

COMPLAINT PROCEDURES FOR RESOLVING VIOLATIONS OF THE UNIVERSITY'S EQUAL OPPORTUNITY AND NON-DISCRIMINATION AND SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE POLICY

I. Introduction

The University of Southern Indiana ("University" or "USI") has adopted these Complaint Procedures to provide a prompt, fair and impartial process for reporting, investigating, and resolving complaints that specifically involve alleged violations of the University's Equal Opportunity and Non-Discrimination Policy and the University's Sexual Misconduct and Relationship Violence Policy.

Individuals who believe they may require reasonable accommodations to fully participate under these Complainant Procedures are invited to contact the following:

Disability Resources
Science Center
812-464-1961

Human Resources
Forum Wing, Administration Building 166
812-464-1815

II. Definitions

The following definitions are applicable to these Complaint Procedures. For additional relevant definitions, please see the University's Equal Opportunity and Non-Discrimination Policy and the University's Sexual Misconduct and Relationship Violence Policy.

- **Advisor:** A single individual of a party's choice who provides the party with support, guidance or advice. An advisor's sole role is to provide support. The advisor may not speak on behalf of either party at any interviews, meetings or proceedings associated with these Complaint Procedures. However, the advisor may offer advice and other information and guidance directly to a party by requesting a break to speak with their advisee privately. Failure to comply with these rules may result in the removal of the advisor from the process. It is the responsibility of the party to make sure their advisor is present. Advisor availability shall not be sufficient grounds for unreasonably delaying the process under these Complaint Procedures. *Those individuals who qualify for an ADA accommodation may be entitled to more than one advisor.
- **Business Days:** The days Monday through Friday that the University's administrative offices are open for business.
- **Complainants:** Individuals alleging that they have experienced a violation(s) of the University's Equal Opportunity and Non-Discrimination Policy and/or the University's Sexual Misconduct and Relationship Violence Policy.
- **Complaint:** A written description of facts provided by a Complainant that alleges a violation of the University's Equal Opportunity and Non-Discrimination Policy and/or the University's Sexual Misconduct and Relationship Violence Policy.
- **Evaluative Panel:** A panel consisting of three trained faculty, staff and/or administrative officials, who are assigned by the Affirmative Action Officer, Title IX Coordinator or designee to review relevant information and render a finding(s).

- **Investigation:** A fact-finding inquiry requested by the Affirmative Action Officer, Title IX Coordinator or designee, and undertaken by a trained investigator(s), for the purpose of assisting the University with its determination of whether a violation(s) of University policy has occurred.
- **Investigator(s):** An individual or team of individuals, who, at a minimum, receive annual training on issues related to unlawful discrimination, including dating violence, domestic violence, sexual assault and stalking; as well as how to conduct an investigation that protects the safety of the parties, promotes accountability and ensures fair process.
- **Party:** Refers to the Complainant or the Respondent (together they are referred to as the “parties”).
- **Preponderance of the Evidence Standard:** The standard of proof used to determine whether the University’s Equal Opportunity and Non-Discrimination Policy and/or the University’s Sexual Misconduct and Relationship Violence Policy has been violated.
- **Report:** An allegation of a policy violation received by the Affirmative Action Officer, Title IX Coordinator or designee. Reports may come from Responsible Employees, anonymous sources or any individual who wishes to report a possible violation of the University’s Equal Opportunity and Non-Discrimination Policy and/or the University’s Sexual Misconduct and Relationship Violence Policy.
- **Respondents:** Individuals alleged to have violated the University’s Equal Opportunity and Non-Discrimination Policy and/or the University’s Sexual Misconduct and Relationship Violence Policy.
- **Responsible Employees:** All faculty, all administrators, and certain designated support staff and student workers as identified in Appendix A of the University’s Sexual Misconduct and Relationship Violence Policy. Responsible Employees who witness or otherwise know or should have known of any incidents of alleged violations of the Sexual Misconduct and Relationship Violence Policy occurring in the University community must report the details of the alleged violations to the Title IX Coordinator.
- **Responsible Finding:** A determination, based upon a preponderance of the evidence, that it is more likely than not that a policy violation has occurred.
- **Not Responsible Finding:** A determination, based upon a preponderance of the evidence, that it is more likely than not that a policy violation did not occur.
- **University Official:** Any person who has the authority and duty to take action and respond to particular issues on behalf of the University.
- **Witnesses:** Persons who may have relevant exculpatory and/or inculpatory information regarding the alleged policy violations.

III. Reporting an Alleged Policy Violation

A. Confidential Reporting

Individuals who believe that they have experienced behaviors that violate the University’s Equal Opportunity and Non-Discrimination Policy and/or the University’s Sexual Misconduct and Relationship Violence Policy

may report confidentially to a University employee acting in an official capacity as a professional mental-health counselor (and those acting in that role under the supervision of a professional mental health counselor), a University Health Center employee or a pastoral counselor. Subject to certain limited exceptions under applicable law designed to protect a student or others from harm, these individuals are statutorily required not to report the information to University officers.

B. Reporting to the University (Non-Confidential)

Individuals who believe that they have experienced behaviors that violate the University's Equal Opportunity and Non-Discrimination Policy and/or the University's Sexual Misconduct and Relationship Violence Policy are encouraged to promptly report the behavior to the Affirmative Action Officer, Title IX Coordinator, Deputy Title IX Coordinator, designee; or to Public Safety. Reports of discrimination on the basis of sex may also be made to a University "Responsible Employee" as defined in Appendix A of the University's Sexual Misconduct and Relationship Violence Policy. Additionally, in the interest of maintaining a safe and inclusive environment for all members of the University community, the University **encourages** all faculty, administrators, support staff and students to promptly report known or suspected violations of the University's Equal Opportunity and Non-Discrimination Policy and/or the University's Sexual Misconduct and Relationship Violence Policy to the Affirmative Action Officer, Title IX Coordinator, Deputy Title IX Coordinator, designee; or to Public Safety.

- **Affirmative Action Officer and Title IX Coordinator**
Carrie Lynn
Civil Rights & Title IX Coordinator
Wright Administration Building Forum Wing, Room FA171
812-464-1703
cnlynn@usi.edu
- **Deputy Title IX Coordinator**
Laurie Berry
Assistant Dean of Students
University Center East, Room 1229
812-464-1862
lberry@usi.edu
- **Deputy Title IX Coordinator**
Dr. Shelly Blunt
Associate Provost for Academic Affairs
Wright Administration Building, Room 103A
812-465-1617

sblunt@usi.edu
- **Public Safety**
From your cell phone or outside line: 812-492-7777
From campus phones: ext. 7777
(Available for Emergency or After Hours Reporting)
- **Human Resources**
Wright Administration Building, Room 166
812-464-1815

Under no circumstances is an individual required to report alleged violations of the University's Equal Opportunity and Non-Discrimination Policy and/or the University's Sexual Misconduct and Relationship Violence Policy to the person who is engaging in the alleged behavior.

C. Reporting to Law Enforcement

Individuals are also encouraged to report criminal misconduct to law enforcement. Please note that reporting options are not mutually exclusive; both internal (University) and external (Law Enforcement) reporting options may be pursued concurrently. The local law enforcement office with jurisdiction over the University's geographic location is the Vanderburgh County Sheriff's Office. Allegations of criminal misconduct occurring within the Evansville city limits can be reported to the Evansville Police Department. In addition, the Indiana State Police (ISP) has state-wide jurisdiction.

- **Vanderburgh County Sheriff's Office Operation Center**
5607 Highway 41 North
Evansville, IN 47711
Non-emergency telephone: 812-421-6201
Emergency telephone: 911
- **Evansville Police Department**
15 Northwest Martin Luther King Jr. Boulevard
Evansville, IN 47708
Non-emergency telephone: 812- 436-7896
Emergency telephone: 911
- **Indiana State Police (ISP) District 35 Police Post**
19411 Highway 41 North
Evansville, IN 47725
Telephone: 812-867-2079 or 800-852-3970.

While not required, the University strongly encourages anyone who becomes aware of behavior that may constitute a crime to report the incident to local law enforcement. The University can provide support, resources and assistance to those who do so. Regarding the involvement of law enforcement in matters involving sexual assault, dating or domestic violence, and stalking, the Complainant has several options, including: (1) to notify law enforcement authorities; (2) to be assisted by campus authorities in notifying law enforcement authorities if the Complainant chooses; or (3) to decline to notify such authorities. The University will comply with the Complainant's request for assistance in notifying law enforcement in these matters to the extent permitted by law. The Complainant's choice to report to law enforcement will not impact the implementation of accommodations and/or protective measures if applicable.

Regardless of whether a Complainant chooses to notify law enforcement, it is important for a Complainant who has experienced sexual violence to seek medical attention and to preserve evidence by obtaining a forensic medical exam. Preserving evidence may assist in proving that an alleged criminal offense occurred or may be helpful in obtaining a protective order. The University will provide written information on where to obtain forensic examinations. Obtaining a forensic examination does not require the Complainant to file a police report, but a forensic examination can help preserve evidence in cases where the Complainant decides to file a police report at a later date.

In certain instances, the University may need to report potential criminal misconduct to law enforcement authorities even when the Complainant has decided not to do so. Such circumstances include those in which there is clear and imminent danger or risk to the Complainant and/or the University community, in which a weapon was involved with the incident, child abuse, or in which the allegations involve sexual misconduct and the Complainant is under the age of consent. The necessity to report an incident to law enforcement will be shared with the Complainant.

The University's Complaint Procedures and the legal system work independently from one another, and the University will proceed with its process as applicable, regardless of action or inaction taken by outside authorities. If a law enforcement investigation is initiated, the University may pause an investigation briefly at the request of law enforcement to facilitate their initial evidence gathering. Decisions made or sanctions imposed through these Complaint Procedures are not subject to change if criminal or civil charges arising from the same misconduct are dismissed, reduced, or rejected in favor of or against the Respondent.

D. Reporting to Government Enforcement Agencies

In addition to the University's internal processes and resources, government agencies may also be available to provide resources or to investigate allegations of discrimination. It is important to remember that these agencies may require complaints to be filed within certain time frames. Depending on the nature of the complaint, one or more of these agencies may be available to the Complainant. These agencies may be contacted as noted below.

For students:

- **Chicago Office for Civil Rights**
 U.S. Department of Education
 Citigroup Center
 500 West Madison Street, Suite 1475
 Chicago, IL 60661-4544
 Telephone: 312-730-1560
 Fax: 312-730-1576
 TTY: 800-877-8339

For faculty, staff, and student workers in matters related to employment discrimination:

- **Indianapolis District Office**
 U.S. Equal Employment Opportunity Commission
 101 West Ohio Street, Suite 1900
 Indianapolis, IN 46204
 Telephone: 800-669-4000
 Fax: 317-226-7953
 TTY: 800-669-6820

For all members of the University community:

- **Indiana Civil Rights Commission**
 Indiana Government Center North
 100 North Senate Avenue, Room N103 Indianapolis, IN
 46204-2211
 Telephone: 800-628-2909
 Fax: 317-232-6580
- **Human Relations Commission**
 209 Civic Center Complex
 1 N.W. Martin Luther King Jr. Boulevard Evansville,
 IN 47708
 Telephone: 812-436-4927
 Fax: 812-436-4929
 TTY: 812-436-4928

E. Filing a False Complaint

It is a violation to file a knowingly false or malicious complaint of an alleged violation of the University's Equal Opportunity and Non-Discrimination Policy and/or the University's Sexual Misconduct and Relationship Violence Policy. Therefore, if the University's investigation reveals that the complaint is malicious or knowingly false, the complaint will be dismissed and the person who filed the complaint may be subject to discipline. Any complaint filed in good faith will not subject the person to discipline.

F. Protective Measures

The University will maintain as confidential any accommodations or protective measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. Protective measures may include but are not limited to: orders of protection (including no-contact orders); restraining orders (or similar lawful orders issued by a criminal, civil or tribal court, or by the institution); transportation assistance; modifications to academic requirements or class schedules; and changes in living or working situations.

G. Filing a Complaint

An initial report may be written or verbal. In order for a report to become a Complaint to facilitate an investigation under these Complaint Procedures, the Complainant must submit a written Complaint to the Affirmative Action Officer, Title IX Coordinator or designee, and the following information must be included in the written Complaint:

- Name, status or job title (e.g., student, instructor, administrative assistant) and contact information of the Complainant;
- Name, status or job title (e.g., student, instructor, administrative assistant) and the contact information of the Respondent(s) if known; and
- A description of the behavior alleged to have violated the University's Equal Opportunity and Non-Discrimination Policy and/or the University's Sexual Misconduct and Relationship Violence Policy (including known or approximate date(s) and time(s), location(s), and names and contact information of any known witnesses).

It is important, however, that Complainants provide the information available to them and that they do not attempt to conduct an investigation into the matter.

H. Confidentiality of Reports

If a written Complaint is filed, the Respondent is entitled to a copy of the written Complaint. The University will, however, make all reasonable efforts to protect the confidentiality of the Complainant, Respondent and witnesses by keeping all complaints and investigations private to the extent possible and will only disclose on a legitimate "need to know" basis. It is the expectation of the University that any persons who participate in the investigation and/or adjudication of violations under these Complaint Procedures or otherwise gain knowledge thereof shall treat all information acquired, whether written or oral, as confidential, provided however, that the Complainant and Respondent may share such information with their advisor, legal representative or any other person who may assist them in obtaining relevant information or otherwise defending their interests, as applicable.

The University has a legal obligation to review all reports and, in some cases may be required or determine it is necessary to initiate an investigation with or without the Complainant's consent or participation. In those instances, the Complainant will be notified by the Affirmative Action Officer, Title IX Coordinator or designee of the University's chosen course of action.

The University will continue to complete publicly available recordkeeping in accordance with relevant laws, including the Clery Act reporting and disclosures, without the inclusion of personally identifying information about the Complainant. The University may maintain, as confidential, any accommodations or interim measures provided to the Complainant or Respondent, as permitted by law and to the extent that maintaining such confidentiality does not impair the ability of the University to provide accommodations and/or interim measures.

I. Rights of the Parties

The University will make reasonable efforts to ensure that the parties to the Complaint are treated with respect, dignity, and sensitivity throughout the process, including as applicable:

- 1) Referrals to appropriate University and community resources and supports such as the University Counseling Center and the Deaconess Concern Employee Assistance Program (EAP);
- 2) All reasonable efforts to comply with applicable laws and regulations regarding privacy;
- 3) All reasonable efforts to provide reasonable accommodations when requested and in accordance with University policy.
- 4) Informing parties of relevant University policies and Complaint Procedures.
- 5) Providing parties with the opportunity to challenge the appointment of an investigator, evaluative panelist or appeal officer, if a conflict of interest is present.
- 6) The parties' right to respond to the investigatory report in writing prior to the Evaluative Panel making a decision.
- 7) Notifying the parties of the finding(s), including the outcome of any appeal or review. In cases involving alleged violations of the University's Sexual Misconduct and Relationship Violence Policy, the parties will receive simultaneously, to the extent that is possible, such notices in writing.
- 8) Allowing both parties the same opportunity to have others present during any proceeding, including the opportunity to be accompanied by one Advisor of their choice to any interviews or other meetings or proceedings associated with these Complaint Procedures and in accordance with the requirements for Advisors set forth herein. *ADA accommodations may allow for the presence of more than one advisor.
- 9) Providing the parties an equal opportunity to present relevant witnesses and evidence.
- 10) Understanding that information collected through an investigation and/or proceeding may be subpoenaed in a criminal and/or civil proceeding.
- 11) Allowing a party to admit to or accept allegations at any time during the investigation.
- 12) University employees with contracts may have additional rights beyond the scope of these Complaint Procedures.

The University reserves the right to modify the application of these Complaint Procedures to provide for what, in its discretionary judgment, is equitable treatment of the Complainant and Respondent.

J. Time Frames

The University strives to resolve all reports under these Complaint Procedures promptly. Extenuating circumstances may arise that affect time frames, which may include but are not limited to such factors as the complexity and scope of the allegations, delays caused by an unsuccessful attempt to achieve an informal resolution, the number of witnesses involved, the availability of the parties or witnesses, the effect of any concurrent criminal or official government investigation, intervening University breaks or holidays, or other unforeseen circumstances. In cases involving violations of the Sexual Misconduct and Relationship Violence Policy, the University will, to the extent possible, make its best efforts to resolve the matter in 90 calendar days; however, extenuating circumstances may impact this time frame.

K. Interim Measures

The Affirmative Action Officer, Title IX Coordinator or designee may recommend in response to an alleged violation that the University impose reasonable and appropriate interim measures deemed necessary to protect the safety and well-being of the Complainant and/or the Respondent, as well as the safety and well-being of the University and University community. Interim measures may be imposed at the discretion of the University regardless of whether formal action is sought by the Complainant. Potential interim measures that may be applied to the Complainant and/or the Respondent include, but are not limited to: assistance in accessing counseling services; issuance of mutual "no-contact" letters; rescheduling of exams and assignments; academic assistance such as providing alternative course completion options, transferring to a different class section, or withdrawing from a course or courses without penalty; appropriate changes in work or class schedules; housing assistance, such as changes to on-campus housing location or terms, or assistance with dissolving a housing contract in accordance with housing policies; restricting an individual's or organization's access to certain University facilities or activities pending resolution of the matter; facilitating a voluntary leave of absence; and implementing either a paid or unpaid mandatory interim suspension/leave of absence.

If it is determined that an individual's continued presence on campus may constitute an immediate threat of harm to the individual, to other individuals and/or to University property, then Public Safety, the Dean of

Students, the Office of Human Resources, or their designee may temporarily implement a mandatory interim suspension/leave of absence pending resolution of the matter under these Complainant Procedures. The Individual will be given the opportunity to show why the mandatory interim suspension/leave of absence should not be implemented, including the opportunity to challenge the evidence that the University is relying upon in imposing the mandatory interim suspension/leave of absence. In determining the appropriateness of the mandatory interim suspension/leave of absence, the rights of the individual and the risk of threat to the University community will be taken into consideration.

L. Intake and Preliminary Assessment

Upon receipt of a written Complaint, the Affirmative Action Officer, Title IX Coordinator or designee will conduct a preliminary assessment of the Complaint, taking into consideration the nature of the alleged violation(s); the Complainant's expressed preferences, if any, as to course of action; and the necessity for any interim measures.

The Affirmative Action Officer, Title IX Coordinator or designee will meet with the Complainant as soon as possible upon receipt of the written Complaint to review the Complaint and to provide the Complainant with an overview of these Complaint Procedures.

As part of this preliminary meeting, the Affirmative Action Officer, Title IX Coordinator or designee will provide written explanation about rights and options, as well as existing counseling, advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available both within the University and in the community. The Affirmative Action Officer, Title IX Coordinator or designee will also discuss possible interventions and interim measures.

The Affirmative Action Officer, Title IX Coordinator or designee will meet with the Respondent as soon as possible after the preliminary meeting with the Complainant. The purpose of this meeting will be to inform the Respondent of the Complaint; to share a copy of the written Complaint as well as written notice of the specific section of the code of conduct allegedly violated, the parties involved and the date and location of the alleged incident(s), if applicable. The Respondent will receive this information in advance of any interview with sufficient time to prepare for meaningful participation. During this preliminary meeting, the Affirmative Action Officer, Title IX Coordinator or designee will also provide the Respondent with an overview of these Complaint Procedures, and will provide written explanation about rights and options, as well as about existing counseling, legal assistance, visa and immigration assistance, student financial aid and other services available, both within the University and in the community. The Affirmative Action Officer, Title IX Coordinator or designee will also discuss possible interventions and interim measures.

After meeting with the Complainant and the Respondent, the Affirmative Action Officer, Title IX Coordinator or designee will determine which of the possible actions represent(s) the most appropriate response(s) to the Complaint. As deemed appropriate, this may also include a recommendation to the appropriate University official or administrator to implement interim measures.

1. At the request of either party and upon the consent of both parties, an attempt may be made to resolve the Complaint by informal facilitation, consultation, conflict resolution, or other informal efforts;
2. At the request of either party and upon the consent of both parties, the parties may pursue mediation as a way to resolve the Complaint; or
3. A formal investigation of the Complaint may be made pursuant to these Complaint Procedures.

M. Mediation

Mediation is intended to create an opportunity for individuals to resolve complaints quickly, efficiently, and to the mutual satisfaction of all parties involved in a safe, non-threatening, and non-confrontational environment.

Mediation is a voluntary process intended to allow the parties involved in an alleged violation of the University's Equal Opportunity and Non-Discrimination Policy and/or the University's Sexual Misconduct

and Relationship Violence Policy to discuss their respective understandings of the incident with each other through the assistance of a mediator. Mediation is designed to encourage each person to be honest and direct with the other and to accept personal responsibility where appropriate. Mediation is only pursued if the Complainant and the Respondent agree to participate. The Affirmative Action Officer, Title IX Coordinator or designee will make the determination as to whether it is appropriate to offer mediation to the parties of the Complaint. Mediation is not appropriate in all circumstances and will only be conducted at the discretion of the Affirmative Action Officer, Title IX Coordinator or designee and as permitted by applicable law.

Upon the consent of all parties to the Complaint, the Affirmative Action Officer, Title IX Coordinator or designee will schedule a session or series of sessions of mediation to be conducted by an appropriate University official or external professional who may be engaged by the University for this purpose. Any resolution developed through this informal mediation process must be mutually agreed upon by all parties to the Complaint, and any such resolution will be documented as deemed appropriate to the circumstances. All parties to the Complaint will be asked to provide signatures signifying their understanding of an agreement to abide by any such resolution.

Prior to the start of any mediation, the Affirmative Action Officer, Title IX Coordinator or designee will notify all parties to the Complaint of their right to bypass, or end, the mediation process at any time before a mutually agreeable resolution is reached, which shall result in the beginning of a formal investigation into the original Complaint. If a mutually agreeable resolution is reached, there can be no subsequent formal resolution of the Complainant.

N. Investigation

In cases where informal resolution methods or mediation are not attempted or successful, the Affirmative Action Officer, Title IX Coordinator or designee will appoint an Investigator(s) to conduct a fair, impartial, and prompt investigation of the Complaint.

The Investigator(s) will conduct the investigation based on the unique facts and circumstances of the specific complaint and on information that is discovered through the course of the investigation. This will include interviews with the Complainant(s), Respondent(s), and, as feasible and appropriate, any witnesses, and the collection of other pertinent evidentiary materials to the extent reasonable and appropriate. The parties will have timely and equal access to any information that will be considered by the Evaluative Panel in rendering a finding(s).

Upon completion of the investigation, the Investigator(s) will prepare a written investigative report summarizing the relevant exculpatory and inculpatory evidence. Once the written investigative report is complete, the Affirmative Action Officer, Title IX Coordinator or designee will notify the parties that the investigative report is ready for review. The parties will then have five business days within which to review the investigative report. Given the sensitive nature of such investigations, this review must occur in person and in the office of the Affirmative Action Officer, Title IX Coordinator or designee. Only in special circumstances and at the discretion of the Affirmative Action Officer, Title IX Coordinator or designee may an alternate location or method of reviewing the investigation with either party be arranged.

If and when the investigative report has been reviewed by the parties, each party has five additional business days to provide the Affirmative Action Officer, Title IX Coordinator or designee with a written response, as well as a list of questions to be asked of the parties and/or witnesses. The Affirmative Action Officer, Title IX Coordinator or designee will communicate with the Investigator(s) as necessary to coordinate any additional investigation that may be required after reviewing the list of questions. The Investigator(s) will determine the relevancy of the questions and whether follow-up with the parties and/or witnesses is necessary. Any new information obtained by the Investigator(s), if applicable, as well as any and all written responses submitted by the parties will be included as addenda to the final investigative report, which will be submitted to the Evaluative Panel.

It is the responsibility of either party to request an opportunity to view and respond to the investigative report within the time frames allotted. With the exception of extenuating circumstances, failure to respond

in the time described will result in a waiver of the opportunity to view and respond to the investigative report.

The Evaluative Panel will review the final investigative report, addendums, and written responses from the parties, as applicable, and use the preponderance of the evidence standard to determine whether a violation(s) of the University's Equal Opportunity and Non-Discrimination Policy and/or the University's Sexual Misconduct and Relationship Violence Policy has occurred. The Evaluative Panel reserves the right to speak to the Investigator, parties and/or witnesses, before making such a determination. In situations where the Affirmative Action Officer, Title IX Coordinator or designee is unavailable, or in cases involving potential conflict of interest with any Evaluative Panel member, the Affirmative Action Officer, Title IX Coordinator or designee may identify an alternative University official or a trained investigator, who was not involved in the investigation, to serve as an alternate member of the Evaluative Panel.

The parties will be notified of the Evaluative Panel's finding(s). In cases involving violations of the University's Sexual Misconduct and Relationship Violence Policy, the parties will simultaneously, to the extent practicable, receive written notice of the results, including findings, rationale and sanctions imposed if applicable.

O. Sanctions

Individuals who have been found to have violated the University's Equal Opportunity and Non-Discrimination Policy and/or the University's Sexual Misconduct and Relationship Violence Policy may be subject to a variety of sanctions. Sanctions imposed by the University may consider any prior disciplinary history of the Respondent.

Administrative sanctions may include a full range of disciplinary actions, from verbal warnings up to and including termination of employment for faculty, administrators, or support staff, or up to and including dismissal from the University for students. Other sanctions that may be imposed include, but are not limited to, written warnings, loss of privileges, mandatory training, probation, suspension, expulsion or termination. As determined appropriate, sanctions may also include other measures such as job or work shift reassignment, Employee Assistance Program (EAP) referrals, mandatory diversity training or training of a similar nature, or the time-limited or permanent extension of any interim measures previously implemented under these Complaint Procedures.

The Affirmative Action Officer, Title IX Coordinator or designee, will determine on a case-by-case basis whether to delay any sanctions during an active appeal or review process.

P. Restorative Measures

Complainants who are determined to have been subjected to a violation of the University's Equal Opportunity and Non-Discrimination Policy and/or the University's Sexual Misconduct and Relationship Violence Policy may have restorative measures taken on their behalf by the University. Any such restorative measures will be determined on a case-by-case basis through the coordinated efforts of the Affirmative Action Officer, Title IX Coordinator or designee working in conjunction with the appropriate University official, taking into account such factors as the severity of the violation, negative impacts and whether or not reasonable actions can be taken to mitigate effects. Restorative measures may include time-limited or permanent extensions of any interim measures previously implemented under these Complaint Procedures.

Q. Other Corrective Measures

In some cases, an investigation may uncover systematic issues within the larger operations of the University that warrant corrective measures in addition to or instead of individual sanctions or restorative measures. Examples of other corrective measures may include but not be limited to the creation of new policies, the revisions of existing policies, or the development of specialized training programs for University faculty, administrators, support staff, and/or students. Decisions about other corrective measures will be made on a case-by-case basis through the coordinated efforts of the Affirmative Action Officer, Title IX Coordinator or designee, working in conjunction with the appropriate University official.

R. Appeal and Review Procedures

Either party may appeal the finding(s) of the Evaluative Panel if: (1) a substantial procedural error occurred while adjudicating the Complaint under these Complaint Procedures; or (2) new substantially material evidence has come to light, which has the likelihood of changing the finding(s) and which was not reasonably available prior to the issuance of the final investigative report.

Requests for appeal must be submitted in writing to the Affirmative Action Officer, Title IX Coordinator or designee within five (5) business days following notification of the finding(s) and must include the grounds for appeal. Appeals are heard by the Vice President for Finance and Administration or designee (the "Appeal Officer") and will be strictly limited to the grounds as outlined above.

If the appeal is denied, the matter will be closed, and the findings will become final. If the appeal is granted, the Appeal Officer or designee may: (1) remand the case for a new investigation (the results of the new investigation, including the finding(s) and sanction(s), will be final and not subject to further appeal); or (2) if, due to the discovery of new substantially material evidence not reasonably available at the time of the initial investigation, return the matter to the investigator(s) for additional investigation in light of the new evidence.

The Appeal Officer or designee will provide a decision regarding the outcome of the Appeal to the Affirmative Action Officer, Title IX Coordinator or designee, who will notify the parties of the results in writing. The decision of the Appeal Officer or designee regarding the appeal will be final.

S. Point of Contact

It will be the responsibility of the Affirmative Action Officer, Title IX Coordinator or designee to act as the primary point of contact for all parties of a complaint throughout the process, including during any appeal. The Affirmative Action Officer, Title IX Coordinator or designee will also pursue reasonable efforts to ensure that the Complainant and the Respondent are kept apprised of the status of the investigation and any appeals or reviews throughout the process.

T. Retaliation

Any attempt by faculty, administrators, support staff, or students to penalize, intimidate, or to otherwise retaliate against an individual who is participating in these Complaint Procedures is prohibited and subjects the one who has retaliated to possible disciplinary action, up to and including termination or removal from the University. Any person who believes that someone has been subjected to retaliation should promptly contact the Affirmative Action Officer, Title IX Coordinator or designee.

U. Care and Support Resources

The University is committed to treating all members of the University community with dignity, care, and respect. Any individual who experiences or is affected by discrimination, harassment or sexual misconduct, whether as a Complainant or a Respondent, may benefit from access to care and support resources through the University and the local community.

The University encourages all individuals to seek the support of and use all available internal and external resources, regardless of when or where the incident occurred. The following is a non-exhaustive list of such resources that are available to the members of the University community.

Resources Specifically for USI Students

- USI Counseling Center
Orr Center 1051
Telephone: 812-464-1867
- USI Religious Life Residence Life Resource Center

Telephone: 812-464-1871

- USI Housing & Residence Life
Your Resident Assistant or Area Coordinator
Telephone: 812-468-2000
- USI Dean of Students Office
University Center East 1229
Telephone: 812-464-1862

Resources Specifically for Benefits-Eligible Faculty and Staff

- Deaconess Concern Employee Assistance Program
445 Cross Pointe Boulevard, Suite 330
Evansville, IN 47715
Telephone: 812-471-4611 or 800-874-7104

Resources for all Members of the University Community

- USI Health Center
Health Professions 0091
Telephone: 812-465-1250
- Albion Fellows Bacon Center
P.O. Box 3164 Evansville, IN
47731
Telephone for Domestic Violence 812-422-5622
Telephone for Sexual Assault 812-424-7273
Toll-free: 800-339-7752
- YWCA Evansville 118
Vine Street Evansville,
IN 47708
Telephone: 812-422-1191 or 866-367-9922
- Holly's House
750 North Park Drive Evansville, IN
47710
Telephone: 812-437-7233
- Lampion Center
655 South Hebron Ave Evansville,
IN 47714
Telephone: 812-471-1776
- Southwestern (Behavioral Health) 415
Mulberry Street
Evansville, IN 47713
Telephone: 812-423-7791
24 Hour Suicide Hotline: 812-422-1100