1. Harassment on the basis of sex is a form of illegal sex discrimination. Sexual harassment in employment violates Title VII of the Civil Rights Act of 1964, as well as state law. Student-on-student sexual harassment and sexual harassment directed toward a student by a University employee violates Title IX of the Education Amendments of 1972.

2. Ball State University will not tolerate sexual harassment of students or employees by members of its faculty or staff, its students or by other agents of the University and will respond in a suitable manner to every complaint.

3. The University has adapted the Equal Employment Opportunity Commission (EEOC) definition of sexual harassment for our academic community: Sexual harassment is defined as any unwelcome sexual advance, request for sexual favors or other unwelcome verbal or physical conduct of a sexual nature, whether committed on or off campus, when:
   3.1 submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or participation in a University-sponsored education program or activity;
   3.2 submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment decisions or academic decisions or assessments affecting an individual; or
   3.3 such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile or offensive working or educational environment. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will persist despite the objection of the person targeted by the speech or conduct.

Sexual harassment includes but is not limited to situations where one person has authority over another. In such situations, sexual harassment is particularly serious because it may unfairly exploit the power inherent in a faculty member’s or supervisor’s position.

4. Sexual harassment can be verbal, visual, physical or communicated in writing or electronically. Some conduct obviously constitutes sexual harassment – such as a threat that a grade or promotion will depend on submission to sexual advance. But whether particular conduct constitutes sexual harassment will often depend upon the specific context of the situation, including the participants’ reasonable understanding of the situation, their past dealings with each other, the nature of their professional relationship (e.g., supervisor-subordinate, colleague, etc.) and the specific setting.

The inquiry can be particularly complex in an academic community, where the free and open exchange of ideas and viewpoints preserved by the concept of academic freedom may sometimes prove distasteful, disturbing or offensive to some. Sexual harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities, in particular,
5. Examples of conduct which may constitute sexual harassment include but are not limited to:
   5.1 requests for sexual favors;
   5.2 unwelcome physical contact such as hugging, rubbing, touching, patting, pinching or
       brushing another's body;
   5.3 veiled suggestions of sexual activities;
   5.4 requests for private meetings outside of class or business hours for other than legitimate
       academic or business-related purposes;
   5.5 use in the classroom of sexual jokes, stories or images in no way germane to the subject of
       the class;
   5.6 use in the workplace of sexual jokes, stories or images in no way germane to the subject of
       the work environment;
   5.7 remarks about a person's body or sexual relationships, activities or experience that are in no
       way germane to the subject of the work or academic environment;
   5.8 use of inappropriate body images to advertise events.

6. Members of the University community can expect to be free from sexual harassment and thus all
   members of the University community should guard against it. The fact that someone did not
   intend to sexually harass an individual is generally not considered a sufficient defense to a
   complaint of sexual harassment, although the reasonableness of the accused's perceptions may be
   considered. In most cases, it is the effect and characteristics of the behavior on the complainant
   and whether a reasonable person similarly situated would find the conduct offensive that
   determine whether the behavior constitutes sexual harassment.

7. The University will not tolerate retaliation or discrimination against persons who report or
   charge sexual harassment or against those who testify, assist or participate in any investigation,
   proceeding or hearing involving a complaint of sexual harassment. In this context, retaliation
   means speech or conduct that adversely affects another's terms or conditions of employment or
   education and is motivated by an intent to harm the targeted person because of his or her
   participation in the filing or investigation of an allegation of sexual harassment. Any such
   retaliation – or encouragement of another to retaliate – is a serious violation of University policy
   and law, independent of whether the particular claim of sexual harassment is substantiated.
   Anyone who believes he or she has been subjected to retaliation in violation of this rule may use
   the procedures described in this policy to complain and seek redress.

8. Any member of the University community who believes he or she is being sexually harassed or
   is being retaliated against is encouraged to contact the Director of Institution Equity and Internal
   Investigations and make a complaint. The complaint will be investigated in accordance with the
   "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal
   Process." A copy of this document may be obtained by contacting the Director of Institutional
   Equity and Internal Investigations.

9. The University can respond to specific instances and allegations of harassment only if it is aware
   of them. The University therefore encourages anyone who believes that he or she has
   experienced sexual harassment to come promptly forward (typically within 45 calendar days)
   with inquiries, reports or complaints and to seek assistance from the Director of Institutional
   Equity and Internal Investigations. In addition, any University employee who becomes aware of
instances or allegations of sexual harassment by or against a person under his or her supervisory authority must report them to the Director of Institutional Equity and Internal Investigations. It shall be the responsibility of the Director of Institutional Equity and Internal Investigations to respond to allegations and reports of sexual harassment or refer them to other University officials for an appropriate response.

10. Any dean, chairperson, director or department head or other similar administrator who becomes aware of information indicating a significant likelihood of sexual harassment must report such information to the Director of Institutional Equity and Internal Investigations. These administrators must respond not only when they receive a specific complaint or report alleging improper activity, but also when such matters come to their attention informally. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to respond. Administrators should consult the Director of Institutional Equity and Internal Investigations prior to responding to any situation involving alleged harassment.

11. Possible sanctions for a person found engaging in behavior which is in violation of this policy include but are not limited to the following:

11.1 oral or written reprimand, placed in personnel file;
11.2 required attendance at a sexual harassment sensitivity program;
11.3 an apology to the victim;
11.4 loss of salary or benefit, such as sabbatical or research or travel funding;
11.5 transfer or change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim);
11.6 demotion;
11.7 suspension, probation, termination, dismissal or expulsion.

While counseling is not considered a sanction, it may be offered or required in combination with sanctions. Where alcohol/drugs are involved in the sexual harassment, such counseling may include a substance abuse program. If students or student groups are guilty of sexual harassment, any of the sanctions set forth in the “Code of Student Rights and Responsibilities” may also be invoked.

12. The University seeks to protect the rights of all persons, accusers and accused, to fair procedures. Accusations of sexual harassment frequently have injurious, far-reaching effects on the careers and lives of accused individuals. Allegations of sexual harassment must be made in good faith and not out of malice. Knowingly making a false or frivolous allegation of sexual harassment will be considered a serious violation of University policy.

Approved by the Board of Trustees December 17, 1999
Revised 7/15
Ball State University
Equal Employment and Affirmative Action Policy

Ball State University is committed to the principles of nondiscrimination and equal opportunity in education and employment. Further, the University is committed to the pursuit of excellence by prohibiting discrimination and being inclusive of individuals without regard to race, religion, color, sex (including pregnancy), sexual orientation, gender identity or expression, disability, genetic information, ethnicity, national origin or ancestry, age, or protected veteran status. This commitment enables the University to provide qualified individuals access to all academic and employment programs on the basis of demonstrated ability without regard to personal factors that are irrelevant to the program or job requirements involved.

The University assigns a high priority to the implementation of this equal opportunity policy and, through its affirmative action program, seeks to expand its efforts to guarantee equality of opportunity in employment. Affirmative action is taken to attract and recruit diversity, including underrepresented minority groups, females, protected veterans or individuals with disabled veteran status, and otherwise qualified persons with disabilities. Ball State will hire, transfer, recruit, train, promote, assign work, compensate, layoff and/or terminate based upon the tenets of this policy.

The University President affirms the commitment to equal opportunity and accepts responsibility for the implementation of the affirmative action program along with the vice presidents, deans, directors and heads of units. All persons involved in the decision-making process, including members of faculty and other employee committees, shall act in a nondiscriminatory manner. The Director of Employee Relations and Affirmative Action has been specifically designated to be responsible for overall compliance with all federal and state laws and regulations regarding nondiscrimination and for implementation and coordination of the University’s affirmative action program. Information concerning the University’s affirmative action program can be obtained from the Director of Employee Relations and Affirmative Action, Ball State University, Muncie, IN 47306.

To ensure equal employment opportunity and nondiscrimination, each member of the Ball State University community must understand the importance of this policy and his/her responsibilities to contribute to its success. This policy seeks to encourage the reporting of incidents so they may be addressed. Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion, discrimination, or retaliation because they have engaged or may engage in any of the following: 1) filing a complaint; 2) assisting or participating in an investigation, compliance review, hearing, or any other activity related to the administration of any federal, state, or local law requiring equal employment opportunity; 3) opposing an act or practice deemed unlawful by a federal, state, or local law requiring equal employment opportunity; or 4) exercising any right according to this policy and/or any other lawfully protected right.

Complaints regarding unlawful discrimination or retaliation should be filed within 45 calendar days following the alleged act or incident giving rise to the complaint with the Director of Institutional Equity and Internal Investigations in accordance with the Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process. A copy of this document may be obtained by contacting the Director of Institutional Equity and Internal Investigations. Any individual or group found to have violated this policy will be subject to disciplinary or remedial action, up to and including termination of employment or expulsion from the University.

The University maintains an audit and reporting system to determine overall compliance with its equal employment opportunity and affirmative action mandates. As a part of this system, the President will review the University’s equal opportunity and affirmative action policy and program at least once each year, measure progress against the objectives stated in the affirmative action program, and report findings and conclusions to the Board of Trustees.

Revised by the Board of Trustees July 17, 2015
Ball State University
Policy on Consensual Sexual or Romantic Relationships

1. Legal and ethical risks are inherent in any sexual or romantic relationship between a person with instructional responsibilities (full-time or part-time faculty, lecturer, visiting professor, graduate assistant, or tutor) and a student whose academic work is being supervised by the person with instructional responsibilities, even when the relationship seems to be consensual. The same is true of a sexual or romantic relationship between a person with non-instructional supervisory responsibilities (faculty, administrator, staff, or student) and someone over whom the person has supervisory responsibility. Individuals involved in a romantic relationship cannot be expected to be able to render an objective assessment of the performance of his or her partner in the relationship; the ability to render an objective assessment is crucial to the role of instructor or supervisor.

2. Because of these legal and ethical risks, it is the University's policy that persons shall not have instructional or supervisory responsibilities over anyone with whom they have a sexual or romantic relationship. If such a relationship exists or develops, the person with instructional or supervisory responsibilities shall immediately make arrangements to terminate his or her instructional or supervisory responsibilities over the partner in the relationship. A member of the campus community who fails to withdraw from participation in decisions that may reward or penalize the party with whom he or she has or has had a sexual or romantic relationship will be deemed to have violated his or her ethical obligation to the University.

3. Violations of this policy may be reported to the Director of Institutional Equity and Internal Investigations or in the case of a student, he or she may report the conduct to the administrative head of Student Affairs. All such complaints and reports will be investigated in accordance with the "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process." To knowingly file a false or malicious complaint or report is a violation of this policy.

Approved by the Board of Trustees 12/16/05.
Rev. 07/15
Child Abuse Reporting

EVERYONE IS CONSIDERED A MANDATORY REPORTER IN THE STATE OF INDIANA! If you are working with a client and they disclose abuse in the home with regards to the child, you must indicate your role and report the incident of abuse immediately.

Please report all child abuse and neglect by calling

1-800-800-5556

Suspected child abuse or neglect should be reported to Child Protective Services (CPS). They operate a 24-hour, 7-day a week hotline: 1-800-800-5556. There is also a local number for every county listed at the CPS website http://www.in.gov/dcs/2372.htm

Reporting:

Any individual who has reason to believe that a child is a victim of child abuse or neglect must make a report. In agencies in which there are established reporting protocols, the report may be made to the individual in charge or another designated agent, who also becomes responsible to report or cause a report to be made. This does not relieve individuals who make a report to another staff person of their own obligation to report directly to child protection services or law enforcement unless a report has already been made by the agency liaison. Anonymous reports are accepted. Failure to make a report can be a Class B misdemeanor.

Indiana Criminal Codes for Reporting:

Mandatory Reporting Law (IC31–33–5–1)
Failing to Report Law (IC31–33–22–1)
False Reporting Law (IC31–33–22–3)
Ball State University Whistleblower Protection Policy

All employees of Ball State University and other members of the University community are expected to comply with all federal and state laws and regulations as well as University policies, and they are also expected to report to the University any violations of such laws, regulations or policies and other University related misconduct they witness or have good reason to believe occurred.

The University has existing policies and procedures for disclosing certain types of violations and misconduct. They include, but are not limited to, the Equal Opportunity and Affirmative Action Policy, the Sexual Harassment and Anti-harassment Policies, the Policy on Conflict of Interest and Conflict of Commitment, and the Policy on Protection of Human Subjects in Research. These policies should be used to report any suspected violations and misconduct covered by the policies.

Other suspected violations and misconduct should be reported to the University office responsible for the policy area or, alternatively, to the Director of Institutional Equity and Internal Investigations. Reports can also be made either by phone using the EthicsPoint dedicated toll-free hotline for Ball State University at 1-844-338-7290, or through the EthicsPoint Internet-based reporting system at: http://www.bsu.edu/ethicspoint. Access to the EthicsPoint Hotline Reporting is available 24/7/365 days of the year.

Any individual making such a report must have a good faith belief that a violation or misconduct may have occurred. An employee who the University determines has knowingly filed a false report or furnished false information may be subject to disciplinary action, up to and including termination.

Retaliation will not be tolerated against anyone who (i) in good faith reports a suspected violation of a federal or state law or regulation, University policy or other University-related misconduct, or (ii) provides testimony or other evidence or otherwise assists in the University's investigation of such a report. Any individual who has been threatened with or subjected to an adverse employment or academic action based on his or her good faith report of such an alleged violation or misconduct, or on his or her participation in the investigation of such a report, may file a complaint of retaliation with the Director of Institutional Equity and Internal Investigations. An employee who the University determines has engaged in retaliation against an individual based on the individual's good faith report of such an alleged violation or misconduct may be subject to disciplinary action, up to and including termination.

This policy supplements the existing Indiana statute, Indiana Code §21-39-3, which protects University employees against retaliation for making a good faith report of a violation of a federal or state law or regulation or the misuse of public resources.

Approved by the Ball State University Board of Trustees May 2, 2014
Rev. 12/12/14 and 07/01/15