

WHAT YOU NEED TO KNOW

RESOURCES, RIGHTS, AND OPTIONS FOR TARGETS OF SEXUAL MISCONDUCT

Getting Started:

If you have experienced any form of sexual misconduct, there are a number of ways you can report the incident as well as a number of services available to obtain the information, support, and assistance you need for your health and safety.

Sexual Misconduct is used as an umbrella term to include: sexual violence (includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion), sexual harassment, dating violence, domestic violence, or stalking.

After an incident of sexual misconduct, you can decide what steps you want to take. You have the option to:

- Work with a confidential resource
- Work with a non-confidential resource
- File a police report
- File an administrative Title IX complaint, or
- Take no further action.

CONFIDENTIAL RESOURCES⁷	NON-CONFIDENTIAL RESOURCES
<p>On Campus:</p> <p>(1) Prevention and Wellness (students)</p> <ul style="list-style-type: none"> ▪ Office: 219.464.6833 <p>(2) Counseling Center (students)</p> <ul style="list-style-type: none"> ▪ 219. 464.5002 <p>(3) University Pastors (students & employees)</p> <ul style="list-style-type: none"> ▪ 219.464.5093 <p>(4) Student Health Center (students)</p> <ul style="list-style-type: none"> ▪ 219.464.5060 <p>(5) Employee Assistance Program(employees)</p> <ul style="list-style-type: none"> ▪ 800.538.3543 <p>Off Campus: Students and Employees</p> <p>(6) The Caring Place</p> <ul style="list-style-type: none"> ▪ 219.464.2128 <p>(7) National Sexual Assault Hotline</p> <ul style="list-style-type: none"> ▪ 800.656.4673 	<p>On Campus: Students and Employees</p> <p>(1) Title IX Coordinator</p> <ul style="list-style-type: none"> ▪ https://www.valpo.edu/titleix/ ▪ Title9@valpo.edu ▪ 219.464.6370 <p>(2) Valparaiso University Police Department</p> <ul style="list-style-type: none"> ▪ 219.464.5430 <p>(3) Office of Residence Life</p> <ul style="list-style-type: none"> ▪ 219.464.5413 <p>(4) Student Life Division</p> <ul style="list-style-type: none"> ▪ 219.464.5411 <p>(5) Title IX Complaint Advisors</p> <ul style="list-style-type: none"> ▪ https://www.valpo.edu/titleix/ <p>(6) Responsible Employees</p> <ul style="list-style-type: none"> ▪ Administrators, Faculty, Staff

¹Confidential Resources will report crimes to appropriate University personnel for inclusion in the annual crime statistics disclosure, though the victim’s name will be withheld from the report. Further, all University publicly-available recordkeeping excludes personally-identifiable information to the extent permitted by law.

Q: What is the difference between confidential and non-confidential resources?

A: Confidential resources do not share information about your report with anyone else without your permission or unless required by law (e.g., if there is an imminent threat to yourself or others, or abuse of a child.) A student or employee who has been a target or has been accused of discrimination, harassment, or sexual misconduct, and wishes to keep his or her identity and information private and confidential, should seek a confidential resource listed above. Non-confidential resources are resources that are engaged to take administrative action on the complaint. The only way to impose a sanction is by making a non-confidential report. A student or employee who has been a target or has been accused of discrimination, harassment, or sexual misconduct, and wishes to report an incident to the University or Police for the purpose of filing a complaint, beginning an investigation, or receiving disciplinary sanctions should seek a non-confidential resource listed above. The non-confidential resources will protect a student or employee's privacy by limiting the people with whom they share the reported information; however, non-confidential resources cannot guarantee complete confidentiality, as they must notify and report to the Title IX Coordinator.

Q: Who on campus can I speak with confidentially?

A: Prevention and Wellness (Students Only). The Prevention and Wellness Office has been approved as a confidential space by the Title IX Coordinator where you can reach out to share your experience and explore your options and resources available to you at the pace you prefer. To make an appointment with the Office please call 219.464.6833

Counseling Center (Students Only). The Counseling Center provides counseling and psychotherapy services to full-time undergraduate and graduate students with personal, interpersonal, family, and academic performance issues. In addition to individual counseling and consultation, Counseling Center staff offer numerous educational presentations through outreach services; psychiatric availability for students in counseling who require medications; and psychological crisis coverage for the University community. The Counseling Center hours are 8 a.m.- noon and 1 - 5 p.m. Monday through Friday. Their office is located in Alumni Hall at 1602 LaPorte Avenue (across from Lankenau Hall). They can be reached by email at Counseling.Center@valpo.edu by phone at 219.464.5002, or on their website at valpo.edu/counseling-services/.

University Pastors (Students and Employees). Valparaiso University pastoral counselors are individuals associated with the Lutheran religious denomination and is functioning within the scope of that recognition as a pastoral counselor. To contact the University Pastors for

confidential counseling, contact Pastor James A. Wetzstein james.wetzstein@valpo.edu and Pastor Kate Museus kate.museus@valpo.edu or call 219.464.5093.

Student Health Center (Students). The Student Health Center can provide **confidential** medical treatment to students. The Student Health Center is located at the Promenade East building, 55 University Drive, Suite 102, Valparaiso, or call (219) 464-5060.

Q: Who, off campus, can I speak with confidentially?

A: The Caring provides confidential and free services for targets of sexual assault and domestic violence. If you want to speak with someone off campus, call the 24-hour crisis line at (219) 464.2128. For assistance over the phone, you can also call the National Sexual Assault Hotline at (800) 656- HOPE or RAINN (Rape, Abuse, Incest National Network) at (800) 799-7233.

Q: Who can I speak with to alert the University of my experience?

A: The Valparaiso University Police Department (VU Police), Title IX Complaint Advisors (TCAs), professors, administrative staff, resident assistants, the Dean of Students, or Human Resource Services will work to maintain individual privacy, but will share information on a limited and private basis to take action on your complaint. As responsible employees, VU Police, TCAs, professors, administrative staff, resident assistants, the Dean of Students, and Human Resource Services all have a duty to report an incident of sexual misconduct to the Title IX Coordinator. Again, the Prevention and Wellness, the Counseling Center, the University Pastors, or Student Health can offer complete confidentiality to the extent permitted by state law.

The Title IX Coordinator can be reached at (219) 464-6370 or Title9@valpo.edu. VU Police can be reached at (219) 464-5430. A list of the Title IX Complaint Advisors (TAs) is located on the Valparaiso University Title IX website at <https://www.valpo.edu/titleix/>

Q: Where should I go for emergency medical attention?

A: The Porter Hospital Emergency Room, located at 85 E US-6 Frontage Rd, Valparaiso, Indiana 46383 or dial 911. The Porter Hospital Emergency Room personnel will conduct a Sexual Assault Nurse Examination (SANE) kit, physical examination, treat any injuries, gather physical evidence of the incident, and supply aftercare instructions. The Student Health Center can provide sexually transmitted infection testing or drug testing during regular office hours, but is not available after hours.

Q: How do I report an incident?

A: You may choose to report an incident to Valparaiso University Police Department (VU Police) by calling (219) 464-5430 or alerting the Title IX Coordinator on a non-emergency basis at (219)464-6370 or title9@valpo.edu. VU Police is located at 813 LaPorte Ave., Valparaiso, IN 46383. If you wish, the Prevention and Wellness staff may accompany you to the VU Police during business hours.

Q: May I report an incident to Valparaiso City Police?

A: Your decision to report a criminal complaint with the Valparaiso City Police will not affect your ability to file a VU Police Report or a University Informal and/or Formal Complaint. Reporting a criminal complaint with the Valparaiso City Police is an independent criminal process. However, if you choose to report or file a criminal complaint through the Valparaiso City Police, VU Police will provide you with support throughout the process. To report an incident to the Valparaiso City Police, call (219) 462-0717. The Valparaiso City Police Department is located at 355 S. Washington Street, Valparaiso, Indiana 46383.

Q: Where can I file a court-issued protective order?

A: court-issued protective order may be filed at the Porter County Clerk's Office located at 16 East Lincolnway, Suite 209, Valparaiso, Indiana 46383, and may be reached at (219)465-3450.

Q: What can VU do if it is aware that I have obtained a court-issued protective order?

A: If you have obtained an order of protection, no contact order, restraining order, or another similar lawful order issued by a criminal, civil, or tribal court, you should provide a copy of it to VU Police. It can also be given to the Title IX Coordinator who will pass the information along to VU Police. The University and VU Police will take all legal and reasonable steps to implement such an order.

Q: Am I required to file any kind of report immediately after an incident?

A: You are not required to file a VU Police Report or a University Informal and/or Formal Complaint immediately after an incident; however, it is important to preserve any evidence of the incident as it may be necessary to prosecute a crime or obtain an order of protection. Do

not shower, douche, brush your teeth, eat, or change clothing in an effort to preserve physical evidence. If you change clothes, put all clothing you were wearing at the time of the incident into a paper bag.

Q: How and with whom do I file a University Informal and/or Formal Complaint (non- criminal)?

A: The Informal and Formal Complaint resolution process is governed by the Valparaiso University Harassment and Sexual Misconduct Policy, available at <https://www.valpo.edu/general-counsel/files/2020/08/20.08.12-HARASSMENT-SEXUAL-MISCONDUCT-POLICY.pdf>. Under this Policy, the person making the allegation is referred to as the Complainant. The person who the allegations have been made against is referred to as the Respondent. The Complainant can either file an Informal Discrimination Complaint and/or Formal Discrimination Complaint. The Complaint Forms are available at the bottom of the valpo.edu/titleix website. The Title IX Coordinator is also available to explain your rights and options under the Harassment and Sexual Misconduct Policy. If you wish, you can be accompanied by the Prevention and Wellness staff who can be in the room with you during the discussion.

Q: May I pursue an Informal and/or Formal Complaint and a criminal complaint?

A: A Complainant may pursue an Informal and/or Formal Complaint **and** a criminal complaint simultaneously. However, the University process is completely separate from the Valparaiso City Police and courts. Also, if a complaint is finalized through either the formal or informal process, another complaint on the same issues cannot be filed.

Q: With whom do I file a criminal complaint with?

A: The Valparaiso University Police or Valparaiso City Police. While it is your choice who you would prefer to file with, the Valparaiso University Police have been specifically trained in the supporting sexual assault victims, as well as the Valparaiso University administrative process.

Q: Am I required to file a criminal complaint with Valparaiso University Police or Valparaiso City Police?

A: No. You are not required to file a criminal complaint. A criminal complaint is governed by the applicable criminal statutes.

Q: What can a Complainant expect after filing an Informal Complaint?

A: The Complainant must supply a brief description of what occurred, the name of the violator(s), any witnesses, any evidence of his/her claim, and his/her desired outcome or results. There is no formal investigation or fact-finding. Meetings may take place between the above-mentioned individuals, but the Complainant may choose not to meet with any of the alleged violators or witnesses. The Complainant will provide a proposed resolution to be presented to the Complainant for approval or disapproval. Possible resolutions include: temporary, indefinite, or permanent separation of the parties, explicit agreements about future conduct, change in workplace assignments, substitution of one class for another, or other appropriate relief. The Complainant may choose to dismiss his/her informal complaint at any time.

If the matter does not result in the Complainant's desired outcome, he or she may reject the proposed resolution and file a Formal Complaint. If the Complainant is satisfied with the outcome or it results in his/her desired outcome, the results will be documented and the matter will be resolved.

Q: What can a Complainant expect after filing a Formal Complaint?

A: The Formal Complaint will require the Complainant to set forth sufficient details of the incident(s), alleged violators, witnesses, evidence (included or attached), and relief sought. If the complainant has already filed a police report, they may make reference to the contents of the police report instead of repeating their complaint.

If the accused party is a student, the Dean of Students will facilitate a hearing under the policies listed in the Student Handbook. If the accused party is an employee, Human resources will facilitate a hearing under the policies listed in the Faculty or Staff Handbook.

Q: What can both the Complainant and Respondent expect throughout the Formal Complaint resolution proceedings?

A: It is important to know that the resolution proceedings are implemented by University officials who receive annual training on the issues related to sexual misconduct and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The Complainant and Respondent have the opportunity to present witnesses and evidence, and have others present during the hearing proceedings, including the

opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. However, an advisor's participation may be limited in that an advisor may not speak or advocate on behalf of the Complainant or Respondent, present evidence, or question witnesses.

The evidentiary standard used in resolving a complaint is the "preponderance of evidence" standard, which means that **more likely than not** the incident occurred. Both the Complainant and Respondent must be simultaneously informed, in writing, of the following: (1) the outcome or determination of the hearing proceedings, (2) appeals rights, (3) any change to the outcome or determination of the hearing proceedings prior to any finalized outcome or determination, and (4) when such outcome or determination of the hearing proceedings becomes final.

Q: What are possible sanctions imposed following a final determination of the hearing proceedings?

A: Possible sanctions include but are not limited to the following: oral or written reprimand, oral or written warning, loss of salary or benefit, or demotion, transfer or change of job, class or residential assignment or location, disciplinary probation, suspension, termination, dismissal, or expulsion.

***Compliance with the Violence Against Women Reauthorization Act does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA)).