

The investigation of allegations against Professor Wang was undertaken in accordance with IU's Sexual Misconduct policy. (UA-03; <http://policies.iu.edu/policies/categories/administration-operations/equal-opportunity/sexual-misconduct.shtml>)

A student reported to an employee who is a “responsible employee” under the policy that she had been subjected to behavior by Professor Wang, which, if true, would constitute sexual misconduct under UA-03. In accordance with this policy, the information was immediately brought to the attention of the appropriate officials in the **School of Music, the Dean of Students Office, the Student Welfare and Title IX Office, and the Office of the Vice President and General Counsel**. UA-03 requires “immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.”

The Office of the Vice President and University Counsel (OVPGC) serves as legal counsel for the University and advises the Trustees and University Administration on all legal issues, including providing advice on the University's compliance obligations under state and federal law and the University's own policies. **OVPGC provided advice and coordination of this investigation**, which would, of necessity, involve a number of University units. Kiply Drew, Senior Associate General Counsel, was assigned to this matter.

Because the allegations were made against a faculty appointee, the investigation was conducted under UA-03's Procedures for Responding to Incidents Involving Allegations of Faculty or Staff Sexual Misconduct. Upon consultation between **Ms. Drew and Chief Student Welfare and Title IX Officer Emily Springston, a representative from the Affirmative Action office and a representative from the Dean of Students office** were assigned to conduct the investigation and prepare a report of their findings and recommendations. **The decision-maker in this case was the Vice Provost for Academic Affairs.**

The Sexual Misconduct Policy states very clearly that the privacy of the individuals involved in its proceedings will be protected to the fullest extent possible.

Privacy

The University is committed to safeguarding the privacy of the parties in a manner consistent with the objective to effectively investigate and prevent incidents of sexual misconduct. In all cases, the University will share the parties' information and details of the allegation only with University officials, law enforcement personnel, and other individuals who have a legitimate administrative or legal reason to be so informed. **Records will not be disclosed outside the University unless required by law or subpoena.**

All individuals with knowledge of an alleged incident of sexual misconduct are expected to safeguard the privacy of those involved and should refrain from discussing the incident with anyone other than appropriate University officials and law enforcement.

The report is not subject to disclosure under the Indiana Access to Public Records Act (APRA) under several of the APRA's provisions, all of which were cited in the University's denial of the IDS request:

*Multiple students and IU employees, including Professor Wang, were interviewed as part of the investigation. Their names and other personally identifiable information was included in the report. (FERPA protected, IC 5-14-3-4(a)(3))

*Professor Wang was fired as a result of the investigation. (personnel file, IC-5-14-3-4(b)(8))

*The report was considered for the purpose of decision-making. (deliberative, IC 5-14-3-4-(b)(6))

*The report was prepared at the direction of counsel and relied upon by counsel to render legal advice. (attorney-client privilege, IC 5-14-3-4(a)(1))

*Ultimately, the report was turned over to IUPD as part of the police report and became part of IUPD's investigatory record. (investigatory record, IC 5-14-3-4(b)(1))

UA-03 contains provisions throughout the policy that contemplate that the university and its employees will work with a victim of sexual misconduct to protect the victim's privacy and facilitate the victim's ability to file a police report or the university may contact the police in the absence of a victim's consent in the event of an emergency or existing threat to anyone's health and safety. The university will also provide information that does not identify a victim to IUPD for compliance with the Clery Act. The timing of making a police report must be made based on the particular circumstances of each case.