



## **Policy and Procedures Addressing Sexual Misconduct, Relationship Violence or Stalking**

**2016-2017**

The Institute for Study Abroad, Butler University ("IFSA-Butler") is committed to providing an environment for the IFSA-Butler community that fosters cultural integration and understanding, promotes educational achievement, and strives to develop global citizens through its international programming and educational activities.

### **Policy against sexual misconduct, relationship violence or stalking**

IFSA-Butler strictly prohibits all forms of sexual misconduct, relationship violence or stalking against students participating in its programs, perpetrated by an employee or agent of IFSA-Butler (including host families), by another IFSA-Butler student, or by third parties who come in contact with IFSA-Butler students. IFSA-Butler ALSO strictly prohibits retaliation for making any complaints related to sexual misconduct, relationship violence or stalking. This policy and its subsequent procedures will be followed regardless of the alleged perpetrator (the "Accused").

**Sexual misconduct** is defined as: 1) Sexual harassment which comprises sexual advances, sexual gestures, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is unwelcome; 2) Sexual violence that comprises physical sexual acts (including attempted acts) perpetrated against a victim's will, including incidents where the victim is unable to give consent due to the presence of drugs or alcohol or is otherwise impaired or unconscious. The term "sexual misconduct" as used in the remainder of this document includes sexual harassment and sexual violence.

**Relationship violence**, also known as "dating violence" or "domestic violence", is a chronic pattern of abuse by a current or former intimate partner as a means of gaining power and control over the other person. This abusive behavior is frequently a combination of physical, sexual, psychological, emotional, academic and/or economic abuse.

**Stalking** is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

IFSA-Butler's top priority is the safety and wellbeing of all IFSA-Butler students. Therefore, upon receipt of a complaint involving sexual misconduct, relationship violence or stalking, IFSA-Butler will, first and foremost, seek to establish the safety and wellbeing of the victim, and will consult with the victim regarding his or her wishes for how to proceed in this matter. Additionally, IFSA-Butler will seek to provide fair and impartial support to the Accused, when the Accused is a member of the IFSA-Butler community. Finally, IFSA-Butler will consider local laws and customs regarding sexual misconduct, relationship violence or stalking, which vary greatly across the regions where IFSA-Butler provides study abroad programs.

When sexual misconduct, relationship violence or stalking occurs to students participating in IFSA-Butler's study abroad programs, IFSA-Butler will immediately seek to eliminate the misconduct, prevent its recurrence, and address its effects. These procedures, as well as guidelines set forth in IFSA-Butler's Student Incident policy and procedures, guide IFSA-Butler employees in ensuring appropriate action is taken in response to reported incidents of sexual misconduct, relationship violence or stalking. In addition, implementation of these procedures, and appropriate communication with the Title IX Coordinator and Study Abroad Office at the complaining students' (the "Complainant") and/or the Accused students' home college or university (the "Home Institution"), will enable IFSA-Butler to support the students' Home Institution in complying with and carrying out the Home Institution's responsibilities under Title IX of the Education Amendments of 1972 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act") of 1990.

It should be noted that while IFSA-Butler will seek to eliminate sexual misconduct, relationship violence or stalking, students participating in IFSA-Butler programs often live in communities and/or countries with very different cultural expectations, mores, and laws than what students may be accustomed to in the United States, especially with respect to sexual conduct. In addition, IFSA-Butler usually has no authority over employees or students of host universities. Accordingly, IFSA-Butler's ability to take corrective action in response to complaints of sexual misconduct, relationship violence or stalking may be more limited than that of universities in the United States.

### **Making a complaint**

Students are encouraged to submit complaints and/or to provide information about suspected incidents of sexual misconduct, relationship violence or stalking promptly so that IFSA-Butler can take appropriate action to address and mitigate the situation, which may include implementing protective measures, assisting Complainant in filing appropriate reports with law enforcement, obtaining medical exams or assistance, and providing support services or referrals to agencies that can provide such services.

Complaints may be made orally or in writing to the Resident Director or to any other IFSA-Butler employee abroad or in the Indianapolis headquarters. Complaints should be made as soon as possible following an incident; however, IFSA-Butler acknowledges that many victims of sexual misconduct, relationship violence or stalking may not be ready to report the incident right away. IFSA-Butler will accept complaints at any time. It is important to note that IFSA-Butler's response may be limited depending upon the timing of the complaint, especially if the report is made toward the end of the program or after the program has ended.

Should a student wish to file a complaint against an IFSA-Butler resident staff member, the student should report the complaint to the Resident Director, the Vice President of Program Management and Development, or the Director of Health, Safety and Security. If the complaint is against the Resident Director, then the student should file the complaint with the Vice President of Program Management and Development, or the Director of Health, Safety and Security. Finally, should a student wish to file a complaint against an IFSA-Butler staff member located in the United States, the complaint should be made to IFSA-Butler's Director of Human Resources or the Vice President and Chief Financial Officer.

## **IFSA-Butler employees' responsibility to report a complaint or incident**

IFSA-Butler employees are not considered confidential resources with respect to reporting complaints or incidents of sexual misconduct, relationship violence or stalking. Accordingly, a report will be made as soon as an IFSA-Butler employee becomes aware that sexual misconduct, relationship violence or stalking involving an IFSA-Butler student

The Resident Director will immediately report the misconduct to the Director of Health, Safety and Security in order to obtain guidance on enacting proper protocols for assisting the Complainant. As soon as possible after receiving a complaint, the Director will notify the following offices at the Complainant's Home Institution:

- 1. Title IX Coordinator:** The initial report will be to the Title IX coordinator and will include details of the report of sexual misconduct including, but not limited to, the Complainant's name, study abroad location, a brief recitation of the nature of the complaint, a statement regarding how the Complainant wishes to proceed with the complaint (e.g., request to maintain privacy or press charges), assistance and support provided by IFSA-Butler to the Complainant, and a statement that IFSA-Butler will conduct an inquiry and implement safety measures, if necessary, consistent with this policy.

If reasonable effort has been made to contact the Home Institution Title IX coordinator to no avail, or if the Home Institution does not have a Title IX coordinator, then the Director will instead contact the Study Abroad Office to report the complaint.

- 2. Study Abroad Office ("SAO"):** The report to the SAO will be made to an employee of the SAO who is at least at the level of a director, unless the SAO has a designated Title IX coordinator or official liaison for study abroad students.
  - a. If the Complainant requested privacy, IFSA-Butler may withhold the Complainant's name and/or identifying information from the report to the SAO.
  - b. If the Complainant has not requested privacy, then IFSA-Butler may provide the SAO with the same details initially reported to the Title IX coordinator of the Complainant's Home Institution.
  - c. If the Complainant has requested privacy, yet the SAO has a designated Title IX coordinator or liaison, IFSA-Butler will report all details of the complaint, as listed above in the section for Title IX Coordinator.

If the Accused is an IFSA-Butler student, then IFSA-Butler will follow the same procedures outlined above with respect to notifying the Title IX coordinator and SAO at the Home Institution of the Accused, subject to the following: IFSA-Butler will defer to the judgment of the Title IX coordinator as to whether or not such information should be shared by IFSA-Butler or by the Title IX coordinator with the SAO office at the Home Institution of the Accused

## **Inquiry into complaints**

At this time, IFSA-Butler does not employ a Title IX Coordinator, nor are IFSA-Butler employees trained on how to conduct a Title IX investigation of complaints of sexual misconduct, relationship violence or stalking. Therefore, Title IX investigations will be the responsibility of the Home Institution(s) of the

Complainant and/or the Accused. Furthermore, if the Complainant wishes to press criminal charges, IFSA-Butler will defer responsibility for criminal investigations to local law enforcement agencies.

The Resident Director, in coordination with the Director, will promptly conduct an inquiry into any reports of sexual misconduct, relationship violence or stalking. The primary purpose of such an inquiry is to amplify what is known so that IFSA-Butler can determine whether interim measures should be taken to address the safety and wellbeing of the Complainant and the broader IFSA-Butler community.

It is important to note that this inquiry is not a Title IX investigation or a criminal investigation, nor should it take the place of either. If a Complainant wishes to pursue a Title IX investigation or criminal investigation, the Complainant will need to file a report with the local police or U.S. Embassy and/or work in conjunction with his or her Home Institution's Title IX Coordinator.

If the Title IX coordinator at the Home Institution of the Complainant or the Accused wishes to investigate the complaint, IFSA-Butler will assist the Home Institution's investigative processes to the best of its ability. Additionally, IFSA-Butler will take into consideration any recommendations resulting from a Title IX investigation conducted by the Home Institution(s), which may include implementing corrective action, modifying and/or removing any interim safety measures established by IFSA-Butler, as well as reinstating or dismissing the Accused from the program.

### **Safety Measures**

Upon receiving a complaint and conducting the initial inquiry described above, the Resident Director, in coordination with the Director and the Complainant, should he or she so desire, will determine whether to take reasonable measures to ensure the safety and wellbeing of the Complainant, as well as other IFSA-Butler students or staff members. Such safety measures may include, but are not limited to: 1) relocating the Complainant or Accused to another residence if they live in close proximity to one another, 2) moving Complainant or Accused to different program class(es) if both parties share the same program class(es), 3) requesting the host institution remove the Accused from class(es) shared with the Complainant, 4) prohibiting the Accused from having any contact with the Complainant, 5) safety planning, 6) transportation arrangements, and 6) temporarily removing the Accused from the study abroad program.

### **Confidentiality**

IFSA-Butler employees are not considered confidential resources with respect to receiving complaints of sexual misconduct, relationship violence or stalking. Confidential resources for students may include: 1) mental health professionals acting in that capacity, 2) pastoral counselors acting in that capacity, 3) medical professionals acting in a patient-care role, and 4) employees of a sexual assault/rape trauma center or victim's support center.

IFSA-Butler students will be informed of local confidential resources available to them during the on-site program orientation at the beginning of the IFSA-Butler program. This information will also be given to students as part of the program materials provided during the orientation.

### **Reporting to local law enforcement**

The Complainant will be advised that he or she may file a report with the local law enforcement agency. Also, the Complainant will be advised about how the legal process works in the host country, not in an attempt to deter the Complainant from reporting to law enforcement, but to provide

realistic expectations of what the legal process entails (e.g., Complainant may have to surrender his or her passport, remain in the country after the program end date for court appearances, or face the Accused in a court of law).

Alternatively, if it is the opinion of the Resident Director in consultation with the Director that reporting the incident to the local law enforcement agency may be dangerous to the Complainant (either because of known corruption within the law enforcement agency, known violence committed by law enforcement officers against Complainants, or local religious laws that could potentially bring harm to and/or imprisonment of the Complainant), then the Complainant will be advised that he or she should not file a report with the local law enforcement agency and may instead file a report with the local office of the United States Embassy or Consulate.

### **Retaliation**

IFSA-Butler strictly prohibits any retaliation against an individual who reports an incident of sexual misconduct, relationship violence or stalking. If the Accused, or his or her friends, are part of the IFSA-Butler community and retaliate against the Complainant, or the Complainant's friends, after a complaint is filed, IFSA-Butler will take a strong stance and swift action against such retaliation. If a retaliating student is an IFSA-Butler student, he or she may face disciplinary action that may include, but is not limited to, exclusion from program courses or activities, dismissal from the program, and notification to the retaliating student's Home Institution Title IX coordinator and the SAO.

The Resident Director, or his or her designee, will seek to ensure that the Complainant knows how to report any subsequent retaliation issues to the Resident Director and/or local law enforcement. If necessary, IFSA-Butler's security insurance may be utilized to evacuate the Complainant out of the host country if he or she is in immediate danger as a result of reporting sexual misconduct, relationship violence or stalking.

### **Questions about this Policy and Procedures**

Any questions regarding this Policy and Procedures Addressing Sexual Misconduct, Relationship Violence or Stalking should be directed to the Director of Health, Safety and Security of IFSA-Butler at 800-858-0229.