

TO: UFC Executive Committee
FROM: Jennifer Kincaid, AVP of Institutional Equity & Title IX
DATE: November 11, 2024
RE: Proposed Revisions to UA-03

The Office of Institutional Equity (OIE) requests approval of revisions to the Discrimination, Harassment and Sexual Misconduct policy (UA-03). Drafting of revisions began in Spring 2024 in preparation for the implementation of the 2024 Title IX Final Rule on August 1st, however, the implementation of the 2024 Final Rule was enjoined in Indiana and other states. That injunction remains in place, so the proposed revisions update the current IU policy, but remain in compliance with the 2020 Title IX Final Rule.

OIE convened a working group to assist and review the policy as revisions were drafted, the group included:

John Applegate, IU Bloomington, Maurer School of Law
Amanda Diekman, IU Bloomington, Faculty & Academic Affairs
Danielle DeSawal, UFC, IU Bloomington
Margaret Ferguson, IU Indianapolis Academic Affairs
Justin Garcia, IU Bloomington, Kinsey Institute, Gender Studies
Anne Jbara, VPGC
Laura Mals, OIE
Victoria Land, IU HR
Brennan Murphy, VPGC
Andrea Newsom, VPGC
Cara Reader, OIE
Sarah Sarber, IU Kokomo, OIE
Andy Schemm, IU HR
Monica Solinas-Saunders, IU Northwest, Public Affairs
Libby Spotts, IU Bloomington, Office of Student Life
Karloa Stevens, IU Indianapolis, OIE
Lin Zheng, IU Indianapolis, Kelley School of Business
Committee coordinators: Jennifer Kincaid, OIE; Sally Ronald, OIE; Taylor Struble, Policy/VPGC

Additional information on the changes is listed below (updated title changes and minor grammatical corrections were made where applicable and are not listed here):

- II.C. Jurisdiction
Clarifies that the university can address behaviors by volunteers or non-community members without the full investigation process.

- II.D. Jurisdiction
Clarifies that only behavior that undermines the security of the campus or poses a serious threat will be addressed by other university policies related to suspension or dismissal (e.g. child pornography, murder).
- III. Covered Behaviors
A. “actual or perceived” reflects legal/regulatory language (this change appears in other sections as well).
- V. Education, Prevention, and Training
B. Employee training is now required for all employees.
- Reason for the Policy
III. Added to comply with NSF and NIH requirements.
- Procedures, I.B. Reporting an Incident
Reflects that online form is now in use.
- C. Sexual Misconduct Involving a Child/Minor
Notes other policy requirements apply under PIC.
- E. Retaliation
Definition updated based on newer regulatory language.
- F. Roles, Duties and Obligations
1.d. Duty to monitor for barriers is included in TIX regs.
- G. Employee Reporting Obligation
2.a. Update to align with new employee training for all employees.
3. Adds ability to address non-reporting by employees with duties to make reports under this policy.
- I. Confidential Employees
5. Clarifies roles that are not confidential roles.
- N. Supportive and Interim Measures
1. Clarifies types of supportive measures that are available.
- Procedures
In all procedure sections, revisions were made to align submission of information and appeal deadlines and are not noted individually here.
- IV.B. Initial Assessment (also IX.C)
Provides additional information about the initial assessment process in employee non-Title IX cases and how determinations not to proceed to a formal investigation are documented, as well as the appeal process steps.
- C. Discrimination Complaints Against a Unit or Department
2. Provides for final information to be shared with department/campus as appropriate.
- IV.D.1. Discrimination Complaints Against Academic Appointees or Staff (also VII.B. and IX.B.):
Adds appropriate School of Medicine officials to Decisional Officials and Appellate Officials for all three complaint processes against academic appointees.

- IV.D.2. Interim Action (also VII.C.2. and IX.E.2.)
 - b. Provides for appeal of interim actions (e.g. suspension) put in place in employee cases.
- VI.C. Investigation
 5. Clarifies expectation for parties and witness participation, and prohibition on interfering with an investigation, but deletes provision regarding disciplinary holds for failure to keep an appointment related to the investigation as that measure is not permitted in Title IX cases.
- VI.C. Investigation (also VII.F.4 and VIII.C.7.)
 8. Addresses issue of respondents not participating or providing information until after the report deadline, which can result in significant process delays, but allows for when information was previously requested (e.g. medical records).
- VI.F. Sexual Misconduct Hearing (also VII.H.4. and VIII.F.10.)
 11. Addresses issue of parties not providing information until the hearing when it reasonably could have been provided within the deadline period.

OIE thanks all those who have helped worked on these policy revisions and who continue to support the work of our offices!