



DEPAUW UNIVERSITY

Student Handbook

Sexual Misconduct Policy and Process

Definition and Statement of Policy

I. Preamble

Sexual misconduct (defined below) is a violation of University policy and, depending upon the conduct involved, may violate state law. Such conduct is subject to sanction by the University and possibly criminal prosecution. The University does not tolerate any form of sexual misconduct, and will investigate promptly any report of sexual misconduct made to the Title IX Coordinator or the university police, DePauw Public Safety. DePauw defines sexual misconduct to include a broad spectrum of behaviors including but not limited to: dating and/or domestic violence; stalking; voyeurism; sexual battery; rape; sexual harassment or any other nonconsensual sexually-related conduct. The University also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve physical conduct. The University prohibits retaliation against any persons who, in good faith, reports or makes a complaint of sexual misconduct.

If a criminal complaint is made, it must proceed via the county, state or federal criminal justice system. DePauw Public Safety Officers are fully sworn law enforcement officials and may take reports and complete criminal investigations. Students interested in filing criminal charges may also seek assistance directly from other law enforcement agencies. DePauw Public Safety will assist the complainant with the involvement of local police. The filing of criminal charges does not preclude pursuing the administrative Sexual Misconduct process.

The purposes of this Policy are: 1) To provide a fair administrative process to investigate and address alleged sexual misconduct, resulting in prompt decisions reflecting the values of the DePauw community; 2) To establish and protect the rights of members of the DePauw community; 3) To promote the development of individual and group integrity; and 4) To enforce the non-academic rules and regulations of the University.

II. Key Policy Definitions

Advisor: an individual who provides the complainant or accused student or student organization support, guidance or advice.

Coercion: unreasonable pressure for sexual activity.

Consent: clear, knowing and voluntary agreement to sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

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Incapacitation

Responsible Employees

Title IX Coordinator: is the University employee who monitors the University's compliance with Title IX, including the investigation and resolution of complaints made under the Sexual Misconduct Policy.

Title IX Administrator:

III. Reporting, Confidentiality, and Preservation of Evidence

DePauw encourages survivors of sexual misconduct to talk with someone promptly about what happened so that they can get any support they need and so DePauw can respond appropriately. DePauw strongly encourages students and Responsible Employees to immediately report incidents of sexual misconduct to the Title IX Coordinator.

The University will promptly investigate all complaints of sexual misconduct received by the Title IX Coordinator and/or the Office of Public Safety. In cases where the victim requests confidentiality or does not want to make a formal complaint/report, the University will balance the request of confidentiality with its obligation to provide a safe and nondiscriminatory environment for all members of the DePauw community. The Title IX Coordinator will evaluate the risk to public or individual safety and oversee the University's interim measures and timely warnings to address those issues, and reserves the right to proceed with the University process with or without the participation of the victim.

Students making a complaint (whether a complainant or a witness) will not be charged under the University's Community Standards process for a violation of the University's alcohol or drug policy, if alcohol or drugs were consumed at the time of the alleged misconduct, so this need not be a barrier to reporting.

Different University employees have different abilities to maintain a victim's request for confidentiality. The victim may report the incident confidentially to someone who is not required to report to the Title IX Coordinator (Confidential Reporting), or may choose to report the incident to someone who is required to report to the Title IX Coordinator (Non-Confidential Reporting). An employee who is required to report to the Title IX Coordinator may request that the Title IX Coordinator keep the report confidential. The Title IX Coordinator will then determine whether the confidentiality request can be honored. Any report of alleged sexual misconduct shall be included in crime statistics in accordance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act). These statistics will be made without disclosing the names of either the complainant or the accused student. If the University determines that matters of public safety are involved, the University may disclose the name of a student who poses an active threat to the campus in Timely Warning or Emergency Notifications if this information is necessary to address that threat.

Confidential Reporting:

A victim may report an incident to an employee who is not required to report to the Title IX Coordinator and who can promise confidentiality. Those employees are licensed counselors, medical professionals, and ordained clergy acting in a pastoral care capacity.

Non-Confidential Reporting:

A victim may report an incident to an employee who is required to report to the Title IX Coordinator (Responsible Employees). Those employees include all faculty, all staff (excluding those designated as staff to whom confidential reports can be made), all administrators, including Student Academic Life and Public Safety personnel, and Resident Assistants (RAs).

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Campus Security Authorities (CSA), which include members of Public Safety or other individuals who have responsibility for campus security, other individuals that students or employees may report crimes to, or individuals who have significant responsibility for student campus activities are required to share non identifiable information for consideration of Timely Warnings and inclusion in crime statistic data.

If a victim has concerns or uncertainties about reporting an incident, the victim should call a Sexual Assault Survivors' Advocate (SASA) at 765-658-4650 for assistance. Generally, a victim can seek assistance and support from a SASA without triggering an investigation that could reveal the victim's identity or that the victim has disclosed the incident. However, a SASA will report the nature, date, time and general location of an incident to the Title IX Coordinator without disclosing personally identifiable information. Questions about confidentiality of discussions with a SASA can be discussed with the SASA.

Anonymous Reporting

Anonymous reporting may limit the University's ability to thoroughly investigate incidents of alleged sexual misconduct, however, individuals who wish to make a report of sexual misconduct anonymously may do so online [LINK](#).

Preservation of Evidence:

It is important to preserve all evidence related to any allegation of sexual misconduct, including but not limited to letters, notes, emails, text messages, social media and/or voice mails. There are staff members in the Wellness Center who have been trained as Sexual Assault Nurse Examiners and are available to conduct evidence collection exams at any time; students may access this resource by contacting a SASA or Public Safety 24 hours a day. Students may also receive a sexual assault examination at the Putnam County Hospital. Students are encouraged to seek prompt medical attention in cases of sexual misconduct and to preserve all evidence of the incident.

IV. Resources

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| Public Safety | 765-658-5555 |
| Counseling Services* | 765-658-4268 |
| Sexual Assault Survivors' Advocates (SASA) | 765-658-4650 |
| Putnam County Hospital | 765-653-5121 |
| Sexual Assault Nurse Examiners* | 765-658-4555 |
| Greencastle Police | 765-653-2925 |
| Putnam County Sheriff | 765-653-3211 |
| Title IX Coordinator | 765-658-4914 |
| Title IX Administrator | 765-658-4155 |

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Title IX Education and Prevention 765-658-4270

Putnam County Family Support Services 765-653-4820

*After hours, sexual assault nurse examiners and Counseling Services can be reached through working with a SASA or calling Public Safety

V. Training and Education

DePauw offers programming during the academic year to prevent and address sexual misconduct. DePauw emphasizes bystander intervention and educates its students about prevention of sexual misconduct and its Sexual Misconduct Policy. All new students are required to attend sexual misconduct prevention programs during New Student Orientation. DePauw Employees are considered Responsible Employees, unless an individual is considered an employee with confidential protections (licensed counselors, medical professionals and ordained clergy acting in a pastoral care capacity. DePauw Employees receive training on their duty to report incidents of sexual misconduct to the Title IX Coordinator.

VI. Interim Measures and Accommodations

The University will take steps necessary to protect the rights of victims and accused students and the safety of the public and University community after receiving a report of sexual misconduct. The Title IX Coordinator, or a designee, or the Office of Public Safety may implement the following interim measures: providing access to counseling, issuing no-contact directives to each of the parties, issuing interim suspensions, assisting in requesting a criminal restraining order, changing housing, rearranging class schedules if available, and assisting with local law enforcement. DePauw is obligated to comply with reasonable requests for living and/or academic situation changes following an alleged offense. These options for accommodations will be discussed upon receipt of a report of alleged sexual misconduct and the options will be outlined in writing.

Interim University Suspensions

Interim University suspension may be imposed on an accused student or organization:

- a. to ensure the safety and well-being of members of the University community; or
- b. to ensure the student's own physical or emotional safety and well-being; or
- c. if the student or organization poses a threat of disruption of or interference with the normal operations of the University.

During any interim University suspension, the accused student may be denied access to University housing, to the campus (including classes) and to all other University activities or privileges for which the student might otherwise be eligible. Specific details of the interim suspension will be outlined in written communication to the student.

If an organization is placed on interim University suspension, the organization shall be required to cease and desist with all organizational activities. The organization will be denied access to all University activities and privileges for which the organization might be eligible. In certain circumstances, organizational leadership may be restricted from communication with the organizational membership or students may be required to vacate organizational housing units.

Interim suspensions from the University shall be reviewed automatically by the Vice President for Student Academic Life or their designee within seven (7) days of the interim suspension. Upon review, the Vice President may continue the interim suspension for a designated period, may determine conditions for the termination of the

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suspension, may expel the student or organization if immediate expulsion is warranted, or take any other action in the best interest of the University.

No Contact Directive

At times it becomes necessary to restrict a student's or organization's privileges and prohibit contact with specified individuals by issuing a "no contact" directive. This directive is issued when it is believed necessary to protect a person's safety and preserve a peaceful environment for all students to work, study and live on campus. Violation of a "no contact" directive issued in relation to a violation of the Sexual Misconduct Policy is considered violation of the Sexual Misconduct Policy and may result in University action that could include interim suspension from the University.

Interim Housing Reassignments

Interim housing reassignments may be issued to students to diffuse issues which have arisen in the living unit, to protect the student or other students with whom the student lives or to promote the safety and well-being of the student or other members of the University community. In the event of an interim housing reassignment, the re-assigned student shall immediately move and shall not return to the location without written permission from the Title IX Coordinator or designee.

VII. Statement on the Rights of Victims

DePauw strives to ensure that all victims are afforded the following rights:

- To be treated respectfully by University staff and officials.
- To have complaints responded to promptly and sensitively, investigated appropriately and addressed competently.
- To have a support person or advisor of one's own choosing present during the review of the case file.
- To not be discouraged from reporting by University staff or officials.
- To be promptly notified of decisions related to the investigation, charges issued, and determination of responsibility to the extent permitted by the law, regardless of whether or not one participates in the process.
- To report to campus, local or state police, and to be supported by University officials in so doing.
- To be referred to campus and local mental health and counseling services.
- To submit a written statement indicating the impact the alleged violation has had on her/him and hopes he/she may have for sanctions assigned to the accused student. This statement will be considered by the Dean of Students when determining sanctions, if the Title IX Administrator makes a finding of responsibility.
- To obtain a University no-contact directive against another student, and to have assistance in requesting a criminal restraining order from the State if so desired.
- To receive assistance from University officials and staff with any necessary adjustments to living and/or academic situations if such changes are reasonable and requested.
- To have irrelevant prior sexual history be made inadmissible during any process to determine responsibility for Violations of Sexual Misconduct Policy.
- To be free from any form of retaliation.

VIII. Statement on the Rights of Accused Students or Student Organizations

DePauw strives to ensure that all students who are accused of sexual misconduct are afforded the following rights:

- To be treated respectfully by University staff and officials.
- To have complaints responded to promptly and sensitively, investigated appropriately and addressed competently.

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- To have a support person of one's own choosing present during the review of the case file.
- To be promptly notified of decisions related to the investigation, charges issued, and determination of responsibility to the extent permitted by the law, regardless of whether or not one participates in the process.
- To invoke the right to refuse to answer some or all questions (with the qualification that the University reserves the right to go forward with disciplinary proceedings based on available information, if the accused invokes this right).
- To be referred to campus and local mental health and counseling services.
- To obtain a University no-contact directive against another student, and to have assistance in requesting a criminal or civil restraining order from the State if so desired.
- To receive assistance from University officials and staff with any necessary adjustments to living and/or academic situations if such changes are reasonable and requested.
- To have irrelevant prior sexual history be made inadmissible during any process to determine responsibility of a violation of the Sexual Misconduct Policy.
- To be free from any form of retaliation.

IX. Sexual Misconduct Defined

The University prohibits the following conduct:

1. **Non-Consensual Sexual Contact:** Physical contact of a sexual nature by one person against the will of or without the consent of another.
2. **Relationship Violence:** One or more than one of the following behaviors directed at a current or former partner: (1) physical behaviors such as slapping, pulling hair, punching; (2) verbal abuse; and (3) threats of physical, sexual, and other types of abuse.
 - a. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - b. **Domestic Violence:** A felony or misdemeanor crime of violence committed –
 - (i) By a current or former spouse or intimate partner of the victim;
 - (ii) By a person with whom the victim shares a child in common;
 - (iii) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - (v) By another person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
3. **Sexual Battery:** Intentional touching of another person for the purpose of arousing or satisfying one's own sexual desires or the sexual desires of another person without the consent of or against the will of the person being touched.
4. **Rape:** Knowing or intentional sexual intercourse or other sexual conduct (as defined below) with another person against the will of or without the consent of that person. Acquaintance rape, commonly referred to as "date rape," may occur in the context of a single date, a hook-up, an on-going relationship, or any other interaction between two people when one person forces another to have sex, or takes advantage of him/her while she/he is incapacitated. Other sexual conduct means:
 - a. acts involving a sex organ of one person and the mouth or anus of another person; or
 - b. the penetration of the sex organ or anus of a person by an object.
5. **Retaliation:** taking adverse action against someone involved in the protected activities of participating in the University's Sexual Misconduct Process such as, anyone who files a

- complaint, serves as a witness, assists the accused, the accused, or anyone who pursues criminal action is a violation of the Sexual Misconduct Policy.
6. **Sexual Exploitation:** Nonconsensual use of sexual contact by one person with another for his/her own advantage or benefit, or to benefit or advantage anyone other than the person being exploited, and the behavior does not otherwise constitute rape, battery or, or other policy violations. Examples of sexual exploitation include prostituting another student, non-consensual video or audio taping of sexual activity, sharing consensual video or audio taping of sexual activity without all parties consent (such as one person allowing others to secretly watch consensual sex), engaging in voyeurism, and knowingly transmitting an STD or HIV.
 7. **Stalking:** A pattern of repeated and unwanted attention, harassment, contact or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear for the person's safety or the safety of others, or suffer substantial emotional distress. Stalking can include:
 - a. Repeated, unwanted, intrusive and frightening communications from the perpetrator by phone, mail and/or email.
 - b. Repeatedly leaving or sending the victim unwanted items, presents or flowers.
 - c. Following or lying in wait for the victim at places such as home, school, work or recreation place.
 - d. Making direct or indirect threats to harm the victim, the victim's family, friends or pets.
 - e. Damaging or threatening to damage the victim's property.
 - f. Harassing victim through the internet.
 - g. Posting information or spreading rumors about the victim on the internet, in a public place or by word of mouth.
 - h. Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting victim's friends, family work or neighbors, etc.
 8. **Sexual harassment:** Unsolicited and unwelcome comments or conduct of a sexual nature as defined under the [University's Harassment Policy](#), or a violation of a No Contact directive related to an alleged Sexual Misconduct Policy violation.

X. Statement on Consent

The majority of the sexual misconduct complaints received by the University revolve around the question of whether the complainant consented to the conduct at issue. In an effort to provide students guidance for their conduct, the following guidelines are used to evaluate this issue.

Consent is clear, knowing and voluntary agreement to sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent do not imply consent to future sexual acts.

When it is unclear whether someone consents to activity, it is the responsibility of the person who initiates the activity to ensure that his/her partner clearly communicates effective consent. To continue to engage in sexual activity without effective consent from his/her partner is a violation of this policy.

Effective consent must be mutually understandable. That is, a reasonable person would have to consider the words or actions of the parties to indicate that there was an agreement to engage in the given activity with each other at the same time.

Consent cannot be obtained through force. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

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Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes it clear that they do not want to have 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. Note: There is no requirement that a party actively resist the sexual advance or request, but resistance is a clear demonstration of non-consent. Sexual activity that is forced is by definition non-consensual, but lack of physical force or coercion does not indicate consent.

Consent cannot be given by minors to adults, by mentally disabled persons, or by otherwise physically or mentally incapacitated persons. People who are unconscious, asleep, incapacitated as a result of alcohol or drugs (whether consumed voluntarily or involuntarily) or who are physically or mentally incapacitated cannot give effective consent.

Incapacitation is an important and specific concept. A person who is incapacitated is incapable of recognizing what is going on around him/her. An incapacitated person is not able to recognize the sexual nature or extent of the situation she/he is in. To engage in sexual activity with a person one knows or should know is incapacitated is a violation of this policy.

XI. Sexual Misconduct Process Overview

The Sexual Misconduct Process is an administrative process that is informed by the Title IX Act. The Title IX Coordinator provides oversight of a prompt, fair and equitable process. While the parties involved will have certain procedural rights, the procedure described is not intended to constitute a legal proceeding.

The Title IX Administrators shall use the process described in the subsequent section to determine facts and responsibility for the reported conduct. The Title IX Administrators, as designees of the Title IX Coordinator, investigate and resolve allegations of sexual misconduct and sexual harassment, and any other violations committed in conjunction with sexual misconduct. An individual who wishes to make a criminal complaint may file a complaint with DePauw Public Safety or local law enforcement directly, or with the assistance of the Title IX Administrator. In instances where a criminal complaint is made against a current student, a concurrent Title IX administrative process will also commence. DePauw Public Safety investigators will share available information with Title IX Administrators to aid in the administrative process.

Upon receiving a report of sexual misconduct, a Title IX Administrator will meet with and interview the complainant to gather key facts outlining the complaint. During this meeting, the Title IX Administrator will address any immediate physical safety and emotional support needs, including potential interim measures and no contact directives. The University utilizes a single-process model, which means that the Title IX Administrators are responsible for 1) evaluating the initial complaint to determine whether the conduct could constitute a violation of the prohibited conduct; 2) if warranted, conducting a fair and thorough investigation; 3) evaluating the facts gathered from the investigation; and 4) issuing findings of responsibility for the conduct charges.

The standard for determining responsibility is a preponderance of evidence (more likely than not that the conduct charged happened). If an accused student or student organization is found responsible for conduct charged under the sexual misconduct policy, the Dean of Students will issue sanctions.

XII. Sexual Misconduct Complaint, Investigation, Charges and Findings of Responsibility

The Title IX Administrators investigate, determine and issue charges, and findings of responsibility related to allegations of sexual misconduct and sexual harassment, and any other violations committed in conjunction with sexual misconduct. While the parties involved will have certain procedural rights, the procedure described is an

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administrative process and not intended to constitute a legal proceeding. The Title IX Administrators shall use the process described below to determine facts and responsibility for the reported conduct.

1. An individual who seeks to file a complaint of sexual misconduct against an enrolled or previously enrolled DePauw student or student organization may do so with the Title IX Coordinator, Title IX Administrator, or the Office of Student Academic Life.
2. An individual who wishes to make a criminal complaint of sexual misconduct against an individual may file a complaint with DePauw Public Safety or local law enforcement. In instances where a criminal complaint is made against an enrolled student, a concurrent administrative process will also commence. DePauw Public Safety investigators will share available information with Title IX Administrators to aid in the administrative investigation.
3. A Title IX Administrator will meet with the complainant to hear the information being reported. During this initial meeting, the Administrator will ask questions to evaluate and assess whether the information reported could constitute a violation of the Sexual Misconduct Policy. If the initial information indicates that, if true, the conduct *could* violate University policy, two Title IX Administrators will be assigned to conduct an investigation. The complainant will be notified whether or not the Title IX Administrators open a case to investigate allegations of sexual misconduct in writing, within three (3) business days.
4. If a case alleging Sexual Misconduct is opened, the Title IX Administrators shall immediately notify the accused student or organization that the University has opened an investigation and violations have been alleged against the student or organization under the University Sexual Misconduct Policy.
5. At the start of the investigation, if a complainant or accused student or organization believes that either of the Title IX Administrators may have a conflict of interest which could result in their inability to provide a fair process to the complainant or accused, the complainant or accused should notify the Title IX Coordinator immediately, in writing, of this concern, including an explanation or reason for the conflict of interest. If the Title IX Coordinator determines a conflict exists, the Title IX Coordinator will assign a replacement to the Title IX Administrator who has a conflict of interest.
6. The Title IX Administrators shall conduct a fair, impartial and thorough investigation, which may include, but is not limited to, interviews or written statements with the student who has filed the report of sexual misconduct, the accused student or organization, and relevant witnesses, as well as collection of available evidence, including electronic and social media communications.
7. If there is more than one complaint of sexual misconduct, which could result in multiple allegations against the accused student or organization, or a cross-complaint of sexual misconduct against the complainant, all matters known to the University may be incorporated into one case process.
8. At the conclusion of the investigation, the Title IX Administrators will meet with the complainant and accused to provide each an opportunity to review the summary of their own interview, evidence they offered, and provide any final clarifications about the alleged misconduct.
9. After the complainant and accused student or organization has reviewed the information, evidence they offered, and provided final clarifications, the Title IX Administrators will review the investigative case file, to evaluate and determine what, if any, charges will be issued in violation of the Sexual Misconduct Policy. The Title IX Administrators will provide written notification to the complainant and accused student or organization of their decision regarding the issuance of charges. The Title IX Administrators' decision regarding the issuance of charges of violations of the Sexual Misconduct Policy is final.
10. If and when charges are issued, the complainant and the accused student or representatives of the student organization shall have the opportunity to respond to the charges, including an opportunity to review the investigative case file and all evidence relevant to the charges. The investigative case file will be made available to the complainant and accused student for period of seven (7) business days. Title IX Administrators will consider requests, made in writing for requests of additional time to review the investigative case file. The complainant and accused student are not permitted to remove the case file from its secure location, nor make copies or photographs, electronic or otherwise, of the contents of the case file.
11. The complainant and the accused are encouraged to have a support person or advisor assist in the case file review and preparation of any written or verbal statements in response to the charges, which could include

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an impact statement. The advisor may be an attorney. The University can recommend a trained advisor from its faculty or administrative staff, if requested by a student. An advisor accompanying a student at any meeting may provide support, guidance or advice to the student during the meeting, but may not otherwise participate in the meeting unless requested to do so by the University.

12. After both parties have reviewed the case file, the complainant and accused student can provide a written response to the charges, providing or directing the Title IX Administrators attention to specific information and/or evidence for Title IX Administrators to consider during the case review.
13. After reviewing the complainant's and accused student's response to the charges, the Title IX Administrators will make a determination of findings of responsibility. The Title IX Administrators will provide written notification of any findings of responsibility to the complainant, accused student or organization, Dean of Students and the Title IX Coordinator.
14. If an accused student or organization is found responsible, the Dean of Students will issue and provide notice of the sanction(s). (Sections, Section XI)
15. If at any point in the Sexual Misconduct Process, a complainant wishes to pursue a criminal complaint, the complainant should notify the Title IX Coordinator, or designee. The Title IX Coordinator will share the relevant information with the appropriate law enforcement agency, as permitted by Family Educational Rights and Privacy Act (FERPA).

XIII. Sanctions

If the Title IX Administrators find the accused student or student organization to be responsible for the charged sexual misconduct, the Dean of Students shall impose sanctions. Sanctions can range from formal warning up to expulsion. Any sanctioning level may also include completion of assigned educational requirements. Sanctions of suspension or expulsion carry with them a forfeiture of tuition, fees and residence hall room and board. Sanctions including parental notification may also include disclosing previous violations in that notification. Protective measures, including no-contact directives, no trespass orders and changes to residential and/or academic situations, may also be implemented upon a finding of responsibility.

Sanctions for Individuals

Expulsion: The most severe sanction for violation of the Sexual Misconduct Policy shall be expulsion, resulting in immediate dismissal and permanent separation from the University. Parents or legal guardian will receive notification of the student's change of status. The Vice President for Student Academic Life may expel a student from the University without a determination from the Title IX Administrators or Dean of Students if he/she determines that the student's conduct is so egregious that the student's presence at DePauw is no longer desired and the Sexual Misconduct hearing process is unnecessary. The student will be notified in writing of the Vice President's decision, and parents or legal guardian will be similarly notified. Student expulsions are automatically reviewed by the President of the University. A student who has been expelled is not permitted to visit the University or attend any functions on campus without written permission from the Vice President for Student Academic Life.

For students expelled from the University, tuition, fees and residence hall room and board are neither refunded nor remitted, in whole or in part.

Suspension: The second most severe sanction for violation of the Sexual Misconduct Policy shall be suspension, resulting in immediate dismissal from the University for at least the remainder of the term in progress and/or a specified period of time thereafter. Parents or legal guardian will receive notification of the student's change of status. Any additional violations or failure to comply with other requirements stipulated during this period of suspension may result in expulsion. During this time the student is not permitted to visit the University or attend any functions on campus without written permission from the Vice President for Student Academic Life.

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For students placed on suspension from the University, tuition, fees and residence hall room and board are neither refunded nor remitted, in whole or in part.

Deferred Suspension: A violation of the Sexual Misconduct Policy may result in a minimum of sixteen academic weeks on deferred suspension up to the remaining time enrolled at the University. In addition, probation may include educational or other sanctions. Parents or legal guardian will receive notification of the student's change of status, and the student may lose privileges such as: off-campus study, living in University-owned apartments and houses, participation in rush and new member processes, participation in on campus Winter Term, and the chance to hold major campus leadership positions (e.g., Student Government officer, resident assistant position, hearing board membership, mentor, captain of a varsity team). If found responsible for violating any University policies or failure to comply with other requirements stipulated during this period, suspension may take effect immediately.

Probation: A violation of the Sexual Misconduct Policy may result in a minimum of four weeks on probation up to one full year. In addition, probation may include educational or other sanctions, and the student may lose privileges such as: off-campus study and living in University-owned apartments and houses, participation in rush and new member processes, and participation in on campus Winter Term. If found responsible for violating any University policies or failure to comply with other requirements stipulated during this period, the student may be moved to deferred suspension status.

Formal Warning: A violation of the Sexual Misconduct Policy may result in a written notification that documents the Sexual Misconduct Policy violation and warns against any potential violations of University policy in the future. Formal warnings may include educational or other sanctions.

Sanctions for Organizations

Expulsion: The most severe violation of the University Code of Conduct by an organization may result in dismissal and permanent separation of the organization from the University.

Suspension: The second most severe violation of the Sexual Misconduct Policy by an organization may result in suspension of the organization from the University for a minimum of one full academic year up to four full academic years. Any additional violations or failure to comply with other requirements stipulated during this period may result in expulsion. Fines for organizations on suspension may range from \$2500 to \$5000.

Probation: Repetitive or serious violations of the Sexual Misconduct Policy may result in at least Organizational Probation. Probation is a period of observation and significant restrictions and requirements may be put in place. Prior to the end of the probationary period, the president of the organization is required to schedule a probation assessment meeting with the Dean of Students or designee. The probationary period will not end until the conditions of the probation have been met. Any additional violations or failure to comply with requirements stipulated during this period can result in suspension or an increase in the length, severity or requirements of the probation. The length of the probationary period for organizations may range from four weeks to one full year. Fines for organizations on probation may range from \$1000 to \$2500.

Social restrictions while an organization is on probation may include 1) no group parties or co-sponsored events that allow alcohol to be present; 2) no group parties or co-sponsored events; 3) loss of all group and campus-wide social privileges except philanthropy and intramurals; 4) loss of all group and campus-wide social privileges except philanthropy.

Review: Moderate and/or first time violations of the Sexual Misconduct Policy may result in the organization being placed on Organizational Review. Organizational Review is a period of observation in which the sanctions for the organization will focus on education, guidelines and requirements may be implemented to assist the organization in corrective actions associated with the violation. The length of the review period for organizations will typically

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range from four weeks to twelve weeks, but may extend to a full semester. Fines for organizations on probation may range from \$250 to \$1000.

Formal Warning: A violation of the Sexual Misconduct Policy may result in a written notification that documents the organization's Sexual Misconduct Policy violation and warns against any future violations of University policy. Formal warnings may carry educational sanctions and a fine of \$250.

Other sanctions for organizations may include, but are not limited to:

Educational Sessions: The goal of this alternative is to promote safety and education by creating and presenting solution-focused information to chapters in engaging ways. Actively involving representatives from the chapter in co-designing the educational conversation will allow tailored programming that addresses the specific problems that resulted in policy violations.

XIV. Appeals

A. Procedure

An appeal of a determination of any fact found, conclusion regarding responsibility made, or sanction imposed by the Dean of Students may be filed with the Vice President for Student Academic Life in writing by the complainant or the accused student or student organization within 72 hours of the date of the letter of notification regarding findings of responsibility, unless that time is extended in writing by the Vice President. Appeals may be based only on the following reasons:

1. New evidence not reasonably available at the time of the case review, the absence of which is likely to have affected the outcome
2. Procedural error likely to have affected the outcome
3. Appropriateness of sanction

All materials supporting any appeal must be submitted at the time the appeal is filed. The Vice President will advise the non-appealing party in writing of the receipt of an appeal and will provide a copy of the appeal to the non-appealing party. The non-appealing party will have five (5) days from the date of his/her receipt of the appeal to respond in writing to the appeal.

B. Disposition of appeals by the Vice President

The Vice President may:

1. Affirm the action taken.
2. Reverse the determination of facts and/or responsibility and refer the case back to the Title IX Administrators for another determination of findings of responsibility.
3. Reverse the Title IX Administrators' determination of facts and/or responsibility and vacate any sanction.
4. Impose different sanctions.

The Vice-President will advise both parties in writing of the decision on appeal. Decisions by the Vice President are final.

XV. Communication of Outcomes

Both the complainant and the accused student, or president and advisor of the accused student organization will be notified in writing of the outcome of a Sexual Misconduct investigation and determination of responsibility and of

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any appeal decisions following such determination. The University is committed to fulfilling its obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Statistics citing the number of reports of sexual misconduct and disposition of such reports are included in the Annual Security and Fire Safety Report which can be found on the Public Safety Website.

XVI. Sexual Misconduct Process Records

A. Access to Records

1. Documents. The parties shall have the right to inspect and review the documents to be used by the Title IX Administrators in making the determination of responsibility. All requests to inspect and review documents shall be made in writing to the Title IX Administrators. Any review of documents shall be with the supervision of the Title IX Administrators. Participants, including complainants, the accused student or student organization, or their advisors, are not permitted to photocopy, photograph, or reproduce any documents.
2. Record Retention. A student's file related to the Sexual Misconduct Policy will be maintained for five years from graduation, after which records are archived and cannot be accessed for reporting. An organization's file will be maintained for three years from the date the incident occurred.

B. Release of Information and Notification

1. The Dean of Students or designee is responsible for the release of any information relating to University Sexual Misconduct cases.
2. Parents or guardians may be notified when a student is placed on probation, suspended or expelled under this process. Parents may be notified prior to the outcome of the case in situations where the typical sanction is likely suspension or deferred suspension. Parents are notified of prior formal warning violations if a student has additional formal warnings or is later placed on probation, deferred suspension or suspended. Parents or guardians may be notified about other disciplinary action or charges at the discretion of the Dean of Students or designee.
3. Names of students being investigated or charged with Sexual Misconduct Policy violations will not be released.
4. Notification regarding allegations, charges, sanctions or any other Sexual Misconduct Policy information may be shared with an organization's advisors, alumni governing board, (inter)national headquarters, governing council, parents of members, or publically at the discretion of the Dean of Students or designee.
5. Employers and representatives of graduate/professional schools will be informed of all Sexual Misconduct Policy violations resulting in a sanction of probation or higher if information is requested and a release has been signed, according to the record retention policy above.

C. Family Educational Rights and Privacy Act

Access to records and release of information and notification shall be construed and applied in a manner consistent with the Family Educational Rights and Privacy Act, as amended from time to time.