

Title IX Basics

Definitions & Reporting Requirements

USI's Definition of "Consent"

- **Clear, knowing and voluntary agreement** to participant in a sexual activity
- **Active, not passive**; silence cannot be interpreted as consent
- **Words or actions** can be used as long as they **create mutually understandable, clear permission** regarding willingness to engage in sexual activity
- Consent to one form of sexual activity cannot automatically imply consent to any other forms of sexual activity
- Previous relationships or prior consent cannot imply consent to future sexual acts
- **One must be of legal age** (at least 16 years old in state of Indiana)

Additional Definitions

- Dating Violence
- Domestic Violence
- Gender Identity
- National Origin
- Sexual Harassment, including stalking
- Sexual Misconduct (consent, incapacitation, force, coercion)
- Sexual Violence/Assault (rape, sodomy, sexual assault with an object, fondling, incest, statutory rape, dating violence, domestic violence, sexual exploitation)

Other Misconduct Offenses that May Require Title IX-Based Response

- **Threatening or causing physical harm, extreme verbal abuse** or other conduct which threatens or endangers the health or safety of any person based on sex
- **Discrimination**—actions that deprive or exclude other members of the community of educational or employment access, benefits or opportunities on the basis of gender
- **Intimidation** — implied threats or acts that cause an unreasonable fear of harm to another
- **Any rule violated on the basis of the victim's sex/gender**, which is severe enough to cause a discriminatory effect
- Go to the University Employee and/or the Student Handbook for more information

Who can file a Title IX complaint?

- A student or employee
- The student's parent or guardian
- A third party
- Anyone who requests action on the student's or employee's behalf

With whom should Title IX complaints be filed?

- **Student on Student** — Dean of Students Office
- **Student on Faculty/Staff** — Dean of Students or Director of Human Resources/Title IX Officer
- **Other** — Director of Human Resources/Title IX Officer

University Title IX Response Program

- Clear and published University policy
- Development and implementation of prevention and awareness programs
- Published disciplinary and grievance processes
- Identified and outlines Title IX investigations procedures and timeline
- Fair, equitable and consistent investigation and disciplinary proceedings
- Multiple reporting options and resources to all victims, accused and witnesses
- Accurate reporting in the Annual Security Report (ASR)—Clery Report

What should you know and do?

- Become familiar with the University policies (Employee Handbook, Student Handbook, etc)
- **Do not promise confidentiality!**
 - **Confidential reporting** available at the Counseling Center
 - **Anonymous reporting** available through the Dean of Students, University Title IX Officer, and Public Safety

Report all incidents immediately!

- **Resources available**
 - ⇒ Resources brochure available from the Dean of Students
 - ⇒ [Sexual Assault Prevention and Response](#) website
 - ⇒ [Counseling Center](#) website
 - ⇒ [Public Safety](#) website (Annual Security and Fire Safety Report)
 - ⇒ Visit the [Dean of Students](#) website or e-mail the [Dean of Students](#) directly

If a student is assaulted, how can you help?

- * Listen, believe, and do not judge.
- * Reinforce that the victim is not to blame.
- * Help the victim organize her/his thoughts, but let he/she make decisions about how to proceed.
- * Do not promise confidentiality.
- * Provide options if the victim wants to report the assault. Reporting can be done on campus by contacting the Dean of Students or Public Safety. Reporting may be done anonymously, and does not require she/he to file charges.
- * Explain that seeking medical attention is very important if the assault was recent. There may be injuries that the victim is unaware of.
- * Encourage the victim not to disturb potential evidence. Even if she/he does not plan to press charges, changing clothes, showering, or washing hands after the assault can disturb DNA evidence. Encourage the student to get medical attention.
- * Be accessible. The student may need to talk.
- * Deal with your feelings. Sexual assault impacts people who care about the victim, too.
- * Understand that every victim is different. This student may exhibit shock, denial, rationalization, depression, guilt, fear, anxiety, and anger. All are normal emotions.
- * Do not engage with the alleged perpetrator. Contacting her/him may be viewed as threatening behavior.
- * Encourage the student to get mental health care. On campus, a student can contact the Counseling Center or Dean of Students office and Public Safety as resources.