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MARTIN UNIVERSITY'S SEXUAL MISCONDUCT POLICY

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**RIGHTS AND RESPONSIBILITIES IN MATTERS INVOLVING
MARTIN UNIVERSITY'S SEXUAL MISCONDUCT POLICY**

Nondiscrimination and Sexual Misconduct Policy

UNIVERSITY POLICY STATEMENT

Title IX of the Education Amendments Act of 1972 (Harassment, Sexual Discrimination)

This law provides that, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...." Consistent with the requirements of Title IX of the Education Amendments of 1972, Martin University community members have the right to be free from all forms of gender and sex-based discrimination during the course and scope of their employment or engagement in educational or other activities at the University. Sexual harassment, sexual violence, sexual exploitation, domestic violence, dating violence and stalking are some forms of gender and sex-based discrimination that are considered violations of this policy. This policy has been developed to reaffirm these principles and to provide recourses for individuals whose rights may have been violated. This policy is intended to define community expectations and to establish a process for determining when those expectations have been violated.

Martin University does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Martin University issues this statement of policy to inform the community of our procedures in addressing sexual misconduct, address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, Martin University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community. This policy applies equally to all students and employees regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved. No officer, employee, or agent of an institution participating in any program under this title IX shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this policy.

If a responsible employee is aware of possible sexual harassment or sexual violence, without regard to where it occurs, he or she must promptly report the incident to Campus Safety, the Title IX Coordinator, the Director of Student Services or Human Resources, to the extent required by this policy. Contact information for the University's Title IX Coordinator:

Taffanee L. Keys, J.D.
(317) 917-3302
tkeys@martin.edu

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Sexual Misconduct includes (but is not limited to):

1. Sexual Harassment
2. Sexual Assault
3. Domestic Violence
4. Dating Violence
5. Stalking
6. Rape
7. Hate Crime
8. All other forms of sexual misconduct, or retaliation

DEFINITIONS

Sexual Harassment - Conduct that constitutes sexual harassment can be verbal, visual or physical and may be through telephone or electronic contact. It may be direct or explicit or it may be inferred from the conduct, circumstances and relationship of the individuals involved. What constitutes sexual harassment will vary with particular circumstances, but it generally consists of unwelcome sexual advances, explicit or implicit requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is an explicit or implicit term or condition of education, employment, or participation in other University activities;
2. Submission to or rejection of such conduct is used as a basis for an employment, academic, or research decision affecting the individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, or status; or
4. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive University environment.

Behavior is sexual in nature if a reasonable person could have interpreted the alleged behavior to be sexual. The intent of the person who is alleged to have committed sexual harassment is not relevant in determining whether sexual harassment has occurred

Sexual Assault - a person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person:

1. touches another person when that person is:
2. compelled to submit to the touching by force or the imminent threat of force; or
3. so mentally disabled or deficient that consent to the touching cannot be given; or
4. touches another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring

Stalking - The term stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.

Dating Violence - is any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the

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relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence

Domestic Violence - is any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner

Rape (FBI UCR) – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim (Definition effective 01/01/13 from FBI UCR).

Rape - Any person subject to this chapter who commits a sexual act upon another person by—

1. using unlawful force against that other person;
2. using force causing or likely to cause death or grievous bodily harm to any person;
3. threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;
4. first rendering that other person unconscious; or
5. administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct.

Hate Crime - a crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of the Clery Act, the categories of bias that may serve as the basis for a determination that a crime is a hate crime would include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Other Sexual Misconduct - A student may be found responsible for "sexual misconduct – other" if his or her actions meet the definition of sexual misconduct but do not meet the definition of any particular type of sexual misconduct listed in this section.

Sexual Act - The term "sexual act" means -

1. contact between the penis and the vulva or anus or mouth, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; or
2. the penetration, however slight, of the vulva or anus or mouth, of another by any part of the body or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

Sexual Contact - The term "sexual contact" means -

1. touching, or causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person; or
2. any touching, or causing another person to touch, either directly or through the clothing, any body part of any person, if done with an intent to arouse or gratify the sexual desire of any person.
Touching may be accomplished by any part of the body.

Bodily Harm - The term "bodily harm" means any offensive touching of another, however slight, including any nonconsensual sexual act or nonconsensual sexual contact.

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Grievous Bodily Harm - The term "grievous bodily harm" means serious bodily injury. It includes fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or a bloody nose.

Force - The term "force" means—

1. the use of a weapon;
2. the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or
3. inflicting physical harm sufficient to coerce or compel submission by the victim.

Unlawful Force - The term "unlawful force" means an act of force done without legal justification or excuse.

Threatening or placing that other person in fear - The term "threatening or placing that other person in fear" means a communication or action that is of sufficient consequence to cause a reasonable fear that non-compliance will result in the victim or another person being subjected to the wrongful action contemplated by the communication or action.

Consent -

1. The term "consent" means a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.
2. A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear or under the circumstances.
3. Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person has given consent, or whether a person did not resist or ceased to resist only because of another person's actions.

REPORTING PROCEDURE

The University's primary concern is the safety of its community members. If you, or someone you know, have been the victim of behavior or action that falls under this policy, you are encouraged to first attend to your own safety. Violations of Title IX and VAWA should be reported to Campus Safety, The Title IX Coordinator or Human Resources. You may choose to share your experience with someone you trust. All members of the University community are encouraged to report incidents of discrimination or gender or sex-based misconduct. The University will conduct a prompt, equitable and thorough investigation to stop the conduct, prevent future incidents, sanction the offenders and remedy the conduct, when appropriate. This process involves conducting a preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination and/or sexual and gender-based policy has been

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violated. If so, the University will initiate a prompt, thorough and impartial investigation to provide a fair and reliable determination about whether University policy has been violated. If so, the University will implement a prompt and effective remedy designed to end the conduct, prevent its recurrence and address its effects.

If a responsible employee, as set out below, is aware of possible sexual harassment, sexual violence or gender-based misconduct, without regard to where it occurs, he or she must report it to the Title IX Coordinator, the Director of Students Services or Human Resources and, to the extent required by applicable law, to local law enforcement agencies. It is important that reports are made as soon as possible, preferably within 24 hours of learning about the incident or the violation. A report shall be made after normal business hours to Campus Safety.

In order for the University to promptly investigate and/or address civil rights complaints other than gender or sex-based misconduct, an employee must report this conduct to his/her supervisor, Human Resources or other responsible employee listed below.

University personnel on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles. An employee's duty to report may vary based on the law, the situation and the employee's role. Following are some guidelines:

Responsible employees include any employee who has the authority to take action to redress the discrimination, harassment, violence or misconduct and who has the duty to report discrimination, sexual harassment, misconduct and violence to the appropriate University official. The following are "*responsible employees*."

1. President
2. Vice Presidents
3. Directors
4. Deans
5. Faculty members
6. Adjunct Faculty members
7. University Administrative Staff
8. Campus Safety
9. Student Services
10. Career Services

All responsible employees must report incidents when they learn directly or indirectly about the incident. Responsible employees are required to report the alleged conduct and cannot withhold personally identifiable information (such as the name of the victim, the name of the accused, or other identifying details about witnesses, location, etc.), even when the victim is hesitant or does not wish to report. If a member of the University community speaks to a responsible employee about discrimination, sexual harassment, sexual violence, dating violence, domestic violence, stalking, or any other form of sexual misconduct, the responsible employee shall inform the victim of his/her duty to report. While an employee or University official can't guarantee total confidentiality, a responsible employee should let the victim know that the University will make all efforts to respect his/her privacy.

If an incident is reported to a "responsible employee," notice to them is official notice to the University. The University will respond to the report and conduct a prompt, thorough and equitable investigation. Formal reporting means that only people who need to know will be told

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and information will be shared only as necessary with investigators, witnesses, the accused individual and University officials with a responsibility to respond. Current students and employees without a privilege are required to cooperate in a University inquiry or investigation as a condition of enrollment and/or employment. The University encourages anyone who believes that s/he has been the victim of discrimination, harassment or sexual misconduct to report his/her concerns to an appropriate University employee.

THE REVIEW PROCESS

The University will conduct a timely review of all complaints of domestic violence, dating violence, and/or stalking. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint.

The preliminary review of all complaints including any necessary interviews to be conducted and any necessary interim measures to be put in place will be usually completed within 10 days of receipt of the complaint.

The subsequent, comprehensive review and investigation of the complaint, including interviews with all involved parties and gathering of evidence, is usually completed within 30 days of receipt of the complaint.

Results of the complaint, via either a formal hearing or waiver of hearing are typically issued within 35 days of receipt of the complaint.

An appeal of the results must be submitted within 7 days of receipt of the written result.

Absent extenuating circumstances, decisions on appeals are typically issued within 15 days of submission of the appeal.

Role - The Title IX Coordinator is responsible for overseeing all of the University's Title IX compliance efforts. Matters of sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation) must be handled in accordance with this Handbook, which is drafted in compliance with Title IX, VAWA and Clery Act. With respect to violations of the Sexual Misconduct Policy, the Title IX Coordinator will work to oversee the conduct process – from complaint to resolution – of any allegation that, if proven true, would constitute sex discrimination. This includes conducting an investigation of the complaints, producing a report, providing the report and collected materials to the Hearing Panel, and monitoring Interim Measures and sanctions.

Fact-Finding Investigation - The Title IX Coordinator will promptly investigate all complaints of sex discrimination (including sexual harassment, sexual assault, sexual violence, domestic violence, dating violence, stalking, rape, and other sexual misconduct or retaliation). Under Title IX, this investigation must be adequate, reliable and impartial. While the time it takes to conduct an investigation depends on the particular facts and circumstances, most investigations will begin within 10 business days of a complaint being made and will be completed within 15 business days of the date the investigation is started. These timelines may expand or contract depending on many factors including, but not limited to, the complexity of the matter, the availability of witnesses or evidence, or the time in the school year when the investigation takes place. In general, the Title IX Coordinator's fact-finding investigation will include talking to the parties involved, other witnesses, members of law enforcement (if applicable), other individuals and collecting any materials or information that may be related to the allegations.

Title IX Coordinator's Report - After concluding the fact-finding investigation, the Title IX Coordinator or deputy shall prepare a written report, summarizing the facts, materials or other information collected and any observations made during the investigation. The report is intended to be factual in nature and not draw conclusions or give opinions about as to whether a

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violation occurred. The report and any other collected materials are provided by the Title IX Coordinator to the Hearing Officer or Panel.

Compliance with Law Enforcement - To the extent consistent with Title IX and the best interests of all concerned, Martin University will comply with law enforcement requests for cooperation.

RIGHTS OF THE PARTIES

In addition to rights outlined throughout this policy, both complainant(s) and respondent(s) in a sexual misconduct complaint have the following rights:

1. The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to the University;
2. The right to be fully informed of the University's policy and procedures;
3. The right to be treated with respect by the University;
4. The right to be informed of the victim's right to choose whether or not to file a complaint to both on-campus and off-campus authorities;
5. The right not to be discouraged by the University from reporting misconduct to both on-campus and off-campus authorities;
6. The right to be assisted by campus authorities in notifying law enforcement of sexual misconduct if the victim so chooses (the University will notify law enforcement when required by law);
7. The right to be notified of available counseling, mental health or student services, both on campus and in the community;
8. The right to notification of and options for assistance in changing academic situations after an alleged sexual misconduct incident, if requested by the victim and if such changes are reasonably available (no formal complaint or investigation need occur before this option is available). Accommodations for a victim may include:
 - a. Rescheduling an exam or other academic work;
 - b. Taking an incomplete in a class;
 - c. Transferring class sections;
 - d. Temporary withdrawal; or
 - e. Alternative course completion options.
9. The right to bring a victim advocate or advisor of his or her choice to all phases of the investigation and campus conduct proceeding (see Advisor section); and
10. The right to appeal certain decisions (see Appeal section).

BURDEN OF PROOF

The burden of proof in all cases is "the preponderance of the evidence" – whether it is "more likely than not" that the sex discrimination, dating violence, domestic violence, sexual assault, or stalking occurred. If the evidence presented meets this standard, then the respondent must be found responsible.

EXTENSIONS

All deadlines and time requirements in the Code may be extended for good cause as determined by the Vice President of Academic and Student Affairs. Both the respondent and the complainant will be notified in writing of the delay, the reason for delay, and provided the date of the new deadline or event. Extensions requested by one party will not be longer than

5 business/university days.

EVIDENCE

Evidence to be presented by complainant(s) and respondent(s) during any hearing on the charges must be shared with the opposing party at least two (2) business days in advance of the scheduled hearing. The University Official presiding at and/or hearing the case may exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. The University Official presiding at and/or hearing the case will make the final decision relating to the admissibility of all evidence.

PARTIES' RIGHTS TO ADVISORS

The respondent and complainant may be assisted during disciplinary hearings and related meetings, by an advisor of their choice. The advisor may be legal counsel. The respondent and complainant may present witnesses and may produce other evidence for consideration. The respondent and complainant are responsible for presenting evidence on their own behalf. Advisors may speak privately to their advisee, respondent or complainant, during the proceeding. Either party may request a brief recess to consult with their advisor which will be granted at the discretion of the hearing officer. Advisors for the respondent and complainant may not present evidence or question witnesses.

NOTIFICATION OF FINDINGS

Within five (5) class days after the adjournment of the hearing, the hearing body shall submit written findings of fact, conclusions regarding the charge(s), and imposition of a sanction, if any, to the respondent, and any University official who is determined by the University's Vice President of Academic and Student Affairs to have a legitimate interest in the result. In the case of sexual misconduct and violations involving dating violence, domestic violence, sexual assault, or stalking, both the complainant and respondent shall also receive simultaneous notice of the results and sanctions imposed (and the rationale for the result and sanctions), as well as notice of the appellate procedures available, any possible changes to the result that may occur before it becomes final, and when the result becomes final.

SANCTIONS

Not all forms of discrimination, harassment or sexual or gender-based misconduct will be deemed to be equally serious offenses. The University reserves the right to impose differing sanctions, depending on the severity and/or pervasiveness of the offense. The University will consider the concerns and rights of both the complainant and the respondent in implementing sanctions.

In determining the appropriate sanctions for a violation of this policy, a number of factors will be considered including but not limited to the following: 1) level of risk and/or harm in the community; 2) severity of injury and/or harm; 3) use of alcohol or drugs by the respondent; 4) whether the incident was motivated by bias; 5) level of cooperation with the University and public officials; 6) prior conduct record; and 7) prior violations of the same or similar type.

Please note, the University considers dating violence, domestic violence, sexual assault, and stalking as extremely serious violations and subject to SUSPENSION and/or EXPULSION

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from the University.

Benchmark Sanctions for Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation):

Rape. The benchmark sanction for rape is expulsion.

Sexual Assault. The benchmark sanction for sexual assault is expulsion.

Sexual Imposition. The benchmark sanction for a student who is found responsible for sexual imposition is a one year suspension from classes and all activities, and removal from campus.

Sexual Harassment. The benchmark sanction for a student who is found responsible for sexual harassment is a one semester suspension from classes and all activities, and removal from campus.

Public Indecency. The benchmark sanction for a student who is found responsible for public indecency is a one semester suspension from classes and all activities, and removal from campus.

Voyeurism. The benchmark sanction for a student who is found responsible for voyeurism is a one semester suspension from classes and all activities, and removal from campus.

Stalking. The benchmark sanction for a student who is found responsible for stalking is a one semester suspension from classes and all activities, and removal from campus.

Other Sexual Misconduct. The benchmark sanction for a student who is found responsible for other sexual misconduct is a one semester suspension from classes and all activities, and removal from campus.

Non-Compliance with University Sanctions

If a student fails to complete a sanction(s) then non-compliance fines or additional sanctions may be imposed.

RETALIATION

No member of the University community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a Title IX complaint, serves as a witness, or assists or participate in a Title IX proceeding in any manner. Participants who experience retaliation should report the incident to the Title IX Coordinator.

APPEAL

Decisions related to gender or sex-based discrimination or misconduct violations may be appealed to the Vice President of Academic and Student Affairs or his/her designee. To exercise the right of appeal, complainants or respondents must petition the above individual within ten (10) business days after receiving the written notification of the sanctions imposed. Findings of other civil rights violations are not appealable.

Any party who files an appeal must do so in writing to the Vice President of Academic and Student Affairs who will determine if an appeal is available, if the appeal meets the limited

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grounds for appeal and is timely. The Vice President of Academic and Student Affairs shall provide the Title IX Coordinator with a copy of the appeal and the Title IX coordinator will share a copy of all appeals with the non-appealing party. The original finding and sanction will stand if the appeal is not timely or eligible, and the decision shall be final. In the event that a respondent accepts the findings of the investigation, those findings cannot be appealed.

An appeal from the complainant or respondent is only available in the following circumstances:

1. sanctions of suspension, expulsion or termination; or
2. finding(s) of no violation.

All sanctions imposed by the Director of Students Services or of Human Resources will be in effect during the appeal. A request may be made for special consideration to suspend sanctions in exigent circumstances, but the presumptive stance of the University is that the sanctions will stand.

Graduation, study abroad, internships/externships, etc. do not in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status.

The only grounds for an appeal are:

1. a procedural error occurred that significantly impacted the outcome of the investigation, such as substantiated bias or a material deviation from established procedures; or
2. new information not presented during the investigation exists.
 - a. the Vice President of Academic and Student Affairs or his designee may consider new evidence, but only if that evidence was unavailable during the original investigation and if it could substantially impact the original finding or sanction;
 - b. a summary of this new evidence and its potential impact must be included in the appeal and timely submitted; and
 - c. if the Vice President of Academic and Student Affairs or his designee determines that new information should be considered, it will return the complaint to the investigator to reconsider the new information only in light of the new evidence.

The Vice President of Academic and Student Affairs or his designee will promptly render a written decision on the appeal to all parties. The decision to deny an appeal request is final.

FEDERAL STATISTICAL REPORTING OBLIGATIONS

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly referred to as the "Clery Act"). All personally identifiable information is kept confidential, but statistical information must be passed along to Campus Safety regarding the type of incident and its general location (on or off-campus, but no addresses are given) for publication in the University's annual campus security report. This report helps to provide the community with a clear picture of the extent and nature of campus crimes, to ensure greater community safety. Employees who are required to report criminal misconduct include those in student affairs, campus safety offices, student affairs staff, human resources staff, advisors to students, faculty, adjunct faculty, and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident

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and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously. This information must be reported to the Director of Campus Safety or, if an alleged crime is sex or gender-based, to the Title IX Coordinator.

Victims of sexual misconduct should also be aware that the University must issue immediate, timely warnings of incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

AMENDMENTS OR TERMINATION OF THIS POLICY

Martin University reserves the right to modify, amend, or terminate this policy at any time. This policy is effective as of November 30, 2014. It supersedes all previous policies of the University, with respect to Title IX, VAWA and other discrimination matters.

APPENDIX A
Examples and Additional Information

Examples of Harassment:

1. An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend.
2. A student grabbed another student by the hair, then grabbed her breast and kissed her.
3. A professor sent explicit sexual pictures to a student's e-mail or attached them to text messages.
4. A professor insists that a student have sex with him in exchange for a good grade.
5. A staff member shared recordings or other sexually harassing electronic communications without consent of the person recorded.
6. A member of a sports team inappropriately touches, without consent, another team member while training in an athletic facility off campus.
7. An employee who provided a statement for a Title IX investigation against his/her supervisor gets unreasonable reviews of his/her work by the supervisor because of his/her participation in the investigation.
8. A group of students create a list "rating" several students' bodies and sex appeal and talk about it and/or send it to other students for their opinion.
9. A supervisor tells a staff member applying for a promotion that the job would be his if he just "treated her right."
10. One student experiences repeated advances from a professor asking her for dates or "just to go out for drinks after class." The student says she isn't interested, but the Professor won't take "no" for an answer.
11. Harassment can also be the result of stalking, if a person threatens another and in connection with this threat follows the person or a member of his/her family, or if a person threatens another and then repeatedly attempts to communicate with that person or a member of the person's family in connection with the threat.

Examples of non-consensual contact:

1. A student is walking on a campus sidewalk and a staff member pats or pinches her buttocks as s/he runs by him.

Examples of non-consensual sexual intercourse:

1. A male student slipped a date rape drug into a female student's drink during a party at an off-campus house, and had sex with her.
2. A female student reports that her ex-boyfriend had sex with her in her campus residence hall room while she was unconscious after a night of drinking alcohol.
3. A male student is jogging early in the morning and a couple of male students grab him and raped him.

Examples of sexual exploitation:

1. A staff member engages in lewd exposure of the body done with the intent to arouse or satisfy the sexual desire of any person.
2. A faculty member engages in secretive observation of a staff member, student or other faculty member for personal sexual pleasure, or engages in non-consensual video or audio taping of sexual acts.
3. A student let her friend hide in the closet to watch her and her boyfriend having consensual sex.

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Examples of domestic violence:

1. A staff member's ex-husband waits for him/her outside in the parking lot and when s/he comes out from work he follows her to her car, shakes her and pushes her away from the car.
2. A co-worker tells you that her husband is a "control freak," doesn't want her to have friends or meet with her family. Lately, you have noticed scratches and bruises in her arms.

Examples of Dating Violence are:

1. A student grabs her partner by the arms and shoves her against a wall.
2. Another student slaps her partner and burns his hand with a cigarette during a discussion in the University parking lot.

Dating violence happens to people of all races, cultures, incomes, and education levels. It can happen on a first date, or when you are deeply in love. It can happen whether you are young or old, and in heterosexual or same-sex relationships. Dating violence is always wrong, and you can get help.

Domestic violence and dating violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. This type of violence can occur among heterosexual or same-sex couples and does not require sexual intimacy.

Stalking is committed if an individual:

1. continues to text another student multiple times every day, makes frequent posts about him/her on social media, and waits outside of his/her classroom in order to follow him/her from place to place on-campus;
2. shows up at your home or place of work unannounced or uninvited;
3. uses social networking sites and technology to track you;
4. monitors your phone calls or computer use;
5. spreads rumors about you via the internet or word of mouth;
6. makes unwanted phone calls to you;
7. calls your employer or professor;
8. waits at places you hang out;
9. damages your home, car or other property;
10. follows a person in or about a public place;
11. initiates communication with a person, anonymously or otherwise by telephone, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or that is obscene; or
12. makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation.

Consent means:

1. In the absence of mutually understandable words or actions (a meeting of the minds on what is to be done, where, with whom, and in what way), it is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity to make sure that he or she has consent from their partner(s).
2. Consent to some sexual contact such as kissing cannot be presumed to be consent for other sexual activity such as intercourse.
3. The initiator must obtain consent at every stage of sexual interaction. Use of alcohol or other drugs will never function as a defense for any behavior that violates this

policy.

4. Consent can be withdrawn at any point of the sexual activity as long as the withdrawal is communicated clearly.
5. Previous relationships or prior consent cannot imply consent to future sexual acts.
6. Silence, previous sexual relationships, and/or the existence of a current relationship with the respondent do not imply consent.
7. A respondent's intentional use of alcohol/drugs does not excuse a violation of policy.
8. Consent will be determined using both objective and subjective standards. The objective standard is met when a reasonable person would consider the words or actions of the parties to have manifested an agreement between them to do the same thing, in the same way, at the same time, with one another. The subjective standard is met when a party believes in good faith that the words or actions of the parties manifested an agreement between them to do the same thing, in the same way, at the same time, with one another.
9. Consent that is obtained through the use of fraud or force (actual or implied) is ineffective consent, including consent obtained through physical force, threats, intimidation, or coercion.

Additional Information Related to Consent:

1. Physical force is the use of physical violence or imposing on someone physically to gain sexual access. This physical force can be accompanied by hitting, kicking, restraining or otherwise exerting their physical control over another person through violence. A person who is the object of sexual aggression is not required to physically or otherwise resist a sexual aggressor.⁸
2. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual contact they would not otherwise have given, absent the threat. For example, threats to kill another person, themselves, or to harm someone the other person cares for, constitute threats.
3. Intimidation occurs when someone uses their physical presence to menace another person, although no physical contact occurs, or where the Knowledge of the victim of prior violent behavior by an assailant, coupled with menacing behavior, places the victim in fear as an implied threat.
4. Coercion is unreasonable pressure for sexual activity. Coercion exists when a sexual initiator engages in sexually pressuring and/or oppressive behavior that violates norms of respect in the community, such that the application of such pressure or oppression causes the object of the behavior to engage in unwanted sexual behavior. Coercion may be differentiated from seduction by the repetition of the coercive activity beyond what is reasonable, the degree of pressure applied, environmental factors such as isolation, and the initiator's knowledge. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
5. Incapacitation due to alcohol, drugs, etc. Incapacitation is a state where a person lacks the ability to make rational reasonable decisions including an inability to understand the who, what, when, where, why or how of sexual activity, or an inability to fully understand the details of sexual interaction. Incapacity can result from alcohol or drug consumption, illness, unconsciousness, blackout, sleep, mental disability, and

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other circumstances or from taking rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy.

6. Sexual activity with someone who one should know to be - or based on the circumstances should reasonably have known to be - mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.

APPENDIX B ***Programming***

This list of resources is available to victims for assistance with domestic violence and sexual assault. All programs will provide services either on-site or via referral to victims of domestic violence, victims of rape, and batterers. Most services offered by all residential and most non-residential programs are free of charge. Each program can be contacted to find out what services it provides and/or its fee scale. Martin University does not endorse any specific program. Other resources listed below may be available through your healthcare or insurance provider.

Residential Assistance Programs have the capacity to safely house and feed domestic violence victims and their children as well as to provide crisis intervention; service needs assessment and provision, information and referral, advocacy, 24-hours, 365 days a year, and arrange for or provide transportation to shelter within designated service area. Residential services to victims and their children are free of charge.

Non Residential Assistance Programs provide 24 - hour crisis intervention, information and referral services, support and advocacy, face-to-face services in the client's community, a minimum of 40 hours per week, and arrange for transportation to safe place and/or other services as necessary.

Transitional Assistance Programs provide longer term affordable housing and support services. Please contact programs for information about fees and specific programs.

Batterers' Intervention Programs (BIP) work with individuals who batter. BIP is a community program that makes victim safety its first priority, establishes accountability for batterers and promotes a coordinated community response.

***Domestic Violence and Sexual Assault
Resource List
Marion County and Surrounding Areas***

Beacon of Hope Center for Women

1221 Indy Way
PO Box 34318
Indianapolis, IN 46234
Counties served: Marion and surrounding
Crisis: (317) 731-6140
Admin: (317) 731-6131
Fax: (317).731-6132
Website: www.beaconofhopeindy.org
Programming: Non residential

Coburn Place Safe Haven II, Inc.

604 E. 38th Street ·
Indianapolis, IN 46205
Counties served: Marion and surrounding
Phone: (317) 923-5750
Fax: (317) 921-1946
Website: www.coburnplace.org
Programming: Transitional

Domestic Violence Network

9539 Valparaiso Court ·
Indianapolis, IN 46268
Counties served: Marion and surrounding
Phone: (317) 872-1086
Fax: (317) 872-1164
Website: www.dvnconnect.org
Programming: Non Residential

Families First (Breaking Free)

615 N. Alabama Street
Suite 320 ·
Indianapolis, IN 46204
Counties served: Marion and surrounding
Crisis: (888) 254-8988
Admin: (317) 634-6341
Fax: (317) 484-9575
Boone Co. Office: (765) 482-6396
Hancock Co. Office: (317) 462-3733
Hendricks Co. Office: (317) 838-5966
Website: www.familiesfirstindiana.org
Programming: Residential · Outreach · Counseling

Indiana Coalition Against Domestic Violence (ICADV)

1915 W. 18th St., Suite B ·
Indianapolis, IN 46202

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Counties served: All
Statewide Hotline: 1-800-332-7385
Admin: (317) 917-3685 or (800) 538-3393
Fax: (317) 917-3695
Website: www.icadvinc.org

Julian Center, The

2011 N. Meridian Street ·
Indianapolis, IN 46202
Counties served: Marion and surrounding
Crisis: (317) 920-9320
Shelter: (317) 920-9320
Admin: (317) 941-2200
Fax: (317) 941-2209
Website: www.juliancenter.org
Programming: Residential · Transitional · Outreach · Counseling · Support Services

Legacy House

2505 N. Arlington Street ·
Indianapolis, IN 46218
Counties Served: Marion and surrounding
Phone: (317) 554-5273
Fax: (317) 554-5286
Website: www.legacy-house.org
Programming: Non Residential · Counseling

Prevail, Inc. of Hamilton County

1100 S. 9th Street
Suite 100
Noblesville, IN 46060
Counties served: Hamilton and surrounding
Crisis: (317) 776-3472
Admin: (317) 773-6942
Fax: (317) 776-3448
Website: www.prevailinc.com
Programming: Non Residential

Quest for Excellence (Waldron WINGS)

2051 N. College Avenue ·
Indianapolis, IN 46202
County served: Marion
Admin: (317) 283-5730
Fax: (317) 283-5732
Website: www.q4e.org
Programming: Residential · Outreach · Emergency Shelter and Services

Salvation Army, The

540 N. Alabama Street
Indianapolis, IN 46204
Counties served: Marion and surrounding
Crisis: (317) 637-5551

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Fax: (317) 687-3711

Website: www.indysocialservices.org

Programming: Residential · Outreach · Emergency Shelter and Services

Sheltering Wings

P.O. Box 92 ·

Danville, IN 46122

Counties served: Hendricks and surrounding

Phone: (317) 745-1496

Fax: (317) 745-1497

Website: www.shelteringwings.org

Programming: Residential · Outreach

Turning Point, (Columbus Regional Shelter)

P.O. Box 103 ·

Columbus, IN 47202

Counties served: Bartholomew, Brown, Decatur, Jackson, Jefferson, Jennings, Johnson, Shelby

Crisis: (800) 221-6311

Shelter: (812) 379-5575 ext. 110

Admin: (812) 379-5575

Fax: (812) 379-5576

Website: www.turningpointdv.org

Programming: Residential · Outreach

Bartholomew Co: (812) 379-1629 or (812) 379-5575 ext. 217 Bartholomew Co. Latina Outreach:
(812)379-5575 Brown Co. Outreach: (812) 988-2239 ext. 12464

Jackson Co. Outreach: (812) 523-3472

Jackson Co. Latina Outreach: (812) 523-3472

Jefferson Co. Outreach: (812) 265-3910

Johnson Co. Outreach: (317) 736-8666

Shelby Co. Outreach: (317) 398-5682

Legal Outreach: (812) 379-5575 ext. 210

Batterers Intervention Programs

Central Integrity

9292 N. Meridian Street
Suite 311
Indianapolis, IN 46260
Counties served: Marion, Hamilton
Phone: (317) 522-1676
Fax: (317) 522-1676
Website: www.centralintegrity.com
Programming: BIP

Fall Creek Counseling

3500 Lafayette Road
Indianapolis, IN 46222
County served: Marion
Phone: (317)291-6360
Fax: (317) 291-6565
Website: www.fallcreekcounseling.com
Programming: BIP

Families First (Breaking Free)

615 N. Alabama Street
Suite 320 ·
Indianapolis, IN 46204
Counties served: Marion and surrounding
Crisis: (888) 254-8988
Admin: (317) 634-6341
Fax: (317) 484-9575
Boone Co. Office: (765) 482-6396
Hancock Co. Office: (317) 462-3733
Hendricks Co. Office: (317) 838-5966
Website: www.familiesfirstindiana.org
Programming: Residential ·Outreach and BIP

Life Recovery Center

8150 Madison Avenue
Indianapolis, IN 46227
County served: Marion
Phone: (317) 887-3290 or (855) 435-7572
Fax: (317) 887-6894
Website: www.liferecoverycenterindiana.com
Programming: BIP

Nonviolent Alternatives

360 S. Madison Ave. #201·
Greenwood, IN 46142
Counties served: Johnson, Shelby, Marion
Phone: (317) 859-9555 or (877) 545-7698
Website: www.nonviolentalternatives.com

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Programming: BIP

Sowers of Seeds Counseling

601 Meridian Street

Anderson, IN 46016

Counties served: Madison, Henry

Phone: (765) 649-3453

Website: www.sowersofseedscounseling.org

Programming: BIP

Law Enforcement and Legal Assistance

Indianapolis Metropolitan Police Department Victim Assistance

50 N. Alabama Street

Suite E 324

Indianapolis, IN 46204

Phone: (317) 327-3331

Website: www.indy.gov

Protective Order Court

200 E. Washington Street, Room G108

City County Building

Indianapolis, IN 46204

Phone: (317) 327-8577

Website: www.indy.gov