“Unprecedented” and “challenging” continued to be the most common adjectives to describe the 2020-2021 academic year. The constantly changing conditions around the COVID-19 pandemic and its implications for universities, students, and employees, as well as changes in federal regulations, drove our agenda this year. We also continued to join with the rest of the IU community to strive for greater equity and racial justice. We are grateful for the efforts of all of our colleagues and the opportunity to work with them.

The Office of Institutional Equity worked throughout the year to support the accommodations process, particularly around the pandemic’s effects on workers. We were able to design a process to effectively track and route accommodation requests and create templates and best practices for communications between employees and supervisors during the interactive process. These tools will facilitate our accommodation process beyond the pandemic.

We spent the summer of 2020 and the rest of that fall working to implement the 2020 Title IX Final Rule by revising the University’s sexual misconduct policy to become the Discrimination, Harassment, and Sexual Misconduct policy (UA-03). The changes ensured the University’s compliance with the new regulations and addressed the many areas and nuances of harassment, discrimination, and sexual misconduct. OIE worked with faculty, staff, and student affairs personnel on all campuses to train University employees with responsibilities in the complaint resolution processes.

Indiana University moved to a new job framework for staff employees, significantly affecting our federal reporting requirements. OIE staff worked to realign our employee information systems with the new job categories and census information. We also monitored initial changes from the new federal administration regarding labor and employment regulations.

We also saw a change in leadership within our office with the departure of our former University Director, Emily Springston. Emily was the first director of the Office of Institutional Equity when it was formed in 2018, and before that, was the first director of Student Welfare and Title IX established in 2012. The University and all of us will always be grateful for the leadership she brought to our field, our office, and the important work that continues.

I am pleased to share our 2020-2021 Annual Report.

Jennifer Kincaid
University Director of Institutional Equity
Title IX Coordinator
ADA Coordinator
NON-DISCRIMINATION/EQUAL OPPORTUNITY/ AFFIRMATIVE ACTION POLICY

Indiana University pledges itself to continue its commitment to the achievement of equal opportunity within the University and throughout American society as a whole. In this regard, Indiana University will recruit, hire, promote, educate, and provide services to persons based upon their individual qualifications. Indiana University prohibits discrimination on the basis of age, color, disability, ethnicity, sex, gender identity, gender expression, genetic information, marital status, national origin, race, religion, sexual orientation, or veteran status.

As required by Title IX of the Education Amendments of 1972, Indiana University does not discriminate on the basis of sex in its educational programs and activities, including employment and admission. Questions specific to Title IX may be referred to the Office for Civil Rights or the University Title IX Coordinator.

Indiana University shall take affirmative action, positive and extraordinary, to overcome the discriminatory effects of traditional policies and procedures with regard to the disabled, minorities, women, and veterans.

AMERICANS WITH DISABILITIES ACT (ADA) POLICY

Indiana University is committed to maintaining an inclusive and accessible environment across all of its campuses. Ensuring that all members of the university community have access to facilities, information, and information technology associated with administration and services, coursework and instruction, programs, and university-sponsored activities is critical to the university’s educational mission and is among its highest priorities. The Americans with Disabilities Act (ADA), the Indiana Civil Rights Act, and Indiana University policy prohibit discrimination against qualified individuals with disabilities in employment and educational programs. University websites must be accessible so that students, prospective students, employees, guests and visitors with disabilities have equivalent access to the information and functionality provided to individuals without disabilities.

Indiana University provides reasonable accommodations in the form of reasonable modifications to policies, practices, or procedures in order to make its services, programs, and activities accessible to qualified individuals with disabilities unless the modification would fundamentally alter the nature of a university service, program, or activity. These accommodations and adjustments must be made in a timely manner and on an individualized and flexible basis.

DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT POLICY

Indiana University prohibits discrimination and harassment on the basis of age, color, disability, ethnicity, sex, gender identity, gender expression, genetic information, marital status, national origin, race, religion, sexual orientation, or veteran status (“protected classes”) in matters of admission, employment, housing, services, and in its educational programs and activities.

Policy UA-03 governs the university’s response to all forms of discrimination and harassment, and sexual misconduct. The Office of Institutional Equity, along with Equity and Title IX offices on each IU campus, are responsible for the appropriate and effective implementation of this policy. It is important that all members of the University community understand what conduct is prohibited and how the University’s processes govern the response to reports of discrimination, harassment and sexual misconduct.
THE UNIVERSITY SEXUAL MISCONDUCT POLICY

The U.S Department of Education released new Title IX regulations in May 2020, which required changes in IU’s policy and procedures to be in compliance by August 14, 2020. OIE coordinated the revision of IU’s Sexual Misconduct policy to comply with these new regulations. The updated policy also incorporates procedures for complaints of discrimination and harassment outside of Title IX and sexual misconduct, providing a more consistent way for the university to enforce its Non-Discrimination Policy (UA-01). The new UA-03 policy, now called Discrimination, Harassment and Sexual Misconduct, was adopted by the University Faculty Council in interim form following the work of a nine-member review committee that included staff, faculty and student representatives.

The policy provides overarching provisions regarding reports/complaints of discrimination, harassment and sexual misconduct; new faculty/staff/student Title IX complaint resolution procedures for allegations that fall within the scope of the revised Title IX regulations; complaint resolution procedures for allegations of sexual misconduct outside the scope of the Title IX regulations; and new complaint resolution procedures for complaints of discrimination or harassment against faculty and staff based on other protected categories under UA-01. (Allegations of discrimination or harassment against a student will follow the existing Student Code procedures.)

COVID ACCOMMODATION PROCESS

In response to the COVID-19 pandemic, OIE worked with Human Resources, Academic Affairs, and Accommodation Specialists from each campus to organize a process for requesting accommodations for those in high-risk categories as identified by the CDC. This process was integrated with the Community Responsibility Acknowledgment (CRA) form that was launched during the Summer of 2020. OIE worked to provide campus HR and Academic Affairs offices and Accommodation Specialists with communication templates and a tracking system to provide follow-up and reporting.

While this process was organized specifically in response to the COVID-19 pandemic the University continues to have its regular accommodation request process available to those employees and applicants seeking an accommodation related to a disability or medical condition. More information about requesting an accommodation can be found at Accessibility.iu.edu.
FEDERAL REPORTING, AFFIRMATIVE ACTION PLANS, PLANNING DATA

Annually, in addition to developing Affirmative Action Plans for the Bloomington and regional campuses, OIE prepares data for the IPEDS Report to the Department of Education and Vets 4212 report. OIE provides monthly data on job openings, hires, and terminations to the Department of Labor monthly and compiles data for administrative and school units on the IU workforce for initiatives or planning.

REVIEWING THE ACADEMIC SEARCH PROCESS FOR INCLUSION

OIE monitors all Bloomington campus academic searches to ensure compliance with affirmative action and equal opportunity laws, including assessment of applicant pools in comparison to the availability of women and minorities in the area. OIE strives to ensure hiring departments have a diverse pool of applicants from which to interview and hire. This year the office participated in 158 academic searches and there were 131 academic waivers.

ANALYZING SALARY EQUITY FOR POTENTIAL DISCRIMINATION

OIE reviews IU compensation practices to ensure they are free from discrimination based on both IU policy and federal law. Working with both departments/units and employees, the office reviews compensation data and other information to analyze where there is inequity on the basis of an employee’s protected characteristics. This year OIE reviewed salaries in six departments and assisted those departments in identifying remedies when determined necessary.

JOB RE-FRAMEWORK CHANGES REPORTING CATEGORIES

IU Human Resources launched a new job framework for staff positions in February 2021 designed to update job labels, align position descriptions, and provide a more transparent career path for employees. The improvement nevertheless significantly impacted the University’s federal reporting requirements. All year, OIE staff worked on updating the employee database fields so that the new job names correspond with the job codes and census information needed for the University’s Affirmative Action Plans. The Affirmative Action Plans using the new 2021 employee data will be the first opportunity to analyze utilization within the new job framework.

REVIEWING STAFF SEARCH WAIVERS

OIE has joined with University Human Resources to review staff searchers. Specifically, OIE is reviewing all searches for which there is a requested waiver to the standard process. OIE’s review assesses whether the position is in an underutilized area and the reason for the requested waiver. Last year OIE reviewed 117 staff searches.
ACCESSIBILITY WEBSITE

Indiana University is committed to maintaining an inclusive and accessible environment. To that end, OIE worked with the University’s Accessibility Architect to merge the existing ADA.iu.edu site and Accessibility.iu.edu site to centralize information regarding accessibility on all IU campuses. The new Accessibility.iu.edu site launched in July 2021 and includes important information, resources, and campus contacts to provide assistance to faculty, staff, students and visitors. The site also provides information for reporting both digital and other accessibility issues.

LIMITED ENGLISH PROFICIENCY (LEP) RESOURCE PAGE

In accordance with the prohibition against discrimination on the basis of national origin under Title VI, Indiana University is committed to the accessibility of our programs and activities to those with Limited English Proficiency (LEP). To that end, OIE created a resources page housed on the equity.iu.edu site to outline the University’s LEP statement and available resources, including requests for providing appropriate alternative language formats to those with limited English proficiency. This site also includes valuable links to online platforms that provide free translation services and information for reporting both digital and other accessibility issues.

ACADEMIC SEARCH & SCREEN GUIDE

This past year the Academic Search Guide was finished and added to the Office of Institutional Equity’s website. It was also sent out to all the hiring departments. It is meant to be used as a tool to help with the process of conducting fair and equitable searches. Advice is given on such things as forming Search Committees, posting advertisements, necessary timelines, evaluating the candidates and making offers. There is a list of diversity recruitment sources on the website for departments that wish to advertise in areas that may help to attract more diverse pools.
LEGAL COMPLIANCE TRAINING ON ALL CAMPUSES

Staff from OIE collaborate with University Human Resources staff to provide the Legal Compliance Series for Supervisors on the Bloomington campus. The series is comprised of four in-person sessions that inform IU supervisors of relevant employee protection laws and university policies that impact their work. The series promotes positive employee relations while ensuring consistent application of University policies and employment laws across IU units. The four session series includes education on Equal Employment Opportunity, Title IX and Sexual Misconduct Prevention, the American’s with Disabilities Act (ADA), and FLSA, FMLA and Worker’s Comp policies and procedures.

Due to the pandemic, the Office of Institutional Equity worked with University Human Resources to transition the Compliance Training Series to on-line training for the regional campuses. Approximately 250 supervisors completed the series.

Because of the success of the the on-line training, the Office of Institutional Equity is in the process of working with University Human Resources to re-create the Compliance Series to include a hybrid of on-line and in person training which will be provided to the regional campuses, as well as the Bloomington and Indianapolis campuses.

ONLINE RESPONSIBLE EMPLOYEE TRAINING

At Indiana University, employees designated as ‘responsible employees’ are required to report incidents of sexual misconduct which come to their attention. Employees included in this designation include anyone instructing students, as well as advisors, coaches and other athletic staff working with students, student affairs administrators, residence hall staff, university supervisors and officials, and employees in offices that interface with students. As part of this duty, responsible employees are also required to take the Responsible Employee Training through Canvas annually to ensure they remain aware of their responsibilities and how to assist students in such situations.
INDIANA UNIVERSITY’S NON-DISCRIMINATION/EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY (UA-01)

Prohibits discrimination on the basis of age, color, disability, ethnicity, sex, gender identity, gender expression, genetic information, marital status, national origin, race, religion, sexual orientation, or veteran status in both its educational and employment programs.

The Office of Institutional Equity investigates reports of discrimination and harassment alleged against IU faculty and staff on the Bloomington campus. In part because of successful supervisor training throughout the years on issues related to discrimination and harassment, many potential issues are able to be addressed in coordination with departments and units short of formal investigation.

In general, reports of discrimination and harassment are addressed by the equity office located on the IU campus on which the concern arose. OIE works directly with each equity office to ensure coordination and provides consultation for investigation and response measures.

The graphs on the following pages provide information on reports of discrimination and harassment made to OIE and each campus equity office for the period of July 1, 2020 to June 30, 2021. The data are arranged into the following categories.

- **Administrative Action:** These reports resulted in a finding of discrimination or harassment with corrective action that may have included reprimand, required training, suspension, and/or termination.

- **Claim Not Substantiated:** These reports resulted in no finding which is a determination that there were no violations of the University’s Sexual Misconduct Policy. In some instances, additional education, training, and/or remedial action may still be provided.

- **Alternative University Action:** These reports resulted in alternative university action including, but not limited to: providing consultation, facilitating conversation between those involved, providing information about or assistance with support resources, administering training, and addressing issues that fall under other applicable University policies and procedures when appropriate.

- **No Action: Complainant Request:** Reports where complainant did not respond to University outreach or did not wish to provide information.

- **No Action: Not within the Scope of Policy:** Reports which were determined not to be within the scope of Policy UA-01.

- **No Action: Unknown Parties:** Reports where the identity of one or both parties is unknown and can not be determined.
2020-2021 Discrimination/Harassment Reports

IU Bloomington Reports of Discrimination/Harassment: 36*

- Disability
- Gender/Gender Identity
- Multiple Factors
- National Origin
- Race
- Retaliation
- Sexual Orientation

IU PUI Reports of Discrimination/Harassment: 41*

- Age
- Disability
- Gender/Gender Identity
- Multiple Factors
- National Origin
- Race/Ethnicity
- Religion
- Retaliation
- Sexual Orientation

* There was 1 report not within IU jurisdiction and 2 multifactor reports still pending resolution, which are not included in the graph.
IU SOUTH BEND REPORTS OF DISCRIMINATION/HARASSMENT: 30

- Gender/Gender Identity: 2
- Multiple Factors: 2
- National Origin: 2
- Race/Ethnicity: 14
- Religion: 2
- Retaliation: 1
- Sexual Orientation: 1

IU KOKOMO REPORTS OF DISCRIMINATION/HARASSMENT: 1

- Multiple Factors: 1

IU NORTHWEST REPORTS OF DISCRIMINATION/HARASSMENT: 10

- Gender/Gender Identity: 2
- Disability: 3
- Multiple Factors: 3
- Race/Ethnicity: 4
- Retaliation: 1

IU EAST REPORTS OF DISCRIMINATION/HARASSMENT: 6

- Gender/Gender Identity: 1
- Race/Ethnicity: 5

IU SOUTHEAST REPORTS OF DISCRIMINATION/HARASSMENT: 4

- Gender/Gender Identity: 1
- Race/Ethnicity: 3
- Sexual Orientation: 1
INDIANA UNIVERSITY’S DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT POLICY (UA-03)

Prohibits discrimination on the basis of sex and gender as well as all forms of sexual misconduct, which includes sexual harassment, sexual assault, other forms of sexual violence, dating violence, sexual exploitation, and stalking.

MAKING A REPORT: At IU, there are multiple ways to make a report of sexual misconduct to the University. Information regarding an incident of sexual misconduct may be reported to IUPD, the campus Deputy Title IX Coordinator, online through StopSexualViolence.iu.edu, or by notifying a responsible employee (e.g. instructors, advisors, administrators).

AFTER A REPORT: Once a report is received, the person who may have experienced sexual misconduct (the Complainant) is provided information on IU’s policies and procedures, as well as resources available both on campus and from community partners. This includes information on available advocates, counseling and other potential supportive measures. All incidents of possible sexual misconduct are brought to the attention of the University Title IX Coordinator and the Deputy Title IX Coordinator for the respective campus who coordinate with other campus offices to offer resources, support, and information.

COMPLAINANT’S WISHES: If the complainant does not desire to move forward with an Investigation, the University must determine, based on the information available, if it can maintain a safe, non-discriminatory environment for the entire University community without a formal Investigation. If the University determines that an Investigation is necessary based on the nature of the report, University procedures will be initiated. If a formal Investigation is not requested, the University may still work to address concerns proactively.

INITIATE FORMAL PROCEDURES & RESOLUTION PROCESS: When the Complainant requests the University move forward with an Investigation, or the University determines it must move forward with an Investigation, the procedures used are determined by the status of the Respondent as either a University student or employee. These procedures can be found in the University’s Sexual Misconduct Policy. More information about these procedures can be found on StopSexualViolence.iu.edu.
STUDENT SEXUAL MISCONDUCT

The following pages provide data, by campus, on student related reports of sexual misconduct brought to IU’s attention between July 1, 2020 and June 30, 2021. The data reflect reports of incidents that occurred on campus or off campus, as well as anonymous reports and reports where very little information was shared with the University. The data that follow are classified into the categories below:

**Reports Moved Forward: Formal University Resolutions**
Reports where i) the University made a determination as to the Respondent’s responsibility according to the student procedures set forth in the Sexual Misconduct Policy, ii) reports resolved through Respondent’s Acceptance of Responsibility, iii) reports that resulted in a summary suspension, or iv) reports resolved through a formal alternative resolution that was agreed upon by the Complainant and Respondent according to the Sexual Misconduct Policy.

**Reports Moved Forward: Informal Alternative University Action/Resolutions**
Reports that were addressed and resolved using alternative processes or responses.

**Reports Not Moved Forward: Complainant Request for No University Action**
Reports where the potential Complainant did not respond to University outreach, would not disclose details about the incident or the identity of the Respondent, and/or where they specifically requested “No University Action,” and the University has determined that it can honor the request.

**Reports Not Moved Forward: Unknown Party**
Reports where the identity of one or both parties is unknown and unable to be determined by the University. This includes reports where the Respondent is unknown to the Complainant and/or is otherwise unable to be ascertained by the Complainant or University. In such instances, the University is limited in its ability to move forward in the investigation at that time.

**Reports Not Within the Scope of the Sexual Misconduct Policy**
Reports that were determined to not be within the scope of the Sexual Misconduct Policy.

*No University Jurisdiction: The University also receives reports that are confirmed to be outside of the University’s jurisdiction because either i) the misconduct was committed by an individual not affiliated with the University, or ii) the misconduct occurred prior to attending the University. In all such instances, the University responded to provide information, outreach and support through on and off campus resources.*
IU BLOOMINGTON REPORTS OF STUDENT SEXUAL MISCONDUCT: 189

1 28 of these reports were outside of the University jurisdiction.
2 28 reports that went through formal University resolution process. 3 resulted in expulsion, 4 resulted in suspension, 12 resulted in an alternative resolution agreement, 3 resulted in no finding, and 6 cases are pending. Outcomes and reports may differ as there may be more than one respondent in a report.

IU BLOOMINGTON REPORTS OF STUDENT SEXUAL MISCONDUCT: 7 YEAR REVIEW

Office of Institutional Equity & Title IX  Annual Report 11
2020-2021 STUDENT SEXUAL MISCONDUCT REPORTS

IUPUI REPORTS OF STUDENT SEXUAL MISCONDUCT: 65¹

- Reports Moved Forward: Formal University Resolutions ²
- Reports Moved Forward: Alternative University Action/Resolution
- Reports Not Moved Forward: Complainant Request
- Reports Not Moved Forward: Unknown Party
- Reports Not within the scope of the Sexual Misconduct Policy

Reports Moved Forward: Formal University Resolutions: (24)
Reports Not Moved Forward: Complainant Request: (2)
Reports Not Moved Forward: Unknown Party: (6)
Reports Not within the scope of the Sexual Misconduct Policy: (10)

¹There were additionally 10 reports which were outside of the University jurisdiction.
²9 reports went through the formal University resolution process, 2 resulted in expulsion, 2 resulted in suspension, 1 resulted in probation, 3 resulted in an alternative action, and 1 resulted in no finding.

IUPUI REPORTS OF STUDENT SEXUAL MISCONDUCT: 7 YEAR REVIEW

- Sexual Assault/Contact
- Sexual Harassment
- Stalking
- Dating/Domestic Violence
- Sexual Exploitation
2020-2021 STUDENT SEXUAL MISCONDUCT REPORTS

- Reports Moved Forward: Formal University Resolutions
- Reports Moved Forward: Alternative University Action/Resolution
- Reports Not Moved Forward: Complainant Request
- Reports Not Moved Forward: Unknown Party
- Reports Not within the scope of the Sexual Misconduct Policy

IU SOUTH BEND REPORTS OF STUDENT SEXUAL MISCONDUCT: 14 (7 were not within jurisdiction)
- Dating/Domestic Violence
- Sexual Assault/Contact
- Sexual Exploitation
- Sexual Harassment

IU EAST REPORTS OF STUDENT SEXUAL MISCONDUCT: 10 (8 were not within jurisdiction)
- Dating/Domestic Violence
- Stalking

IU KOKOMO REPORTS OF STUDENT SEXUAL MISCONDUCT: 3 (1 was not within jurisdiction)
- Sexual Harassment
- Stalking

The IU Southeast campus had 1 report which was not within University jurisdiction, and the IU Northwest campus had 1 report which was not within University jurisdiction.
This section reflects reports of potential sexual misconduct made against University faculty or staff between July 1, 2020 and June 30, 2021. The data are classified according to the following categories:

**Administrative Action:** These reports resulted in a finding of sexual misconduct with corrective action that may have included reprimand, required training, suspension, and/or termination.

**Claim Not Substantiated:** These reports resulted in no finding which is a determination that there were no violations of the University Sexual Misconduct Policy. In some instances, additional education, training, and/or remedial action may still be provided.

**Alternative University Action:** These reports resulted in alternative university action including, but not limited to: providing consultation, facilitating conversation between those involved, providing information about or assistance with support resources, administering training, and addressing issues that fall under other applicable University policies and procedures when appropriate.

**No Action: Complainant Request:** Reports where complainant did not respond to University outreach or did not wish to provide information.

**No Action: Not within the Scope of Policy:** Reports which were determined to not be within the scope of the sexual misconduct policy.

**No Action: Unknown Parties:** Reports where the identity of one or both parties is unknown and can not be determined.
IU BLOOMINGTON REPORTS OF FACULTY/STAFF SEXUAL MISCONDUCT: 24

- Sexual Assault/Contact
- Sexual Harassment

IUPUI REPORTS OF FACULTY/STAFF SEXUAL MISCONDUCT: 10

- Sexual Exploitation
- Sexual Harassment
- Stalking

IU SOUTH BEND REPORTS OF FACULTY/STAFF SEXUAL MISCONDUCT: 1

- Sexual Harassment

IU SOUTHEAST REPORTS OF FACULTY/STAFF SEXUAL MISCONDUCT: 1

- Sexual Harassment

IU EAST REPORTS OF FACULTY/STAFF SEXUAL MISCONDUCT: 2

- Sexual Harassment

IU KOKOMO REPORTS OF FACULTY/STAFF SEXUAL MISCONDUCT: 2

- Sexual Harassment
CONFIDENTIAL RESOURCES AND SUPPORTIVE MEASURES

Providing support and assistance for those who may have experienced sexual misconduct is central to IU’s response efforts.

Confidential employees, including confidential advocates and counselors, can provide support to students who have experienced sexual misconduct but are unsure about whether they would like to make a report to the University, or in cases where the alleged behavior falls outside of the University’s jurisdiction. Typical support received includes academic assistance, assistance in changes to housing assignments, and support for students who are reporting to the University or to the police.

OIE works with confidential advocates to ensure that students are receiving support and assistance in compliance with Title IX regulations on supportive measures. Additionally, OIE serves as a resource so that confidential employees can ask hypothetical questions on behalf of students who are not yet ready to make a report but may have questions about the University’s process.

Every year, confidential employees work with scores of students and provide an invaluable resource to the University community. OIE deeply values its working relationship with confidential employees and their essential role on campus.

“My CVA was a vital part in my reporting, healing, and hearing process. Every survivor deserves a CVA especially if they can’t afford outside resources such as a therapist. My CVA truly understood the trauma processes I am still working through and was able to help me when things were too overwhelming in classes and outside of school. I truly don’t think I’d be where I am today without my CVA, and I know my fellow survivors who had one can say the same.”

A student about their experience working with a Confidential Victim Advocate (CVA) at IU Bloomington
FOR MORE INFORMATION ABOUT THE WORK OF THE OFFICE OF INSTITUTIONAL EQUITY PLEASE VISIT OUR WEBSITES.

stopsexualviolence.iu.edu

equity.iu.edu