specifically mentioned in Irish law but is covered by the law prohibiting harassment. The harassment law states that “any person who, without lawful authority or reasonable excuse, by any means including by use of the telephone, harasses another by persistently following, watching, pestering, besetting or communicating with him or her, shall be guilty of an offence.

For the purposes of this section a person harasses another where:

- (a) he or she, by his or her acts intentionally or recklessly, seriously interferes with the other's peace and privacy or causes alarm, distress or harm to the other, and
- (b) his or her acts are such that a reasonable person would realise that the acts would seriously interfere with the other's peace and privacy or cause alarm, distress or harm to the other.

## **2. Definitions under University Policy**

The University prohibits all forms of sexual harassment including, but not limited to, the acts of sexual assault, dating violence, domestic violence and stalking. The University’s definitions of those prohibited acts, along with its definition of consent, can be found in its Policy on Sexual and Discriminatory Harassment (attached hereto as Appendix A) and are also set forth below.

**a. Sexual assault**

**Sexual assault** is any sexual intercourse by any person upon another without consent. It includes oral, anal and vaginal penetration, to any degree, with any part of the body or other object. It is also referred to as “non-consensual sexual intercourse.”

**b. Dating violence**

**Dating violence** is physical violence or the threat of physical violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with an individual, and the existence of such a relationship shall be determined based on factors such as the length and type of relationship, and frequency of interaction between the persons involved.

**c. Domestic violence**

**Domestic violence** is physical violence or the threat of physical violence committed by a current or former spouse of an individual, by a person with whom the individual has a child in common, by a person who is cohabiting or has cohabitated with the individual as if a spouse (as determined under applicable law), or by any other person against an adult or youth who is protected from that person’s acts by applicable domestic or family violence laws.

**d. Stalking**

**Stalking** is knowingly or intentionally engaging in a 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 individual to feel terrorized, frightened, intimidated, or threatened.

**e. Consent**

**Consent** means informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; sexual contact without informed, freely given consent is sexual misconduct. There is no consent when the individual in question is under the legal age of consent.

Intoxication is not an excuse for failure to obtain consent.

An incapacitated person is incapable of giving consent. A person is incapacitated if that person is in a physical or mental state such that he or she lacks the ability to make a knowing and deliberate choice to engage in the sexual interaction. For the purposes of the University’s Policy, a person who is asleep or unconscious is incapacitated, without exception. A person may also become incapacitated due to other factors, which may include the use of alcohol and/or drugs to such a degree that the person no longer has the ability to make a knowing or deliberate choice to engage in the sexual interaction. Engaging in sexual activity with a person whom you know, or should reasonably know, to be incapacitated constitutes a violation. If there is a question about whether the complainant was incapacitated, the relevant standard is

whether the respondent knew, or a sober, reasonable person in the respondent's position should have known, that the complainant was incapacitated and therefore could not consent to the sexual activity.

## **B. Ongoing Prevention And Awareness Campaigns**

The University provides prevention and awareness campaigns for new and current students and employees to promote awareness and reduce the risk of sexual assault, dating violence, domestic violence and stalking. These programs are offered during orientation sessions for new students and employees to raise awareness of such crimes, and to help prevent them from occurring by addressing options for bystander intervention and information on risk reduction, including recognizing warning signs of abusive behavior and how to avoid potential attacks. Throughout the year, programming of this nature is directed to the campus community through other training programs made available both online and in person (e.g., numerous residence halls sponsor speakers and host panel discussions on sexual assault), or through emails or other communications. The NDSP Crime Prevention office gives various presentations throughout the year on sexual assault, stalking, and violence in relationships, and offers "360 Stay Safe," an educational video that addresses stalking and relationship violence, at <http://ndsp.nd.edu/crime-prevention-and-safety/stay-safe-on-campus/>.

## **C. Reporting and Responding to Complaints Alleging Sexual Assault, Dating Violence, Domestic Violence and Stalking**

The University provides resources and has procedures in place to support those who report sexual assault, dating violence, domestic violence and stalking.

### **1. Reporting Sexual Assault, Dating Violence, Domestic Violence and Stalking Violations to the University and Law Enforcement**

Reports of sexual assault, dating violence, domestic violence or stalking should be made to the University's Deputy Title IX Coordinator (574-631-7728; [deptitleixcoordinator@nd.edu](mailto:deptitleixcoordinator@nd.edu)) when the alleged perpetrator is a University student. When the alleged perpetrator is a faculty or staff member, or a third party with whom the complainant interacts as part of his or her work or educational responsibilities, reports should be made to the Title IX Coordinator / Office of Institutional Equity (574-631-0444) or any other individuals identified in the University's *Reporting and Response Procedure for Violations of the University's Policy on Sexual and Discriminatory Harassment by Faculty and Staff* ("Reporting and Response Procedure for Faculty/Staff Violations"), which is attached to this Report as Appendix 2 and also located at <https://equity.nd.edu/sexual-harassment-title-ix/>.

In addition to the reporting violations to the University, the University encourages all members of the Notre Dame community to report all incidents of sexual assault, dating violence, domestic violence and stalking to the police. In such cases, complainants may (a) notify proper law enforcement authorities, including NDSP and other local police; (b) be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses; or (c) decline to notify law enforcement authorities.

The University will provide complainants with written notice of their rights and reporting options, including their rights to pursue their complaints through the University Conduct Process. Complainants interested in exploring whether they might be entitled to an order of protection, restraining order, or other similar orders issued by a criminal or civil court, are



encouraged to contact Notre Dame Security Police or the [Family Justice Center of St. Joseph County](#).

For more detailed information concerning the reporting options available to those who wish to report incidents of sexual assault, dating violence, domestic violence and stalking, see the Reporting and Response Procedure set forth in du Lac: A Guide to Student Life (“*Reporting and Response Procedure for Student Violations*”), which is attached to this report as Appendix 3 and also located at <http://dulac.nd.edu/community-standards/important/#procedures>, for reporting violations by students; and see the *Reporting and Response Procedure for Faculty/Staff Violations* (Appendix 2, or <https://equity.nd.edu/sexual-harassment-title-ix/>) for reporting violations by faculty and staff.

## **2. Resources for Medical, Counseling and Pastoral Care**

Individuals who have been sexually assaulted, or subjected to other intimate partner violence such as dating violence, domestic violence or stalking, are strongly encouraged to seek immediate and appropriate medical treatment for their injuries. Such treatment is also important to preserve evidence that may assist in the proof of the sexual assault or other sexual misconduct in the event the individual later files criminal charges, or seeks to obtain an order of protection.

For additional information concerning the medical, mental health and pastoral services available for complainants and respondents, both within the University and in the community, see the *Reporting and Response Procedure for Student Violations* (Appendix 3) and the *Reporting and Response Procedure for Faculty/Staff Violations* (Appendix 2).

## **3. Privacy and Confidentiality of Reports**

Students and employees who wish to keep confidential the details of an incident of sexual assault, dating violence, domestic violence and stalking are provided a number of on-campus and off-campus confidential resources (including, but not limited to, counselors, health providers, and vowed religious). These resources will honor confidentiality unless there is an imminent danger to the individual or others, or unless otherwise required by law. In addition, an individual’s disclosure of such incidents during the sacrament of confession will not be revealed by the priest for any reason, which is a sacred obligation protected by law.

Campus officials (other than those identified as confidential resources) who receive a report of sexual assault, dating violence, domestic violence or stalking are required to share that information with appropriate University officials for investigation and follow-up. To the extent any such reports result in the issuance of Crime Alerts (a/k/a timely warnings) to the campus community, the Alerts and any updates to the Alerts will be drafted in a way that does not include personally identifying information about the complainant, to the extent permitted by law.

For additional information concerning the privacy and confidentiality of reports, including the identification of the specific confidential resources available to members of the Notre Dame community and the role of University ombudspersons, see the *Reporting and Response Procedure for Student Violations* (Appendix 3) and the *Reporting and Response Procedure for Faculty/Staff Violations* (Appendix 2).

#### **4. University Response to Reports**

Upon receiving a complaint of sexual assault, dating violence, domestic violence or stalking, the Title IX Coordinator or Deputy Title IX Coordinator (as appropriate), or a designee, shall issue no contact orders to the complainant and respondent. The complainant and respondent will also be referred to separate Resource Coordinators, who will help the complainant and respondent to identify, explain and navigate their reporting options and available support services.

The University also reserves the right to provide interim measures to protect complainants pending the final outcome of an investigation. Such measures can include, but are not limited to, making alternative academic arrangements; making adjustments to extracurricular activities or work schedules, locations or assignments; and making transportation, housing and dining arrangements. The University will provide written notice to student and employee complainants about existing counseling, health, mental health, victim advocacy, and other services available for complainants, both within the University and in the community.

For additional information concerning the University's response to reports, including how complainants are notified of, and how to request, interim or other protective measures, see the *Reporting and Response Procedure for Student Violations* (Appendix 3) and the *Reporting and Response Procedure for Faculty/Staff Violations* (Appendix 2).

#### **5. Procedures for University Disciplinary Action in Cases of Alleged Sexual Assault, Dating Violence, Domestic Violence and Stalking**

Members of the Notre Dame community who have been subjected to sexual assault, dating violence, domestic violence or stalking are strongly encouraged to review and report the incident in accordance with the *Reporting and Response Procedure for Student Violations* (see Appendix 3, or <http://dulac.nd.edu/community-standards/important/#procedures>), or the *Reporting and Response Procedure for Faculty/Staff Violations* (see Appendix 2, or <https://equity.nd.edu/sexual-harassment-title-ix/>), as appropriate. They are also strongly encouraged to contact the Title IX Coordinator or the Deputy Title IX Coordinator with any questions concerning their rights and options, or the University's procedures. University policy prohibits acts of retaliation against those who in good faith report alleged sexual harassment, and/or participate in a related investigation or proceeding. Although the *Reporting and Response Procedure* documents describe in detail the University's procedures for institutional disciplinary action in cases of sexual assault, dating violence, domestic violence or stalking, the following are some of the key components of the University's procedures for disciplinary action in such cases:

##### *Procedures for Alleged Violations by Students*

- Upon receiving a report of sexual assault, dating violence, domestic violence or stalking alleged to have been committed by a student, the Deputy Title IX Coordinator (or designee) will initiate an Administrative Investigation, which ordinarily will include a review of relevant documents, obtaining statements from the complainant and respondent(s), and interviewing the complainant, respondent(s) and any witnesses, as appropriate.
- If the Deputy Title IX Coordinator (or designee) determines, after completing the Administrative Investigation, that the facts alleged by the complainant may constitute a violation of the University policy prohibiting sexual assault, dating violence, domestic

violence or stalking, the complainant may then elect to have the matter addressed through the “University Conduct Process.” The University Conduct Process consists of an Administrative Hearing, which is a formal proceeding to resolve student conduct matters.

- The University’s Administrative Hearing is designed to provide a prompt, fair and impartial resolution through a process that is equitable for both the complainant and respondent.
- The University will typically complete its Administrative Investigation and, if the matter is referred to the University Conduct Process, communicate a decision within 60 calendar days of the initial report.
- The complainant and respondent will each have the same opportunities to have others present during any proceeding involved in the Administrative Investigation or Administrative Hearing, including the opportunity to be accompanied by an advisor of their choice. The advisor role is non-speaking. Additional information concerning the role of the advisor is contained in the *Reporting and Response Procedure for Student Violations* (see Appendix 3).
- Administrative hearings will be conducted by officials who receive training at least annually on issues related to sexual assault, dating violence, domestic violence and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- Decisions regarding a student’s responsibility (or lack thereof) are evaluated using a preponderance of the evidence standard.
- The complainant and the respondent will be simultaneously informed in writing of the outcome of the Administrative Hearing; the procedures for both parties to file a request for a Case Review; any change to the results that occurs prior to the time that such results become final; and when the results become final.
- A respondent found responsible for the conduct alleged in the complaint will be subject to conduct process outcomes, up to and including dismissal from the University. See <http://dulac.nd.edu/community-standards/important/#outcomes> for a complete list of possible conduct process outcomes.

#### *Procedures for Alleged Violations by Faculty or Staff*

- In cases where a faculty or staff member is accused of sexual assault, dating violence, domestic violence or stalking, the Office of Institutional Equity (or designee) will investigate the complaint and determine whether a violation occurred.
- The University will provide a prompt, fair and impartial investigation and resolution.
- The University aims to complete all investigations within 60 calendar days of the initial report.
- The investigation will be conducted by individuals who receive annual training on issues related to sexual assault, dating violence, domestic violence and stalking, and on how to conduct an investigation and resolution process that protects the safety of victims and promotes accountability.
- The complainant and respondent will each be permitted to be accompanied by an advisor of his or her choice, at their respective investigatory meetings. The advisor role is non-speaking. Additional information concerning the role of the advisor is contained

in the *Reporting and Response Procedure for Faculty/Staff Violations* (see Appendix 2).

- A preponderance of the evidence standard is used to determine the outcome of an investigation.
- The complainant and the respondent will be simultaneously informed in writing of the outcome of the investigation (i.e., whether a policy violation occurred, the rationale for that determination, and the sanctions imposed, if any); the procedures for requesting a review of that outcome; any change to the results that occurs prior to the time that such results become final; and when the results become final.
- A respondent found responsible for the alleged violation will be subject to sanctions, up to and including termination of employment.

## **Sex Offender Registries in Ireland**

The sex offender registries in Ireland are different than those found in the United States. The details held by the Gardaí in relation to those persons guilty of sex offences and who are subject to the requirements of the Sex Offenders Act 2001 are not subject to freedom of information legislation. You are not entitled, therefore, to apply under the Freedom of Information Acts to find out details of sex offenders living in your area.

## **Timely Warning to the Notre Dame Community in Dublin**

In an effort to provide timely notice to the Notre Dame Dublin community, and in the event a serious crime occurs at O'Connell House and poses a serious, ongoing threat to members of the Notre Dame Dublin community, a mass email Crime Alert will be sent to all students and employees at O'Connell House and will typically be posted in the lobby/entrance area of the building. Updates to the Notre Dame Dublin community about any particular case resulting in a Crime Alert may be distributed via email or may be posted in O'Connell House. Crime Alerts and any updates will be drafted and disseminated in a way that protects the confidentiality of complainants. Such alerts and updates shall not include identifying information about the complainant in any publicly-available recordkeeping to the extent permitted by law.

Crime Alerts are usually distributed for the following Uniform Crime Reporting Program (UCR) classifications: criminal homicide, robbery, and major incidents of arson. Cases involving other serious crimes, such as aggravated assault, sex offenses and motor vehicle thefts, are considered on a case-by-case basis, depending on the facts of the case and the information known by NDSP. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other ND community members and a Crime Alert would not be distributed. In cases where a serious crime is reported long after the incident occurred, there may be no ability to distribute a "timely" warning to the community and a Crime Alert would not be distributed. For this reason, the decision of whether to issue a Crime Alert for serious crimes is considered on a case-by-case basis, depending on when and

where the incident occurred, when it was reported, and other relevant information available to the University.

## **Notification to the Notre Dame Community in Dublin about an Immediate Threat**

Notre Dame will immediately notify the campus community at O'Connell House upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, faculty or staff occurring at the O'Connell House. Dublin public safety services are primarily responsible for confirming that there is a significant emergency or dangerous situation on campus that could cause an immediate threat to the health and safety of the members of the campus community.

The Dublin Program Director or designee is responsible for communicating appropriate, relevant information to students, faculty and staff at O'Connell House in the event of an emergency. Notification may be made via alarm system, email, and announcements by staff inside O'Connell House.

Information is available to the larger community, including parents and in the surrounding areas by logging onto the website at [www.emergency.nd.edu](http://www.emergency.nd.edu).

Taking into account the safety of the campus community, the Dublin Program Director or designee will immediately determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to police and fire service), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

## **Emergency Response**

The University's Campus Emergency Preparedness and Response Plan includes information about Management of Emergency Response and Operations, the Emergency Operations Center (EOC), and Communication Responsibilities, including emergencies that may develop at the Dublin campus. University departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The University conducts emergency response drills and exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. The University's emergency response coordinator plans these drills and exercises, and maintains a record with the following details on each such drill and exercise: description; date; time; whether it was announced or unannounced; and the opportunities for improvement identified as a result of the drill/exercise. Tests of the emergency notification systems, certain emergency response drills, and field exercises will be announced in advance

to the campus community via email and other messaging tools. Table top exercises and select emergency response drills will not be announced to the campus community.

When a serious incident occurs that causes an immediate threat at O'Connell House, the first responders to the scene will be local public safety agencies, as needed. These agencies typically respond and work together to manage the incident.

The institution has a general evacuation guideline, in the event that the academic or residential facility needs to be evacuated. Most evacuations occur during activated fire alarms, which requires all occupants to promptly evacuate the building. Other portions of the plan would be affected by a myriad of factors, including the type of threat, and the occupancy of the other building at the time of the incident. ND expects members of the community to follow the instructions of first responders on the scene, as this type of evacuation would be coordinated on-site.

For example, in some emergencies, you may be instructed to "shelter-in-place." This option may be utilized if an incident occurs and the areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances. In these cases it may be safer to stay indoors, because leaving the area may expose you to that danger. Thus, to "shelter-in-place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside. This means that if an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out.

If your building is damaged, take your personal belongings (passport, purse, wallet, access cards, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Other options include moving to another part of your building, evacuating from your building to an outside area or to a neighboring building, as directed. Please follow the directions of on-scene police or fire department personnel.

Additional information about the emergency response/evacuation procedures are available from the office staff at O'Connell House. The University also publicizes a summary of its emergency response and evacuation procedures at least once each year in conjunction with an emergency test, such as an exercise or drill.

Members of the Notre Dame community are encouraged to notify the appropriate public safety agency (police, fire, or emergency medical), as well as the Rector, of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate threat to the health and safety of students and/or employees at O'Connell House. The program director or designee has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the program director or designee has a responsibility to respond to such incidents to determine if the

situation does, in fact, pose a threat to the community. If so, United States federal law requires that the institution notify the campus community or the appropriate segments of the community that may be affected by the situation.

## **Crime Statistics**

Compilation of information disclosed in accordance with the Clery Act is the responsibility of the Program Director in Dublin. The budget assistant will gather data from records maintained by that facility and other University departments, and will also request information concerning reports of crimes that occurred on campus from the Garda, if reasonably available. A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law). Crime reports are classified following United States FBI Uniform Crime Report guidelines. Tables 1, 2, and 3 below provide information about serious crimes and attempted crimes that were reported as well as arrests and referrals for violations of liquor laws, for drug offenses and for weapons offenses.<sup>1</sup>

### **Notes for Crime Statistics**

The crime statistics for the 2016-2017 Annual Security Report were compiled using the guidelines set forth in the 2011 Edition of The Handbook for Campus Safety and Security Reporting (the “Clery Handbook”). Crime statistics for the 2016 calendar year, which will be reflected in the University’s 2017-18 Annual Security Reports, will be compiled using the guidelines in the 2016 Edition of the Clery Handbook.

### **2013, 2014, and 2015 Hate Crimes Statistics**

There were no hate crimes reported to the director in Dublin or to any other Campus Security Authority, for any of the crime categories listed in Tables 1, 2, or 3, or for any crime involving bodily injury that manifested evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability.

### **2013, 2014, and 2015 Unfounded Crimes**

There were no unfounded crimes at the Dublin campus in 2013, 2014, or 2015

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<sup>1</sup> The crime of larceny is not required to be included in the annual report.

**Table 1: 2013 Statistics for Referrals, Arrests, and Reported Crimes**

2013	All Campus Property				Non- Campus Property				Public Property				Grand Total
Dublin	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	
Criminal Homicide/ Non- Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Homicide/ Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>BURGLARY (Total)</b>	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Forcible Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>SEX OFFENSES FORCIBLE (TOTAL)</b>	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Rape	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sodomy	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault w/object	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>SEX OFFENSES NON-FORCIBLE (TOTAL)</b>	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate crimes	0	0	0	0	0	0	0	0	0	0	0	0	0
2013	All Campus Property				Non- Campus Property				Public Property				Grand Total
	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	
Larceny**	0	na*	na*	0	0	na*	na*	0	0	na*	na*	0	0



**Table 2: 2014 Statistics for Referrals, Arrests, and Reported Crimes**

2014	All Campus Property				Non- Campus Property				Public Property				Grand Total
Dublin	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	
Criminal Homicide/ Non- Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Homicide/ Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSES (TOTAL)	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal weapons Possesion Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes Total	0	0	0	0	0	0	0	0	0	0	0	0	0
2014	All Campus Property				Non- Campus Property				Public Property				Grand Total
	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	
Larceny**	0	na*	na*	0	0	na*	na*	0	0	na*	na*	0	0

\*An internal review discovered that the University inadvertently over-reported the number of larcenies in the 2014 crime statistics table that was published in the 2015-2016 Annual Security Report. The total number of incidents of larceny reported in 2014 should have been reported as zero; the chart above includes the corrected number.

**Table 3: 2015 Statistics for Referrals, Arrests, and Reported Crimes**

2015	All Campus Property				Non- Campus Property				Public Property				Grand Total	
Dublin	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Grand	Total
Criminal Homicide/ Non- Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Homicide/ Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSES (TOTAL)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2015	All Campus Property				Non- Campus Property				Public Property				Grand Total	
	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Reported to NDSP	Reported to Other Police	Reported to Non-police	Sub-Total	Grand	Total
Larceny**	0	na	na	0	0	na	na	0	0	na	na	0	0	0

*The policy statements included in this document are up-to-date as of September 2016. For the most current version of campus policies, please visit <http://dulac.nd.edu/> or <https://equity.nd.edu/sexual-harassment-title-ix/>.*

As noted above, there are no student residences at the O’Connell House.

# APPENDIX 1



UNIVERSITY OF  
NOTRE DAME

## **POLICY ON SEXUAL AND DISCRIMINATORY HARASSMENT**

Responsible Executives:  
Provost, Vice President of  
Human Resources, Vice  
President for Student Affairs  
Responsible Office:  
Office of Institutional Equity  
Approved by: University Policy  
Committee  
Issued: November 19, 2013  
Revised: August 2015

### **1. INTRODUCTION**

The University of Notre Dame strives to maintain a community characterized by a respect for others. At a minimum, this means a community that is free from Sexual and Discriminatory Harassment. Sexual and Discriminatory Harassment includes, but is not limited to, sexual assault and other sexual misconduct (as defined below). At Notre Dame, our goal is to promote respectful behavior and interactions. Our culture of respect means that no type of Sexual or Discriminatory Harassment is tolerated, and all allegations or reports of such misconduct will be investigated and addressed. This culture of respect is regularly conveyed to members of the University community, including through the education programs described in this Policy. The University is also dedicated to responding quickly and thoroughly to all reported or alleged violations of this Policy, and to enforcing the Non-Retaliation Policy to protect those who report and/or are involved in an investigation of conduct prohibited by this Policy.

### **2. POLICY STATEMENT**

The University of Notre Dame does not tolerate Sexual or Discriminatory Harassment (as defined in this Policy) by or against any member of its community, nor will it tolerate sexual or discriminatory harassing conduct that affects job or educational benefits or that interferes with an individual's work or academic performance, or that creates an intimidating, hostile, or offensive work or educational environment. Individuals who engage in conduct prohibited by this Policy may be subject to disciplinary action, up to and including termination or dismissal.

### **3. SCOPE**

This Policy applies to all faculty, staff, and students. This Policy applies to any allegation of Sexual or Discriminatory Harassment that is made in the context of an educational program or activity or that otherwise affects the University's work or educational environment. However, the University's investigation may be limited where the alleged conduct occurred outside the context of the University's programs or activities, or work or educational environment.

Nothing in this Policy restricts the University's right to address and take appropriate action with respect to conduct that, while not meeting the definitions of conduct prohibited by this Policy, is nevertheless inconsistent with the University's value of respect for others.

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#### 4. RESPONSIBLE PARTY

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The Director of the Office of Institutional Equity (or designee) is responsible for implementing and monitoring compliance with this Policy on behalf of the University. This includes coordination of training, education, communications and administration of the reporting and response procedures concerning suspected or alleged violations of this Policy.

Any inquiries regarding conduct prohibited by this Policy may be directed to the Director of the Office of Institutional Equity / Title IX Coordinator:

Director, Office of Institutional Equity  
Title IX Coordinator  
100 Grace Hall  
University of Notre Dame  
Notre Dame, IN 46556  
574-631-0444  
equity@nd.edu

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#### 5. PROHIBITION OF DISCRIMINATORY HARASSMENT

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**Discriminatory Harassment** includes offensive, unwelcome conduct or language that is based on an individual's race, color, national or ethnic origin, religion, sex, sexual orientation, age, disability, veteran status, or genetic information, and that would create an intimidating, hostile, offensive, or demeaning environment for a reasonable person and that actually creates such an environment for that individual.

Discriminatory Harassment may include the following types of misconduct, when such misconduct concerns one or more of the characteristics listed above:

- Verbal abuse, slurs, derogatory comments or insults about, directed at or made in the presence of an individual or group.
- Display or circulation of written materials or pictures that are offensive or degrading.
- Damage to, trespass on or unauthorized use of property, such as spraying or scratching of a motor vehicle, damage or theft of property.
- Physical contact, or threatening language or behavior.
- Other conduct that interferes with an individual's performance; limits participation in University activities; or otherwise creates an intimidating, hostile, or offensive University environment.

For information on how to report Discriminatory Harassment, see Section 8.

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#### 6. PROHIBITION OF SEXUAL HARASSMENT

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**Sexual Harassment** as defined and prohibited in this Policy includes sexual assault, other sexual misconduct, and the creation of a hostile environment, as described below.

## A. Sexual Assault

**Sexual assault** is any sexual intercourse by any person upon another without consent (as defined in Section 7 below). It includes oral, anal and vaginal penetration, to any degree, with any part of the body or other object. It is also referred to as “non-consensual sexual intercourse.”

Sexual assault is one of the most egregious forms of sexual harassment. Students, faculty and staff found responsible for sexual assault or other forms of sexual misconduct will be subject to discipline (in the case of faculty and staff) or Conduct Process Outcomes (as defined in du Lac, in the case of students) up to and including termination of employment or permanent dismissal from the University.

The University believes that no person should bear the effects of sexual assault alone. When a sexual assault occurs, the University’s paramount concern is for the safety, health and well-being of those impacted. The University provides a wide range of services and resources to support and assist its students, faculty and staff as soon as it receives a report of an alleged sexual assault. To learn more about these resources, please see [du Lac: A Guide to Student Life](#), the [\*Reporting and Response Procedure for Violations of the University’s Policy on Sexual and Discriminatory Harassment by Faculty and Staff\*](#), or the [Committee on Sexual Assault Prevention](#).

## B. Other Sexual Misconduct

**Other sexual misconduct** may take the form of any of the following offenses:

- **Non-consensual sexual contact**, which is any sexual touching with any part of the body or other object, by any person upon another, without consent. Sexual touching is contact of a sexual nature, however slight.
- **Domestic violence**, which is defined as physical violence or the threat of physical violence committed by a current or former spouse of an individual, by a person with whom the individual has a child in common, by a person who is cohabiting or has cohabitated with the individual as if a spouse (as determined under applicable law), or by any other person against an adult or youth who is protected from that person’s acts by applicable domestic or family violence laws.
- **Dating violence**, which is defined as physical violence or the threat of physical violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with an individual, and the existence of such a relationship shall be determined based on factors such as the length and type of relationship, and frequency of interaction between the persons involved.
- **Stalking**, which is knowingly or intentionally engaging in a 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 individual to feel terrorized, frightened, intimidated, or threatened.
- Other sexual misconduct offenses may also include, but are not limited to:
  - Indecent exposure
  - Sexual exhibitionism
  - Sex-based cyber-harassment

- Prostitution or the solicitation of a prostitute
- Peeping or other voyeurism
- Going beyond the boundaries of consent (e.g. recording, sharing or disseminating recordings, or threatening to share or disseminate recordings, of sexual activity or nudity without the consent of all parties involved)

### C. **Hostile Environment**

Conduct that creates a **hostile environment** includes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or a student’s status in a course, program or activity;
- Submission to or rejection of such conduct by an employee or student is used as the basis for employment or academic decisions; or
- Viewed from the perspective of both the individual and a reasonable person in the same situation, the conduct interferes with performance, limits participation in University activities, or creates an intimidating, hostile, or offensive University environment.

Examples of conduct that may create a hostile environment include:

- Unwelcome sexual jokes, language, epithets, advances or propositions;
- The display of sexually suggestive objects, pictures, magazines, posters or cartoons;
- Comments about an individual’s body, sexual orientation, sexual prowess or sexual deficiencies;
- Unwelcome physical contact of a sexual nature;
- Sexually suggestive, insulting or obscene comments, gestures or conduct (such as leering or whistling);
- Offering or implying an offer of an education- or employment-related reward, such as a favorable review, grade, assignment, promotion, or continued employment, in exchange for sexual favors; or
- Taking or threatening to take an adverse education- or employment-related action, such as an unfavorable review, grade or assignment, because sexual conduct or advances are rejected.

Because of the gravity of these offenses, the University has adopted specific procedures for reporting and responding to the conduct described in this section. For information on how to report Sexual Harassment, see Section 8.

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## **7. INFORMATION ABOUT CONSENT, INTOXICATION AND INCAPACITATION**

Consent means informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity

does not imply consent to other forms of sexual activity. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; sexual contact without informed, freely given consent is sexual misconduct. There is no consent when the individual in question is under the legal age of consent. The legal age of consent in Indiana is 16.

Intoxication is not an excuse for failure to obtain consent.

An incapacitated person is incapable of giving consent. A person is incapacitated if that person is in a physical or mental state such that he or she lacks the ability to make a knowing and deliberate choice to engage in the sexual interaction. For the purposes of this Policy, a person who is asleep or unconscious is incapacitated, without exception. A person may also become incapacitated due to other factors, which may include the use of alcohol and/or drugs to such a degree that the person no longer has the ability to make a knowing or deliberate choice to engage in the sexual interaction. Engaging in sexual activity with a person whom you know, or should reasonably know, to be incapacitated constitutes a violation. If there is a question about whether the complainant was incapacitated, the relevant standard is whether the respondent knew, or a sober, reasonable person in the respondent's position should have known, that the complainant was incapacitated and therefore could not consent to the sexual activity.

## **8. REPORTING AND RESPONSE PROCEDURES FOR VIOLATIONS OF THIS POLICY**

Violations of this Policy by a student must be reported in accordance with the [Reporting and Response Procedures](#) set forth in *du Lac: A Guide to Student Life*.

Violations of this Policy by University faculty or staff, or a third party (such as a vendor, contractor or guest) must be reported in accordance with the reporting and response procedures set forth in the *Reporting and Response Procedure for Violations of the University's Policy on Sexual and Discriminatory Harassment by Faculty and Staff*.

All University community members are expected to provide truthful information. If an investigation reveals that an individual has provided deliberately false information and/or made an accusation in bad faith or with a view to personal gain or intentionally harming another in connection with an incident, disciplinary action may be taken. This provision does not apply to information provided in good faith, even if the facts alleged are not later substantiated.

## **9. EDUCATION PROGRAMS**

The University shall provide the following educational programming designed to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

*Primary and ongoing prevention and awareness programs.* The University shall provide primary prevention and awareness programs for all incoming students and new faculty and staff, and ongoing prevention and awareness campaigns for current students, faculty and staff, that include the following:

- a statement that the University prohibits the offenses of sexual assault, domestic violence, dating violence, and stalking and a description of the University's policies that prohibit this conduct;
- the definition of consent, in reference to sexual activity, as defined in this Policy;
- the definitions of sexual assault, domestic violence, dating violence, and stalking under Indiana law;
- safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual assault, domestic violence, dating violence, or stalking against a person other than the bystander;
- information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- the possible sanctions or protective measures that the University may impose following a final determination of a University disciplinary procedure or investigation regarding allegations of sexual misconduct or other interpersonal misconduct;
- the procedures that a complainant should follow if a sex offense, sexual assault, domestic violence, dating violence, or stalking has occurred, as described in this Policy;
- the procedures for University disciplinary action in cases of alleged sexual assault, domestic violence, dating violence, or stalking, as described in this Policy;
- information about how the University will protect the confidentiality of complainants, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the complainant, to the extent permitted by law;
- information about existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid, and other services available for student and employee complainants both on-campus and in the community; and
- information about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the complainant and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to campus police or local law enforcement.



# APPENDIX 2



## REPORTING AND RESPONSE PROCEDURE FOR VIOLATIONS OF THE UNIVERSITY'S POLICY ON SEXUAL AND DISCRIMINATORY HARASSMENT BY FACULTY AND STAFF

### 1. INTRODUCTION

Violations of the Policy on Sexual and Discriminatory Harassment (the “Policy”) by University faculty or staff, or a third party (such as a vendor, contractor or guest) must be reported in accordance with the reporting and response procedures set forth below. Violations of the Policy by a student must be reported in accordance with the reporting and response procedures set forth in [\*du Lac: A Guide to Student Life\*](#).

### 2. HOW TO REPORT VIOLATIONS OF THE POLICY BY FACULTY, STAFF OR THIRD PARTIES

#### A. Reporting Violations to the University

The University is dedicated to providing an environment of respect for all, free from Sexual and Discriminatory Harassment. To the extent any of the University’s students, faculty, staff experience offensive or harassing behavior by students, faculty, staff or third parties with whom they must interact as part of their work or educational responsibilities, the University is committed to eliminating such misconduct. To do so, the University must be informed of any conduct that violates the Policy. Accordingly, individuals who believe that they have been subjected to violations of the Policy by members of the University’s faculty or staff, or third parties such as vendors, contractors or guests, must promptly report the alleged violation to the University as described below.

##### i. Reporting when Alleged Offender is a Faculty Member

For violations of the Policy committed by a faculty member or postdoctoral scholar, report such conduct to the Title IX Coordinator/Office of Institutional Equity (574-631-0444), the Faculty Affairs Specialist in the Office of the Provost (574-631-9927), or a department chair, dean or director of an institute or center (who in turn, must immediately report the allegation to the Office of Institutional Equity or the Office of the Provost). Additional contact information for these offices and/or individuals may be found on the Office of Institutional Equity website at [equity.nd.edu](http://equity.nd.edu).

##### ii. Reporting when Alleged Offender is a Staff Member

For violations of the Policy committed by a staff member, report such conduct to the Title IX Coordinator/Office of Institutional Equity, or a supervisor in or the Human Resources

Consultant for the complainant's department (who in turn, must immediately report the allegation to the Office of Institutional Equity). Additional contact information for these offices and/or individuals may be found on the Office of Institutional Equity website at equity.nd.edu.

iii. Reporting when Alleged Offender is a Vendor, Contractor, or Other Third Party

For violations of the Policy by a vendor, contractor or third party with whom the complainant interacts as part of his or her work duties or educational responsibilities, report such conduct to the Title IX Coordinator/Office of Institutional Equity (574-631-0444) immediately. The Office of Institutional Equity will work with the reporting party to investigate the complaint and the University will take prompt action within its power to stop the behavior.

**B. Reporting to Law Enforcement in Cases Involving Sexual Assault and Other Sexual Misconduct**

In addition to the reporting violations to the University, an individual has the option to pursue a criminal complaint with an appropriate law enforcement agency in cases involving Sexual Assault or Other Sexual Misconduct. In such cases, complainants may (a) notify proper law enforcement authorities, including on-campus and local police (as described below); (b) be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses; or (c) decline to notify law enforcement authorities.

The University encourages members of the University community to report all incidents of Sexual Assault and Other Sexual Misconduct to the police. If the incident occurred on Notre Dame property, the Notre Dame Security Police, a duly authorized police agency in the state of Indiana, is an appropriate agency with which to file a report. On campus incidents may also be reported to the St. Joseph County Police Department. For off-campus incidents, including at international locations, reports may be filed with the local law enforcement agency with jurisdiction where the incident occurred. In the South Bend area, the local law enforcement agencies include the South Bend, St. Joseph County, and Mishawaka police departments. Notre Dame Security Police (911 from a campus phone, or 574-631-5555 from a cell phone) can assist with contacting the appropriate agency.

Reports of Sexual Assault or Other Sexual Misconduct committed by faculty or staff that are reported to Notre Dame Security Police will also be referred to the Title IX Coordinator (or other appropriate office), who will follow-up and investigate as appropriate. Similarly, where the University receives a report from another police agency of an incident of Sexual Assault or Other Sexual Misconduct, the Title IX Coordinator (or designee) and NDSP will follow-up and investigate as appropriate.

The administrative investigation conducted by the Title IX Coordinator (or designee) is distinct from the criminal investigation as a result of the University's obligation under Title IX to ensure that it is providing a safe environment for all members of the University community. If a complainant wishes to pursue a criminal complaint, the complainant may choose to temporarily defer the University's administrative investigation by making a formal written request to the Title IX Coordinator (or designee), which may temporarily delay the administrative investigation and the University's ability to respond. However, the University may choose not to defer its administrative investigation where it has reason to believe that the alleged offender may be an imminent threat to the safety of the complainant and/or other

members of the University community. At any time, the complainant may choose to rescind the deferral by making a formal written request to the Title IX Coordinator (or designee), electing to resume the University's administrative investigation. The University will maintain documentation of the date of deferral. Information obtained through the criminal investigation may be considered in the University's administrative investigation.

Where the University is aware that an individual is pursuing a criminal complaint, a member of the Office of Campus Safety will request that the St. Joseph County Prosecutor's Office keep the University informed and immediately advise of its decision whether to prosecute the complaint. The University will maintain documentation of the date of the request to the Prosecutor's Office. In cases where the Prosecutor's Office declines prosecution, a member of the Office of Campus Safety will work with the Prosecutor's Office to notify the complainant of the Prosecutor's decision.

In addition to having the option of pursuing a criminal complaint, complainants also have the option of exploring whether they might be entitled to an order of protection, restraining order, or other similar orders issued by a criminal or civil court. For more information about such orders, including the University's responsibilities concerning such orders, individuals should contact Notre Dame Security Police or the [Family Justice Center of St. Joseph County \(fjcsjc.org\)](http://fjcsjc.org) (discussed below).

Individuals who report alleged Sexual Assault, Dating Violence, Domestic Violence or Stalking to the University will be provided with written notice of the above-referenced options.

### **C. Support of an Ombudsperson**

The Ombudsperson is a member of the Notre Dame faculty or staff appointed by the President to provide information and assistance regarding Sexual or Discriminatory Harassment to the University community.

Regardless of the status of the alleged offender, a complainant may contact an Ombudsperson for advice and guidance related to the complaint or the resolution process at any time. An Ombudsperson who receives a report of a violation of the Policy must share that information with the Title IX Coordinator/Office of Institutional Equity for investigation and follow-up. Specific contact information for these offices and/or individuals may be found on the Office of Institutional Equity website at [equity.nd.edu](http://equity.nd.edu).

### **D. Direct Communication with the Alleged Offender in Cases that do not Involve Sexual Assault or Other Sexual Misconduct**

In cases involving creation of a Hostile Environment and Discriminatory Harassment, the complainant may speak directly with the alleged offending person to address his or her concerns and obtain an appropriate resolution, if he or she feels comfortable doing so. Sometimes, an effective manner of addressing offensive behavior is to politely and calmly advise the person, verbally or in writing, that his or her behavior or language is offensive and unwelcome, and to request that the person stop uttering such words or engaging in such behavior.

While this approach may be effective to eliminate the offensive behavior, individuals who choose to address the alleged offender directly must also promptly report the offensive behavior

to the Office of Institutional Equity, which will direct the report as appropriate. Such reporting will enable the University to decide whether there is an impact to the community (such as egregious conduct or a pattern of inappropriate behavior) that warrants University to maintain an environment of respect. An individual who directly addresses his or her concerns with the offending person must also notify the Office of Institutional Equity if they did not obtain a satisfactory outcome through their discussions.

### **3. CONSIDERATIONS TO ENCOURAGE REPORTING AN INCIDENT**

Students who report alleged violations by faculty, staff and third parties are entitled to the [Considerations to Encourage Reporting an Incident](#) set forth in du Lac: A Guide to Student Life.

Faculty and staff who report alleged violations by faculty, staff and third parties are entitled to the considerations to encourage reporting set forth below.

#### **A. University Response to Reports**

The University will take the interim measures it deems necessary to protect the parties while a complaint of sexual or discriminatory harassment is being investigated. In addition, upon receipt of a report of alleged sexual assault, dating violence, domestic violence or stalking in which the respondent is a member of Notre Dame's faculty or staff, the following steps will be taken:

i. No Contact Orders Issued to the Complainant and the Respondent

The Title IX Coordinator (or designee) shall issue no contact orders to the complainant and respondent. Such a measure may also be appropriate when the respondent is a Notre Dame vendor or other third party who interacts with members of the University community.

ii. Other Interim Measures

The University reserves the right to take other intermediate steps to protect complainants pending the final outcome of an investigation, including work-related accommodations and other interim measures. These steps may include the ability to change work schedules, locations or assignments. The goal of any adjustment will be to minimize the burden on the complainant. Any adjustments will be administered by the Title IX Coordinator (or designee).

iii. Assignment of a Resource Coordinator

The complainant and the respondent will be referred to separate Resource Coordinators (RCs), who are trained Notre Dame faculty or administrators who will serve as resource persons to the complainant and respondent to identify, explain and navigate the reporting options and the available support services. This can include referrals to counseling, educational support, pastoral care, and medical treatment, and information about University and legal processes. The RCs can also provide guidance and answer questions about the process for requesting the interim measures and relief outlined above.

## **B. Retaliation and Intimidation Prohibited**

The University's [Non-Retaliation Policy](#) prohibits acts of retaliation against those who engage in good faith conduct (as described in the Non-Retaliation Policy), which includes, but is not limited to, reporting alleged prohibited harassment, and participating in a related investigation or proceeding.

To report retaliation, please contact the following officials:

- **For retaliation committed by students:** the Deputy Title IX Coordinator (574-631-7728);
- **For retaliation committed by staff:** the Title IX Coordinator/Office of Institutional Equity (574-631-0444) or Human Resources (574-631-5900); and
- **For retaliation committed by faculty:** the Faculty Affairs Specialist in the Office of the Provost (574-631-9927) or the Title IX Coordinator/Office of Institutional Equity (574-631-0444).

In addition, all members of the University community may report actual or threatened retaliation to NDSP by calling 574-631-5555.

For more information about the University's response to reports of retaliation, see the University's [Non-Retaliation Policy](#) at [http://equity.nd.edu/assets/112799/non\\_retaliation\\_policy.pdf](http://equity.nd.edu/assets/112799/non_retaliation_policy.pdf).

## **4. PRIVACY AND CONFIDENTIALITY**

### **A. Confidential Resources**

Individuals who wish to keep the details of an incident confidential have several options. Faculty and staff may speak with counselors through [Lifeworks](#), the Employee Assistance Program (888-267-8126) or health providers such as the [Notre Dame Wellness Center](#) ([wellnesscenter.nd.edu](http://wellnesscenter.nd.edu)) (574-634-9355). Students may speak with counselors at the [University Counseling Center](#) ([ucc.nd.edu](http://ucc.nd.edu)) (574-631-7336) or health providers such as those at [University Health Services](#) ([uhs.nd.edu](http://uhs.nd.edu)) (574-631-7567). Students, faculty and staff may also speak with off-campus resources, such as [S-O-S of the Family Justice Center of St. Joseph County](#) ([fjcsjc.org/sos](http://fjcsjc.org/sos)) (discussed below). Vowed religious (priests, deacons, and religious sisters and brothers) working within Campus Ministry and who are operating in that role are confidential resources. These resources will honor confidentiality unless there is an imminent danger to the individual or to others, or unless otherwise required by law. In addition, an individual's disclosure during the sacrament of confession will not be revealed by the priest for any reason, which is a sacred obligation protected by law.

### **B. Parameters of Confidentiality in Reports of Sexual or Discriminatory Harassment**

In all instances and to the extent possible, the University will protect the privacy of all parties to a report of Sexual or Discriminatory Harassment. That said, campus officials (with the exception of those listed under Confidential Resources, above) who receive a report of Sexual or Discriminatory Harassment, whether from the student, staff or faculty involved or a third

party, must share that information with the appropriate University authorities for investigation and follow-up. Any response by the University may be hindered by the complainant's requests for anonymity and/or inaction.

In an effort to provide timely notice to the Notre Dame community, and in the event of a serious crime that occurs on campus and poses a serious, ongoing threat to members of the Notre Dame community, a mass email Crime Alert will be sent to all students, faculty and staff on campus and is posted on the Notre Dame Security Police [website](#), and may also be posted in residence halls and various other buildings on campus. Crime Alerts and any updates will be drafted and disseminated in a way that protects the confidentiality of complainants. Such alerts and updates shall not include identifying information about the complainant in any publicly-available recordkeeping to the extent permitted by law.

## **5. RESOURCES FOR MEDICAL, COUNSELING AND PASTORAL CARE**

### **A. Medical Resources**

It is especially important for individuals who have been sexually assaulted or subjected to other sexual misconduct that involves physical contact to seek immediate and appropriate medical treatment. Such treatment is also important to preserve evidence as may be necessary to the proof of the sexual assault or other sexual misconduct in the event the student later files criminal charges, or seeks to obtain an order of protection. The two hospitals in the South Bend area are [St. Joseph Regional Medical Center](#) (sjmed.com) and [Memorial Hospital](#) (qualityoflife.org). While both hospitals offer emergency care and evidence collection, St. Joseph has a specially trained sexual assault team available 24 hours a day, seven days a week. Under Indiana law, the tests and procedures at the hospitals are free of charge if treatment is sought within 120 hours of the assault. The evidence gathered in this examination will be maintained by the hospital and will not be provided to the police unless the individual reports the assault to the police. Any decision about whether or not to talk to the police is up to the individual.

Faculty and staff may visit the [Notre Dame Wellness Center](#) (574-634-9355), which is equipped to provide confidential and professional medical care to faculty and staff. Students may visit [University Health Services](#), which is open 24 hours a day during the academic year and is equipped to provide confidential and professional medical care to students. University Health Services can be reached in Saint Liam Hall, 574-631-7567. While the Notre Dame Wellness Center and University Health Services staff are unable to perform procedures related to the collection of evidence for the purposes of pursuing criminal prosecution, they can provide assistance and support when an individual requests or requires transportation to the hospital.

### **B. Counseling Resources**

LifeWorks, the Employee Assistance Program for Notre Dame faculty and staff, provides referrals to professionals who provide confidential counseling and support on a wide range of issues. The service is available 24 hours a day, seven days a week, and can be reached at 888-267-8126 or online at <https://www3.nd.edu/~hr/lifeworks/eap.shtml>.

Students may receive specialized support and assistance from the University Counseling Center, which is staffed by trained professionals and counselors. Current students may seek counseling at any time, even years after the incident. The confidential services of the UCC are available to any student who may need support or assistance. The [Counseling Center](#) can be reached at 574-631-7336 (24 hours). In addition, a Walk-In Crisis Service is available to students in Saint Liam Hall, Monday-Friday, 9 a.m. – 5 p.m. For further information, go to [ucc.nd.edu](http://ucc.nd.edu).

[The Family Justice Center of St. Joseph County \(fcsjc.org\)](#) is a collaboration of civil, legal, medical, and social services which supports individuals (including students and employees) affected by domestic violence. The Family Justice Center can be reached by calling 574-234-6900 and its office is located at 533 North Niles Avenue in South Bend. [S-O-S of the Family Justice Center \(fcsjc.org/sos\)](#) is staffed by trained professionals and volunteer advocates who are available 24 hours a day. The staff can provide confidential counseling and recovery services, as well as support and information about communication with the police, family and friends. S-O-S Volunteer Advocates provide emotional support and information on the phone and in person at area hospital Emergency Departments around the clock. Specially trained professionals offer confidential counseling, group therapy, information, and referrals. The S-O-S Advocate acts as a liaison between the individual and the legal process, and can accompany the individual to court, if desired. The 24-hour telephone number for the S-O-S is 574-289-4357.

The [Rape, Abuse and Incest National Network \(RAINN\) \(rainn.org\)](#) is an anti-sexual violence organization that partners with more than 1,100 local rape crisis centers across the country. Among its programs, RAINN has two resources available globally: (1) the National Sexual Assault Online Hotline (<https://ohl.rainn.org/online/>), a secure web-based hotline that provides live and confidential help through an interface similar to instant messaging; and (2) the National Sexual Assault Hotline (800-656-HOPE), which provides free, confidential services 24 hours a day, seven days a week.

### **C. Pastoral Resources**

Vowed religious (priests, deacons, and religious sisters and brothers) working within Campus Ministry and who are operating in that role are confidential resources. In addition, an individual's disclosure during the sacrament of confession will not be revealed by the priest for any reason, which is a sacred obligation protected by law. Campus Ministry can be reached at 574-631-7800 or at [campusministry.nd.edu](http://campusministry.nd.edu).

For more information about resources, please visit the University's [Office of Institutional Equity](#) website or the [Division of Student Affairs](#) website.

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## **6. INVESTIGATION PROCEDURES**

### **A. Investigation Process**

In cases where a faculty or staff member is accused of a violation of the Policy, the Office of Institutional Equity (or designee) will investigate complaints and determine whether or not a violation of the Policy occurred. The University will provide a prompt, fair, thorough, and impartial investigation and resolution. A preponderance of the evidence standard (*i.e.*, whether

it is more likely than not a violation occurred) is used to determine the outcome of an investigation.

The University aims to complete all investigations within 60 calendar days of the initial report. However, there may be some investigations that cannot be completed within 60 calendar days. In such cases, the University will communicate to the complainant and respondent that the investigation is going to take longer than 60 calendar days and, in doing so, will indicate when the University believes it will complete the investigation.

### **B. Additional Investigative Procedures in Cases Involving Sexual Assault, Dating Violence, Domestic Violence or Stalking**

Investigations of cases involving sexual assault, dating violence, domestic violence or stalking shall be conducted by individuals who have received annual training on these issues and on how to conduct an investigation and resolution process that protects the safety of complainants and promotes accountability.

In the course of the investigation, both parties will be afforded an opportunity to provide information. The complainant and respondent will each be permitted to be accompanied by an advisor of his or her choice at their respective investigatory meetings. The advisor role is non-speaking. Advisors will not be permitted to make comments, pass notes, or otherwise disrupt an investigative meeting. Advisors who are disruptive during an investigative meeting will be required to leave. Both parties will also be provided with timely notice of meetings at which one or the other or both may be present.

While both parties are encouraged to provide any information they believe may be relevant, evidence about a party's prior sexual conduct with anyone other than the other party is ordinarily not considered. In addition, evidence of a prior consensual dating or sexual relationship between the parties, by itself, does not imply consent or preclude a finding of sexual misconduct.

### **C. Sanctions and Remedial Measures and Related Communications**

The University will take the appropriate remedial measures to protect the complainant and/or stop any misconduct by faculty or staff, and will impose any sanctions it deems appropriate. The remedial measures may include the provision of counseling, training, educational programming, accommodations, and other assistance as outlined in Section 3.A. above. Appropriate sanctions may include counseling or education, a verbal or written reprimand, transfer, reassignment, suspension, demotion, or other disciplinary action, up to and including termination.

In cases where the respondent is a faculty member, if the investigation reveals that the conduct is such that a "severe sanction" or dismissal is contemplated, the procedures for Severe Sanctions Including Dismissal for Serious Cause as outlined in Article III, Section 8 of the Academic Articles shall be followed.

The University's determination as to whether a violation of the Policy occurred will be communicated to the complainant and the respondent in writing. The University will notify the complainant of any remedial measures or sanctions imposed that directly relate to the complainant.



In cases involving sexual assault, dating violence, domestic violence or stalking, the complainant and the respondent shall be simultaneously informed in writing of the outcome of the investigation (i.e., whether a policy violation occurred, the rationale for that determination, and the sanctions imposed, if any), and the procedures for requesting a review of that outcome.

#### **D. Requests for Review**

##### **i. Where Respondent is a Staff Member**

In cases involving a violation of this Policy where the respondent is a staff member, the complainant or respondent may request a review of the outcome of the investigation by submitting a [Complaint Procedure Form](#) to the Vice President of Human Resources within ten (10) calendar days of notification of the outcome of the investigation. The request for review must state with specificity acceptable grounds for seeking a review. Acceptable grounds for review are limited to the following: (1) a procedural defect that would have been substantial enough to have changed the outcome; and/or (2) the discovery of substantive new information that was unknown or unavailable at the time of the investigation and would have had a significant effect on the outcome. Except in cases of termination, the severity of the outcome is not considered a legitimate ground for review. The Vice President of Human Resources (or designee) will simultaneously provide the parties the University’s written response. This response will identify any changes to the outcome of the investigation, and is final.

##### **ii. Where Respondent is a Faculty Member**

The complainant or respondent may request that the Vice President and Associate Provost for Faculty Affairs review the outcome of the investigation. This request must be in writing or email, must occur within ten (10) calendar days of notification of the outcome of the investigation, and must state with specificity acceptable grounds for seeking a review. Acceptable grounds are limited to the following: (1) a procedural defect that would have been substantial enough to have changed the outcome; and/or (2) the discovery of substantive new information that was unknown or unavailable at the time of the investigation and would have had a significant effect on the outcome. The Vice President and Associate Provost (or designee) will provide a written response to the party seeking a review, and this response is final.

If a respondent faculty member wishes to appeal the outcome of an investigation that results in “severe sanctions,” as defined in the Academic Articles, that faculty member is entitled to the procedural protections (including the right of appeal) set forth in Article III, Section 8 of the Academic Articles.

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## **7. DEFINITIONS**

<b>Consent</b>	Informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity.
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For further information, see Section 7 of the Policy (“Information about Consent, Intoxication and Incapacitation”).

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<b>Dating Violence</b>	Physical violence or the threat of physical violence committed by a person who is or has been in a social relationship of a romantic or
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	intimate nature with an individual, and the existence of such a relationship shall be determined based on factors such as the length and type of relationship, and frequency of interaction between the persons involved.
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<b>Discriminatory Harassment</b>	Offensive, unwelcome conduct or language that is based on an individual's race, color, national or ethnic origin, religion, sex, sexual orientation, age, disability, veteran status, or genetic information, and that would create an intimidating, hostile, offensive, or demeaning environment for a reasonable person and that actually creates such an environment for that individual.
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<b>Domestic Violence</b>	Physical violence or the threat of physical violence committed by a current or former spouse of an individual, by a person with whom the individual has a child in common, by a person who is cohabiting or has cohabitated with the individual as if a spouse (as determined under applicable law), or by any other person against an adult or youth who is protected from that person's acts by applicable domestic or family violence laws.
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<b>Hostile Environment</b>	Conduct including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's status in a course, program or activity; submission to or rejection of such conduct by an employee or student is used as the basis for employment or academic decisions; or viewed from the perspective of both the individual and a reasonable person in the same situation, the conduct interferes with performance, limits participation in University activities, or creates an intimidating, hostile, or offensive University environment.
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<b>Non-Consensual Sexual Contact</b>	Any sexual touching with any part of the body or other object, by any person upon another, without consent. Sexual touching is contact of a sexual nature, however slight.
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<b>Ombudspersons</b>	Members of the Notre Dame faculty or staff appointed by the President to provide information and assistance regarding Sexual or Discriminatory Harassment to the entire University community.
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<b>Other Sexual Misconduct</b>	Misconduct of a sexual nature that may take the form of, but is not limited to, any of the following offenses: non-consensual sexual contact, domestic violence, dating violence, stalking, indecent exposure, sexual exhibitionism, sex-based cyber-harassment, prostitution or solicitation of a prostitute, peeping or other voyeurism, or going beyond the boundaries of consent.
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<b>Sexual Assault</b>	Any sexual intercourse by any person upon another without consent. It includes oral, anal and vaginal penetration, to any degree, with any part of the body or other object. It is also referred to as “non-consensual sexual intercourse”
<b>Sexual Harassment</b>	Sexual Assault, Other Sexual Misconduct, and the creation of a Hostile Environment.
<b>Staff</b>	All non-faculty employees of the University.
<b>Stalking</b>	Knowingly or intentionally engaging in a 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 individual to feel terrorized, frightened, intimidated, or threatened.

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# APPENDIX 3

## IMPORTANT INFORMATION REGARDING

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### SEXUAL ASSAULT, SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, AND CONDUCT THAT CREATES A HOSTILE ENVIRONMENT

#### INTRODUCTION

Sexual harassment, which includes sexual assault and sexual misconduct, is a form of sex discrimination which is prohibited under Title IX of the Education Amendments of 1972. Dating violence, domestic violence and stalking could also be considered forms of sex discrimination. Because of the seriousness of these offenses, the University has adopted specific policies and procedures outlined in this website to address alleged violations of [sexual assault](#), [sexual misconduct](#), [dating violence](#), [domestic violence](#), [stalking](#), and [conduct that creates a hostile environment](#).

note: A [Table of Contents](#) is available (on a separate page) as a quick reference.

#### REPORTING OPTIONS

Students are provided different options both on and off-campus for reporting sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and conduct that creates a hostile environment. See the section titled [How To Report Incidents of Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and/or Conduct that Creates a Hostile Environment](#) for information about how to report an incident.

#### ADMINISTRATIVE CONTACTS

The [Office of Student Affairs](#) has designated a Deputy Title IX Coordinator (and his/her designees) to handle alleged violations of sexual assault, sexual misconduct, dating violence, domestic violence and stalking, and/or conduct that creates a hostile environment by Notre Dame students:

Deputy Title IX Coordinator  
[Office of Student Affairs](#)  
316 Main Building  
University of Notre Dame  
Notre Dame, IN 46556

574-631-7728  
[DepTitleIXCoordinator@nd.edu](mailto:DepTitleIXCoordinator@nd.edu)

The University has designated the Director of its Office of Institutional Equity to handle all inquiries regarding its efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator may be contacted as follows:

Director, [Office of Institutional Equity](#)  
Title IX Coordinator  
100 Grace Hall  
University of Notre Dame  
Notre Dame, IN 46556  
574-631-0444  
[equity@nd.edu](mailto:equity@nd.edu)

## EDUCATION PROGRAMS

The University will provide a variety of education programs designed to promote the awareness of sexual assault (including but not limited to rape and acquaintance rape), sexual misconduct, dating violence, domestic violence, stalking, and conduct that creates a hostile environment for all incoming students and new employees. Additionally, the University will also coordinate ongoing prevention and awareness campaigns for students and employees. For more information about the education programs offered by the University, please [click here](#).

## PROMPT, FAIR, AND IMPARTIAL INVESTIGATION AND RESOLUTION

The University processes to address allegations of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment provide a prompt, fair, and impartial investigation and resolution of such allegations and will be conducted by University officials who receive annual training on issues related to sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and conduct that creates a hostile environment and on how to conduct an investigation and resolution process that protects the safety of complainants and promotes accountability.

## REFERENCES TO “COMPLAINANT” AND “RESPONDENT”

For the purposes of the policies and procedures described in this website, the alleged victim shall be referred to as the “complainant.” A student alleged to have violated a University policy shall be referred to as the “respondent.”

## ACCOUNTABILITY FOR STUDENT GROUPS

In addition to investigating and addressing behavior of individual students, the University reserves the right to investigate and hold accountable the collective

behavior of student groups (clubs, organizations, teams, residence facilities, etc.).

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## APPLICABLE UNIVERSITY POLICIES

### SEXUAL HARASSMENT

Sexual Harassment as defined and prohibited by the University includes sexual assault, other sexual misconduct, and the creation of a hostile environment, as described below.

#### A. SEXUAL ASSAULT

Sexual assault is any sexual intercourse by any person upon another without consent. It includes oral, anal and vaginal penetration, to any degree, with any part of the body or other object. It is also referred to as “non-consensual sexual intercourse.”

Sexual assault is one of the most egregious forms of sexual harassment. Federal law views sexual misconduct and sexual assault as forms of sexual harassment prohibited under Title IX. Sexual assault also violates state law as well as University policy.

Students found responsible for sexual assault will ordinarily face Conduct Process Outcomes up to and including permanent dismissal from the University.

Sexual assault is inconsistent with the University’s values and incompatible with the safe, healthy environment that the Notre Dame community expects. All members of this community share responsibility for creating and maintaining an environment which promotes the safety and dignity of each individual.

The University believes that no person should bear the effects of sexual misconduct or sexual assault alone. When such conduct occurs, the University’s paramount concern is for the safety, health and well-being of those impacted. To support and assist students, the University provides a wide range of services and resources. Please see the Resources for Medical, Counseling and Pastoral Care or the Committee on Sexual Assault Prevention to learn more about these resources.

Information about how to report sexual assault and what procedures will be followed can be found in the Reporting and Response Procedures for Incidents of Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and/or Conduct that Creates a Hostile Environment.

#### B. OTHER SEXUAL MISCONDUCT

Other sexual misconduct may take the form of any of the following offenses:

## ○ NON-CONSENSUAL SEXUAL CONTACT

Non-consensual sexual contact is any sexual touching with any part of the body or other object, by any person upon another, without consent. Sexual touching is contact of a sexual nature, however slight.

Information about how to report non-consensual sexual misconduct and what procedures will be followed can be found in the [Reporting and Response Procedures for Incidents of Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and/or Conduct that Creates a Hostile Environment](#).

## ○ DATING VIOLENCE

Dating violence is defined as physical violence or the threat of physical violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with an individual. The existence of such a relationship shall be determined based on factors such as the length and type of relationship, and frequency of interaction between the persons involved.

Information about how to report dating violence and what procedures will be followed can be found in the [Reporting and Response Procedures for Incidents of Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and/or Conduct that Creates a Hostile Environment](#).

## ○ DOMESTIC VIOLENCE

Domestic violence is defined as physical violence or the threat of physical violence committed by a current or former spouse of an individual, by a person with whom the individual has a child in common, by a person who is cohabiting or has cohabitated with the individual as if a spouse (as determined under applicable law), or by any other person against an adult or youth who is protected from that person's acts by applicable domestic or family violence laws.

Information about how to report domestic violence and what procedures will be followed can be found in the [Reporting and Response Procedures for Incidents of Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and/or Conduct that Creates a Hostile Environment](#).

## ○ STALKING

Stalking is defined as knowingly or intentionally engaging in a 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 individual to feel terrorized, frightened, intimidated, or threatened.

Information about how to report stalking and what procedures will be followed can be found in the [Reporting and Response Procedures for Incidents of Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and/or Conduct that Creates a Hostile Environment](#).

## ○ OTHER SEXUAL MISCONDUCT OFFENSES

Other sexual misconduct offenses include, but are not limited to:

- Indecent exposure
- Sexual exhibitionism
- Sex-based cyber-harassment
- Prostitution or the solicitation of a prostitute
- Peeping or other voyeurism
- Going beyond the boundaries of consent (e.g. recording, sharing or disseminating recordings, or threatening to share or disseminate recordings, of sexual activity or nudity without the consent of all parties involved)

Information about how to report other sexual misconduct offenses and what procedures will be followed can be found in the [Reporting and Response Procedures for Incidents of Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and/or Conduct that Creates a Hostile Environment](#).

## C. HOSTILE ENVIRONMENT

Conduct that creates a hostile environment includes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's status in a course, program or activity;
- Submission to or rejection of such conduct is used as the basis for employment or academic decisions; or
- Viewed from the perspective of both the individual and a reasonable person in the same situation, the conduct interferes with performance, limits participation in University activities, or creates an intimidating, hostile, or offensive University environment.

Examples of conduct that may create a hostile environment include:

- Unwelcome sexual jokes, language, epithets, advances or propositions;
- The display of sexually suggestive objects, pictures, magazines, posters or cartoons;
- Comments about an individual's body, sexual orientation, sexual prowess or sexual deficiencies;
- Sexually suggestive, insulting or obscene comments, gestures or conduct (such as leering or whistling);
- Offering or implying an offer of an education- or employment-related reward, such as a favorable review, grade, assignment, promotion, or continued employment, in exchange for sexual favors; or
- Taking or threatening to take an adverse education- or employment-related action, such as an unfavorable review, grade or assignment, because sexual conduct or advances are rejected.



### *Procedures to Address Conduct That Creates a Hostile Environment*

Individuals who have been affected by conduct that creates a hostile environment by a Notre Dame student may have the option of proceeding with an informal or formal resolution process. Please note that the formal resolution process (see below) is available for sexual harassment of any nature, and that the availability of the informal resolution process is not intended to discourage use of the formal resolution process.

Informal resolution is not an option for complaints involving sexual assault, non-consensual sexual contact, dating violence, domestic violence, stalking, and other sexual misconduct offenses, including sexual or inappropriate touching of any kind.

#### *Informal Resolution for Conduct that Creates a Hostile Environment*

If a complainant chooses to proceed with an informal resolution, the complainant should report the matter to the Deputy Title IX Coordinator to be investigated and resolved without a referral to the University Conduct Process.

If the matter is not resolved informally to the satisfaction of the complainant, the complainant can submit a written request to the Deputy Title IX Coordinator for formal resolution. This request must be submitted in writing to the Deputy Title IX Coordinator within ten (10) calendar days of the informal resolution.

#### *Formal Resolution for Conduct that Creates a Hostile Environment*

If a complainant chooses to proceed with a formal resolution, the procedures outlined in the Reporting and Response Procedures for Incidents of Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence and Stalking will be followed.

## **INFORMATION ABOUT CONSENT, INTOXICATION AND INCAPACITATION**

Consent means informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct. There is no consent when the individual in question is under the legal age of consent. The legal age of consent in Indiana is 16.

Intoxication is not an excuse for failure to obtain consent.

An incapacitated person is incapable of giving consent. A person is incapacitated if that person is in a physical or mental state such that he or she lacks the ability to make a knowing and deliberate choice to engage in the sexual interaction. For the purposes of this policy, a person who is asleep or unconscious is incapacitated, without exception. A person may also become incapacitated due to other factors, which may include the use of alcohol and/or drugs to such a degree that the person no longer has the ability to make a knowing or deliberate choice to engage in the sexual interaction. Engaging in sexual activity with a person whom you know, or should reasonably know, to be incapacitated constitutes a violation. If there is a question about whether the complainant was incapacitated, the relevant standard is whether the respondent knew, or a sober, reasonable person in the respondent's position should have known, that the complainant was incapacitated and therefore could not consent to the sexual activity.

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## **REPORTING AND RESPONSE PROCEDURES FOR INCIDENTS OF SEXUAL ASSAULT, SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, AND/OR CONDUCT THAT CREATES A HOSTILE ENVIRONMENT**

### **PRIVACY AND CONFIDENTIALITY**

#### *Confidential Resources*

If a student wishes the details of an incident to be kept confidential, the student can speak with:

- counselors at the [University Counseling Center](#);
- health providers, such as [University Health Services](#) and local hospitals;
- off-campus rape crisis resources, such as [S-O-S](#), the rape crisis center for St. Joseph County; and/or
- vowed religious (priests, deacons, and religious sisters and brothers) working within [Campus Ministry](#) and who are operating in that role.

These individuals will honor confidentiality unless there is an imminent danger to the student or to others. In addition, a student's disclosure during the Sacrament of Reconciliation (confession) will not be revealed by the priest for any reason, which is a sacred obligation protected by law.

#### *Parameters of Privacy and Confidentiality for Investigations*

In all instances and to the extent possible, the University will protect the privacy of all parties to a report of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment. That said, under federal law, campus officials (with the exception of those listed under [Confidential Resources](#), above) who receive a report of sexual assault, sexual

misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment, whether from the student involved or a third party, must share that information with the appropriate University authorities for investigation and follow-up.

*Parameters of Privacy and Confidentiality Related to Crime Alerts Issued by the University*

In an effort to provide timely notice to the Notre Dame community, and in the event of a serious crime that occurs on campus and poses a serious, ongoing threat to members of the Notre Dame community, a mass email Crime Alert will be sent to all students, faculty and staff on campus and is posted on the Notre Dame Security Policy website, and may also be posted in residence halls and various other buildings on campus. Crime Alerts and any updates will be drafted and disseminated in a way that protects the confidentiality of complainants. Such alerts and updates shall not include identifying information about the complainant in any publicly-available recordkeeping to the extent permitted by law.

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## RESOURCES FOR MEDICAL, COUNSELING AND PASTORAL CARE

The following resources are available to all Notre Dame students:

- *Medical Resources*

Students who have been injured during sexual assault or sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment should seek immediate and appropriate medical treatment for their injuries. Such treatment is also important to preserve evidence that may assist in the proof of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment in the event that the student later files criminal charges, or seeks to obtain an order of protection.

Students may visit University Health Services, which is open 24 hours a day during the academic year for confidential and professional medical care. University Health Services is located in Saint Liam Hall and can be reached at 574-631-7497. While the University Health Services staff are unable to perform procedures related to the collection of evidence for the purposes of pursuing criminal prosecution, they can provide medical care including wound care, testing and treatment for sexually transmitted infections, and referral and transportation to a Sexual Assault Nurse Examiner.

A Sexual Assault Nurse Examiner (SANE) can both provide medical care and preserve evidence of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment in the event that the individual later files criminal charges, or seeks to obtain an order of protection. The two hospitals in the South Bend area are St. Joseph Regional Medical Center (sjmed.com) and Memorial Hospital of South Bend (qualityoflife.org). The SANE program of St. Joseph Regional Medical Center offers emergency care and evidence

collection 24 hours a day, seven days a week. Memorial Hospital also provides these services but does not have a 24/7 program, so the availability of a sexual assault nurse examiner may be limited. Under Indiana law, the tests and procedures at the hospitals are free of charge if treatment is sought within 120 hours of the assault. Evidence gathered in this examination is maintained by the hospital and is not provided to the police unless the individual reports the assault to the police. Any decision about whether or not to talk to the police is up to the individual.

- *Counseling Resources*

Students may receive specialized support from the [University Counseling Center](#) (UCC), which is staffed by trained professionals and counselors. Current students may seek counseling at any time, even years after the incident. The confidential services of the UCC are available to any student who may need support or assistance. The UCC can be reached at 574-631-7336 (24 hours). In addition, a Walk-In Crisis Service is available in Saint Liam Hall, Monday-Friday, 9 a.m. – 5 p.m. For further information, go to [ucc.nd.edu](http://ucc.nd.edu).

The [Family Justice Center of St. Joseph County](#) (fjcsjc.org) is a collaboration of civil, legal, medical, and social services which supports individuals affected by relationship violence and sexual assault. The Family Justice Center can be reached by calling 574-234-6900 and their office is located at 533 North Niles Avenue in South Bend. The Family Justice Center website is [www.fjcsjc.org](http://www.fjcsjc.org).

One service of the Family Justice Center is [S-O-S](#), the rape-crisis center for St. Joseph County. S-O-S is staffed by trained professionals and volunteer advocates who are available 24 hours a day. The staff can provide confidential counseling and recovery services, as well as support and information about communication with the police, family and friends. S-O-S Volunteer Advocates provide emotional support and information on the phone and in person at area hospital Emergency Departments around the clock. Specially trained professionals offer confidential counseling, group therapy, information, and referrals. The S-O-S Advocate acts as a liaison between the student and the legal process, and can accompany them to court, if desired. The 24-hour telephone number for the Rape Crisis Center is 574-289-4357.

The Rape, Abuse and Incest National Network (RAINN) ([rainn.org](http://rainn.org)) is an anti-sexual violence organization that partners with more than 1,100 local rape crisis centers across the country. Among its programs, RAINN has two resources available globally: (1) the [National Sexual Assault Online Hotline](#), a secure web-based hotline that provides live and confidential help through an interface similar to instant messaging; and (2) the National Sexual Assault Hotline (800-656-HOPE), which provides free, confidential services 24 hours a day, seven days a week.

- *Pastoral Resources*

Vowed religious (priests, deacons, and religious sisters and brothers) working within [Campus Ministry](#) and who are operating in that role are confidential resources.

These individuals will honor confidentiality unless there is an imminent danger to the

student or to others. In addition, a student's disclosure during the Sacrament of Reconciliation (confession) will not be revealed by the priest for any reason, which is a sacred obligation protected by law. Campus Ministry can be reached at 574-631-7800 or at [campusministry.nd.edu](http://campusministry.nd.edu).

For more information about resources, please visit the [Committee on Sexual Assault Prevention](#).

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## CONSIDERATIONS TO ENCOURAGE REPORTING AN INCIDENT

The following information is provided to encourage students to report incidents of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment to the University.

### *University Response to Reports*

The University's response to reports of sexual assault, sexual misconduct, dating violence, domestic violence and stalking includes the following:

1. No Contact Orders Issued to the Complainant and Respondent

The Deputy Title IX Coordinator (or designee) shall issue [No Contact Orders](#) to the complainant and respondent.

2. Assignment of a Resource Coordinator

The complainant and the respondent will be referred to separate Resource Coordinators (RCs), who are trained Notre Dame faculty or administrators who will serve as resource persons to the complainant and respondent to identify, explain and [navigate the reporting options](#) and the available [support services](#). This can include referrals to [counseling](#), educational support, [pastoral care](#), and [medical treatment](#), and information about University and legal processes. The RCs can also provide guidance about the process for requesting the interim measures and relief outlined below.

3. Interim Measures

The University reserves the right to take immediate steps to protect complainants through the investigation and, if applicable, a resolution through the [University Conduct Process](#). Interim measures may include alternative academic arrangements, adjustments to extracurricular activities or work schedules, transportation, housing and dining arrangements, and other interim measures. The goal of any adjustment will be to minimize the burden on the complainant's educational program. Where appropriate, to the extent that a student's requests are reasonable and can be adjusted, every effort will be made to do so. Adjustments will be administered by the Deputy Title IX Coordinator (or designee).

The resources and measures outlined above will be offered when a student requests a [formal resolution](#) to an incident of [conduct that creates a hostile environment](#), and

may be offered when a student requests an informal resolution to an incident of a conduct that creates a hostile environment.

### *Information about No Contact Orders*

Unless otherwise stated in writing, a student who is issued a No Contact Order by the University may not have contact, either directly, indirectly, or through third parties, with specific individuals for a specified period of time. "Third parties" include friends, family, attorneys, and other individuals acting on behalf of a student who has been issued a No Contact Order. "Contact" includes, but is not limited to, email, social media, instant messaging, text messaging, phone calls, voicemail, or direct visits. Unintentional contact is not considered a violation of the no contact order.

Students are encouraged to report violations of No Contact Orders promptly. Students are provided the following options to report a violation of the No Contact Order:

- The University offers an online incident reporting form at [speakup.nd.edu](http://speakup.nd.edu). All reports submitted through the [speakup.nd.edu](http://speakup.nd.edu) online reporting form will be forwarded to an appropriate University administrator to review within two (2) University business days.
- The University's Deputy Title IX Coordinator is available by calling 574-631-7728 or by e-mailing [DepTitleIXCoordinator@nd.edu](mailto:DepTitleIXCoordinator@nd.edu).
- The Office of Community Standards is available by calling 574-631-5551 or by e-mailing [ocs@nd.edu](mailto:ocs@nd.edu).

Students found responsible for violating a University-issued No Contact Order may be assigned Conduct Process Outcomes up to and including dismissal from the University.

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

### *Retaliation and Intimidation Prohibited*

The University strongly encourages students to report any incident of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment. Notre Dame takes such reports very seriously. Any actual or threatened retaliation or any act of intimidation to prevent or otherwise obstruct the reporting of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment or the participation in proceedings relating to an incident by a respondent, witness, or other individual is itself prohibited and may result in a referral to the University Conduct Process.

An individual who is threatened in any way should immediately report these concerns to the Deputy Title IX Coordinator (call 574-631-7728 or e-mail [DepTitleIXCoordinator@nd.edu](mailto:DepTitleIXCoordinator@nd.edu)). In addition, all members of the University community may report actual or threatened retaliation to NDSP by calling 574-631-5555.

Any report of alleged retaliatory behavior related to an incident or report of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment may be investigated through an Administrative Investigation. After the Administrative Investigation, the matter may be referred to the University Conduct Process (see Process After the Administrative Investigation).

The reporting party should make every effort to submit a written report to the Deputy Title IX Coordinator within thirty (30) calendar days of the alleged conduct.

### *Addressing Student Concerns About Other Violations (Alcohol, Parietals, etc.)*

At times, students are hesitant to report the occurrence of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment to University officials because they are concerned that they themselves, or witnesses to the misconduct, may be found responsible for other policy violations (e.g. parietals or alcohol violations). These behaviors are not condoned by the University, but the importance of addressing the alleged sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment outweighs the University's interest in addressing lesser violations. Accordingly, in these cases, the University will not refer a complainant or witness to the University Conduct Process to address lesser policy violations (e.g. parietals or alcohol violations).

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## INFORMATION TO CONSIDER ABOUT PURSUING A COMPLAINT THROUGH THE UNIVERSITY CONDUCT PROCESS AND/OR LAW ENFORCEMENT

A complainant has the option to pursue a complaint of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment through the University Conduct Process. In addition, a complainant may also pursue a criminal complaint with an appropriate law enforcement agency. A complainant will be provided with written notice of these options.

### Information about Pursuing a Complaint through the University Conduct Process

If an incident of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment committed by a student is reported to the University the Deputy Title IX Coordinator (or designee) will respond to the report, generally by conducting an Administrative Investigation. Typically, at the conclusion of the Administrative Investigation, the complainant may choose to pursue the matter through the University Conduct Process. For more information, please refer to:

- Administrative Investigation
- Process After the Administrative Investigation

- [University Conduct Process \(Administrative Hearing\)](#)

## Information about Pursuing a Criminal Complaint through Law Enforcement

The University encourages students to report all incidents of sexual assault, sexual misconduct, dating violence, domestic violence and stalking to the police.

Reports of sexual assault, sexual misconduct, dating violence, domestic violence, and/or stalking committed by students that are reported to [Notre Dame Security Police](#) will also be referred to the Deputy Title IX Coordinator for follow-up and investigation (see [Administrative Investigation](#)). Similarly, where the University received a report from another police agency, the Deputy Title IX Coordinator (or designee) and NDSP will follow-up and investigate as appropriate.

The [Administrative Investigation](#) conducted by the Deputy Title IX Coordinator (or designee) is distinct from the criminal investigation as a result of the University's obligation under the law to ensure that it is providing a safe environment for all students.

If a complainant wishes to pursue a criminal complaint, the complainant may submit a request to temporarily defer the [Administrative Investigation](#) and/or [University Conduct Process](#) by making a formal [written request to the Deputy Title IX Coordinator](#), which may temporarily delay the Administrative Investigation and the University's ability to respond. However, the University may choose not to defer its Administrative Investigation where it has reason to believe that the respondent may be an imminent threat to the safety of the complainant and/or other members of the University community. At any time, the complainant may choose to rescind the deferral by making a [formal written request to the Deputy Title IX Coordinator](#), electing to resume the Administrative Investigation and/or University Conduct Process. The University will maintain documentation of the date of deferral.

Information obtained through the criminal investigation may be considered in the University's [Administrative Investigation](#) and by the Office of Community Standards for consideration in the [University Conduct Process](#).

Where the University is aware that a student is pursuing a criminal complaint, a member of the [Office of Campus Safety](#) will request that the Prosecutor's Office keep the University informed and immediately advise of its decision whether to prosecute the complaint. The University will maintain documentation of the date of the request to the Prosecutor's Office. In cases where the Prosecutor's Office declines prosecution, a member of the Office of Campus Safety will work with the Prosecutor's Office to notify the complainant of the Prosecutor's decision.

In addition to having the option of pursuing a criminal complaint, students also have the option of exploring whether they might be entitled to an order of protection, restraining order, or other similar orders issued by a criminal or civil court. For more information about such orders, including the University's responsibilities concerning



such orders, students should contact Notre Dame Security Police or the Family Justice Center for St. Joseph County.

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## HOW TO REPORT INCIDENTS OF SEXUAL ASSAULT, SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, AND/OR CONDUCT THAT CREATES A HOSTILE ENVIRONMENT

The University encourages students to report all incidents of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and conduct that creates a hostile environment. Students may choose either or both of the following reporting options:

- **Reporting to the University**

The University's Deputy Title IX Coordinator is available by calling 574-631-7728 or by e-mailing [DepTitleIXCoordinator@nd.edu](mailto:DepTitleIXCoordinator@nd.edu). The Deputy Title IX Coordinator is available Monday-Friday, 8:00 a.m. – 5:00 p.m. during University business days. The University offers an online incident reporting form at: [speakup.nd.edu](http://speakup.nd.edu). All reports of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment involving Notre Dame students submitted through the [speakup.nd.edu](http://speakup.nd.edu) online reporting form will be forwarded to the University's Deputy Title IX Coordinator.

- **Reporting to Law Enforcement**

Notre Dame Security Police (NDSP) is available 24 hours a day, 7 days a week by calling 574-631-5555. Students may also call 911 in an emergency. If the incident occurred on Notre Dame property, NDSP, a duly authorized police agency in the state of Indiana, is an appropriate agency with which to file a report. On campus incidents may also be reported to the St. Joseph County Police Department (574-235-9611). For off-campus incidents, including at international locations, reports may be filed with the local law enforcement agency where the incident occurred. In the South Bend area, the local law enforcement agencies include the South Bend, St. Joseph County, and Mishawaka police departments. Notre Dame Security Police (911 from a campus phone, or 574-631-5555 from a cell phone) can assist with contacting the appropriate agency. Although students are encouraged to notify NDSP or other law enforcement authorities, they are not required to do so.

Regardless of the reporting option chosen, the University is obligated to respond once the University receives a report regarding an incident of sexual assault, sexual

misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment by a student.

## REQUESTS FOR ANONYMITY AND/OR NO ADMINISTRATIVE INVESTIGATION

In the event that a complainant requests anonymity or that a matter not go to an Administrative Investigation, the University will consider such a request. A Student Affairs tripartite board will make a determination about whether the request can be granted. The tripartite board will be composed of three senior members of the Office of Student Affairs or their designees. The tripartite board will make its decision based on a review of numerous factors, including, but not limited to, patterns of behavior involving the respondent, a group of individuals and/or a specific location; threats of future sexual or other violence by the respondent; the use of a weapon; whether the complainant is a minor; and/or other risks to the University community. If the University is able to agree to a complainant's request for anonymity and/or not to conduct an Administrative Investigation, the complainant will be notified in writing that he/she has six (6) months (from the date of the tripartite board decision) to request that the matter be referred to an Administrative Investigation.

If the University is able to agree to a complainant's request for anonymity or if a complainant decides not to participate in an Administrative Investigation, the University's ability to meaningfully investigate the incident or pursue conduct action against the alleged respondent(s) may be limited.

In some cases, based on this review, the University may not be able to agree to the complainant's request in order to adhere to its obligation to provide a safe, non-discriminatory environment for all students. If the University determines that it is unable to agree to a complainant's request not to conduct an Administrative Investigation, the complainant will be notified in writing prior to the commencement of an Administrative Investigation.

If the University is unable to agree to a complainant's request for anonymity, the Deputy Title IX Coordinator will notify the complainant in writing prior to initiating an Administrative Investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

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## ADMINISTRATIVE INVESTIGATION

The University is obligated under the law to respond to complaints, to take action to eliminate sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment, prevent its recurrence, and address its effects.

When an Administrative Investigation is initiated, the nature and extent of an investigation will depend on the extent to which the University has enough

information to reasonably determine key facts, e.g., time, date, location and names of parties involved in an alleged incident.

Ordinarily, this Administrative Investigation will include a review of statements obtained from the complainant and respondent, interviews with the complainant and respondent, interviews with witnesses as appropriate and review of relevant documents, and will be conducted by the Deputy Title IX Coordinator (or designee).

In the event that a respondent makes a complaint against a complainant, the University may investigate that complaint at or about the same time it investigates the original complaint. In the event that both complaints are referred to the University Conduct Process, both complaints may be simultaneously heard in a single Administrative Hearing or heard separately in different Administrative Hearings.

All University community members are expected to provide truthful information. If an investigation reveals that an individual has provided deliberately false information and/or made an accusation in bad faith or with a view to personal gain or intentionally harming another in connection with an incident, disciplinary action may be taken. This provision does not apply to information provided in good faith, even if the facts alleged do not result in a finding of responsibility for a violation of the University's Standards of Conduct.

In the course of the Administrative Investigation, information will be shared as necessary with people who need to know, such as investigators, witnesses, and the respondent. Any response by the University may be hindered by the complainant's requests for anonymity and/or inaction.

The complainant and respondent will be afforded opportunities to provide information and present his/her own report during the Administrative Investigation. The complainant and respondent will be asked to provide a list of possible witnesses, as well as any supporting documents (e.g., text messages, emails, social media, photographs, telephone records, etc.) that they wish to be considered through the investigation. Information submitted through the Administrative Investigation will be used in the Administrative Hearing should the matter be referred to the University Conduct Process.

The complainant and the respondent will have the opportunity to be accompanied by an advisor of his/her choice at their respective meetings related to the Administrative Investigation, including investigative interviews. The advisor's role is non-speaking, and advisors who are disruptive during the proceedings will be required to leave.

The Deputy Title IX Coordinator (or designee) shall communicate directly with the complainant and respondent, not through any third party. A representative may not appear in the place of either the complainant or respondent.

The Administrative Investigation will be conducted in a timely manner. The University will typically complete the Administrative Investigation and, should the matter be referred to the University Conduct Process, communicate a decision (not including the Case Review Procedures) within sixty (60) calendar days of the initial report. The sixty calendar day timeframe does not typically include academic break periods and

may be affected by holidays or other extenuating circumstances. If the Administrative Investigation [and initial decision (not including the Case Review Procedures), should the matter be referred to the University Conduct Process] cannot be completed within the sixty calendar days, the Deputy Title IX Coordinator (or designee) will contact the complainant and respondent and provide a time frame in which the investigation and decision (not including the Case Review Procedures) will be completed.

Generally, a respondent may not withdraw or take a leave of absence from the University after the University receives a report of an alleged violation of the University's Standards of Conduct. The University reserves the right to proceed with an Administrative Investigation and the University Conduct Process regardless of a student's request for a withdrawal or for a leave of absence from the University. The University also reserves the right to place a hold on a student's diploma or academic transcript pending the investigation or resolution of a conduct matter.

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## PROCESS AFTER THE ADMINISTRATIVE INVESTIGATION

After the Administrative Investigation is completed, the Deputy Title IX Coordinator (or designee) will review the Administrative Investigation documents to determine if the facts alleged by the complainant warrant a referral to the University Conduct Process.

- If the Deputy Title IX Coordinator (or designee) determines that the facts alleged by the complainant do not constitute a violation of the Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and/or Hostile Environment policies, the case will be closed with no further action.

Should a complainant wish to request a review of the Deputy Title IX Coordinator's decision to close the case, the complainant may submit a written request for review via online form to a Student Affairs tripartite board within three (3) calendar days of the notification from the Deputy Title IX Coordinator. The tripartite board shall be composed of three senior members of the Office of Student Affairs or their designees.

The Deputy Title IX Coordinator shall have the opportunity to provide a written response to the complainant's request.

The tripartite board will review the complainant's request and the Administrative Investigation documentation to determine if the facts alleged by the complainant may constitute a violation of the Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and/or Hostile Environment policies.

The decision of the tripartite board is final.

Reviews will generally be resolved within fourteen (14) calendar days of receipt of the initial request for review. When extenuating circumstances necessitate additional time to resolve the review, the complainant will be notified in writing.

- If the Deputy Title IX Coordinator (or designee) determines that the facts alleged by the complainant may constitute a violation of the Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and/or Hostile Environment policies, the complainant may elect to have the matter addressed through the University Conduct Process. A referral to the University Conduct Process will be addressed with an Administrative Hearing for Alleged Violations of the Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and/or Hostile Environment Policies.

If the complainant does not elect to have the matter referred to the University Conduct Process, a Student Affairs tripartite board will make a determination about whether the case should be referred to the University Conduct Process, with or without the cooperation of the complainant. The tripartite board shall be composed of three senior members of the Office of Student Affairs or their designees. The tripartite board will make its decision based on review of the Administrative Investigation report. The tripartite board may also consider additional information including, but not limited to, patterns of behavior involving the respondent, a group of individuals and/or a specific location; threats of future sexual or other violence by the respondent; the use of a weapon; whether the complainant is a minor; and/or other risks to the University community.

If the complainant does not elect to have the matter referred to the University Conduct Process and the Student Affairs tripartite board determines that the case will not be referred to the University Conduct Process, the complainant will be notified in writing that he/she has six (6) months (from the date of the tripartite board decision) to request that the matter be referred to the University Conduct Process. Simultaneous notification will also be made to the respondent about the opportunity for the complainant to request the matter to be referred to the University Conduct Process within six (6) months.

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## **UNIVERSITY CONDUCT PROCESS: ADMINISTRATIVE HEARING FOR ALLEGED VIOLATIONS OF THE SEXUAL ASSAULT, SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, AND/OR HOSTILE ENVIRONMENT POLICIES**

The Administrative Hearing for Alleged Violations of the Sexual Assault, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and/or Hostile Environment Policies (also referred to as “Administrative Hearing”) is a formal proceeding to resolve student conduct matters referred to the Office of Community

Standards after an Administrative Investigation has been completed by the University.

If an individual chooses to proceed with the University Conduct Process following an Administrative Investigation, that individual's role within the University Conduct Process will be that of a "complainant." The student who is alleged to have violated University Standards of Conduct is referred to as a "respondent." In some instances, the University may, in its discretion, choose to initiate an Administrative Hearing on its own.

The documents collected through the Administrative Investigation (including but not limited to applicable interview statements with the respondent, complainant, and witnesses, as well as other information such as text messages, social media, telephone records, campus building access records, etc.) will be forwarded to the Office of Community Standards along with a summary report from the investigator. This information will be used in the Administrative Hearing.

When a respondent is involved in more than one investigation or an incident with more than one complainant, the University reserves the right to address the incidents in a combined Administrative Hearing. When more than one respondent is involved in an incident or series of related incidents with the same complainant, the University reserves the right to address the incidents in a combined Administrative Hearing.

The Office of Community Standards reserves the right to reasonably modify the University Conduct Process based on a case by case basis of extenuating circumstances. Any modifications to the procedures outlined below will be communicated via electronic letter to both the complainant and respondent.

## Procedures Provided to Both the Respondent and Complainant

The Administrative Hearing is designed to provide a prompt, fair, and impartial resolution through an equitable process for both the complainant and the respondent. As such, both the complainant and the respondent shall be provided:

1. a meeting in person or by telephone with a representative from the Office of Community Standards for the student to learn about the Administrative Hearing process and ask questions.
2. periodic updates regarding the status of the process, upon request.
3. equivalent notice via electronic letter of the date, time and location of the Administrative Hearing and the nature of the alleged policy violations to be addressed at least seven (7) calendar days before the Administrative Hearing will be held. The Office of Community Standards reserves the right to provide less than seven calendar days' notice when an Administrative Investigation report is referred to the Office of Community Standards after the last class day of the semester. Administrative Hearings are not typically rescheduled. The Office of Community Standards may reschedule an Administrative Hearing based on extenuating circumstances. The Office of Community Standards may also provide less than seven calendar days' notice with the approval of both the complainant and

the respondent. In such cases, the Office of Community Standards will modify the deadlines listed below.

4. access to read the Administrative Investigation documents prior to the Administrative Hearing.
  - a. The Office of Community Standards shall be reasonably available for the complainant and respondent for this purpose (e.g. Monday-Friday, 8:00 a.m. – 5:00 p.m. when University offices are open).
  - b. Investigation documents may not be photocopied, photographed, recorded or duplicated.
  - c. All documents are property of the University and shall remain in the Office of Community Standards; however, the Office of Community Standards may provide alternative arrangements to review documents.
  - d. An individual participating as a witness at the Administrative Hearing may not be present during the review of the Administrative Investigation documents.
5. an excused absence from University obligations, including academic courses, in order to attend the Administrative Hearing.
6. the opportunity to have a residence hall staff member to be present at the Administrative Hearing in a non-speaking role. A student who lives off campus may invite his/her former rector or assistant rector to attend the Administrative Hearing.
7. the opportunity to have an advisor of his/her choice to be present at the Administrative Hearing and any other meetings with the Office of Community Standards.
  - a. The advisor's role is non-speaking.
  - b. Advisors will not be permitted to make comments, pass notes, or otherwise disrupt the Administrative Hearing or meetings.
  - c. Advisors who are disruptive during the Administrative Hearing may be required to leave.
  - d. Breaks will be offered during the Administrative Hearing for the complainant and respondent to confer with their respective advisors in a location outside of the room where the Administrative Hearing will be held. The scheduling and length of all breaks will be at the discretion of the Hearing Panel.
8. the opportunity to clarify information presented through the Administrative Investigation.
  - a. If the complainant or respondent requests to submit additional documentation related to the facts of the incident that was not originally presented through the Administrative Investigation (e.g. text messages, photographs, etc.), such documentation must be submitted to the Office of Community Standards at least four (4) calendar days before the Administrative Hearing.
  - b. Additional documentation will be made available to the complainant and the respondent no later than two (2) calendar days before the scheduled date of the Administrative Hearing.
9. the opportunity to submit questions in writing to the Hearing Panel for consideration to be asked to the respondent or complainant by the Hearing Panel.
  - a. Any questions asked will be at the sole discretion of the Hearing Panel.

- b. Neither the complainant nor the respondent will be permitted to engage in direct communication with each other before, during or immediately after the Administrative Hearing.
- 10. the opportunity to hear and respond to all information presented in the Administrative Hearing. All responses shall be directed only toward the Hearing Panel, not to any others present in the Administrative Hearing.
- 11. the opportunity to invite witnesses to the incident to participate in a portion of the Administrative Hearing to clarify information presented through the Administrative Investigation.
  - a. The participation of any witness is at the sole discretion of the Hearing Panel.
    - i. Character witnesses are not permitted.
    - ii. A witness who participates in the Administrative Hearing may not also participate as a residence hall staff member (as described in [section 6](#)) or as an advisor (as described in [section 7](#)).
  - b. "Witness to the incident" is defined as an individual who had direct contact with at least one of the individuals involved in the incident, before, during or after the incident occurred.
  - c. The respondent and complainant must notify the Office of Community Standards at least five (5) calendar days before the scheduled date of the Administrative Hearing of any witnesses they wish to invite that have not already been invited by the Hearing Panel.
  - d. If the witness did not participate in the [Administrative Investigation](#), the witness will be required to submit a written description of their involvement in the incident no later than three (3) calendar days before the scheduled date of the Administrative Hearing. This document will be made available to the complainant and the respondent no later than two (2) calendar days before the scheduled date of the Administrative Hearing.
  - e. The Office of Community Standards will notify the witnesses of their scheduled time for their participation in the Administrative Hearing.
  - f. The Office of Community Standards will provide an excused absence from University obligations in order for witnesses to attend the Administrative Hearing.
  - g. The Office of Community Standards reserves the right to provide an alternative arrangement for the witness to participate if the witness does not wish to be present in the same room as the respondent or complainant during the Administrative Hearing.
  - h. A complete list of any witnesses invited to the Administrative Hearing will be communicated to the complainant and respondent at least two (2) calendar days before the scheduled date of the Administrative Hearing.
  - i. The complainant and respondent may submit questions in writing to the Hearing Panel for consideration to be asked to the witnesses by the Hearing Panel. Any questions asked to witnesses will be at the sole discretion of the Hearing Panel.
- 12. the opportunity to submit a request for [Case Review](#) upon the notification of the outcome of the Administrative Hearing as prescribed by the University's [Conduct Case Review Procedures](#).



## Additional Protocol for Administrative Hearings

In addition to the procedures outlined above, the following protocol applies to Administrative Hearings.

1. The complainant will have the opportunity to be present throughout the entire Administrative Hearing. The complainant will be provided options for reasonable alternative arrangements if he or she does not want to be present in the same room as the respondent during the Administrative Hearing.
2. Should the respondent or complainant fail to attend the scheduled Administrative Hearing, the Administrative Hearing will proceed and a decision will be made in his or her absence.
3. Generally, a respondent may not withdraw or take a leave of absence from the University after he/she has been referred to the University Conduct Process. The University reserves the right to proceed with the University Conduct Process regardless of a student's request for a withdrawal or for a leave of absence from the University. The University also reserves the right to place a hold on a student's diploma or academic transcript pending the investigation or resolution of a conduct matter.
4. The Office of Community Standards and University Conduct Officers shall communicate directly with the respondent and complainant, not through any third party. A representative may not appear in the place of a respondent or complainant.
5. Administrative Hearings are closed to all but the respondent, complainant, witnesses, residence hall staff, advisors, and the Hearing Panel. The University reserves the right to permit a staff member from the University's Office of General Counsel to participate as an observer.
6. Administrative Hearings will be audio recorded by the Office of Community Standards. Administrative Hearings may not be recorded by anyone other than the Office of Community Standards. The audio recording may be listened to by the complainant and/or respondent during the Case Review period should a request for Case Review be filed. The audio recording may not be recorded or duplicated. The audio recording is property of the University and shall remain in the Office of Community Standards; however, the Office of Community Standards may provide alternative arrangements. The recording will be preserved for at least one year after the conclusion of the University Conduct Process or as long as necessary to provide evidence should the matter be referred to legal processes. The Office of Community Standards will exercise reasonable care to minimize technical issues with the recording; however, technical issues that result in no recording or an inaudible recording are not considered procedural defects for the purposes of the Conduct Case Review Procedures.
7. During the Administrative Hearing, information shared regarding any party's past sexual conduct will ordinarily not be considered, except in those instances where there was a prior sexual relationship between the parties and the information shared may be relevant to the issue of consent.
8. The Hearing Panel shall not make a decision about a finding of responsibility until after the Administrative Hearing process is complete.
9. Decisions regarding a student's responsibility – or lack thereof – for a violation of policy will be based upon careful consideration of all available information presented

and evaluated using a preponderance of the evidence standard (i.e. if it is “more likely than not” that the policy was violated).

10. If the respondent is found responsible for a violation of the University’s Standards of Conduct alleged in the complaint, his or her conduct record, including any past sexual misconduct, may be considered in determining the appropriate Conduct Process Outcomes.
11. An Administrative Hearing may result in the assignment of any Conduct Process Outcomes, including Dismissal with the Opportunity to Apply for Readmission or Permanent Dismissal. See the Conduct Process Outcomes for a full list of outcomes.
12. The results of Administrative Hearings are documented and may be used to establish a student’s conduct history at the University.
13. The complainant and the respondent will be simultaneously informed in writing of:
  - a. the outcome of the Administrative Hearing;
  - b. the procedures for both parties to file a request for Case Review; and
  - c. any change to the results that occurs prior to the time that such results become final; and
  - d. when the results become final.

If the complainant is deceased as a result of the crime or offense, the next of kin shall be informed in writing of the outcome of the Administrative Hearing upon written request.

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## CONDUCT PROCESS OUTCOMES

If the Office of Community Standards or designee determines that a student is responsible for a violation of a University Standard of Conduct or regulation, the student shall be assigned one or more Conduct Process Outcomes.

For more information, visit the Conduct Process Outcomes page.

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## CONDUCT CASE REVIEW PROCEDURES FOR RESULTS OF ADMINISTRATIVE HEARINGS

Respondents found in violation of University Standards of Conduct from an Administrative Hearing shall be provided the opportunity to request a Case Review as described below. Likewise, complainants are provided an opportunity to request a Case Review as described below.

Third parties may not file Case Reviews on behalf of a complainant or respondent. Failure to submit a request for Case Review within the time specified will render the original decision final and conclusive.

Unless otherwise stated, the outcomes assigned by the Office of Community Standards and/or its designee(s) will not become effective until the Case Review process is complete.

Upon timely receipt of a request for Case Review, the Administrative Hearing file, including the Administrative Investigation documents, will be forwarded to the appropriate reviewer. The Office of Community Standards and/or its designee(s) shall also have the opportunity to provide a response to a request for Case Review. This response may include any information that the Office of Community Standards and/or its designee(s) regards as relevant to the review, including any information used in making its determination.

Separate conduct Case Review routes exist for a: (A.) finding of responsibility and the assignment of permanent dismissal as an outcome in an Administrative Hearing, and (B.) finding of responsibility which results in an outcome other than permanent dismissal or a finding of “not responsible” in an Administrative Hearing.

## **A. Finding of responsibility and the assignment of permanent dismissal as an outcome in an Administrative Hearing**

1. The respondent has the opportunity to request a Case Review by the Office of the President of the University or designee.
2. The respondent may request a review of any aspect of the decision for any reason. Within seven (7) calendar days of being informed of the decision, the respondent must submit a [request for Case Review via online form](#) which describes all issues to be considered by the Office of the President or designee.
3. The complainant will have an opportunity to provide a [response to the respondent's request for Case Review via online form](#). The complainant's response must be submitted within seven (7) calendar days of receipt of notice of the respondent's request for Case Review and supporting materials.
4. Decisions of the Office of the President or designee will be based on a review of the file and are final.

## **B. Finding of responsibility which results in an outcome other than permanent dismissal or a finding of “not responsible” in an Administrative Hearing**

1. The respondent or complainant (as described below in 4. and 5.) has the opportunity to request a review by:
  - i. the Conduct Case Review Board for those requests submitted from the first day of class to the last Monday of class before Final Exams in the Fall Semester, and from the first day of class to the last Monday of class before Final Exams in the Spring Semester.
  - ii. the Office of the Vice President for Student Affairs for those requests submitted outside of those dates listed in (i.) above.
2. The Conduct Case Review Board for Administrative Hearing cases shall be composed of a panel of three faculty members and administrators selected by the Conduct Case Review Coordinator. Board members will be given case review assignments on a rotating basis.
3. Case reviews conducted by the Conduct Case Review Board or the Office of the Vice President for Student Affairs are of the file and are based only upon the following grounds:
  - i. procedural defect in the University Conduct Process which would have been substantial enough to have changed the outcome, and/or
  - ii. the discovery of substantive new information which was unknown or unavailable to the student at the time of the Administrative Hearing and would have had a significant effect on the outcome.

***The severity of outcome is not considered a legitimate ground for a Case Review.***

4. For requests for Case Reviews for a finding of responsibility which results in an outcome other than permanent dismissal, the respondent will have the opportunity to submit a request for Case Review via online form which may be based only upon the criteria listed above in subsection 3. The request must be received within seven (7) calendar days of being informed of the original decision. For such requests, the complainant will have the opportunity to provide a response which may be based only upon the criteria listed above in subsection 3. The complainant's response must be submitted via online form within seven (7) calendar days of receipt of notice of the respondent's request and supporting materials.
5. For a finding of "not responsible" to any of the policy violations in question, the complainant will have the opportunity to submit a request for Case Review via online form which may be based only upon the criteria listed above in subsection 3 and applies only to those policy violations for which the respondent was found "not responsible. For such requests, the respondent will have the opportunity to provide a response via online form which may be based only upon the criteria listed above in subsection 3. The request must be received within seven (7) calendar days of being informed of the original decision. The respondent's response must be submitted via online form within seven (7) calendar days of receipt of notice of the complainant's request and supporting materials.

6. If the appropriate reviewer determines that a procedural defect occurred in the University Conduct Process, the case may be:
  - i. remanded to the Office of Community Standards with specific instructions to correct the defect(s) and reconsider the case, or
  - ii. referred to (or retained by) the Office of the Vice President for Student Affairs for a final decision.
7. If the appropriate reviewer determines that the review request contains substantive new information, the case shall be remanded to the Office of Community Standards for disposition.
8. Decisions of the Conduct Case Review Board and the Office of the Vice President for Student Affairs are final.

Case reviews will generally be resolved within 30 days of receipt of the initial request for review (not including responses, if applicable). When extenuating circumstances necessitate additional time to resolve the Case Review, the respondent and complainant will be notified via electronic letter.

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## **EDUCATION PROGRAMS**

The University will provide the following education programs designed to promote the awareness of sexual assault (including but not limited to rape and acquaintance rape), domestic violence, dating violence, and stalking.

## **PRIMARY PREVENTION AND AWARENESS PROGRAMS**

The University will provide primary prevention and awareness programs for all incoming students and new employees that includes the following:

- a statement that the University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking and a description of the University's policies that prohibit this conduct;
- the definition of consent, in reference to sexual activity;
- the definition of domestic violence, dating violence, sexual assault, and stalking under Indiana law;
- safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
- information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;

- the possible sanctions or protective measures that the University may impose following a final determination of a University disciplinary procedure regarding allegations of sexual misconduct, dating violence, domestic violence and stalking;
- the procedures that a complainant should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, as described in this website;
- the procedures for University disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, as described in this website;
- information about how the University will protect the confidentiality of complainants, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the complainant, to the extent permissible by law;
- information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for student and employee complainants both on-campus and in the community; and
- information about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the complainant and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to [campus police](#) or local law enforcement.

## ONGOING PREVENTION AND AWARENESS CAMPAIGNS

The University will also provide ongoing prevention and awareness campaigns for students and employees that include the information covered in the primary prevention and awareness programs.

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