



BALL STATE  
UNIVERSITY

BALL STATE UNIVERSITY

# 2023 ANNUAL SECURITY & FIRE SAFETY REPORT

Main (Muncie), Ball State Indy, Ball State Fishers



## Table of Contents

|  |    |
|--|----|
| Introduction .....   | 2  |
| Policy for Preparing the Annual Report .....   | 2  |
| General Safety and Security Policies .....   | 2  |
| Campus Security Personnel & Relationship with Local Law Enforcement .....  | 2  |
| Campus Security Authorities .....  | 4  |
| Reporting a Crime or Emergency .....   | 4  |
| Confidential Reporting .....   | 5  |
| Security of and Access to Campus Facilities .....  | 5  |
| Security Considerations in the Maintenance of Facilities .....   | 6  |
| Educational Programs Related to Security Awareness and Prevention of Criminal Activity .....   | 7  |
| Monitoring Off-Campus Locations of Recognized Student Organizations .....  | 8  |
| Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense .....   | 8  |
| Alcohol and Drugs .....  | 8  |
| Alcohol and Drug Abuse Prevention Program .....  | 8  |
| Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking .....                                       | 10 |
| Primary Prevention and Awareness Program .....   | 10 |
| Ongoing Prevention and Awareness Campaign .....  | 13 |
| PPAP and OPAC Programming Methods .....  | 13 |
| Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking .....  | 13 |
| Available Victim Services .....  | 16 |
| Supportive Measures .....  | 17 |
| Procedures for Disciplinary Action .....   | 18 |
| Rights of the Parties in an Institutional Proceeding .....   | 20 |
| Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses ..... | 21 |
| Publicly Available Recordkeeping .....   | 21 |
| Victims to Receive Written Notification of Rights .....  | 21 |
| Sex Offender Registration Program .....  | 21 |
| Public Safety Advisories (a.k.a., Timely Warnings) .....   | 22 |
| Process for Determining When to Issue a Public Safety Advisory .....   | 22 |
| Criteria for Issuing a Public Safety Advisory .....  | 22 |

|   |    |
|---|----|
| Crime Log .....   | 23 |
| Emergency Response/Notifications.....                               | 23 |
| Overview .....  | 23 |
| Emergency Notification Procedure.....                               | 24 |
| Methods for Issuing Emergency Notifications.....                    | 25 |
| BSUInform Notices.....  | 25 |
| Testing and Documentation .....                                     | 26 |
| Missing Student Policy .....  | 26 |
| Procedures for Students Residing in On-Campus Housing.....          | 26 |
| Notification Procedures for Missing Persons Living Off Campus ..... | 27 |
| Crime Statistics--Main Campus.....                                  | 28 |
| Ball State Main Campus MAP .....                                    | 30 |
| Campus Crime Statistics—Ball State:INDY.....                        | 31 |
| Campus Crime Statistics—Ball State:Fishers .....                    | 33 |
| Annual Fire Safety Report .....                                     | 35 |
| Housing Facilities and Fire Safety Systems .....                    | 35 |
| Fire Drills .....   | 36 |
| Policies on Portable Appliances, Smoking and Open Flames .....      | 36 |
| Fire Evacuation Procedures .....                                    | 36 |
| Fire Education and Training Programs.....                           | 36 |
| Reporting Fires .....   | 37 |
| Plans for Future Improvements .....                                 | 37 |
| On-Campus Housing Fire Statistics .....                             | 38 |

## Introduction

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Ball State University ("University") with information on the University's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the University will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their safety and the safety of others.

The statements of policy, procedure, and programming found in this report apply to the Main (Muncie) Campus, Ball State:INDY campus, and Ball State:Fishers, unless otherwise noted. The Ball State:INDY campus and Ball State:Fishers do not have on-campus student housing facilities and, therefore, the missing student procedures and fire safety information provided later in this report do not apply to those campuses. This report can be downloaded at [www.bsu.edu/fireandsafetyreports](http://www.bsu.edu/fireandsafetyreports).

### Policy for Preparing the Annual Report

This report is prepared by the Office of Student Conduct in cooperation with University Police and other local law enforcement authorities. The report includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Dr. Mike Gillilan, Director of Student Conduct, Pittenger Student Center L-4, 2000 W University Ave, Muncie IN 47306. The phone number to call is (765) 285-5036; the email address is [conduct@bsu.edu](mailto:conduct@bsu.edu).

The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. Members of the campus community can feel safer and more comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

---

## General Safety and Security Policies

### Campus Security Personnel & Relationship with Local Law Enforcement

The Ball State University Police, a division of the Department of Public Safety, is headquartered at 200 N. McKinley Ave., Muncie, IN 47306, (765) 285-1111. University Police is responsible for campus safety at Ball State University.

Public Safety officers are commissioned and have full police powers throughout the State of Indiana, including the authority to arrest individuals. Public Safety's primary jurisdiction is campus property, but the patrol area includes the neighborhoods surrounding campus. Public Safety officers also have mutual aid agreements with the City of Muncie and Delaware County. While the mutual aid agreements do not address the investigation of criminal incidents, Public Safety has its own investigators and can receive and offer assistance to other law enforcement agencies in criminal investigations.

Public Safety officers enforce all state and local laws, including but not limited to underage drinking, controlled substances, crimes against property, and crimes against persons. Public Safety investigates all crimes reported to have occurred on campus property, refers out investigations when appropriate, and works cooperatively with local, county, and state law enforcement agencies.

Public Safety also works closely with the Office of Student Conduct, the Office of Housing and Residence Life, and other offices to enforce the *Code of Student Rights and Responsibilities* (see <http://www.bsu.edu/studentcode>) for individual students and student organizations.

All crimes or suspected crimes on campus should be reported immediately to Public Safety. Crimes occurring off campus can also be reported to Public Safety or to the Muncie Police Department, the Delaware County Sheriff, or the Indiana State Police, depending on the jurisdiction where the incident occurred.

Ball State:Fishers does not have security personnel on site, but relies on 911, support from Fishers police, and staff at Launch Fishers [Launch Fishers is a City of Fishers-owned facility and Ball State:Fishers is co-located there) for non-police responses to emergencies. The building is open 8 a.m. to 5 p.m. Monday – Friday but after hours is accessible only to those with authorized access. Ball State:Fishers does not have any written mutual aid agreements with local law enforcement agencies for the investigation of alleged criminal offenses.

Ball State:INDY does not have security personnel on site but instead relies on 911, security monitoring, and non-police (when appropriate) responses to emergencies. The building is only accessible to those with authorized access. Ball State:INDY does not have any written mutual aid agreement with local law enforcement agencies for the investigation of alleged criminal offenses.

**On Campus Emergencies (Main Campus): (765) 285-1111 or 5-1111 from campus phones**

**Other Emergencies: 911**

**Ball State:Fishers: 911**

**Ball State:INDY: 911**

**Non-Emergencies:**

- Ball State Public Safety: (765) 285-1111
- Muncie Police: (765) 747-4838
- Delaware County Sheriff: (765) 747-7878
- Indiana State Police (Pendleton Post): (765) 778-2121
- Fishers Police: (317) 595-3300 or after hours, call (317) 773-1282
- Indianapolis Police (317) 327-3811

In response to a call, Public Safety will take the required action, by either dispatching an officer to the caller's location, or asking the caller to report to the Ball State police station to file an incident report. Ball State Public Safety reports involving students also are referred to the Office of Student Conduct for review. Ball State Public Safety investigators will investigate a report when it is deemed appropriate.

## Campus Security Authorities

The University has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They, in turn, will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics and for analyzing whether a timely warning should be issued. The campus security authorities to whom the University would prefer that crimes be reported are listed below:

- University Police at (765) 285-1111 or, if calling from a campus phone, 5-1111
- Title IX Coordinator at (765) 285-1545 (or 5-1545) in regards to sexual harassment and misconduct
- Director of Student Conduct at (765) 285-5036 (or 5-5036) or via [online report](#)
- Residential Learning Coordinator, Assistant Residential Learning Coordinator, or Resident Assistants in the residence hall, or the Resident Manager(s) in the apartment complex, where the crime occurred. [Contact information for staff members is here](#); reports may also be made via [online report](#)
- Director of Recreation Services at (765) 285-1753, [recreation@bsu.edu](mailto:recreation@bsu.edu), or SWRC 201A
- Burris Laboratory School Principal at (765) 285-1131
- Indiana Academy Executive Director at (765) 285-8126, Indiana Academy House 110
- Ball State:INDY Director of Operations (765) 716-6510
- Ball State:Fishers Director or staff at (317) 759-6167
- Crime reports can be made for the purposes of Clery reporting at the [Annual Security and Fire Safety Reports](#) (see *Submit a Report*) at [www.bsu.edu/fireandsafetyreports](http://www.bsu.edu/fireandsafetyreports). This reporting mechanism is not for emergencies or crimes in progress.

## Reporting a Crime or Emergency

The University encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

- All crimes occurring on or near University property should be reported immediately to Public Safety. The number to contact is (765) 285-1111 or 5-1111 from a campus phone. A dispatcher is available 24/7.
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a University staff member will assist in making the report to police.
- Anonymous incident reports can also be made by using the Silent Witness program at [www.bsu.edu/silentwitness](http://www.bsu.edu/silentwitness). Silent Witness is a web-based program that allows individuals to report anonymously information about criminal activity on campus



- **Ball State:Fishers:** Call 911 in an emergency or to report a crime in progress. To report a crime or non-emergency, call the Fishers Police Department, (317) 595-3300 or (317) 773-1282 (after hours), 4 Municipal Drive, Fishers IN 46038. Some crimes can be reported on-line at <https://www.fishers.in.us/1071/File-a-Police-Report>.
- **Ball State:INDY:** Call 911 in an emergency or to report a crime in progress. To report a non-emergency or crime that has occurred, call Indianapolis Metropolitan Police Department, (317) 327-3811 or the Ball State:INDY Director of Operations, (765) 716-6510.

## Confidential Reporting

The University will protect the confidentiality of victims. Only those with a need to know for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the University's Title IX policy, when employees who are considered Reporting Officials by the University become aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), that employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The University does not have a policy regarding this. The University does not employ any pastoral counselors.

## Security of and Access to Campus Facilities

**Residence Halls (Main Campus only):** All non-residents (guests) must be escorted by a hall resident when in living areas. Residence hall living spaces are behind secured door 24/7. Main entry doors to the building (lobbies) lock at midnight. Doors unlock at 10am, unless the presence of an open dining hall requires doors to be unlocked earlier. Staff members conduct daily rounds which include checking security measures and reporting any issues that require maintenance. **Guests:** Guests from the ages of 13 and under the age of 18 must have parental/guardian permission to stay as a guest of a student living in a residence hall. The student host is responsible for ensuring their guests have the appropriate permission and are registered. Parental/Guardian permission forms are available at this link [https://www.bsu.edu/campuslife/housing/policies#accordion\\_guests](https://www.bsu.edu/campuslife/housing/policies#accordion_guests) and at residence hall front desks. Guests who are age 12 and under may not stay overnight in the residence halls (unless the guest is a legal dependent of the resident) and must leave the building no later than midnight. Resident hosts are responsible for ensuring their guests have the appropriate permission and are registered. Guests who are under 18 years of age must be supervised at all times.

**Other Main Campus Facilities:** Other campus facilities have specified hours of operation based on their use and the functions held there. These buildings are secured at closing times. Most academic buildings on campus will be locked at 10 p.m. While most administrative buildings are locked at 5 p.m., these times will vary. Public Safety officers actively patrol the campus in vehicles and on foot. Buildings are periodically checked by Public Safety officers.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured;
- Do not lend keys or access cards to non-students and do not leave them unattended;
- Do not give access codes to anyone who does not belong to the campus community.

Keys to offices, laboratories, and classrooms on campus are issued to employees only as needed and after receiving the proper authorization. Each department supervisor is responsible for assuring the area is secured and locked.

Employee and student identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

#### **Ball State:Fishers and Ball State:INDY**

**Ball State:Fishers** is secured by an alarm system monitored by a security company. In cases of emergencies, Fishers police respond to 911 calls and alerts from the security company. Center staff members work with Ball State University police as well.

Ball State:Fishers is open 8 am-5 pm Monday through Friday. Students in evening and Saturday classes are provided access by on-site personnel with secure access privileges.

**Ball State:INDY** is secured by an alarm system monitored by a security company. In cases of emergencies, Indianapolis/Marion County police respond to 911 calls and alerts from the security company. Center staff members work with Ball State University police as well.

Ball State:INDY is open 8 am-5 pm Monday through Friday. Students in evening and Saturday classes are provided access by on-site personnel with secure access privileges.

### **Security Considerations in the Maintenance of Facilities**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Public Safety officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to Facilities Management for correction. Other members of the University community are asked to report observed equipment problems to Work Control at (765) 285-5081 or [workcontrol@bsu.edu](mailto:workcontrol@bsu.edu). Additionally, a Public Safety committee comprised of students, faculty, and staff members periodically meets to discuss and recommend safety and security concerns.

At both Ball State:Fishers and Ball State:INDY, maintenance problems related to security are reported to the facility's owner by Ball State:Fishers and Ball State:INDY staff members respectively.

---



## Educational Programs Related to Security Awareness and Prevention of Criminal Activity

The University seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others, and to inform them about the prevention of crimes. These programs are discussed below.

At the beginning of each academic year, all University students and employees (including those at Ball State:Fishers and Ball State:INDY) are sent an email informing them of safety procedures, emergency communication, responding to emergencies and helping students in distress. The email includes highlighted safety information and directs students and employees to the University website [www.bsu.edu/prepared](http://www.bsu.edu/prepared), which contains emergency response guidelines. Among other things, it advises students and employees about the importance of reporting criminal activity, to whom crimes should be reported, being responsible for their own safety and the safety of others and practices regarding timely warnings and emergency notifications.

Ball State's Public Safety Department promotes safety and crime prevention campaigns through its social media. Finally, periodically crime prevention and other safety tips are provided to students and employees through their Ball State email account.

Emergency phones have been placed throughout the main campus (e.g., sidewalks, parking lots, classrooms) to aid in the reporting of crimes or other emergencies.

A campus escort service provides the community with safe campus transportation to and from University buildings. The Charlie's Charter campus escort service can be reached at (765) 285-RIDE (5005), 6 pm - 1:30 am, Sunday through Thursday.

Public Safety officers conduct Rape Aggression Defense (RAD) and self-defense courses throughout the year. Learn more at <https://www.bsu.edu/about/administrativeoffices/police/classes-services>. Security awareness and crime prevention presentations relating to personal safety and the safeguarding of one's property are offered to the entire University community through the Department of Public Safety. Individuals or student organizations interested in obtaining a program presenter should contact Public Safety at (765) 285-1111.

In cooperation with the Office of Housing and Residence Life, Public Safety officers assist with the security of all residence halls.

The Office of Student Conduct is responsible for administering the [\*Code of Student Rights and Responsibilities\*](#) (published at [www.bsu.edu/studentcode](http://www.bsu.edu/studentcode)), which outlines the rights and responsibilities of students, behaviors prohibited on and off campus, sanctions, and the procedural rights of students and student organizations. Any person, agency, organization, or entity may make a complaint to the Office of Student Conduct alleging a violation of the [\*Code of Student Rights and Responsibilities\*](#). In addition, any criminal offense may be reported to the Office of Student Conduct, which in turn will report to the appropriate law enforcement agency in consultation with the victim. The [\*Office of Student Conduct\*](#) is located in the Student Center, Room L-004, and may be reached at (765) 285-5036.



## Monitoring Off-Campus Locations of Recognized Student Organizations

The University monitors and records, through local police agencies, any criminal activity in which students have engaged at off-campus locations of student organizations officially recognized by the University, including student organizations with off-campus housing facilities.

When a Ball State University student is involved in an off-campus criminal offense, or when criminal activity occurs at off-campus housing facilities operated by recognized student organizations, Public Safety may conduct a criminal investigation or assist in criminal investigations conducted by other law enforcement agencies. Ball State Public Safety officers have full police powers throughout the State of Indiana, including the authority to arrest individuals. Public Safety officers patrol residential and business areas surrounding the campus. Students cited or arrested for off-campus criminal activity in the Muncie area, if identified as students, are routinely referred to Student Conduct for separate review under the [Code of Student Rights and Responsibilities](#).

The Ball State:INDY and Ball State:Fishers campuses do not have recognized student organizations located at their campuses.

## Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code) or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

---

## Alcohol and Drugs

The University is committed to creating and maintaining an environment that is free of alcohol abuse. The University prohibits the possession, use, and sale of alcohol beverage on campus or as any part of the University's activities, unless it is done so in accordance with applicable University policies, and it also enforces the state's underage drinking laws.

The University also supports federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus and also as any part of the University's activities wherever they occur. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

## Alcohol and Drug Abuse Prevention Program

In compliance with the Drug Free Schools and Communities Act (DFSCA), the University has an alcohol and drug abuse and prevention program for all three campuses, which includes an annual notification to students and employees regarding certain alcohol/drug-related information (such legal sanctions for violations of applicable laws, health risks, etc.), and a biennial review of this program to evaluate its

effectiveness and assess whether sanctions are being consistently enforced. For more information, see below.

- Student alcohol policy: [www.bsu.edu/studentcode/alcoholpolicy](http://www.bsu.edu/studentcode/alcoholpolicy)
- Student drug policy: [www.bsu.edu/studentcode/drugpolicy](http://www.bsu.edu/studentcode/drugpolicy)
- [Drug Free Campus annual notification](#)
- [Ball State's Department of Health Promotions and Advocacy](#)
- [Campus resources for alcohol and other drug information](#)
- [Drug Free Schools and Communities Act biennial review](#)

All new students to Ball State are offered and expected to take part in alcohol and sexual assault prevention through online programs. These include United Educators' EduRisk programs for undergraduates: (1) Know Your Limits, (2) Opioids: What You Need to Know, and (3) Impressions. Graduate students participate in (4) Lasting Choices: Preventing Sexual Assault. Know Your Limits covers key definitions, myths and perceptions, motivations, the standard drink, BAC, strategies for drinkers and non-drinkers, bystander intervention skills, alcohol and the brain, alcohol and the law, media literacy, and stress. The Impressions and Lasting Choices programs cover values, aspects of unhealthy relationships, gender socialization, sexual assault, consent, bystander intervention, survivor support, and responding to student disclosures. Other programs are offered by numerous offices including, but not limited to:

**[Department of Health Promotions and Advocacy](#):** The Department of Health Promotions and Advocacy (HPA) is located in the Student Health Center. This department provides a wealth of information about a wide variety of important student health issues. In addition, HPA hosts programming for National Collegiate Alcohol Awareness Week in October, discusses alcohol abuse during the Red Zone in Personal Fitness and Wellness classes, and works with high-risk student groups such as athletes, residential students, fraternities, and sororities.

**[Healthy Lifestyle Center](#):** This office provides a wealth of information, as well as alcohol and drug abuse consultation for students. There are several programs available to students who want to learn more about how alcohol and other drug use impacts their lives and how they can monitor their behavior.

**[Counseling Center](#):** The Counseling Center provides a variety of support assessment services designed to educate and enhance awareness of students in the area of chemical dependence.

**Academic courses:** A number of academic departments offer courses and other opportunities for students to study the complex issues of drug abuse, the impact of society, as well as to prepare for careers in alcohol and drug counseling, patient care, and other related fields. The following units typically conduct research and offer courses regarding alcohol and other drug use:

- [Department of Nutrition and Health Science](#)
- [School of Kinesiology](#)
- [School of Nursing](#)
- [Department of Social Work](#)
- [Department of Counseling Psychology, Social Psychology, and Counseling](#)



## Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. The University's policies apply to all three campuses and are used to address complaints of this nature, as well as the procedures for filing, investigating, and resolving complaints, may be found at:

- Sexual Harassment and Misconduct Policy: [www.bsu.edu/studentcode/sexualmisconduct](http://www.bsu.edu/studentcode/sexualmisconduct)
- [Interim] Title IX Policy: <https://www.bsu.edu/about/administrativeoffices/associate-dean-of-students>

The following sections of this report discuss the University's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses; and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

### Primary Prevention and Awareness Program

The University conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP includes the United Educators' EduRisk programs for undergraduates (1) Know Your Limits, (2) Opioids: What You Need to Know, (3) Impressions, and graduate students undergo (4) Lasting Choices: Preventing Sexual Assault.). The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics listed below, including relevant definitions, risk reduction, and bystander intervention.

#### Definitions from the Indiana Code

Definitions for dating violence, domestic violence, sexual assault, stalking, and consent (as it relates to sexual activity) from the Indiana Code are located in Appendix A of this document.

#### University Definition of Consent

The University uses the following definition of consent in its [Interim Title IX policy](#) and [Sexual Harassment and Misconduct policy](#) for the purpose of determining whether sexual violence (including sexual assault) has occurred:

Consent is a knowing, voluntary, and clear mutual agreement to engage in sexual activity. Consent is effective when it is informed, freely and actively given, and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. This includes the following concepts:

1. Consent cannot be given by someone who is incapacitated. Engaging in sexual activity with someone who one knows to be, or reasonably should know to be, incapacitated is a violation of this policy. [Incapacitation is addressed below.] Where alcohol or other drugs are involved, incapacitation is assessed with respect as to how the alcohol or other drugs consumed affects a person's ability to understand fully the "who, what, when, where, why, and/or how" of their sexual interaction with someone else. An individual accused of sexual harassment or misconduct





is not excused if they were intoxicated and, therefore, did not realize the incapacity of the other person;

2. Indiana law provides that a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old is a crime, as well as violation of this policy, even if the minor wanted to engage in the act;
3. Consent cannot be inferred from silence, passivity, or lack of active resistance;
4. Consent to one form of sexual activity does not imply consent to other or additional forms of sexual activity;
5. Consent can be withdrawn at any time;
6. Consent does not exist when there is force, a threat of force, violence, or any other form of coercion or intimidation whether of a physical, psychological, or financial nature. [See discussions on force and intimidation below.] A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor;
7. A current or previous dating or sexual relationship is not sufficient to constitute consent; past consent does not imply future consent; and
8. Consent to engage in sexual activity with one person does not imply or confer consent to engage in sexual activity with another person.

### Risk Reduction

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Ask someone nearby for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don’t make assumptions about the other person’s consent or about how far they are willing to go.

- Remember that consent to one form of sexual activity does not imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don’t take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a person who is clearly exercising bad judgment, having problems with gross motor control (e.g., stumbling or difficulty standing) or nearing incapacitation.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Examples include, but are not limited to: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; “playful” use of force during sex; and “Jekyll-and-Hyde personality.”

#### Bystander Intervention

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don’t hesitate to contact the police.

### Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred; an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged; the rights of the parties in such a proceeding; available resources; and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

## **Ongoing Prevention and Awareness Campaign**

The University also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

## **PPAP and OPAC Programming Methods**

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of this programming is provided below.

- Residential students receive education on the prevention of dating violence, domestic violence, sexual assault, and stalking through presentations by the Health Promotions and Advocacy and the Center for Survivor Support. These programs are also available to non-residential students.
- Ball State promotes “*Step In. Speak Up.*” which refers to bystander intervention programming.
- As part of its ongoing campaign, the University provides Red Zone programming through the Department of Health Promotions and Advocacy in conjunction with the Center for Survivor Support. Red Zone programming focuses on risk reduction for sexual assault during the first six to eight weeks of classes. Bystander intervention programming is conducted throughout the year. These signature programs are supplemented by additional programming provided by Student Life/Fraternity and Sorority Life, student organizations, Intercollegiate Athletics, Public Safety, and other University offices throughout the year.
- While programming occurs throughout the year, the University also offers educational sessions and literature in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.

## **Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking**

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the Public Safety Department at (765) 285-1111. You may also contact the University’s Title IX Coordinator at (765) 285-1545.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report);

2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order;
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities; and
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at:

**Main Campus (Muncie):** Indiana University Ball Memorial Hospital, 2401 W University Ave, (765) 747-3241.

**Ball State:Fishers:** Ascension/St. Vincent Hospital at 2001 W 86<sup>th</sup> Street, Indianapolis, IN 47260 (317) 338-2345, [www.healthcare.ascension.org](http://www.healthcare.ascension.org).

**Ball State:INDY:** Center of Hope at Eskenazi Hospital, 720 Eskenazi Ave, Indianapolis, IN 46202, (317) 880-0000, [www.eskenazihealth.edu](http://www.eskenazihealth.edu). Center of Hope at Eskenazi Hospital, 720 Eskenazi Ave, Indianapolis, IN 46202, (317) 880-0000, [www.eskenazihealth.edu](http://www.eskenazihealth.edu).

Completing a forensic examination does not require a victim to file a police report, but having a forensic examination as soon as possible after the incident will help preserve evidence in case the decision is made at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### Security/Law Enforcement & How to Make a Police Report

- Contact Ball State Department of Public Safety (University Police), (765) 285-1111, 200 N. McKinley Avenue, Muncie, IN. 47306.
- Muncie Police Department, (765) 747-4822, 300 N High Street, Muncie, IN. 47305.
- Fishers Police Department, (317) 595-3300 or (317) 773-1282 (after hours), 4 Municipal Drive, Fishers, IN. 46038. Some crimes can be reported on-line at <https://www.fishers.in.us/1071/File-a-Police-Report>.
- Indianapolis Metropolitan Police Department, (317) 327-3811.
- To make a police report, a victim should contact the local police agency listed above depending on the location and jurisdiction of the crime, either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.



### Information about Legal Protection Orders

In Indiana, victims may obtain a civil Order of Protection, which provides protective relief for victims of domestic or family violence, stalking, a sex offense, or repeated acts of harassment. The first step in obtaining an Order of Protection is filing a petition with the court. Courts can issue two types of orders: (1) *Ex Parte* Orders, which act as a temporary emergency order to protect a victim, for up to 30 days, until a court hearing, and (2) Full Protective Orders, which may be issued after a hearing and for up to two years (filing for extension is possible).

Additional information that may be useful to a person seeking an Order of Protection is as follows:

- Forms necessary to file a petition for an Order of Protection, and other related information, can be found at the following State of Indiana website:  
<https://www.in.gov/courts/selfservice/protection-orders/>
- The Delaware County courts are located at 3100 S Tillotson Ave., Muncie, IN. 47302, (765) 747-7726. Additional information is available at the following Delaware County website:  
<https://www.co.delaware.in.us/departments/division.php?structureid=67>.
- In Muncie, advocates also are available through [A Better Way](#) and the Muncie Police Department. Contact [A Better Way](#) by calling (765) 747-9107 (the address is not disclosed) and the Muncie Police Victim Advocate Program is available at 300 N. High Street, Muncie, IN. (765) 747-4777. <https://www.cityofmuncie.com/topic/index.php?topicid=146&structureid=29>.
- Ball State:Fishers is located in Hamilton County. Protective Order paperwork can be obtained at the Prevail office at 1100 S. 9<sup>th</sup> St, Ste 100; Noblesville, IN. 46060, (317) 773-6942. Their website is <https://www.prevailinc.org/>. Advocacy information is available at:  
<https://www.prevailinc.com/index.php/our-services/adult-services/your-advocate>. Additional information is available at the following Hamilton County website:  
<https://www.hamiltoncounty.in.gov/474/Protective-Orders>.
- Ball State:INDY is located in Marion County, IN. Forms can be e-filed and submitted to the Marion County Clerk's Office in the City-County building at 200 E. Washington, Suite W122, Indianapolis, IN. 46204, (317) 327-4740. Additional information is available at the following Marion County website: <https://www.indy.gov/activity/file-a-protective-order>.
- A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection.
- Victims may contact local domestic violence and sexual assault advocates for assistance in obtaining a protection order. Ball State University provides an advocate for victims of domestic/dating violence, stalking, and sexual assault through the Center for Survivor Support (765) 285-7844, 2<sup>nd</sup> floor of the Student Health Center, [www.bsu.edu/ovs](http://www.bsu.edu/ovs).

When an Order of Protection is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

The University will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no-contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the University will take all reasonable and legal action to implement the order.



The University does not issue legal orders of protection. However, as a matter of institutional policy, the University may impose no-contact restriction between individuals in appropriate circumstances. The University may also issue a “no-trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a no-trespass Warning may be arrested and criminally charged.

## Available Victim Services

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community. Those services include:

### *University Resources*

- Student Health Center, 1500 Neely Ave., Muncie IN. 47306, (765) 285-8431, <https://www.bsu.edu/campuslife/healthcenter>. Medical care, treatment for injuries, assistance, and support. Forensic exams (rape kits) are referred to IU-BMH, but that examination is not required for students to receive comprehensive care at the Student Health Center.
- Counseling Center, Lucina Hall, Room 320, Muncie, IN 47306, (765) 285-1736, <https://www.bsu.edu/campuslife/counselingcenter>. Comprehensive and free psychological services to students.
- Center for Survivor Support, (765) 285-7844, [www.bsu.edu/css](http://www.bsu.edu/css), 2<sup>nd</sup> floor of the Student Health Center at 1500 Neely Ave., Muncie, IN. 47306
- Ball State provides an Employee Assistance Program (EAP) through Working Well, located in the Administrative Building, 2000 University Ave., Room 350, Muncie, IN. 47306, (765) 285-9355, [www.bsu.edu/workingwell](http://www.bsu.edu/workingwell).
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, the student should be made aware of the financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The University’s financial aid website can be found at: <https://www.bsu.edu/admissions/financial-aid-and-scholarships>.
- Legal Assistance: Students enrolled Ball State’s main campus have access to Student Legal Services, L. A. Pittenger Student Center, Room L-17, Muncie, IN. 47306, (765) 285-1888.

### *State/Local Resources*

- Indiana University Health -Ball Memorial Hospital, 2401 W University Ave, Muncie, IN. 47306, 911 or (888) 484-3258. ER staff will inform Ball State students of the Center for Survivor Support (CSS) support and contact CSS upon request.
- In the Muncie area, mental health services are available through Meridian Health Services, 240 N. Tillotson, Muncie, IN. 47304. (765) 288-1928 or 866-306-2647. <https://meridianhs.org>.
- In Muncie, advocates also are available through A Better Way and the Muncie Police Department. Contact [A Better Way](#) by calling (765) 747-9107 (the address is not disclosed) and the Muncie Police Victim Advocates are available at 300 N. High Street, Muncie, IN. 47302, (765) 747-4777. <https://www.muncie.in.gov/topic/index.php?topicid=146&structureid=29>.



- Ball State:Fishers is located in Hamilton County, where victim services are available through Prevail, 1100 S. 9<sup>th</sup> Street, Suite 100, Noblesville, IN. 46060 (317) 773-6942, <https://prevailinc.org/services/advocacy/>. Persons needing medical care, treatment for injuries, assistance, support, and forensic exams (rape kits) have multiple options; Prevail recommends Ascension/St. Vincent Hospital at 2001 W. 86<sup>th</sup> St., Indianapolis, IN. 47260, (317) 338-2345, [www.healthcare.ascension.org](http://www.healthcare.ascension.org).
- Students, staff, and visitors to the Ball State:INDY center can find victim services at a number of agencies in the area. A current list of links for the various organizations is here: <https://www.indy.gov/activity/file-a-protective-order>. The Julian Center is approximately three miles away from Ball State:INDY at 2011 N. Meridian St, Indianapolis, IN. and can be contacted at (317) 920-9320 (crisis line) or through their website [www.juliancenter.org](http://www.juliancenter.org). Persons needing medical care, treatment for injuries, assistance, support, and forensic exams (rape kits) have multiple options. The closest medical center offering rape kits is the Center of Hope at Eskenazi Hospital, 720 Eskenazi Ave, Indianapolis, IN. 46202, (317) 880-0000, [www.eskenazihealth.edu](http://www.eskenazihealth.edu).
- Indiana Coalition Against Domestic Violence: <https://icadvinc.org/>.
- Indiana Coalition to End Sexual Assault & Human Trafficking: <https://icesaht.org/>.
- Legal Aid: [Indiana Legal Services, Inc](http://www.indianalegalservices.org/) (ILS) is a non-profit law firm that provides free civil legal assistance to eligible low-income residents throughout the state of Indiana. ILS Indianapolis office is located at 1200 Madison Ave., Suite 300, Indianapolis, IN. 46225, (317) 631-9410, <https://www.indianalegalservices.org/>.

#### *National Resources*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- Stalking Prevention, Awareness and Resource Center (aka, SPARC funded by the U.S. Department of Justice): <https://www.stalkingawareness.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

### **Supportive Measures**

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or supportive measures. If victims request these accommodations or supportive measures and they are reasonably available, the University is obligated to provide them without fee or charge, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Associate Vice President of Student Affairs/Dean of Students/Title IX Coordinator (Title IX Coordinator) at (765) 285-1545,

[tbrecciaroli@bsu.edu](mailto:tbrecciaroli@bsu.edu), [www.bsu.edu/TitleIX](http://www.bsu.edu/TitleIX). The Title IX Coordinator is responsible for deciding what, if any, accommodations, or protective measures will be implemented.

When determining the reasonableness of such a request, the University may consider, among other factors, the following:

- The specific need expressed by the complainant;
- The age of the parties involved;
- The severity or pervasiveness of the allegations;
- Any continuing effects on the complainant;
- Whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation, or job location; and
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared, and why.

Supportive measures may include counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence (employees), increased security and monitoring of certain areas of campus, and other similar measures.

## Procedures for Disciplinary Action

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through either the University's [Interim Title IX Policy](#) or the [Interim] [Sexual Harassment and Misconduct Policy](#) and their related complaint resolution procedures. These policies and procedures are utilized for all complaints of this nature, regardless of the status of the complainant and the respondent. But which specific policy and procedure apply to a given complaint depends on things such as when and where the incident occurred, as well as the nature of the alleged conduct. Where the policies and procedures differ, they will be pointed out below.

The complaint resolution procedures for both policies are invoked once a report is made to one of the following individuals:

Teresa Ashcraft, Associate Dean of Students and Deputy Title IX Coordinator for Students  
(765) 285-1545  
Administration Building, Room 238  
Email: [teresa.ashcraft@bsu.edu](mailto:teresa.ashcraft@bsu.edu) or [titleix@bsu.edu](mailto:titleix@bsu.edu)





John Bowers, Assistant Director of Institutional Equity and Affirmative Action/Deputy Title IX Coordinator for Employees  
(765) 285-5163  
Administration Building, Room 002  
Email: [jwbowers@bsu.edu](mailto:jwbowers@bsu.edu)

T.J. Brecciaroli, Associate Vice President for Student Affairs, Dean of Students and Title IX Coordinator  
(765) 285-1545  
Administration Building, Room 238  
Email: [tbrecciaroli@bsu.edu](mailto:tbrecciaroli@bsu.edu)

An electronic complaint/report form is available at [Sexual Harassment and Misconduct \(Title IX\)](https://cm.maxient.com/reportingform.php?BallStateUniv&layout_id=2) and here: [https://cm.maxient.com/reportingform.php?BallStateUniv&layout\\_id=2](https://cm.maxient.com/reportingform.php?BallStateUniv&layout_id=2).

Once a complaint is made, but not later than five (5) business days after the complaint is made, the Title IX Coordinator will simultaneously provide a written notice to the Complainant and Respondent that a complaint has been filed with additional information.

During the investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses and other supporting evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint.

The institution strives to complete each investigation in a reasonably prompt timeframe. The exact length of each investigation may vary depending on the unique circumstances of the particular case.

Upon completion of the investigation, the investigator(s) will forward a completed investigation report and other documents to Title IX Coordinator and the parties. The parties will then have a designated period in which to submit a written response, which the investigator will consider before finalizing the investigation report.

- In cases that are handled under the Title IX (TIX) policy, the institution will appoint a hearing panel, notify parties of the dates, times, and locations of a pre-hearing conference and a Sexual Misconduct Board hearing, and convene a hearing in order to make a determination as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence.
- In cases that are handled under the Sexual Harassment and Misconduct (SHM) Policy, the finalized report will be forwarded to the Office of Student Conduct (OSC). A staff member there will make a determination using the preponderance of evidence standard whether a hearing is warranted. If a hearing is warranted, OSC will convene a hearing with notice to the parties. If a hearing is determined not to be warranted, the complainant may request in writing a review of that determination.

Upon completion of a hearing, parties will be notified of the hearing outcome in writing. The outcome letter will include, but not be limited to, the finding of the hearing panel and the findings of facts, made under a preponderance of evidence standard, that support the determination. In cases where the determination is responsibility for a policy violation, sanctions will be imposed as well.

Both parties have an equal opportunity to appeal the determination by filing a written appeal within five (5) business days of being notified of the outcome of the investigation. The appellate officer will respond to the appeal in a timely manner.

## **Rights of the Parties in an Institutional Proceeding**

During the course of the processes described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. Training materials can be found at <https://system.suny.edu/sci/postedtraining/> and include, but are not limited to hearing procedures, institutional policy, appeals, evidence, conflicts of interest and bias, cross-examination, effective interviewing, supportive measures, no contact orders and emergency removals, and supportive measures.
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the preponderance of the evidence standard.



5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters,” and must include the rationale for reaching the result and any sanctions imposed.

## **Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses**

Following a final determination in the University’s disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the University may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions include: warning; reprimand; conduct probation; restitution; restrictions on access or contact with parties; eligibility to represent the University at any official function or in any intercollegiate competition; housing contract termination; suspension; or expulsion/termination. If a suspension is imposed on a student, it may be for part of a semester, a full semester, an entire academic year, or multiple academic/calendar years. Expulsion is a permanent status. An employee may be suspended for any length of time determined appropriate by the Director of Human Resources. Following a suspension, the individual will be required to meet with the Director of Student Conduct (student) or Director of Human Resources (employee) or their designees to discuss re-entry and expectations going forward.

In addition, the University can make available to the victim a range of protective measures. They include, but are not limited to: forbidding the accused from entering the victim’s residence hall and from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, and changes in working situations.

## **Publicly Available Recordkeeping**

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims- of dating violence, domestic violence, sexual assault, and stalking- who make reports of such to the University to the extent permitted by law.

## **Victims Receive Written Notification of Rights**

When students or employees report to the University that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide them a written explanation of their rights and options as described in the paragraphs above.

## **Sex Offender Registration Program**

Federal law requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. State registry of sex offender information may be accessed at the following link: <https://www.icrimewatch.net/indiana.php>.

## Public Safety Advisories (a.k.a., Timely Warnings)

In the event of criminal activity occurring on Ball State's Clery geography (on campus, on-campus housing, public property adjacent to and immediately accessible from campus, or on certain other non-campus properties owned or controlled by the University) that, in the judgment of the Department of Public Safety constitutes a serious or continuing threat to members of the campus community, a campus-wide "Public Safety Advisory" (a.k.a., "timely warning") will be issued. Examples of such situations may include a sexual assault by an unknown perpetrator or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via Ball State email. Updates to the warnings will be provided as appropriate.

Public Safety Advisories are intended to heighten safety awareness, alert campus community members of potential dangers, and seek information that could lead to an arrest and conviction of perpetrators of violent crimes or major crimes against property.

Ball State:Fishers and Ball State:INDY campuses receive the same Public Safety Advisories sent to the main campus. Persons on any of the three campuses with information potentially warranting a timely warning should immediately report the circumstances to Public Safety (University Police) at (765) 285-1111. In addition, crime reports can be made for the purposes of Clery reporting at the [Annual Security and Fire Report web page](#) (see *Submit a Clery Report*) at [www.bsu.edu/fireandsafetyreports](http://www.bsu.edu/fireandsafetyreports). This reporting mechanism is not for emergencies or crimes in progress.

The University has communicated with local law enforcement, asking them to notify the University if it receives reports or information warranting a timely warning.

### Process for Determining When to Issue a Public Safety Advisory

The Ball State Director of Public Safety or a designee reviews all reports to determine if there is an on-going threat to the community and if the incidents warrant public safety advisories. The university issues advisories subject to the availability of pertinent information concerning the incident.

Public Safety may consult with other University officials, or local law enforcement and safety personnel, on a case-by-case basis.

Ball State does not publish the names of crime victims or provide information that could lead to a victim's identity.

### Criteria for Issuing a Public Safety Advisory

The University will issue a Public Safety Advisory if the Department of Public Safety determines an incident meets all of the following conditions:

- A reportable crime, under the Clery Act, has been reported: criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, and hate crimes (which include any of the previously mentioned offenses, as well as cases of larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property, when the conduct is motivated by certain biases prescribed by law);
- The crime was reported to University officials;



- The crime occurred on campus, on the public property adjacent to and immediately accessible from campus, or certain other non-campus properties owned or controlled by the University, or any building that is owned or controlled by a student organization that is officially recognized by Ball State; and
- It is determined that there is a continuing danger to the campus community and issuing the public safety advisory will not compromise law enforcement efforts to address the crime.

In addition, the University reserves the right to issue a public safety advisory even if some or all of the above conditions have not been met.

## Crime Log

Ball State's Department of Public Safety provides a daily summary of certain types of incidents reported to the Department of Public Safety. This daily summary is found here: [Crime Log](#). Additionally, press releases and crime alerts related to certain specific incidents are posted at [www.bsu.edu/news](http://www.bsu.edu/news).

# Emergency Response/Notifications

## Overview

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. Procedures for specific types of incidents including evacuation can be found at [www.bsu.edu/prepared](http://www.bsu.edu/prepared). The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

Complete emergency response guidelines for various types of emergencies are disseminated to students and employees each fall. These are available online at [www.bsu.edu/prepared](http://www.bsu.edu/prepared).

Students, staff and visitors at Ball State's Muncie (main) campus are encouraged to notify the Department of Public Safety at (765) 285-1111, 5-1111 from on-campus phones, of any emergency or potentially dangerous situation.

Students, staff, and visitors at Ball State:Fishers are encouraged to report emergencies, and potentially dangerous situations to Ball State:Fishers staff members who will assist with reporting to the appropriate police or emergency services agency if it has not already been reported. Staff assistance is available at (317) 759-6167.

Students, staff, and visitors at Ball State:INDY are encouraged to report emergencies, and potentially dangerous situations to Ball State:INDY staff members who will assist with reporting to the police or emergency services agency if it has not already been called. The phone number to call is (765) 716-6510.

## Emergency Notification Procedure

The Department of Public Safety is responsible for determining when an emergency exists, which segments of the campus community to notify, and through which means to make that notification, as well as coordinating with Marketing & Communications on the content of any messages. The University Police, and Marketing & Communications, are the only campus offices authorized to disseminate official information about campus emergencies to the campus community.

When informed of a possible emergency situation, the Department of Public Safety will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger, and will be responsible for initiating the University's response and marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process.

Once the emergency is confirmed, the Department of Public Safety will consult with other appropriate University officials based on the nature of the emergency to determine the appropriate segment or segments of the University community to be notified.

In collaboration with other appropriate personnel, the Department of Public Safety will determine who should be notified, and will—without delay, and taking into account the safety of the community—determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Department of Public Safety will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed below, depending on the nature of the threat and the segment of the campus community being threatened.

If deemed necessary, the University's Department of Public Safety will notify local law enforcement of the emergency if local law enforcement is not already aware of it. Marketing and Communications will be responsible for notifying local media outlets so the larger community beyond the campus will be aware of the emergency.

## Methods for Issuing Emergency Notifications

The methods listed below may be utilized when the University issues an emergency notification to the campus community.

| Method                               | Details / Sign-Up Instructions  |
|--------------------------------------|---|
| Text Messaging System                | Students and employees may subscribe to text message alerts at <a href="https://www.bsu.edu/emergencytext">https://www.bsu.edu/emergencytext</a> .  |
| University Email Account             | All employees and students are given an email account at the time they are admitted to or employed by the institution.  |
| Ball State website                   | <a href="http://www.bsu.edu">www.bsu.edu</a>  |
| Campus Voicemail                     | Assigned to campus office telephones.   |
| <u>Campus Siren</u>                  | Used primarily for weather-related events. The campus siren is tested every Friday at 11 am   |
| Emergency Management Twitter account | The University posts information and periodic updates on its official emergency management Twitter account @ballstate_alert   |
| Emergency Call Phones and Boxes      | Emergency phones are in classrooms and other places around campus where it is inappropriate to place a regular telephone. The call boxes work like a telephone and dial the Department of Public Safety once the button is pressed. Also, emergency call boxes will receive and loudly announce alerts during emergencies. This happens almost instantaneously across all call boxes on campus. |
| Ball State:Fishers                   | Students and employees at Ball State:Fishers receive emergency notices sent from the main campus as described above. Information specific to Ball State:Fishers can be sent through email and text subscription. Severe weather notices are directed to every room in the facility.   |
| Ball State:INDY                      | Students and employees at Ball State:INDY receive emergency notices sent from the main campus as described above. Information specific to Ball State:INDY can be sent through email and text subscription. Ball State:INDY students and faculty also can be sent facility specific information via email and text lists maintained by Ball State:INDY.  |

## BSUInform Notices

The University may issue a BSUInform notice when a situation is not an emergency and does not pose an immediate threat to the campus community but it is of significant safety concern to members of the Ball State community.

The service is intended to make students and employees aware by providing information about a situation. For instance, Public Safety might receive reports of a crime but do not believe a continuing threat exists. In another instance, a crime might occur off campus, but the incident's location might concern students' or employees' safety.

The University sends BSUInform notices through Ball State email accounts.

## Testing and Documentation

The University tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times, the [Crisis Management Team](#) will meet to train, test, and evaluate the University's emergency response plan.

The Department of Public Safety maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute information to its students and employees to remind them of the University's emergency response and evacuation procedures. Training and testing in 2022 included but was not limited to:

- The Crisis Management Team met regularly to review policies and procedures. No tabletop activities were conducted as the University began an external review of our practices and procedures.
- UPD conducted multi-agency training with the surrounding county's emergency services, including Muncie Fire EMS, Delaware County EMS, the Delaware County Sheriff's Office, Legacy Security (Muncie Community Schools), and several other agencies from Delaware and surrounding counties on the topic of emergency response and coordination to emergency situations including active attack. This training occurred on June 2-3 and June 6-7, 2022.
- A test of the emergency notification system was conducted October 3, 2022.
- University call boxes are tested every Friday. Emergency phones in classrooms and other locations are tested on a quarterly basis.

Employees and students are regularly notified by email regarding emergency preparedness procedures, severe weather preparation, and prevention tips. Emergency notifications issued in the past 365 days are archived here: <https://www.bsu.edu/campuslife/healthsafety/campus-safety/emergency-notifications/archives>.

---

## Missing Student Policy

### Procedures for Students Residing in On-Campus Housing *(Main Campus Only)*

If a member of the University community has reason to believe a student who resides in on-campus housing (main campus only) is missing, that information should be reported immediately to the Resident Manager(s) at the apartment complex in which the missing student lives, the Residential Learning Coordinator at the front desk of the residence hall in which the missing student lives, or to Public Safety by calling (765) 285-1111. Any University employee receiving a missing student report should immediately notify Public Safety so an investigation can be initiated.

Students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University only in the event that student is determined to be missing for more than 24 hours. If a student has identified such an individual, the University will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the student is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student's confidential contact information will be accessible only by authorized campus officials, and it will only be disclosed to law enforcement personnel in furtherance of a missing student investigation. [Note: This information is kept in StarRez, the housing assignments management system, and is only available to Housing and Residence Life personnel.]

A student who wishes to designate a confidential contact may do so by contacting their Residential Learning Coordinator of their residence hall (or the University Apartments office for apartment residents), preferably when moving in.

When a report is made to a residence hall or University Apartments staff member, the Department of Public Safety will be contacted immediately. Residence hall or University Apartments staff members will work with Public Safety officers to find the student. Cooperative efforts may include:

- Welfare check of the missing student's residence hall room;
- Contact attempts via cell phone, email, or other means; and
- Identification of and contact with other individuals who may have knowledge of the missing student's whereabouts.

Public Safety officers will gather all essential information related to the missing person and conduct a thorough investigation. No later than 24 hours after the missing person report is first received, a Public Safety or other University designee will notify the individual's designated contact, and, for persons under 18 years of age and not emancipated, the subject's parent or guardian to inform them that the resident student is believed to be missing.

Regardless of the student's age, emancipation status, or whether the student has designated a contact person, Public Safety police officers will, within 24 hours of the report, notify the local law enforcement agency with jurisdiction in the area where the student is missing, unless it was local law enforcement that made the determination that the student is missing.

All inquiries by the media or the general public regarding missing persons will be referred to Marketing and Communications. All public statements will be coordinated through that office.

## **Notification Procedures for Missing Persons Living Off-Campus**

Upon notification from any person that a Ball State University student may be missing, the University staff member receiving the information should refer the matter immediately to Public Safety at (765) 285-1111.

Officers will respond to reports of missing students in a timely manner. It is the policy of the Ball State Department of Public Safety to thoroughly investigate reports of all missing persons.



## Crime Statistics—Main Campus

The statistical summary of crimes for this University over the past three calendar years follows.

|                                   | 2020      |                   |            |                 | 2021      |                   |            |                 | 2022      |                                |            |                 |
|-----------------------------------|-----------|-------------------|------------|-----------------|-----------|-------------------|------------|-----------------|-----------|--------------------------------|------------|-----------------|
| Reports of Primary Crimes         | On-campus | On-campus housing | Non-campus | Public property | On-campus | On-campus housing | Non-campus | Public property | On-campus | On-campus housing <sup>1</sup> | Non-campus | Public property |
| Murder/non-negligent manslaughter | 0         | 0                 | 0          | 0               | 0         | 0                 | 0          | 0               | 0         | 0                              | 0          | 0               |
| Manslaughter by negligence        | 0         | 0                 | 0          | 0               | 0         | 0                 | 0          | 0               | 0         | 0                              | 0          | 0               |
| Rape                              | 11        | 11                | 0          | 0               | 11        | 9                 | 1          | 0               | 13        | 11                             | 5          | 0               |
| Fondling                          | 7         | 4                 | 2          | 0               | 6         | 6                 | 0          | 0               | 4         | 4                              | 0          | 0               |
| Incest                            | 0         | 0                 | 0          | 0               | 0         | 0                 | 0          | 0               | 0         | 0                              | 0          | 0               |
| Statutory Rape                    | 0         | 0                 | 0          | 0               | 0         | 0                 | 0          | 0               | 0         | 0                              | 0          | 0               |
| Robbery                           | 0         | 0                 | 0          | 0               | 0         | 0                 | 0          | 0               | 0         | 0                              | 0          | 0               |
| Aggravated assault                | 0         | 0                 | 1          | 0               | 1         | 0                 | 1          | 0               | 0         | 0                              | 1          | 0               |
| Burglary                          | 4         | 2                 | 3          | 0               | 5         | 1                 | 0          | 0               | 2         | 1                              | 1          | 0               |
| Motor vehicle theft               | 1         | 0                 | 0          | 0               | 2         | 0                 | 0          | 0               | 0         | 0                              | 0          | 0               |
| Arson                             | 0         | 0                 | 0          | 0               | 1         | 0                 | 0          | 0               | 0         | 0                              | 0          | 0               |
| <b>ARRESTS</b>                    |           |                   |            |                 |           |                   |            |                 |           |                                |            |                 |
| Weapons offense                   | 1         | 0                 | 0          | 0               | 1         | 1                 | 0          | 0               | 3         | 0                              | 0          | 0               |
| Drug abuse violations             | 13        | 2                 | 0          | 0               | 8         | 1                 | 0          | 4               | 5         | 1                              | 0          | 4               |

<sup>1</sup> "On-campus housing" is a subset of "On-campus." All reported crimes noted in "On-campus housing" are also noted in "On-campus." As it includes "On-campus housing" figures, the "On-Campus" category will always be a number equal to or greater than "On-Campus housing."

|                               |     |     |   |   |     |     |   |   |     |     |   |   |
|-------------------------------|-----|-----|---|---|-----|-----|---|---|-----|-----|---|---|
| Liquor law violations         | 3   | 3   | 0 | 1 | 5   | 3   | 0 | 1 | 20  | 16  | 2 | 9 |
| <b>DISCIPLINARY REFERRALS</b> |     |     |   |   |     |     |   |   |     |     |   |   |
| Weapons offense               | 0   | 0   | 0 | 0 | 1   | 1   | 0 | 0 | 0   | 0   | 0 | 0 |
| Drug abuse violations         | 55  | 42  | 0 | 0 | 66  | 45  | 0 | 1 | 51  | 38  | 1 | 3 |
| Liquor law violations         | 165 | 165 | 0 | 0 | 119 | 117 | 1 | 0 | 163 | 161 | 5 | 3 |
| <b>VAWA Crimes</b>            |     |     |   |   |     |     |   |   |     |     |   |   |
| Domestic Violence             | 0   | 0   | 1 | 0 | 3   | 2   | 0 | 0 | 1   | 1   | 0 | 0 |
| Dating Violence               | 11  | 10  | 0 | 0 | 5   | 4   | 0 | 0 | 13  | 9   | 0 | 0 |
| Stalking                      | 0   | 0   | 0 | 0 | 6   | 3   | 0 | 0 | 7   | 5   | 0 | 0 |

### Hate crimes:

**2022:** There was one (1) report of vandalism based on race occurring in a Recreation Center restroom.

**2021:** No hate crimes reported.

**2020:** There was one (1) report of a simple assault based on race occurring in a residence hall.

### Unfounded crimes (excluded from chart of crime statistics above):

**2022:** 0 unfounded crimes.

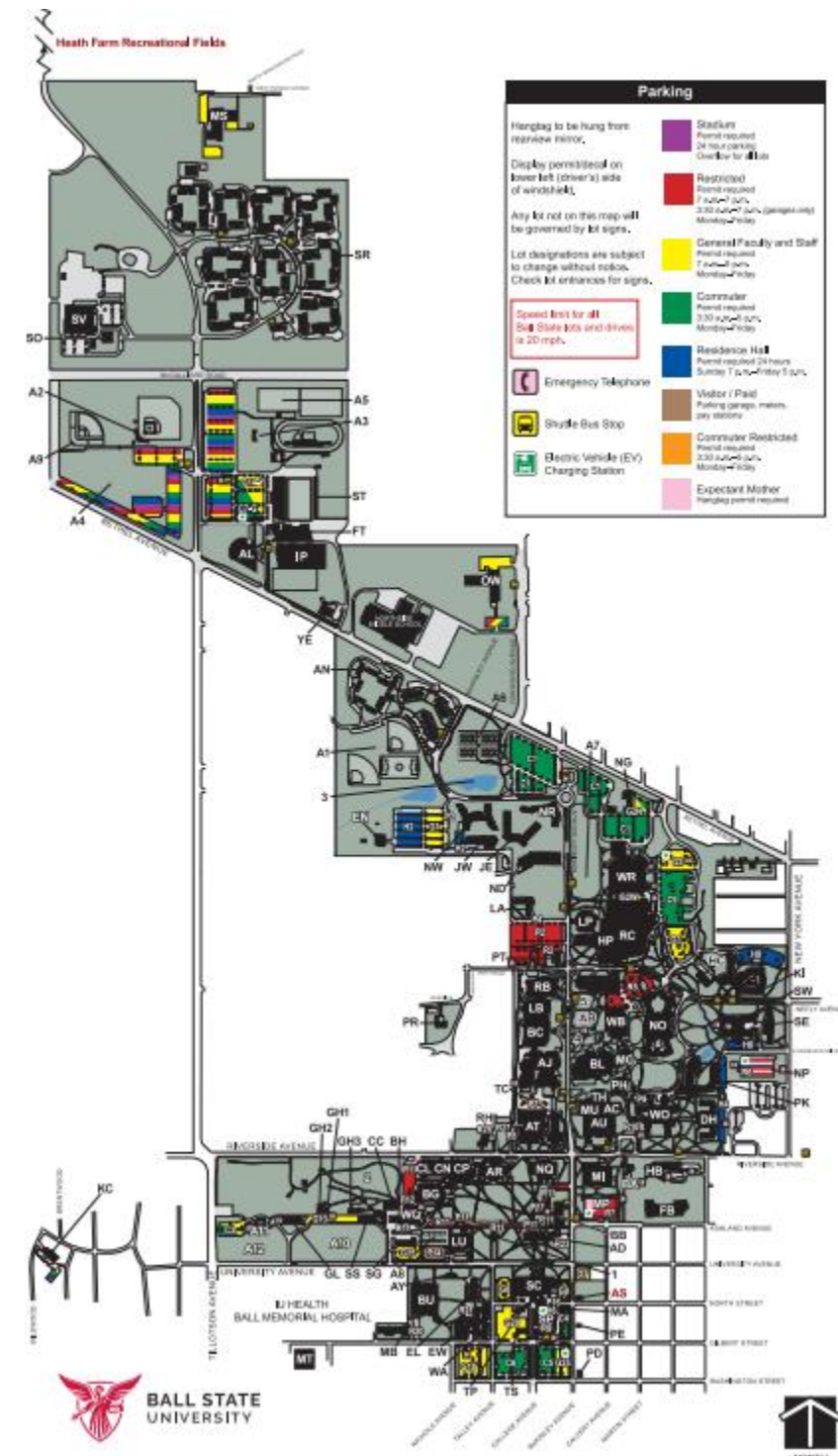
**2021:** 0 unfounded crimes

**2020:** There was one (1) report of illegal drugs sent through mail to a residence hall that was determined to be unfounded by the Ball State Department of Public Safety.

### Data from law enforcement agencies:

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University's Clery geography.
- The University was provided with some crime data from law enforcement agencies for which it cannot be determined whether any of the statistics apply to or include the University's Clery Geography. This includes the Indiana State Excise Police which included some statistics that were determined to apply, but also crime location information that could not reasonably be determined to apply to the University's Clery geography.

## Ball State Main Campus MAP



For the Clery report, the “public property” category includes public property (usually public streets and adjoining sidewalks) adjacent to the colored (including gray shading) portions of the map above except for “KC” (lower left) which is a “non-campus” property. The Public Property category also includes the public streets and adjoining sidewalks that run through the Ball State campus. The map above can be found online at <https://bsu.edu/map> as “Print-friendly Campus Map (PDF).”

## Campus Crime Statistics—Ball State:INDY<sup>2</sup>

|                                   | 2020      |                 | 2021      |                 | 2022      |                 |
|-----------------------------------|-----------|-----------------|-----------|-----------------|-----------|-----------------|
| Primary Crimes Reports            | On-Campus | Public property | On-campus | Public property | On-campus | Public property |
| Murder/non-negligent manslaughter | 0         | 0               | 0         | 0               | 0         | 0               |
| Negligent manslaughter            | 0         | 0               | 0         | 0               | 0         | 0               |
| Rape                              | 0         | 0               | 0         | 0               | 0         | 0               |
| Fondling                          | 0         | 0               | 0         | 0               | 0         | 0               |
| Incest                            | 0         | 0               | 0         | 0               | 0         | 0               |
| Statutory Rape                    | 0         | 0               | 0         | 0               | 0         | 0               |
| Robbery                           | 0         | 0               | 0         | 0               | 0         | 0               |
| Aggravated assault                | 0         | 0               | 0         | 0               | 0         | 0               |
| Burglary                          | 0         | 0               | 0         | 0               | 0         | 0               |
| Motor vehicle theft               | 0         | 0               | 0         | 0               | 0         | 0               |
| Arson                             | 0         | 0               | 0         | 0               | 0         | 0               |
| <b>ARRESTS</b>                    |           |                 |           |                 |           |                 |
| Weapons offense                   | 0         | 0               | 0         | 0               | 0         | 0               |
| Drug abuse violations             | 0         | 0               | 0         | 0               | 0         | 0               |

<sup>2</sup> In 2019, the Ball State Indianapolis Center was re-branded CAP:INDY as part of the R. Wayne Estopinal College of Architecture and Planning (ECAP) and moved to a new location at 25 North Pine Street, Indianapolis, IN 46202. CAP:Indy is now Ball State:INDY but still houses the ECAP Urban Design program.



|                               |   |   |   |   |   |   |
|-------------------------------|---|---|---|---|---|---|
| Liquor law violations         | 0 | 0 | 0 | 0 | 0 | 0 |
| <b>DISCIPLINARY REFERRALS</b> |   |   |   |   |   |   |
| Weapons offense               | 0 | 0 | 0 | 0 | 0 | 0 |
| Drug abuse violations         | 0 | 0 | 0 | 0 | 0 | 0 |
| Liquor law violations         | 0 | 0 | 0 | 0 | 0 | 0 |
| <b>VAWA Crimes</b>            |   |   |   |   |   |   |
| Domestic Violence             | 0 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence               | 0 | 0 | 0 | 0 | 0 | 0 |
| Stalking                      | 0 | 0 | 0 | 0 | 0 | 0 |

The Ball State:INDY campus does not offer on-campus housing or have non-campus property.

### **Hate crimes:**

**2022** 0 hate crimes reported.

**2021:** 0 hate crimes reported.

**2020:** 0 hate crimes reported.

### **Unfounded crimes:**

**2022** 0 unfounded crimes.

**2021:** 0 unfounded crimes.

**2020:** 0 unfounded crimes.



## Campus Crime Statistics—Ball State:Fishers

|                                   | 2020      |                 | 2021      |                 | 2022      |                 |
|-----------------------------------|-----------|-----------------|-----------|-----------------|-----------|-----------------|
| Primary Crimes Reports            | On-Campus | Public property | On-campus | Public property | On-campus | Public property |
| Murder/non-negligent manslaughter | 0         | 0               | 0         | 0               | 0         | 0               |
| Negligent manslaughter            | 0         | 0               | 0         | 0               | 0         | 0               |
| Rape                              | 0         | 0               | 0         | 0               | 0         | 0               |
| Fondling                          | 0         | 0               | 0         | 0               | 0         | 0               |
| Incest                            | 0         | 0               | 0         | 0               | 0         | 0               |
| Statutory Rape                    | 0         | 0               | 0         | 0               | 0         | 0               |
| Robbery                           | 0         | 0               | 0         | 0               | 0         | 0               |
| Aggravated assault                | 0         | 0               | 0         | 0               | 0         | 0               |
| Burglary                          | 0         | 0               | 0         | 0               | 0         | 0               |
| Motor vehicle theft               | 0         | 0               | 0         | 0               | 0         | 0               |
| Arson                             | 0         | 0               | 0         | 0               | 0         | 0               |
| <b>ARRESTS</b>                    |           |                 |           |                 |           |                 |
| Weapons offense                   | 0         | 0               | 0         | 0               | 0         | 0               |
| Drug abuse violations             | 0         | 0               | 0         | 0               | 0         | 0               |
| Liquor law violations             | 0         | 0               | 0         | 0               | 0         | 0               |
| <b>DISCIPLINARY REFERRALS</b>     |           |                 |           |                 |           |                 |



|                       |   |   |   |   |   |   |
|-----------------------|---|---|---|---|---|---|
| Weapons offense       | 0 | 0 | 0 | 0 | 0 | 0 |
| Drug abuse violations | 0 | 0 | 0 | 0 | 0 | 0 |
| Liquor law violations | 0 | 0 | 0 | 0 | 0 | 0 |
| <b>VAWA Crimes</b>    |   |   |   |   |   |   |
| Domestic Violence     | 0 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence       | 0 | 0 | 0 | 0 | 0 | 0 |
| Stalking              | 0 | 0 | 0 | 0 | 0 | 0 |

The Ball State:Fishers campus does not offer on-campus housing or have non-campus property.

#### **Hate Crimes**

**2022** 0 hate crimes reported.

**2021** 0 hate crimes reported.

**2020:** 0 hate crimes reported.

#### **Unfounded Crimes:**

**2022** 0 unfounded crimes.

**2021** 0 unfounded crimes.

**2020:** 0 unfounded crimes.

# Annual Fire Safety Report

## (Ball State Main Campus Only)

### Housing Facilities and Fire Safety Systems

The University maintains on-campus housing for students at the main campus in Muncie. Neither the Ball State: Fishers campus nor the Ball State: Indy campus provide on-campus housing. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

| Ball State Residential Facilities      | Fire Alarm Monitoring                                 | Partial Sprinkler System                          | Full Sprinkler System | Smoke Detection System | Clean Agent System | Fire Extinguishers | Evacuation Plans | Fire Drills for 2022 calendar year |
|--|---|---|-----------------------|------------------------|--------------------|--------------------|------------------|------------------------------------|
| Anthony Apartments (all buildings)     | Non-centralized alarm; not integrated into BSU system | No  | No                    | Yes                    | No                 | Yes                | Yes              | 0                                  |
| DeHority                               | System monitored by UPD; tested by Johnson Controls   | No  | Yes                   | Yes                    | No                 | Yes                | Yes              | 2                                  |
| Johnson/Botsford & Swinford            | System monitored by UPD; tested by Johnson Controls   | No  | Yes                   | Yes                    | No                 | Yes                | Yes              | 2                                  |
| Johnson/Schmidt & Wilson               | System monitored by UPD; tested by Johnson Controls   | No  | Yes                   | Yes                    | No                 | Yes                | Yes              | 2                                  |
| Kinghorn Hall                          | System monitored by UPD; tested by Johnson Controls   | No  | Yes                   | Yes                    | No                 | Yes                | Yes              | 2                                  |
| Beyerl (formerly North) Residence Hall | System monitored by UPD; tested by Johnson Controls   | No  | Yes                   | Yes                    | No                 | Yes                | Yes              | 2                                  |
| Northwest Residence Hall               | System monitored by UPD; tested by Johnson Controls   | No  | Yes                   | Yes                    | No                 | Yes                | Yes              | 2                                  |
| Noyer                                  | System monitored by UPD; tested by Johnson Controls   | Yes (dining area only)                            | No                    | Yes                    | No                 | Yes                | Yes              | 2                                  |
| Park Hall                              | System monitored by UPD; tested by Johnson Controls   | No  | Yes                   | Yes                    | No                 | Yes                | Yes              | 2                                  |
| Scheidler Apartments (all buildings)   | Non-centralized alarm; not integrated into BSU system | No  | No                    | Yes                    | No                 | Yes                | Yes              | 0                                  |
| Studebaker East                        | System monitored by UPD; tested by Johnson Controls   | No  | Yes                   | Yes                    | No                 | Yes                | Yes              | 2                                  |
| Studebaker West                        | System monitored by UPD; tested by Johnson Controls   | No  | Yes                   | Yes                    | No                 | Yes                | Yes              | 2                                  |
| Wagoner (Indiana Academy)              | System monitored by UPD; tested by Johnson Controls   | No  | No                    | Yes                    | No                 | Yes                | Yes              | 2                                  |
| Woodworth                              | System monitored by UPD; tested by Johnson Controls   | Yes (1 <sup>st</sup> floor Rodgers corridor only) | No                    | Yes                    | No                 | Yes                | Yes              | 2                                  |



## Fire Drills

Each residence hall conducts one fire drill each fall and spring semester. The Scheidler and Anthony Apartment complexes do not conduct fire drills. Should a fire occur in University Apartments, the Resident Managers (RMs) for the apartment complexes respond to support emergency personnel and students with protocols, student rosters, equipment, and other resources for mitigating fire emergencies. Students who encounter a fire that presents an emergency situation are instructed to ensure their own safety and then immediately call (765) 285-1111 (on-campus is 5-1111) or 911.

## Policies on Portable Appliances, Smoking, and Open Flames

The use of open flames, such as candles, and the burning of such things as incense, and smoking are prohibited in campus housing. Microwaves are the only portable cooking appliances permitted to be used in campus housing. All other cooking must be done in community kitchens. Also, tampering with fire safety systems is prohibited, and any such tampering may lead to appropriate disciplinary action.

Appliances that require an open flame, propane, gasoline, or hot grease, such as deep fryers, are not allowed to be used in or around any of the residence halls.

Refrigerators operating on no more than 1.6 amps and no more than 5.0 cubic feet may be used in student rooms. Units should be placed on a stand or cart unless they have feet and back-mounted heat exchangers. Units may not be placed in closets. Units must be plugged directly into the electrical outlet or into an Underwriter's Laboratory (UL)-approved surge-protected (with built-in circuit breaker) power strip.

The University reserves the right to make periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items, if found, will be confiscated and donated or discarded without reimbursement.

## Fire Evacuation Procedures

In the event of a fire, the University expects all students and other community members to leave the building by the nearest exits, close doors, and go to their designated locations when a fire alarm sounds. Staff may enter rooms to do an evacuation room check if there is reason to believe that anyone could not or did not evacuate. Fire evacuation routes are posted on the back of student room doors in residence halls and through corridors in the multi-story buildings of Anthony. Residence hall staff members have highly detailed evacuation plans to guide notification of Public Safety, evacuation of students including those with disabilities, accounting for students, and relocating students temporarily as needed.

## Fire Education and Training Programs

Fire safety education programs for all residents of on-campus student housing and all employees with responsibilities related to that housing, are held at the beginning of each semester. Their purpose is to: familiarize everyone with the fire safety system (including alarms and fire suppression systems) in each facility, train them on procedures to follow if there is a fire, and inform them of the University's fire safety policies. Attendees are advised that participation in fire drills is mandatory and any student with a disability is given the option of having a "buddy" assigned to assist the student.

## Reporting Fires

The University is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your safety and then immediately call (765) 285-1111 (on-campus is 5-1111) or 911.

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the Residential Learning Coordinator at the front desk of the building in which the fire occurred. When providing notification of a fire, give as much information as possible about the location, date, time, and cause of the fire.

## Plans for Future Improvements

The University's Department of Environmental Health and Safety regularly coordinates inspections of fire safety systems and implements improvements when needed. The University periodically reviews its fire safety protections and procedures. At this time, there are no plans for future improvements to existing residence halls. However, when facilities are renovated or newly-erected, fire safety systems are installed that comply or exceed the building standards in effect at that time.

---



## On-Campus Housing Fire Statistics

| Ball State Residential Facilities           | Street Address         | Total Fires<br>2020 | Total Fires<br>2021 | Total Fires<br>2022 |
|---|------------------------|---------------------|---------------------|---------------------|
| <b>Residence Halls</b>                      |                        |                     |                     |                     |
| DeHority                                    | 1500 W. Riverside Ave. | 0                   | 0                   | 0                   |
| Elliott Hall                                | 401 N. Talley Ave.     | 0                   | 0 <sup>3</sup>      | 0 <sup>4</sup>      |
| Johnson A/Botsford & Swinford               | 1603 N. McKinley Ave.  | 0                   | 0                   | 0                   |
| Johnson B/Schmidt & Wilson                  | 1607 N. McKinley Ave.  | 0                   | 0                   | 0                   |
| Kinghorn Hall                               | 1400 Neely Ave.        | 0                   | 0                   | 0                   |
| Lafollette-Brayton & Clevenger <sup>5</sup> | 1517 N. McKinley Ave.  | 0                   | NA                  | NA                  |
| Beyerl (formerly North) Hall <sup>6</sup>   | 1635 N. McKinley Ave.  | 0                   | 0                   | 0                   |
| Northwest Hall <sup>7</sup>                 | 1701 N. McKinley Ave.  | NA                  | 0                   | 0                   |
| Noyer                                       | 1601 W. Neely Ave.     | 0                   | 0                   | 0                   |
| Park Hall                                   | 1550 W. Riverside Ave. | 0                   | 0                   | 0                   |
| Studebaker East                             | 1301 W. Neely Ave.     | 0                   | 0                   | 0                   |
| Studebaker West                             | 1401 W. Neely Ave.     | 0                   | 0                   | 0                   |
| Wagoner (Indiana Academy)                   | 301 N. Talley Ave.     | 0                   | 0                   | 0                   |
| Woodworth                                   | 1600 W. Riverside Ave. | 0                   | 0                   | 0                   |

<sup>3</sup> Elliott Hall was closed for occupancy prior to Fall 2021.

<sup>4</sup> Elliott was open temporarily for use in COVID-19 isolation housing.

<sup>5</sup> Brayton-Clevenger was used for quarantine/isolation Fall 2020 and then closed for all occupation December 20, 2020.

<sup>6</sup> Beyerl (formerly North) Hall opened for occupancy in Fall 2020.

<sup>7</sup> Northwest Hall was opened for occupancy in Fall 2021.



| Ball State Residential Facilities  | Total Fires<br>2020 | Total Fires<br>2021 | Total Fires<br>2022 |
|--|---------------------|---------------------|---------------------|
| <b>Anthony Apartments Complex (All Street Addresses = #Building# W. Bethel Avenue)</b> |                     |                     |                     |
| Apt (063-086) BLDG 2201  | 0                   | 0                   | 0                   |
| Apt (087-131) BLDG 2217  | 0                   | 0                   | 0                   |
| Apt (039-062) BLDG 2301  | 0                   | 0                   | 0                   |
| Apt (035-038) BLDG 2305  | 0                   | 0                   | 0                   |
| Apt (001-002) BLDG 2309  | 0                   | 0                   | 0                   |
| Apt (031-034) BLDG 2313  | 0                   | 0                   | 0                   |
| Apt (003-008) BLDG 2317  | 0                   | 0                   | 0                   |
| Apt (027-030) BLDG 2401  | 0                   | 0                   | 0                   |
| Apt (009-014) BLDG 2405  | 0                   | 0                   | 0                   |
| Apt (023-026) BLDG 2409  | 0                   | 0                   | 0                   |
| Apt (019-022) BLDG 2413  | 0                   | 0                   | 0                   |
| Apt (015-018) BLDG 2417  | 0                   | 0                   | 0                   |

| Ball State Residential Facilities   | Total Fires<br>2020 | Total Fires<br>2021 | Total Fires<br>2022 |
|---|---------------------|---------------------|---------------------|
| <b>Scheidler Apartments Complex (All Street Addresses = #Building# N. Tillotson Avenue)</b> |                     |                     |                     |
| Apt (275-284) BLDG 3428   | 0                   | 0                   | 0                   |
| C 3428 (2)  | 0                   | 0                   | 0                   |
| Apt (265-274) BLDG 3432   | 0                   | 0                   | 0                   |
| Apt (265-274) BLDG 3436   | 0                   | 0                   | 0                   |
| Apt (251-258) BLDG 3440   | 0                   | 0                   | 0                   |
| Apt (293-302) BLDG 3444   | 0                   | 0                   | 0                   |
| Apt (293-302) BLDG 3448   | 0                   | 0                   | 0                   |
| Apt (001-010) BLDG 3476   | 0                   | 0                   | 0                   |
| Apt (011-020) BLDG 3480   | 0                   | 0                   | 0                   |
| Apt (021-030) BLDG 3484   | 0                   | 0                   | 0                   |
| Apt (031-038) BLDG 3488   | 0                   | 0                   | 0                   |
| Apt (039-048) BLDG 3492   | 0                   | 0                   | 0                   |
| Apt (319-328) BLDG 3528   | 0                   | 0                   | 0                   |
| Apt (309-318) BLDG 3532   | 0                   | 0                   | 0                   |
| Apt (309-318) BLDG 3536   | 0                   | 0                   | 0                   |



|                         |   |   |   |
|-------------------------|---|---|---|
| Apt (345-354) BLDG 3540 | 0 | 0 | 0 |
| Apt (337-344) BLDG 3544 | 0 | 0 | 0 |
| Apt (247-250) BLDG 3552 | 0 | 0 | 0 |
| Apt (203-212) BLDG 3556 | 0 | 0 | 0 |
| Apt (213-220) BLDG 3560 | 0 | 0 | 0 |
| Apt (221-226) BLDG 3564 | 0 | 0 | 0 |
| Apt (227-236) BLDG 3568 | 0 | 0 | 0 |
| Apt (237-246) BLDG 3572 | 0 | 0 | 0 |
| Apt (049-056) BLDG 3576 | 0 | 0 | 0 |
| Apt (057-066) BLDG 3580 | 0 | 0 | 0 |
| Apt (067-074) BLDG 3584 | 0 | 0 | 0 |
| Apt (085-090) BLDG 3592 | 0 | 0 | 0 |
| Apt (091-100) BLDG 3596 | 0 | 0 | 0 |
| Apt (437-446) BLDG 3700 | 0 | 0 | 0 |
| Apt (431-436) BLDG 3704 | 0 | 0 | 0 |
| Apt (421-430) BLDG 3708 | 0 | 0 | 0 |
| Apt (411-420) BLDG 3712 | 0 | 0 | 0 |
| Apt (401-410) BLDG 3716 | 0 | 0 | 0 |
| Apt (447-450) BLDG 3720 | 0 | 0 | 0 |
| Apt (381-390) BLDG 3728 | 0 | 0 | 0 |
| Apt (365-374) BLDG 3736 | 0 | 0 | 0 |
| Apt (355-364) BLDG 3740 | 0 | 0 | 0 |
| Apt (391-400) BLDG 3744 | 0 | 0 | 0 |
| Apt (187-196) BLDG 3752 | 0 | 0 | 0 |
| Apt (197-202) BLDG 3756 | 0 | 0 | 0 |
| Apt (151-158) BLDG 3760 | 0 | 0 | 0 |
| Apt (159-168) BLDG 3764 | 0 | 0 | 0 |
| Apt (169-176) BLDG 3768 | 0 | 0 | 0 |
| Apt (177-186) BLDG 3772 | 0 | 0 | 0 |
| Apt (143-150) BLDG 3776 | 0 | 0 | 0 |
| Apt (101-110) BLDG 3780 | 0 | 0 | 0 |
| Apt (111-120) BLDG 3784 | 0 | 0 | 0 |
| Apt (133-142) BLDG 3796 | 0 | 0 | 0 |



## Appendix A

### Definitions from the Indiana Code for Dating Violence, Domestic Violence, Sexual Assault, Stalking, and Consent (as it relates to sexual activity)

| Crime Type<br>(Indiana Code)           | Definitions  |
|--|--|
| Dating Violence                        | The institution has determined, based on good-faith research, that Indiana law does not define the term dating violence. However, the concept is incorporated into the definitions of “crime of domestic violence” and “domestic battery” provided below.  |
| Domestic Violence and Domestic Battery | <p>Ind. Code § 35-31.5-2-78 indicates that “crime of domestic violence” means an offense or the attempt to commit an offense that: (1) has as an element the: (A) use of physical force; or (B) threatened use of a deadly weapon; and (2) is committed against a family or household member.</p> <p>In addition, Ind. Code § 35-42-2-1.3 defines the crime of “domestic battery” as follows:</p> <ul style="list-style-type: none"> <li>a) Except as provided in subsections (b) through (f), a person who knowingly or intentionally: <ul style="list-style-type: none"> <li>(1) touches a family or household member in a rude, insolent, or angry manner; or</li> <li>(2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member; commits domestic battery, a Class A misdemeanor.</li> </ul> </li> <li>b) The offense under subsection (a)(1) or (a)(2) is a Level 6 felony if one (1) or more of the following apply: <ul style="list-style-type: none"> <li>(1) The person who committed the offense has a previous, unrelated conviction: (A) for a battery offense included in this chapter; or (B) for a strangulation offense under IC 35-42-2-9.</li> <li>(2) The person who committed the offense is at least eighteen (18) years of age and committed the offense against a family or household member in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.</li> <li>(3) The offense results in moderate bodily injury to a family or household member.</li> <li>(4) The offense is committed against a family or household member who is less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.</li> <li>(5) The offense is committed against a family or household member of any age who has a mental or physical disability and is committed by a person having the care of the family or household member with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.</li> <li>(6) The offense is committed against a family or household member who is an endangered adult (as defined in IC 12-10-3-2).</li> <li>(7) The offense is committed against a family or household member: (A) who has been issued a protection order (as defined in IC 34-26-7.5-2) that protects the family or household member from the person and the protection order was in effect at the time the person committed the offense; or (B) while a no</li> </ul> </li> </ul> |



|  |  |
|--|--|
|  | <p>contact order issued by the court directing the person to refrain from having any direct or indirect contact with the family or household member was in effect at the time the person committed the offense.</p> <p>c) The offense described in subsection (a)(1) or (a)(2) is a Level 5 felony if one (1) or more of the following apply:</p> <ul style="list-style-type: none"> <li>(1) The offense results in serious bodily injury to a family or household member.</li> <li>(2) The offense is committed with a deadly weapon against a family or household member.</li> <li>(3) The offense results in bodily injury to a pregnant family or household member if the person knew of the pregnancy.</li> <li>(4) The person has a previous conviction for a battery offense or strangulation (as defined in section 9 of this chapter) included in this chapter against the same family or household member.</li> <li>(5) The offense results in bodily injury to one (1) or more of the following: <ul style="list-style-type: none"> <li>(A) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.</li> <li>(B) A family or household member who has a mental or physical disability if the offense is committed by an individual having care of the family or household member with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.</li> <li>(C) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).</li> </ul> </li> </ul> <p>d) The offense described in subsection (a)(1) or (a)(2) is a Level 4 felony if it results in serious bodily injury to a family or household member who is an endangered adult (as defined in IC 12-10-3-2).</p> <p>e) The offense described in subsection (a)(1) or (a)(2) is a Level 3 felony if it results in serious bodily injury to a family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.</p> <p>f) The offense described in subsection (a)(1) or (a)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:</p> <ul style="list-style-type: none"> <li>(1) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.</li> <li>(2) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).</li> </ul> <p>Also note that under Ind. Code § 35-31.5-2-128:</p> <p>a) An individual is a "family or household member" of another person if the individual:</p> <ul style="list-style-type: none"> <li>(1) is a current or former spouse of the other person;</li> <li>(2) is dating or has dated the other person;</li> <li>(3) is or was engaged in a sexual relationship with the other person;</li> <li>(4) is related by blood or adoption to the other person;</li> <li>(5) is or was related by marriage to the other person;</li> </ul> |
|--|--|

|  |  |
|--|--|
|  | <p>(6) has or previously had an established legal relationship: (A) as a guardian of the other person; (B) as a ward of the other person; (C) as a custodian of the other person; (D) as a foster parent of the other person; or (E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or</p> <p>(7) has a child in common with the other person.</p> <p>b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.</p>  |
| Stalking<br>(Ind. Code § 35-45-10-1)         | As used in this chapter, "stalk" means a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity.   |
| Sexual Assault                               | The institution has determined, based on good-faith research, that Indiana criminal statutes do not define the term sexual assault.  |
| Rape, Fondling,<br>Incest, Statutory<br>Rape | <p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Indiana law are as follows:</p> <p><b>Rape</b> (Ind. Code § 35-42-4-1):</p> <ol style="list-style-type: none"> <li>Except as provided in subsection (b), a person who knowingly or intentionally has sexual intercourse with another person or knowingly or intentionally causes another person to perform or submit to other sexual conduct (as defined in IC 35-31.5-2-221.5) when: (1) the other person is compelled by force or imminent threat of force; (2) the other person is unaware that the sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) is occurring; or (3) the other person is so mentally disabled or deficient that consent to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) cannot be given; or (4) the person disregarded the other person's attempts to physically, verbally, or by other visible conduct refuse the person's acts; commits rape, a Level 3 felony.</li> <li>An offense described in subsection (a) is a Level 1 felony if: (1) it is committed by using or threatening the use of deadly force; (2) it is committed while armed with a deadly weapon; (3) it results in serious bodily injury to a person other than a defendant; or (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.</li> </ol> <p><b>Fondling:</b> The institution has determined, based on good-faith research, that Indiana law does not define the term fondling.</p> <p><b>Incest</b> (Ind. Code § 35-46-1-3): A person eighteen (18) years of age or older who engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with another person, when the person knows that the other person is related to the person biologically as a parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, or nephew, commits incest, a Level 5 felony. However, the offense is a Level 4 felony if the other person is less than sixteen (16) years of age.</p> <p><b>Statutory Rape:</b> The institution has determined, based on good-faith research, that Indiana law does not define the term statutory rape.</p> |





|                               |  |
|-------------------------------|--|
| Other “sexual assault” crimes | <p>Other crimes under Indiana law that may be classified as a “sexual assault” include the following:</p> <p><b>Child Molesting</b> (Ind. Code § 35-42-4-3):</p> <ul style="list-style-type: none"> <li>a. A person who, with a child under fourteen (14) years of age, knowingly or intentionally performs or submits to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) commits child molesting, a Level 3 felony. However, the offense is a Level 1 felony if: <ul style="list-style-type: none"> <li>(1) it is committed by a person at least twenty-one (21) years of age;</li> <li>(2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon;</li> <li>(3) it results in serious bodily injury;</li> <li>(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in <a href="#">IC 16-42-19-2(1)</a>) or a controlled substance (as defined in <a href="#">IC 35-48-1-9</a>) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; or</li> <li>(5) it results in the transmission of a dangerous sexually transmitted disease and the person knew that the person was infected with the disease.</li> </ul> </li> <li>b. A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Level 4 felony. However, the offense is a Level 2 felony if: <ul style="list-style-type: none"> <li>(1) it is committed by using or threatening the use of deadly force;</li> <li>(2) it is committed while armed with a deadly weapon; or</li> <li>(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in <a href="#">IC 16-42-19-2(1)</a>) or a controlled substance (as defined in <a href="#">IC 35-48-1-9</a>) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.</li> </ul> </li> <li>c. A person may be convicted of attempted child molesting of an individual at least fourteen (14) years of age if the person believed the individual to be a child under fourteen (14) years of age at the time the person attempted to commit the offense.</li> <li>d. It is a defense to a prosecution under this section that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct, unless: <ul style="list-style-type: none"> <li>(1) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon;</li> <li>(2) the offense results in serious bodily injury; or</li> <li>(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in <a href="#">IC 16-42-19-2(1)</a>) or a controlled substance (as defined in <a href="#">IC 35-48-1-9</a>) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.</li> </ul> </li> </ul> <p><b>Sexual Battery</b> (Ind. Code § 35-42-4-8):</p> |
|-------------------------------|--|



|  |  |
|--|--|
|  | <p>a. A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person:</p> <ul style="list-style-type: none"> <li>(1) touches another person when that person is: (A) compelled to submit to the touching by force or the imminent threat of force; or (B) so mentally disabled or deficient that consent to the touching cannot be given; or</li> <li>(2) touches another person's genitals, pubic area, buttocks, or female breast when the person is unaware that the touching is occurring; commits sexual battery, a Level 6 felony.</li> </ul> <p>b. An offense described in subsection (a) is a Level 4 felony if:</p> <ul style="list-style-type: none"> <li>(1) it is committed by using or threatening the use of deadly force;</li> <li>(2) it is committed while armed with a deadly weapon; or</li> <li>(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in <a href="#">IC 16-42-19-2(1)</a>) or a controlled substance (as defined in <a href="#">IC 35-48-1-9</a>) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.</li> </ul> <p><b>Sexual Misconduct with a Minor</b> (Ind. Code § 35-42-4-9):</p> <p>a. A person at least eighteen (18) years of age who knowingly or intentionally performs or submits to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with a child less than sixteen (16) years of age, commits sexual misconduct with a minor, a Level 5 felony. However, the offense is:</p> <ul style="list-style-type: none"> <li>(1) a Level 4 felony if it committed by a person at least twenty-one (21) years of age; and</li> <li>(2) a Level 1 felony if it is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in <a href="#">IC 16-42-19-2(1)</a>) or a controlled substance (as defined in <a href="#">IC 35-48-1-9</a>) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.</li> </ul> <p>b. A person at least eighteen (18) years of age who knowingly or intentionally performs or submits to any fondling or touching with a child less than sixteen (16) years of age with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits sexual misconduct with a minor, a Level 6 felony. However, the offense is:</p> <ul style="list-style-type: none"> <li>(1) a Level 5 felony if it is committed by a person at least twenty-one (21) years of age; and</li> <li>(2) a Level 2 felony if it is committed by using or threatening the use of deadly force, while armed with a deadly weapon, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in <a href="#">IC 16-42-19-2(1)</a>) or a controlled substance (as defined in <a href="#">IC 35-48-1-9</a>) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.</li> </ul> <p>c. It is a defense that the accused person reasonably believed that the child was at least sixteen (16) years of age at the time of the conduct. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).</p> |
|--|--|



|  |  |
|--|--|
|  | <p>d. It is a defense that the child is or has ever been married. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).</p> <p>e. It is a defense to a prosecution under this section if all the following apply:</p> <ol style="list-style-type: none"> <li>1) The person is not more than four (4) years older than the victim.</li> <li>2) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.</li> <li>3) The crime: (A) was not committed by a person who is at least twenty-one (21) years of age; (B) was not committed by using or threatening the use of deadly force; (C) was not committed while armed with a deadly weapon; (D) did not result in serious bodily injury; (E) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in <a href="#">IC 16-42-19-2(1)</a>) or a controlled substance (as defined in <a href="#">IC 35-48-1-9</a>) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and (F) was not committed by a person having a position of authority or substantial influence over the victim.</li> <li>4) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.</li> <li>5) The person is not promoting prostitution (as defined in IC 35-45-4-4) with respect to the victim even though the person has not been charged with or convicted of the offense.</li> </ol> |
| Consent (as it relates to sexual activity) | The institution has determined, based on good-faith research, that Indiana law does not define the term consent (as it relates to sexual activity).  |