Fall 2018

SPEA, V184, Section #9112
Law and Public Affairs
Syllabus

About the Instructor

Instructor: Paul Helmke, Professor of Practice
Office: Civic Leaders Center Office - Briscoe A (Gucker) #122A (or SPEA 447)
Office hours: By appointment (best times generally on Mondays or Wednesdays, before or after class, or most any time on Tuesdays)

Contact information:
Paul Helmke, Instructor
phelmke@indiana.edu
Office Phone: 812-855-2275
Cell Phone: 260-466-5066
Twitter: @paulhelmke
Instagram: paulhelmke
Facebook: Paul Helmke

Krishna Pathak, Teaching Assistant
krpathak@umail.iu.edu

Jennifer Mitchner, Secretary
Office: SPEA 460
jmitchne@indiana.edu
Phone: 812-855-7980

About the Course

Class meeting days and times: Mondays & Wednesdays, 4:00 PM-5:15 PM
Class location: Civic Leaders Center Classroom – Briscoe (BQ) C135
Course prerequisites and co-requisites: Open mind and attention to detail
Credits: 3
Required texts and materials:

-U. S. Constitution, court cases and other materials posted to Canvas
Course description:
Reason is the life of the law, nay the common law itself is nothing but reason…The law, which is the perfection of reason. - Sir Edward Coke (1552-1634)

In no country perhaps in the world is the law so general a study [as in America]…This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defense, full of resources… They augur misgovernment at a distance, and snuff the approach of tyranny in every tainted breeze. - Edmund Burke (1729-1797)

‘If the law supposes that,’ said Mr. Bumble... ‘the law is a ass – a idiot.’ - Charles Dickens (1812-1870)

Whatever your profession or position, you’re going to have to deal with laws and lawyers and the threat of lawsuits. If you want changes in society, or want to resist those changes, or just want to be “left alone”, you need some understanding of the system of laws applicable to where you live. The U. S. Constitution describes the basic framework for what government can and can not do in this country. This course will focus on the “rule of law” and how courts have interacted with legislative bodies, executive departments and the public to change, interpret, and/or overrule certain laws, particularly those impacting the political and civil rights of individuals referenced in the “Bill of Rights” and other Constitutional Amendments. I'll draw on my experiences from 21 years of legal practice, 12 years as mayor, and 5 years as head of a national advocacy group to supplement the textbooks, cases, readings, materials, and participatory activities to help the class reach a better understanding of the role law, and litigation in particular, plays in our society and decide which, if any, of the quotes above are still applicable today.

Course goal:

By the end of this course, students should be able to analyze controversial public issues and conflicting claims of “rights” by being able to cite key Constitutional provisions and court cases, summarize the relevant legal theories and decisions involved with past public issues, apply those theories and decisions to current controversies, and discuss the likelihood of success for current claims being advanced.

Learning outcomes:

Along with others taking V184, and to achieve the goal of this class section, students should finish the semester being able to:
• Differentiate among the powers of government distributed within the U. S. Constitution
• Articulate and explain major principles of key areas of substantive law
• Explain the processes for resolving civil disputes and criminal charges in America
• Explain the basic role of administrative agencies in making and implementing law
• Compare US and foreign approaches on one or more selected issues of law and policy
• Create and communicate coherent and persuasive arguments that incorporate relevant principles of law and policy considerations, and that include consideration of and response to counterarguments
• Illustrate the major concepts addressed in this course with reference either to events in students’ personal or professional lives, or to relevant current or historical events

Grading

Course Expectations and the Final Grade:

- Attendance 5%
- Memos/Participation 15%
- Exam #1 20%
- Mock Trial/Appeal 10%
- Advocacy Paper 20%
- Oral Presentation and Critiques 10%
- Exam #2 20%

Total 100%

The Grading Scale for the Class

<table>
<thead>
<tr>
<th>Score</th>
<th>Grade</th>
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<tbody>
<tr>
<td>97 – 100</td>
<td>A+</td>
</tr>
<tr>
<td>93 – 96.9</td>
<td>A</td>
</tr>
<tr>
<td>90 – 92.9</td>
<td>A-</td>
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<tr>
<td>87 – 89.9</td>
<td>B+</td>
</tr>
<tr>
<td>83 – 86.9</td>
<td>B</td>
</tr>
<tr>
<td>80 – 82.9</td>
<td>B-</td>
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<tr>
<td>77 – 79.9</td>
<td>C+</td>
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<tr>
<td>73 – 76.9</td>
<td>C</td>
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<tr>
<td>70 – 72.9</td>
<td>C-</td>
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<tr>
<td>67 – 69.9</td>
<td>D+</td>
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<td>63 – 66.9</td>
<td>D</td>
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<tr>
<td>60 – 62.9</td>
<td>D-</td>
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<tr>
<td>00 – 59.9</td>
<td>F</td>
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</tbody>
</table>
Syllabus Disclaimer

I reserve the right to change the syllabus as needed throughout the course of the semester. Whenever a change is made, students will be notified as early as possible during class and/or via email about the change(s).

Course Policies

Participation/Attendance – You are expected to attend class sessions and be an active participant in classroom discussions. Short memos and/or in-class assignments may be assigned or given at any time and will count toward your participation points. Attendance may be taken on all or just selected dates. In order to get full points for attendance, you are expected to arrive on time and stay for the entire class. If you are unable to attend class for some reason, please let me know ASAP before (or after, if you are unable to contact me before) and I will likely to consider the absence and failure to participate that day as excused as long as you have a good reason and it doesn’t happen too often. Per university guidelines, any student who will have a university-sanctioned absence for an extracurricular activity must see me in advance of the absence.

Exams – Exams will cover material from the readings, lectures, class activities and class assignments. Some of the exam questions may come directly from the lectures and class discussion and may not be found in any of the assigned materials; others may come from the material but not necessarily material covered in class. The exams may be comprised of any or all of the following: true-false, multiple choice, short answer and essay questions. You will have the entire class to complete the exam. There will be no make-up exams unless there is an extreme circumstance. In this case, I need to be contacted via email prior to the exam and the student must document the “extreme” situation. I will decide if the reason warrants missing an exam and may give a grade of zero if it does not. Different questions may be asked on any make-up exam. Students who fail to take an exam will receive a grade of zero for that exam.

Late Assignments – Electronic and hardcopy versions of all assigned memos and papers are required to be submitted prior to or at the start of class on the due date. Alternative due dates will be granted only in the event of serious personal or family illness. All communications regarding alternative due dates must be via email. I must get an email from you explaining the reason behind the request and you must receive an approval from me confirming your extension before the due date. In the absence of both emails, the assignment is due when required. Unless I have agreed in advance to an alternative due date, the assignment grade may be reduced by a full letter grade (10 percentage points) for each day an assigned memo, paper or submission is late. Late papers must be emailed to me. Assignments turned more than two days late may receive zero points.
Advocacy Paper/ Presentation

Students will prepare a Memo to the Board of an advocacy group (real or imagined) outlining a litigation strategy to help advance the group’s agenda by challenging (or defending) existing legislation, regulations, or enforcement policies in the court system. This Memo will discuss who/what the best appropriate parties and venue are for the litigation, the likely problems the litigation is likely to face, the likely results (with cites and references to previous relevant cases) though trial and appeals, and the responses the advocacy group should take to both a negative as well as a positive outcome. You can also have a legislative strategy, but there needs to be a litigation strategy discussed as well. The Memo should be 6-8 pages in length.

Each student will then make a presentation to the rest of the class (sitting as a “funders group”) summarizing the major points of their proposal and advocating for support. Similar issue areas will be grouped together. Students will be graded on their presentation as well as on the evaluations/critiques they do of the other students’ presentations.

Important Dates to Remember

Note: All assignment due dates and the course schedule are subject to change at the instructor’s discretion; students will be given reasonable notice in class of any changes; in addition, changes will be posted as announcements in Canvas.

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>First Day of Class</td>
<td>Monday – August 20, 2018</td>
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<tr>
<td>Labor Day - No Class</td>
<td>Monday – September 3, 2018</td>
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<tr>
<td>Exam #1</td>
<td>Wednesday – September 26, 2018</td>
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<tr>
<td>Early Evaluation Grades/Attendance Due</td>
<td>Sunday – September 30, 2018</td>
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<tr>
<td>Mock Trial &amp; Appeal</td>
<td>Mondays &amp; Wednesdays – October 10,15,17,22, &amp; 24, 2018</td>
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<tr>
<td>Advocacy Paper Due</td>
<td>Wednesday- November 14, 2018</td>
</tr>
<tr>
<td>Thanksgiving Break – No Classes</td>
<td>Monday &amp; Wednesday- November 19 &amp; 21</td>
</tr>
<tr>
<td>Presentations/Critiques</td>
<td>Monday &amp; Wednesday - November 26 &amp; 28, 2018</td>
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<tr>
<td>Presentations/Critiques (“Dead Week”)</td>
<td>Monday &amp; Wednesday - December 3 &amp; 5, 2018</td>
</tr>
<tr>
<td>Final Exam</td>
<td>Monday - December 10, 2018 – 2:45-4:45PM</td>
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<tr>
<td>Date</td>
<td>To Prepare for Class</td>
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<tr>
<td>Week 1</td>
<td>8/20 - <strong>Review</strong>: Syllabus; Declaration of Independence; U. S. Constitution &amp; Amendments; <em>In Our Defense</em>, pgs. 13-19 and 337-339; <em>Taking Sides</em>, pgs. 5-9 8/22 - materials in Canvas</td>
</tr>
<tr>
<td>Week 2</td>
<td>8/27 - <strong>Read</strong>: <em>IOD</em> pgs. 20-36 (KKK), pgs. 37-54 (Prior Restraint), pgs. 69-88 (Anti-War) 8/29 - <strong>TS Issue 4.2</strong> (cross burning), Issue 2.2 (violent video games), Issue 3.7 (threats on Facebook)</td>
</tr>
<tr>
<td>Week 3</td>
<td>9/5 – <strong>Read</strong>: <em>IOD</em> pgs.89-103; <strong>TS Issue 4.1</strong> (<em>Heller v DC</em>).</td>
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<td>Week 4</td>
<td>9/10 - <strong>Read</strong>: - <em>IOD</em> pgs.105-111 (Quarters); <em>IOD</em> pgs. 113-144 (search &amp; seizure); 9/12- <strong>Read</strong>: <strong>TS Issues 3.3 and 3.4</strong> (strip search/dog sniffing), and 4.3 (DNA)</td>
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<tr>
<td>Week 5</td>
<td>9/17 - <strong>Read</strong>: 5&lt;sup&gt;th&lt;/sup&gt; Amendment cases - <em>IOD</em> pgs. 147-179. 9/19- <strong>Read</strong>: 6&lt;sup&gt;th&lt;/sup&gt; Amendment cases - <em>IOD</em> pgs.206-272.</td>
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<td>Week 6</td>
<td>9/24 - <strong>Read</strong>: <strong>TS Unit #1</strong>, Issues 1.1 and 1.2 (Enemy Combatants /NSA wiretapping). 9/26 – Study, Study, Study</td>
</tr>
<tr>
<td>Week 8</td>
<td>10/8 - <strong>Read</strong>: <em>IOD</em>, pgs. 55-68 (1&lt;sup&gt;st&lt;/sup&gt; Amendment/ Religion); <strong>TS Issue 3.2</strong> (<em>Town of Greece</em>) 10/10 – <strong>Read</strong>: Case Scenario; prepare for trial</td>
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<tr>
<td>Week 9</td>
<td>10/15 – <strong>Coordinate</strong> with trial teammates; conduct discovery, prepare for trial, draft trial briefs &amp; trial materials, draft proposed jury instructions 10/17 - (Same as above)</td>
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<td>Week 10</td>
<td>10/22 – Draft Appellate Briefs and argue Appeal (Case #1)</td>
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<td>10/24 – Same as above (Case #2)</td>
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<tr>
<th>Week 11 -</th>
<th>10/29 – <strong>Read</strong>: IOD pgs. 313-323 <em>(Griswold, Roe, Webster)</em>; chapter on <em>Roe</em> from Canvas;</th>
<th><strong>9th Amendment - Privacy/ Reproductive Rights</strong></th>
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<td>10/31 – <strong>Read</strong>: TS Issue 2.1 (abortion)</td>
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| Week 12 – | 11/5 - **Read**: IOD, pgs.325-335 *(10th Amendment/ Minimum Wage)*; **TS Issue 3.1** *(Affordable Care Act)*. | 10th Amendment - Workers’ Rights/ Health Care |
|           | 11/7 – **Read**: TS Issue 2.3 *(physician assisted death)* TS Issue 4.7 *(Arizona v US)*;          | End-of-Life Issues/Immigration                |

| Week 13 - | 11/12 - **Read**: 5th Amendment cases - IOD pgs. 181-188 *(replevin)*, pgs. 189-205 *(takings)*; **TS Issue 2.4** *(copyright)*. | Property Rights                              |
|           | 11/14- **Read**: IOD, pgs.283-311 *(8th Amendment/ death penalty)*; **TS Issue 2.4** *(pgs.95-109/medical treatment)*, Issue 3.4 *(pgs. 156-167/death penalty)*; | **Paper Due Wed 11/14**                      |
|           |                                                                                                   | 8th Amendment – Prisoner Rights              |

| BREAK-    | **Thanksgiving Break (11/19 & 11/21)**                                                           | No Class                                    |

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<thead>
<tr>
<th>Week 14 –</th>
<th>11/26 - <strong>Paper Presentations/Critiques</strong></th>
<th>Various Advocacy Topics and Litigation Strategies</th>
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<tr>
<td></td>
<td>11/28 – <strong>Paper Presentations/Critiques</strong></td>
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<tr>
<th>Week 15 –</th>
<th>12/3 - <strong>Paper Presentations/Critiques</strong></th>
<th>Various Advocacy Topics and Litigation Strategies</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>12/5 – <strong>Paper Presentations/Critiques</strong></td>
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</table>

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<tr>
<th>Finals Week-</th>
<th>12/10 – <strong>Study, Study, Study</strong></th>
<th><strong>Final Exam will be on Monday,12/10/18 from 2:45-4:45 PM</strong></th>
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</thead>
</table>
SPEA Academic Policies

Academic Dishonesty
SPEA faculty do not tolerate cheating, plagiarism, or any other form of academic dishonesty. If you have not done so, you should read the IUB Code of Student Rights, Responsibilities, and Conduct, which can be accessed at http://www.iu.edu/~code/code/index.shtml so you will be sure to understand what these terms mean and what penalties can be issued for academic dishonesty. Academic dishonesty can result in a grade of F for the class (an F for academic dishonesty cannot be removed from the transcript). Significant violations of the Code can result in expulsion from the University.

Plagiarism is using another person’s words, ideas, artistic creations, or other intellectual property without giving proper credit. According to the Code of Student Rights, Responsibilities, and Conduct, a student must give credit to the work of another person when he/she does any of the following:

- a. Quotes another person’s actual words, either oral or written;
- b. Paraphrases another person’s words, either oral or written;
- c. Uses another person’s idea, opinion, or theory; or
- d. Borrows facts, statistics, or other illustrative material, unless the information is common knowledge.

In addition, you should not use significant portions of work you have prepared and written for other classes or projects for my class without my advance approval and some indication in the paper or memo that such material has been previously submitted elsewhere.

Civility
Civility is important in an academic community to ensure that all parties—students, staff, and faculty—are working in an environment that fosters achievement of the individual’s and community’s goals and objectives. Civility requires all parties to demonstrate personal integrity and conduct themselves in a manner that shows respect, courtesy and tolerance to others. Examples of discourteous behaviors during class include viewing websites not directly relevant to the class, reading the newspaper, listening to headphones, talking or laughing with others, chronically arriving late, and so forth. These behaviors are distracting to the instructor and classmates, and SPEA faculty will address these problems as they arise. Maintaining
and fostering civility inside and outside the classroom is especially important to SPEA, which is a professional school.

Pursuant to the Indiana University Student Code of Conduct, disorderly conduct which interferes with teaching, research, administration, or other university or university-authorized activity will not be tolerated and will be immediately reported to the Office of The Dean of Students for appropriate disposition which may result in disciplinary action including possible suspension and/or expulsion from the university.

Communication between Faculty and Students
In order to verify the identity of all parties involved, effective September 1, 2004, all email communication from current SPEA students to SPEA staff must originate from an Indiana University email account. For email communication with SPEA faculty, current SPEA students should refer to course syllabi for instructors’ preferences (Canvas, Webmail, etc.). This policy applies to current students only. Instructions for forwarding your IUB email to another account can be found at:

http://kb.indiana.edu/data/beoj.html?cust=687481.87815.30

Course Withdrawals
Students who stop attending class without properly withdrawing from the class may receive a grade of F. It is important to withdraw from a course within specified timeframes (see chart below). Note that withdrawals after Week 12 of a regular session are rarely granted. Poor performance in a course is not grounds for a late withdrawal. No withdrawal forms will be processed in the Office of the Registrar after the last day of classes. Any requests for a late withdrawal after the last day of classes must go through the grade appeal process, but each student should remember that in accordance with campus policy, SPEA does not permit a student to withdraw from a course if he/she has completed the course requirements. Grade replacement should be used in this case. To withdraw, obtain a withdrawal slip (DROP/ADD Form) from the SPEA Student Services window. Instructions for completing it are given on the form.

<table>
<thead>
<tr>
<th>Withdrawal Deadlines</th>
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<tbody>
<tr>
<td>Course deleted from record, no grade assigned, 100% refund (Advisor signature IS NOT required)</td>
<td>Week 1 (last day)</td>
</tr>
<tr>
<td>Withdrawal with automatic grade of W (Advisor signature IS required)</td>
<td>Week 2 – Week 7 (regular session)</td>
</tr>
<tr>
<td>Withdrawal with grade of W or F (Advisor and instructor signatures ARE required)</td>
<td>Week 8 – Week 12 (regular session)</td>
</tr>
</tbody>
</table>
**Incompletes**
A grade of incomplete (I) indicates that a ‘substantial portion’ of the work in a course has been satisfactorily but not entirely completed by the student as of the end of the semester. The incomplete can be given to a student facing a hardship such that such that it would be unjust to hold the student to the established time limits for completing the work. To be eligible for the incomplete in a SPEA course, the student’s work must be of passing quality, and the student must have completed 75% of the course requirements. **Poor performance in a course is not grounds for an incomplete.** SPEA follows the campus guidelines in awarding incompletes which may be accessed at the Office of the Registrar’s website at: [http://registrar.indiana.edu/stu_grades.shtml](http://registrar.indiana.edu/stu_grades.shtml)

Incompletes must be removed within a time period not to exceed one year after the semester in which the student was enrolled in the course. The incomplete will revert to an ‘F’ if the work is not completed within the allotted timeframe established by the instructor.

**Students Called to Active Duty**
SPEA encourages any student who is in the Indiana Military Reserves and is called to active duty to finish his/her coursework if at all possible. Students who cannot complete their courses have the option of withdrawing with 100% fee refund, but this request must be made within one week of being called to active duty. Students who are called to active duty may qualify for an incomplete (provided that all the above criteria have been met). For further information, please see the Office of the Registrar’s website at: [http://registrar.indiana.edu/stu_infopoli.shtml](http://registrar.indiana.edu/stu_infopoli.shtml)

**Final Exam Schedule**
If a final exam is given, it must be held on the day and time set in the final exam schedule. If an instructor has changed the final exam date, the student should first consult with the instructor. Students who have more than three final exams in one day or insufficient time to get from one exam to another should consult with their instructors to resolve these conflicts. Exams may not be given in the week before the final exam week. If a student is not able to resolve a final exam problem with the instructor, the student may report the problem to the Director of Undergraduate or Graduate programs. The final exam schedule can be found at the Office of the Registrar’s website at: [http://registrar.indiana.edu/stu_calsche.shtml](http://registrar.indiana.edu/stu_calsche.shtml)
Emergency Procedures

**Tornado**
- **Seek Shelter**
  - Move to an interior room on the lowest level
  - Stay away from windows and exterior doors
  - Listen to a weather radio for updates
  - Stay away from hazardous materials

**Fire**
- **Evacuate**
  - Pull the fire alarm
  - Call 911
  - Leave the building, close doors behind you
  - If unable to exit building, go to the nearest stairwell or place of refuge, don’t use elevators
  - Assemble in designated area

**Active Shooter**
- **Run - Hide - Fight**
  - Call 911
  - Leave the building
  - If evacuation is not possible, hide in a concealed place
  - Lock and barricade door, turn off the lights
  - Wait for law enforcement
  - As a last resort, overpower the shooter

**Medical Emergency**
- **Stay Clear**
  - Call 911
  - Provide the location, nature of injury or illness, current condition of the victim and other requested information
  - Do not move the victim unless in immediate danger
  - If trained—administer first aid CPR/AED

**IU Bloomington**
- **Emergency: Police/Fire/EMS 911**
- **Non-Emergency:**
  - IU Police - Bloomington: 812-855-4111
  - Facility Operations: 812-855-8728
  - EH&S: 812-855-6311
  - UEMC: 812-855-2004
  - INLOCC: 812-855-9738
- **Information:** protect.iu.edu

**Suspicious Activity**
- **See Something, Say Something**
  - Object is out of the ordinary
  - Person is behaving strangely
  - Gut feeling that something is wrong
  - If you see something suspicious, do something
  - Call 911

**Hazardous Materials**
- **Stay Back**
  - If life-threatening, pull the fire alarm, evacuate and call 911
  - If non-life-threatening, call 911 and provide information on type of incident and location
  - If you come into contact with a hazardous material, decontaminate and call 911

**Utility Failure**
- **Identify Location**
  - Call Physical Plant or IUPOD to report issues
  - Be prepared to provide failure type and location
  - University officials may evacuate a building due to utility failures

**Bomb Threat**
- **Remain Calm**
  - Get as much information as possible from the caller—location of device, what it looks like, what will cause it to explode
  - Note background sounds, gender of caller, and any notable characteristics of the caller’s voice
  - Call 911

During an emergency, always CALL 911 first!