



**FOSTERING  
RESPECT**

**CREATING  
COMMUNITY**

**EQUAL ACCESS AND EQUAL OPPORTUNITY  
AT PURDUE UNIVERSITY**

# FOSTERING RESPECT CREATING COMMUNITY

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# NONDISCRIMINATION POLICY STATEMENT

Purdue University is committed to maintaining a community which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach his or her own potential. In pursuit of its goal of academic excellence, the University seeks to develop and nurture diversity. The University believes that diversity among its many members strengthens the institution, stimulates creativity, promotes the exchange of ideas, and enriches campus life.

Purdue University views, evaluates, and treats all persons in any University related activity or circumstance in which they may be involved, solely as individuals on the basis of their own personal abilities, qualifications, and other relevant characteristics.

Purdue University prohibits discrimination against any member of the University community on the basis of race, religion, color, sex, age, national origin or ancestry, genetic information, marital status, parental status, sexual orientation, gender identity and expression, disability, or status as a veteran. The University will conduct its programs, services and activities consistent with applicable federal, state and local laws, regulations and orders and in conformance with the procedures and limitations as set forth in Purdue's Equal Opportunity, Equal Access and Affirmative Action policy which provides specific contractual rights and remedies. Additionally, the University promotes the full realization of equal employment opportunity for women, minorities, persons with disabilities and veterans through its affirmative action program.

Any question of interpretation regarding this Nondiscrimination Policy Statement shall be referred to the Vice President for Ethics and Compliance for final determination.

# EQUAL OPPORTUNITY, EQUAL ACCESS AND AFFIRMATIVE ACTION

## **[III.C.2]**

Volume III: Ethics

Chapter C: Equal Opportunity

Responsible Executive:  
President

Responsible Office:  
Office of the Vice President for Ethics and Compliance

Date Issued: December 22, 2010

Date Last Revised: July 1, 2018

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## CONTACTS

### Policy Clarification

Vice President for Ethics and Compliance      765-494-5830      vpec@purdue.edu  
www.purdue.edu/ethics

### Discrimination Complaints and Requests to Inspect Written Affirmative Action Programs

**Fort Wayne**  
Human Resources and Institutional Equity      260-481-6677      www.pfw.edu/equity

**PNW Hammond Campus**  
Office of Equity, Diversity and Inclusion      219-989-2337      www.pnw.edu/diversity

**PNW Westville Campus**  
Office of Equity, Diversity and Inclusion      219-785-5545      www.pnw.edu/diversity

**West Lafayette**  
Office of Institutional Equity      765-494-7255      equity@purdue.edu  
www.purdue.edu/oie

Director of Compliance      765-496-3158      ethics@purdue.edu

**Reasonable Accommodations**

**Fort Wayne**  
Human Resources and Institutional Equity      260-481-6840      www.pfw.edu/hr  
www.pfw.edu/equity

**PNW Hammond Campus**  
Office of Equity, Diversity and Inclusion      219-989-2163      www.pnw.edu/diversity

**PNW Westville Campus**  
Office of Equity, Diversity and Inclusion      219-785-5545      www.pnw.edu/diversity

**West Lafayette**  
Human Resources      765-494-1679      www.purdue.edu/hr

## Academic Adjustments and Auxiliary Aids and Services

**Fort Wayne**  
Services for Students with Disabilities      260-481-6657      www.pfw.edu/ssd

Dean of Students      260-481-6601      www.pfw.edu/offices/dean

**PNW Hammond Campus**  
Disability Access Center      219-989-2455      www.pnw.edu/access

**PNW Westville Campus**  
Disability Access Center      219-785-5374      www.pnw.edu/access

**West Lafayette**  
Disability Resource Center      765-494-1247      drc@purdue.edu  
www.purdue.edu/odos/drc

Office of the Dean of Students      765-494-1747      www.purdue.edu/odos

## ADA Coordinators

**Fort Wayne**  
Director, Human Resources and Institutional Equity      260-481-6840      www.pfw.edu/hr

**PNW Hammond Campus**  
Associate Director, Office of Equity, Diversity and Inclusion      219-989-2163      www.pnw.edu/diversity

**PNW Westville Campus**  
Associate Director, Office of Equity, Diversity and Inclusion      219-785-5545      www.pnw.edu/diversity

**West Lafayette**  
Director of the Office of Institutional Equity      765-494-7255      equity@purdue.edu  
www.purdue.edu/oie

## STATEMENT OF POLICY

Purdue University is committed to maintaining an inclusive community that recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect among its members; and encourages each individual to strive to reach his or her own potential. In pursuit of its goal of academic excellence, Purdue University seeks to develop and nurture its diversity. The University believes that diversity among its many members strengthens the institution, stimulates creativity, promotes the exchange of ideas and enriches campus life.

Purdue University views, evaluates and treats all persons in any university-related activity or circumstance in which they may be involved solely as individuals on the basis of their own personal abilities, qualifications and other relevant characteristics.

Purdue University does not condone and will not tolerate Discrimination against any individual on the basis of race, religion, color, sex, age, national origin or ancestry, genetic information, disability, status as a veteran, marital status, parental status, sexual orientation, gender identity or gender expression. Purdue University promulgates policies and programs to ensure that all persons have equal access to its employment opportunities and educational programs, services and activities. The principal objective of this policy is to provide fair and consistent treatment for all students and employees of the University. Purdue is committed to increasing the recruitment, selection and promotion of faculty and staff at the University who are racial or ethnic minorities, women, persons with disabilities and veterans. The University also is committed to policies and programs that increase the diversity of the student body.

### Application of this Policy to Employment and Education

All aspects of the employment relationship, including recruitment, selection, hiring, training, professional development, tenure, promotion, compensation and separations, are administered in accordance with this policy. Notwithstanding the prohibition against Discrimination, the University may, without violating this prohibition, provide different benefit packages to employees who have a spouse and/or dependent children than are provided to other employees.

Purdue University provides Reasonable Accommodations to qualified employees with disabilities. It also promotes the full realization of equal employment opportunity through a comprehensive affirmative action program applying to all units.

All policies and procedures applicable to students are administered in accordance with this policy. Purdue University provides Academic Adjustments and Auxiliary Aids and Services to qualified students with disabilities in accordance with federal law.

### Reporting and Addressing Discrimination

This policy seeks to encourage faculty, staff and students to report and address incidents of Discrimination. Discrimination complaints will be addressed promptly and consistently, using procedures that are fair and effective from the point of view of the person and the University, and be resolved at the lowest organizational level possible. The Procedures for Resolving Complaints of Discrimination and Harassment, as issued and updated from time to time by the Vice President for Ethics and Compliance, describe the necessary steps for filing complaints of Discrimination.

Retaliation against faculty members, staff members or students for reporting or complaining of Discrimination, for participating or assisting in the investigation of a complaint of Discrimination or for enforcing this policy is strictly prohibited. It inhibits the ability of the University to address complaints and contributes to distrust of complaint procedures.

### Affirmative Action Programs

As a federal contractor, each campus within the Purdue University system is required to develop and maintain a written affirmative action program, which is a set of specific results-oriented actions and procedures to which the University commits itself. These programs must be updated annually and be made available for inspection.

### Violations of this Policy

Any individual or group of individuals found to have violated this policy will be subject to disciplinary or remedial action, up to and including termination of employment or expulsion from the University. Faculty and staff who are determined to have violated this policy also may be held personally liable for any damages, settlement costs or expenses, including attorney fees incurred by the University.

## No Waiver

Nothing contained in this policy should be interpreted as a waiver by Purdue University of its sovereign immunity, immunity pursuant to the 11th Amendment of the U.S. Constitution or any other immunity or defense available under state or federal laws.

## REASON FOR THIS POLICY

As a land-grant university, Purdue University is committed to the principles of affirmative action and equal opportunity in education and employment. We take seriously our responsibility to provide leadership in ensuring that equal employment opportunity is the norm rather than an aspiration.

This policy helps to further the resolution of the Board of Trustees and to ensure the University's compliance with state and federal laws and regulations, including but not limited to:

- Age Discrimination Act of 1975
- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act of 1990, as amended
- Executive Order 11246, as amended
- Equal Pay Act of 1963
- Genetic Information Nondiscrimination Act of 2008
- Immigration Reform and Control Act of 1986
- Indiana Civil Rights Act of 1971
- Pregnancy Discrimination Act
- Sections 503 and 504 of the Rehabilitation Act of 1973
- Title VI of the Civil Rights Act of 1964, as amended
- Title VII of the Civil Rights Act of 1964, as amended
- Title IX of the Education Amendments of 1972
- Uniformed Services Employment and Reemployment Rights Act of 1994
- VEVRAA, Section 4212

## INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All Purdue University community members.

## EXCLUSIONS

There are no exclusions to this policy.

## RESPONSIBILITIES

### President of Purdue University

- Overall responsibility for the successful implementation of Purdue University's equal opportunity, equal access and affirmative action policies.

### Chancellor

- Establish goals and action-oriented programs that integrate equal opportunity, equal access and affirmative action principles and objectives into all decisions concerning employees and students on his or her campus.
- Appoint an EO/AA Officer and an ADA Coordinator for his or her campus.

### Vice President for Ethics and Compliance

- Serve as Purdue University's equal opportunity officer.
- Develop system-wide policies pertaining to equal opportunity, equal access and affirmative action in cooperation with other university officers.
- Issue and update Procedures for Resolving Complaints of Discrimination and Harassment.
- Coordinate the resolution of all Discrimination complaints filed with external agencies and oversee and coordinate internal Discrimination grievance procedures in consultation with university officers, chancellors and legal counsel.
- Serve as Title IX Coordinator for the Purdue University system.

### Vice President for Human Resources

- Ensure equal employment opportunity, equal access and affirmative action concepts are included in University personnel policies and procedures and that recruitment and hiring practices and training programs follow those same concepts where applicable.
- Provide guidance and support to University offices or departments in the exercise of their equal employment opportunity, equal access and affirmative action responsibilities.

### Vice Provost and Vice Chancellors for Student Life/Affairs

- Ensure equal opportunity and equal access concepts are included in the policies, procedures, programs, services and activities of the University concerning students.

## **Vice Presidents, Vice Chancellors, Vice Provosts and Deans**

- Establish goals and action-oriented programs within their units that integrate equal opportunity, equal access and affirmative action principles and objectives into all decisions within their areas of responsibility.
- Review recommendations for hiring, compensation, promotion, transfer, reassignment and termination for compliance with the University's affirmative action program in both procedure and outcome, and review the qualifications of applicants and reasons for selection to ensure that minorities, women, persons with disabilities and veterans are given full opportunities for hire and promotion (or designate responsibility for such).

## **Director of Compliance**

- Develop and disseminate affirmative action data.
- Provide technical assistance to Regional Campus EO/AA Officers.
- Serve as a resource to and coordinator of system-wide affirmative action activities and programs.
- At the West Lafayette campus, develop programs related to affirmative action in coordination with other University offices; assist individual units with the development, implementation and oversight of their affirmative action programs for academic and nonacademic employees; develop internal monitoring and reporting systems; and perform required analyses of affirmative action data.

## **Director of the Office of Institutional Equity**

- Provide technical assistance to Regional Campus EO/AA Officers.
- Serve as a resource to and coordinator of system-wide equal employment opportunity and equal access activities and programs.
- Serve as the campus liaison with federal and state enforcement agencies and community action groups and as the ADA Coordinator for the West Lafayette campus.
- Serve as the Title IX Coordinator for the West Lafayette campus.
- At the West Lafayette campus, develop policies, procedures and programs related to equal employment opportunity and equal access in coordination with other University offices; assist individual units with the development, implementation and oversight of their equal employment opportunity and equal access programs; and develop internal monitoring and reporting systems.

## **EO/AA Officers at the Fort Wayne, Hammond and Westville Campuses**

- Develop, implement and monitor their campus's equal employment opportunity, equal access and affirmative action programs and coordinate these efforts with the Director of the Office of Institutional Equity and/or the Director of Compliance as necessary.
- Serve as the Title IX Coordinator for their respective campuses.

## **Department Heads, Directors and Supervisors**

- Promote equal employment opportunity and make good faith efforts to achieve affirmative action goals.

## **All Units**

- Include equal employment opportunity, equal access and affirmative action efforts and results in evaluations of administrators and supervisors.

## **Mandatory Reporters**

- Report all incidents of Discrimination, harassment or retaliation directly to the campus Title IX Coordinator or EO/AA Officer.

## **Individuals Who Believe They Have Experienced or Witnessed Discrimination**

- Report the incident as described in the Procedures for Resolving Complaints of Discrimination and Harassment.



## DEFINITIONS

All defined terms are capitalized throughout the document. Additional defined terms may be found in the central Policy Glossary.

### Academic Adjustments

An academic modification or adjustment that minimizes or eliminates the impact of a disability, allowing the individual to gain equal access and have an equal opportunity to participate in the University's courses, programs, services, activities and facilities.

### ADA Coordinator

The Americans with Disabilities Act Coordinator.

### Auxiliary Aids and Services

A wide range of services and devices that enable persons with disabilities to have an equal opportunity to participate in, and enjoy the benefits of, Purdue University's programs and activities.

### Discrimination

The process of illegally differentiating between people on the basis of group membership rather than individual merit. *Systemic discrimination* may occur when unequal treatment results from neutral institutional practices that continue the effect of past discrimination. *Individual discrimination* may result when a person is subjected to unequal treatment on the basis of race, religion, color, sex, age, national origin or ancestry, genetic information, disability, status as a veteran, marital status, parental status, sexual orientation, gender identity or gender expression.

### EO/AA Officer

Equal Opportunity/Affirmative Action Officer.

### Mandatory Reporter

Individuals employed by the University who hold a title of or equivalent to President, Chancellor, vice president, vice chancellor, vice provost, dean, department head and director, as well as all faculty members, coaches, employees in supervisory or management roles, student affairs professionals, academic advisors and residential life staff. Also included are individuals who have authority and responsibility to remedy Harassment, or those whom a student would reasonably believe has such authority (e.g., Student Organization Advisors, including fraternities and sororities).

### Reasonable Accommodations

A wide range of modifications that allow otherwise qualified applicants or employees with disabilities to perform the essential functions of a position. Such modifications may be deemed reasonable if they do not result in an undue burden on Purdue University or its operations.

### Retaliation

Any overt or covert act of reprisal, interference, restraint, penalty, Discrimination, intimidation, or harassment against any person or group for reporting or complaining of Discrimination and/or harassment, assisting or participating in the investigation of a complaint of Discrimination and/or harassment, or enforcing University policies with respect to Discrimination and/or harassment.

## RELATED DOCUMENTS, FORMS AND TOOLS

Board of Trustees resolution dated December 18, 2010

Policies and Standards:

- Anti-Harassment (III.C.1):  
[www.purdue.edu/policies/ethics/iic1.html](http://www.purdue.edu/policies/ethics/iic1.html)
- Electronic Information, Communication and Technology Accessibility (S-5):  
[www.purdue.edu/policies/information-technology/s5.html](http://www.purdue.edu/policies/information-technology/s5.html)
- Nondiscrimination Policy Statement:  
[www.purdue.edu/purdue/ea\\_eou\\_statement.html](http://www.purdue.edu/purdue/ea_eou_statement.html)

Procedures for Resolving Complaints of Discrimination and Harassment:  
[www.purdue.edu/ethics/resources/resolving-complaints.html](http://www.purdue.edu/ethics/resources/resolving-complaints.html)

University Title IX website:  
[www.purdue.edu/titleix](http://www.purdue.edu/titleix)

Websites for governing bodies with oversight for applicable laws and regulations:

- Indiana Civil Rights Commission:  
[www.in.gov/icrc](http://www.in.gov/icrc)
- U.S. Department of Education Office for Civil Rights:  
[www.ed.gov/ocr](http://www.ed.gov/ocr)
- U.S. Department of Justice, Americans with Disabilities Act:  
[www.ada.gov](http://www.ada.gov)
- U.S. Department of Labor Office of Federal Contractor Compliance Programs:  
[www.dol.gov/ofccp](http://www.dol.gov/ofccp)
- U.S. Equal Employment Opportunity Commission:  
[www.eeoc.gov](http://www.eeoc.gov)

## WEBSITE ADDRESS FOR THIS POLICY

[www.purdue.edu/policies/ethics/iic2.html](http://www.purdue.edu/policies/ethics/iic2.html)

## HISTORY AND UPDATES

July 1, 2018: Contacts section updated.

August 1, 2017: Reference to same-sex domestic partners removed in compliance with Board of Trustees resolution from December 19, 2015.

July 1, 2016: Minor updates to policy, mainly to Contacts section.

June 1, 2015: Policy formatted into new template. Responsibilities added for Director of Compliance, Mandatory Reporters and individuals who believe they have experienced or witnessed discrimination. Executive Director of the Office of Institutional Equity named as West Lafayette Title IX Coordinator and VPEC named as system Title IX Coordinator. Definition of Retaliation updated. Contacts and hyperlinks updated.

April 27, 2012: Contacts section updated.

November 18, 2011: Policy number changed to III.C.2 (formerly X.2.2) and website address updated.

May 27, 2011: Contacts section updated.

May 1, 2011: This policy supersedes Equal Opportunity, Equal Access and Affirmation Action, Interim (X.2.2) dated December 22, 2010.

December 22, 2010: This policy supersedes the Reaffirmation of University Policy on Equal Employment Opportunity and Affirmative Action (Executive Memorandum No. D-1) dated January 8, 2001, and December 31, 2002. It has been formatted in the current policy template and updated to comply with the Board of Trustees' resolution dated December 18, 2010, which expands the University's nondiscrimination commitment to include the bases of genetic information, gender identity and gender expression.

## APPENDIX

There are no appendices to this policy.

# ANTI-HARASSMENT

## **[III.C.1]**

Volume III: Ethics

Chapter C: Equal Opportunity

Responsible Executive:

Vice President for Ethics and Compliance

Responsible Office:

Office of the Vice President for Ethics and Compliance

Date Issued: December 22, 2010

Date Last Revised: July 1, 2018

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## CONTACTS

### Policy Clarification

Vice President for Ethics and Compliance (System-wide Title IX Coordinator) 765-494-5830 vpec@purdue.edu  
www.purdue.edu/ethics  
Office address:  
Ernest C. Young Hall,  
10th floor  
155 S. Grant St.  
West Lafayette, IN 47907

### Harassment Complaints

#### Fort Wayne

Human Resources and Institutional Equity 260-481-6677 www.pfw.edu/equity

#### PNW Hammond Campus

Office of Equity, Diversity and Inclusion 219-989-3169 www.pnw.edu/diversity

#### PNW Westville Campus

Office of Equity, Diversity and Inclusion 219-785-5545 www.pnw.edu/diversity

#### West Lafayette

Office of Institutional Equity 765-494-7255 equity@purdue.edu  
www.purdue.edu/oie

### Reports of Sexual Violence

#### For all emergencies, dial 911.

Non-emergency reports may be made using the contacts below.

#### Fort Wayne

Title IX Coordinator — Christine M. Marcuccilli 260-481-6107 Kettler Hall, Room 252  
2101 E. Coliseum Blvd.  
Fort Wayne, IN 46805  
marcuccc@pfw.edu

#### PNW Hammond Campus

Title IX Coordinator — Linda B. Knox 219-989-3169 Lawshe Hall, Room 231  
2200 169th St.  
Hammond, IN 46323  
lbknox@pnw.edu

#### PNW Westville Campus

Title IX Coordinator — Laura Odom 219-785-5545 Schwarz Hall, Room 25  
1401 S. U.S. Highway 421  
Westville, IN 46391  
odoml@pnw.edu

#### West Lafayette

Title IX Coordinator — Erin Oliver 765-494-7255 Ernest C. Young Hall,  
10th floor  
155 S. Grant St.  
West Lafayette, IN 47907  
titleix@purdue.edu

#### Fort Wayne

Police Department 260-481-6827 www.pfw.edu/police  
Office of the Dean of Students 260-481-6601 www.pfw.edu/offices/dean  
Student Housing 260-481-4180 www.pfw.edu/offices/housing  
Health and Wellness Clinic 260-481-5748 www.pfw.edu/clinic

#### PNW Hammond Campus

Police Department 219-989-2220 www.pnw.edu/police  
Office of the Dean of Students 219-989-4141 www.pnw.edu/dean-of-students  
Housing 219-989-4150 www.pnw.edu/housing  
Community Care Network Health Clinic 219-989-1235 www.pnw.edu/community-care-network-health-clinic

## PNW Westville Campus

Police Department	219-785-5220	<a href="http://www.pnw.edu/police">www.pnw.edu/police</a>
Office of the Dean of Students	219-785-5230	<a href="http://www.pnw.edu/dean-of-students">www.pnw.edu/dean-of-students</a>

## West Lafayette

Police Department	765-494-8221	<a href="http://www.purdue.edu/police">www.purdue.edu/police</a>
Office of the Dean of Students	765-494-1747	<a href="http://www.purdue.edu/odos">www.purdue.edu/odos</a>
University Residences	765-494-1000	<a href="http://www.housing.purdue.edu">www.housing.purdue.edu</a>
Student Health Center (PUSH)	765-494-1700	<a href="http://www.purdue.edu/push">www.purdue.edu/push</a>

## STATEMENT OF POLICY

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages its members to strive to reach their potential. The most effective way to work toward preventing Harassment is through education that emphasizes respect for every individual.

It is essential that Purdue University demonstrate its intellectual and ethical leadership by reaffirming its strong position against Harassment in all forms. All members of the University community must be able to pursue their goals, educational needs and working lives without intimidation or injury generated by intolerance and Harassment.

Harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated. Purdue University is committed to maintaining an educational and work climate for faculty, staff and students that is positive and free from all forms of Harassment. This policy addresses Harassment in all forms, including Harassment toward individuals for reasons of race, religion, color, sex, age, national origin or ancestry, genetic information, disability, status as a veteran, marital status, parental status, sexual orientation, gender identity or gender expression. The University will

not tolerate Harassment of its faculty, staff or students by persons conducting business with or visiting the University, even though such persons are not directly affiliated with the University.

## Reporting and Addressing Harassment

This policy seeks to encourage faculty, staff and students to report and address incidents of Harassment. The Procedures for Resolving Complaints of Discrimination and Harassment, as issued and updated from time to time by the Vice President for Ethics and Compliance, describe the necessary steps for filing complaints of Harassment.

Retaliation against faculty members, staff members or students for reporting or complaining of Harassment, for assisting or participating in the investigation of a complaint of Harassment, or for enforcing this policy is strictly prohibited.

The University reserves the right to investigate circumstances that may involve Harassment in situations where no complaint, formal or informal, has been filed. In appropriate circumstances, sanctions in accordance with this policy will be implemented where the University has initiated an investigation in the absence of a formal or informal complaint.

To determine whether a particular act or course of conduct constitutes Harassment under this policy, the alleged behavior will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of Harassment, a serious incident, even if isolated, can be sufficient.

## Academic Freedom and Freedom of Speech

Freedom of thought and expression are the lifeblood of our academic community and require an atmosphere of mutual respect among diverse persons, groups and ideas. The maintenance of mutually respectful behavior is a precondition for the vigorous exchange of ideas, and it is the policy of the University to promote such behavior in all forms of expression and conduct. The University reaffirms its commitment to freedom of speech as guaranteed by the First Amendment to the United States Constitution. Accordingly, any form of speech or conduct that is protected by the First Amendment is not subject to this policy. The University reaffirms its commitment to academic freedom, which is essential to its educational mission and is critical to diversity and intellectual life.

## Violations of Policy and Sanctions

Any individual or group of individuals found to have violated this policy will be subject to disciplinary and/or remedial action, up to and including termination of employment or expulsion from the University. Faculty and staff who are determined to have violated this policy also may be held personally liable for any damages, settlement costs or expenses, including attorney fees incurred by the University.

The University strongly encourages students to report instances of Sexual Violence or Sexual Exploitation. Therefore, students who provide information regarding Sexual Violence or Sexual Exploitation will not be disciplined by the University for any violation of the Regulations Governing Student Conduct relating to drug or alcohol possession or consumption in which they might have engaged in connection with the reported incident of possible Sexual Violence or Sexual Exploitation.

This policy may not be used to bring knowingly false or malicious charges against any faculty, staff, students or recognized student organizations, including fraternities, sororities and/or cooperatives. Disciplinary action will be taken against any person or group found to have brought a charge of Harassment in bad faith or any person who, in bad faith, is found to have encouraged another person or group to bring such a charge.

## Education and Prevention

The University offers education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning Sexual Harassment, Sexual Violence, Sexual Exploitation, Relationship Violence and Stalking.

## Coordination with Other University Policies

This policy augments, but does not supersede, other University policies covering discrimination. Although Harassment as described and prohibited by this policy includes a wide range of behavior, it does not include certain discriminatory conduct, even though that conduct may be otherwise unlawful, offensive or prohibited by other University policies.

## REASON FOR THIS POLICY

This policy is designed to prevent and sanction incidents of Harassment within the Purdue University community. The University believes that Harassment, which is a form of discrimination, is repugnant and inimical to our most basic values.

As a land-grant university, Purdue University is committed to the principles of equal opportunity in education and employment. We take seriously our responsibility to provide leadership in ensuring that equal opportunity is the norm rather than an aspiration.

This policy helps to promote this commitment through compliance with both state and federal laws and regulations, including but not limited to:

- Age Discrimination Act of 1975
- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act of 1990, as amended
- Executive Order 11246, as amended
- Equal Pay Act of 1963
- Genetic Information Nondiscrimination Act of 2008
- Immigration Reform and Control Act of 1986
- Indiana Civil Rights Act of 1971
- Pregnancy Discrimination Act
- Sections 503 and 504 of the Rehabilitation Act of 1973
- Title VI of the Civil Rights Act of 1964, as amended
- Title VII of the Civil Rights Act of 1964, as amended
- Title IX of the Education Amendments of 1972
- Uniformed Services Employment and Reemployment Rights Act of 1994
- VEVRAA, Section 4212
- Jeanne Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013

## INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All Purdue University community members.

## EXCLUSIONS

There are no exclusions to this policy.

## RESPONSIBILITIES

### Vice President for Ethics and Compliance

- In consultation with University officers, Chancellors and legal counsel, oversee and coordinate enforcement of policies and procedures dealing with Harassment for all campuses and operations within the Purdue University system.
- In consultation with University officers, Chancellors and legal counsel, oversee and coordinate the provision of education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning Sexual Harassment, Sexual Violence, Sexual Exploitation, Relationship Violence and Stalking within the University system.

### Chancellors

- Maintain an educational and employment environment free from Harassment.

### Vice Presidents, Vice Chancellors, Vice Provosts and Deans

- Maintain an educational and employment environment free from Harassment.
- Communicate to all members of their unit those individuals and offices designated as a resource for people seeking assistance with Harassment.

### Title IX Coordinators

- Oversee the investigation and resolution of all reports of Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking and Relationship Violence on their respective campuses involving students, staff, faculty and third parties.
- Be knowledgeable and trained in University policies and procedures and relevant state and federal laws.
- Be available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the University, both informally and formally, and in the community.
- Be available to provide assistance to any University employee regarding how to respond appropriately to a report of Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking or Relationship Violence.
- Monitor full compliance with all applicable procedural requirements, record keeping and timeframes.
- Oversee training, prevention and education efforts and periodic reviews of climate and culture for their respective campuses.

### Mandatory Reporters

- Report all incidents of discrimination, Harassment or retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.

### Administrators, Supervisors, and Individuals and Offices Designated as a Resource for Assistance with Harassment

- Report all incidents of Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.
- Take immediate steps in accordance with University policy and procedure to respond to any conduct involving Harassment or complaints of Harassment brought to their attention that involve University faculty, staff or students under their administrative jurisdiction.

### Individuals Who Believe They Have Experienced or Witnessed Harassment

- Report the incident as described in the Procedures for Resolving Complaints of Discrimination and Harassment.

## DEFINITIONS

All defined terms are capitalized throughout the document. Additional defined terms may be found in the central Policy Glossary.

### Consent/Consensual

Affirmative, clear communication given by words or actions that shows an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is given freely and voluntarily. Consent may not be inferred from silence, passivity or when an individual is Incapacitated or otherwise prevented from giving Consent as a result of impairment due to a mental or physical condition or age. No Consent exists when there is a threat of force or physical or psychological violence.

Although Consent may be given initially, it may be withdrawn at any point without regard to activity preceding the withdrawal of Consent.

The voluntary nature of Consent will be subject to heightened scrutiny in circumstances in which a person engages in a sexual relationship with a person over whom he or she has any power or authority within the University.

## Harassment

Conduct towards another person or identifiable group of persons that has the purpose or effect of:

1. Creating an intimidating or hostile educational environment, work environment or environment for participation in a University program or activity;
2. Unreasonably interfering with a person's educational environment, work environment or environment for participation in a University program activity; or
3. Unreasonably affecting a person's educational or work opportunities or participation in a University program or activity.

Use of the term Harassment includes all forms of harassment, including Stalking, Racial Harassment and Sexual Harassment.

## Incapacitated/Incapacitation

A mental state in which an individual cannot make rational decisions because they lack the capacity to give knowing Consent (e.g., to understand the who, what, where, why and how of their sexual interaction). Such Incapacitation may be caused by alcohol or other drug use, sleep or unconsciousness. Intoxication is not equivalent to Incapacitation.

## Mandatory Reporters

Individuals employed by the University who hold a title of or equivalent to President, Chancellor, vice president, vice chancellor, vice provost, dean, department head and director, as well as all faculty members, coaches, employees in supervisory or management roles, student affairs professionals, academic advisors and residential life staff. Also included are individuals who have authority and responsibility to remedy Harassment, or those whom a student would reasonably believe has such authority (e.g., Student Organization Advisors, including fraternities and sororities).

## Racial Harassment

Conduct that demonstrates hostility towards another person (or identifiable group of persons) on the basis of race, color, national origin or ancestry and that has the purpose or effect of:

1. Creating an intimidating or hostile educational environment, work environment or environment for participation in a University program or activity;

2. Unreasonably interfering with a person's educational environment, work environment or environment for participation in a University program or activity; or
3. Unreasonably affecting a person's educational or work opportunities or participation in a University program or activity.

The University is strongly committed to providing a safe and Harassment-free environment for members of those groups that have historically been, and are still likely to be, at greatest risk of Harassment for reasons of prejudice.

## Relationship Violence

Any physical, sexual and/or psychological harm against an individual by a current or former intimate or romantic partner. Intimate or romantic partners may be dating, cohabitating, married, separated or divorced, and may be of the same or opposite sex.

## Retaliation

Any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation or Harassment against any person or group for reporting or complaining of discrimination and/or Harassment, assisting or participating in the investigation of a complaint of discrimination and/or Harassment, or enforcing University policies with respect to discrimination and/or Harassment.

## Sexual Exploitation

An act that exploits someone sexually. Examples of Sexual Exploitation include, but are not limited to:

- Exposing one's own or another person's intimate parts without Consent.
- Recording video or audio, photographing, disseminating or transmitting intimate or sexual utterances, sounds or images without Consent of all parties involved.
- Allowing others to view sexual acts (whether in person, through electronic means, or via a video camera or other recording device) without the Consent of all parties involved.
- Engaging in any form of voyeurism.



## Sexual Harassment

- A. Any act of Sexual Violence.
- B. Any act of Sexual Exploitation.
- C. Any unwelcome sexual advance, request for sexual favors or other written, verbal or physical conduct of a sexual nature when:
  1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education or participation in a University program or activity;
  2. Submission to, or rejection of, such conduct by an individual is used as the basis for, or a factor in, decisions affecting that individual's employment, education or participation in a University program or activity; or
  3. Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, offensive or hostile environment for that individual's employment, education or participation in a University program or activity.

## Sexual Violence

Any non-Consensual sexual act, including but not limited to rape, sexual assault, sexual battery and sexual coercion. Sexual Violence also includes Relationship Violence. Examples of Sexual Violence include, but are not limited to:

- Non-Consensual sexual contact: touching, with any body part or object, another person's intimate parts (e.g., genitalia, groin, breast, buttocks), whether clothed or unclothed.
- Non-Consensual sexual intercourse: oral, anal and/or vaginal penetration, to any degree and with any body part or object.
- Compelling a person to touch his or her own or another person's intimate parts without Consent.

## Stalking

Any knowing or intentional course of conduct involving repeated or continued following, threatening or intimidating another by telephone, mail, electronic communication, social media, in person or any other action, device or method that 1) would cause a reasonable person to suffer substantial emotional distress or fear of bodily injury or death and 2) actually causes such person substantial emotional distress or fear of bodily injury or death.

## RELATED DOCUMENTS, FORMS AND TOOLS

Board of Trustees resolution dated December 18, 2010

Policies

- Equal Opportunity, Equal Access and Affirmative Action (III.C.2):  
[www.purdue.edu/policies/ethics/iic2.html](http://www.purdue.edu/policies/ethics/iic2.html)
- Amorous Relationships (III.A.1):  
[www.purdue.edu/policies/ethics/iiia1.html](http://www.purdue.edu/policies/ethics/iiia1.html)
- University Nondiscrimination Policy Statement:  
[www.purdue.edu/purdue/ea\\_eou\\_statement.html](http://www.purdue.edu/purdue/ea_eou_statement.html)

Procedures for Resolving Complaints of Discrimination and Harassment:  
[www.purdue.edu/ethics/resources/resolving-complaints.html](http://www.purdue.edu/ethics/resources/resolving-complaints.html)

Sexual Violence Awareness website:  
[www.purdue.edu/sexual\\_assault](http://www.purdue.edu/sexual_assault)

Regulations Governing Student Conduct:

- **Fort Wayne:**  
<http://bulletin.ipfw.edu/content.php?catoid=19&navoid=487#Code>
- **Northwest:**  
[www.pnw.edu/dean-of-students/student-code-of-conduct](http://www.pnw.edu/dean-of-students/student-code-of-conduct)
- **West Lafayette:**  
[www.purdue.edu/studentregulations/student\\_conduct/index.html](http://www.purdue.edu/studentregulations/student_conduct/index.html)

Websites for governing bodies with oversight for applicable laws and regulations:

- Indiana Civil Rights Commission:  
[www.in.gov/icrc](http://www.in.gov/icrc)
- U.S. Department of Education Office for Civil Rights:  
[www.ed.gov/ocr](http://www.ed.gov/ocr)
- U.S. Department of Justice, Americans with Disabilities Act:  
[www.ada.gov](http://www.ada.gov)
- U.S. Department of Labor Office of Federal Contractor Compliance Programs:  
[www.dol.gov/ofccp](http://www.dol.gov/ofccp)
- U.S. Equal Employment Opportunity Commission:  
[www.eeoc.gov](http://www.eeoc.gov)

## **WEBSITE ADDRESS FOR THIS POLICY**

[www.purdue.edu/policies/ethics/iic1.html](http://www.purdue.edu/policies/ethics/iic1.html)

## **HISTORY AND UPDATES**

July 1, 2018: Contacts section updated.

August 1, 2017: Minor updates throughout policy, Definitions of Harassment, Racial Harassment, Sexual Exploitation and Sexual Harassment updated.

July 1, 2016: Minor updates throughout policy. Clarified the language regarding sanctions. Several updates to Contacts section.

June 1, 2015: Policy formatted into new template. Responsibilities for Title IX Coordinators and Mandatory Reporters added. Definitions of Consent and Retaliation updated. Contacts and hyperlinks updated.

May 6, 2014: Contacts section updated.

March 1, 2014: The following additions were made: 1) education, prevention, risk reduction and awareness program language, 2) a definition of stalking and 3) a modification of certain disciplinary actions for students. Several website URLs were updated throughout.

April 1, 2012: Language pertaining to Sexual Violence added in the Statement of Policy and Definitions. Procedures updated to refer all complaints under this policy to the Procedures for Resolving Complaints of Discrimination and Harassment.

November 18, 2011: Policy number changed to III.C.1 (formerly X.2.1) and website address updated. Links to other policies updated as well.

July 1, 2011: Definition of Sexual Harassment amended.

May 1, 2011: A definition for Regulations Governing Student Conduct was added. This policy supersedes Anti-Harassment, Interim (X.2.1) dated December 22, 2010.

December 22, 2010: This policy supersedes the Antiharassment Policy (Executive Memorandum No. C-33) dated September 16, 1994. It has been formatted in the current policy template and updated to comply with the Board of Trustees' resolution dated December 18, 2010, which expands the University's nondiscrimination commitment to include the bases of genetic information, gender identity and gender expression.

## **APPENDIX**

There are no appendices to this policy.

# PROCEDURES FOR RESOLVING COMPLAINTS OF DISCRIMINATION AND HARASSMENT

(Revised July 1, 2018)

## A. INTRODUCTION

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person, fosters tolerance, sensitivity, understanding and mutual respect, and encourages its members to strive to reach their potential. Harassment in the workplace or the educational environment is unacceptable and will not be tolerated.

These Procedures outline the resolution processes that will be used to investigate and/or resolve a report of harassment and/or discrimination under the Purdue University Anti-Harassment Policy (III.C.1) and Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (the “Policies”). These Procedures apply to Title IX matters, including Relationship Violence, Sexual Exploitation, Sexual Harassment, Sexual Violence and Stalking, in addition to all other forms of prohibited discrimination and harassment.

These Procedures apply to faculty, staff, students and anyone conducting business with or visiting the University. Any individual or group of individuals found to have violated the Policies will be subject to disciplinary and/or remedial action, up to and including termination of employment or expulsion from the University.

Any employee, student, campus visitor or person participating in a University activity, whether on or off campus, who has experienced or witnessed discrimination and/or harassment is encouraged to report the incident(s) promptly. Prompt reporting of complaints is vital to the University's ability to resolve the matter.

Once the University has received a report of harassment and/or discrimination, the University will take any and all necessary and immediate steps to protect the Complainant. Such actions may include taking interim steps before the determination of the final outcome of an investigation.

There are both informal and formal processes for resolving complaints of discrimination and harassment. A Complainant may elect to invoke either the Informal or Formal Resolution Process. If the Complainant finds that initial informal efforts are unsatisfactory, the Complainant may then seek formal resolution. There is no requirement that a Complainant first proceed with informal resolution before seeking formal resolution.

The University has an obligation to respond to information of which it becomes aware, whether received directly or indirectly. That is, the University's obligation may be triggered by a direct disclosure by those who have experienced potential discrimination or harassment or by gaining indirect knowledge of such information. For this reason, the University may initiate an investigation of circumstances that involve potential discrimination and/or harassment even where no complaint, formal or informal, has been filed. In those circumstances, the University may elect to investigate and, if warranted, impose disciplinary sanctions pursuant to these or other established University procedures.

In matters involving alleged criminal conduct, the Complainant may notify, or decline to notify, local law enforcement at any time. The University may also make an independent determination to notify law enforcement and/or other authorities based on the nature of the complaint.

## **B. SCOPE**

These Procedures apply to all complaints of discrimination and/or harassment, whether the parties are students, recognized student organizations, employees, volunteers, campus visitors or persons participating in a University activity. Employees who are students involved in activities subject to these Procedures may be treated as students, employees or both at the sole option of the University.

These Procedures govern conduct that occurs on and/or off campus or that impacts the educational or work experience of a member of the Purdue community. In particular, off-campus conduct is subject to these Procedures if 1) the conduct occurred in the context of an education program or activity of the University, 2) the conduct has or had continuing adverse effects on campus or in an off-campus education program or activity or 3) the Respondent is a student.

## **C. RESOURCES FOR RESOLVING COMPLAINTS OF DISCRIMINATION AND HARASSMENT**

Inquiries and complaints about discrimination and/or harassment may be brought to the Campus Equity Office, Office of the Dean of Students or the Vice President for Ethics and Compliance. The management of all complaints of discrimination and/or harassment, regardless of where they are initially received, and the implementation of these Procedures is the responsibility of the Vice President for Ethics and Compliance. Any question of interpretation regarding these Procedures shall be referred to the Vice President for Ethics and Compliance for final determination.

In addition, inquiries and complaints about Sexual Violence, Relationship Violence and Stalking may be brought to the Title IX Coordinator. Information regarding the Title IX Coordinator for each campus is available in the Anti-Harassment Policy.

## **D. DEFINITIONS**

### **Advisory Committee on Equity**

The committee composed of faculty and staff appointed by the Vice President for Ethics and Compliance upon the nomination of the Provost, a Chancellor, the University Senate, the Administrative and Professional Staff Advisory Committee, the Clerical/Service Staff Advisory Committee, a Vice President or Vice Chancellor, and a Dean to advise the Chancellors, Director and Dean of Students pursuant to Section I of these Procedures.

### **Complainant(s)**

A person or persons making a complaint under the Informal Resolution Process or the Formal Resolution Process.

## Campus Equity Office

The following University offices: (a) on the West Lafayette campus, the Office of Institutional Equity or the Office of the Dean of Students; (b) on the Purdue Northwest Hammond campus, the Office of Equity, Diversity and Inclusion or the Office of the Dean of Students; (c) on the Fort Wayne campus, Human Resources and Institutional Equity or the Office of the Dean of Students; and (d) on the Purdue Northwest Westville campus, the Office of Equity, Diversity and Inclusion or the Office of the Dean of Students.

## Days

Calendar days.

## Director

The Director of the Office of Institutional Equity of the West Lafayette campus.

## Eligible Designee

An individual to whom the Chancellor, Director or Dean of Students delegates their authority under these Procedures. All Eligible Designees must receive appropriate annual training and be approved to serve in this role by the Vice President for Ethics and Compliance.

## Formal Complaint

A complaint filed pursuant to Section I of these Procedures.

## Formal Resolution Process

The process for resolving complaints of discrimination and/or harassment set forth in Section I of these Procedures. The Formal Resolution Process involves the filing of a Formal Complaint, an investigation, a determination as to whether one or both of the University Policies has been violated and, as appropriate, the imposition of sanctions and remedial measures.

## Informal Complaint

A complaint made pursuant to Section H of these Procedures.

## Informal Resolution Process

The process for resolving complaints of discrimination and/or harassment set forth in Section H of these Procedures. The Informal Resolution Process is designed to empower the parties to an Informal Complaint to reach a mutually satisfactory agreement.

## Policies

The University's policies on Anti-Harassment (III.C.1) and on Equal Opportunity, Equal Access and Affirmative Action (III.C.2).

## Procedures

The procedures set forth in this document.

## Regulations Governing Student Conduct

The rules and procedures that govern student conduct and disciplinary action as set forth by each campus.

## Respondent(s)

The person or persons whose conduct is the subject of concern under these Procedures.

## University

Any campus, unit, program, association or entity of Purdue University, including but not limited to Purdue University Fort Wayne, Purdue University Northwest, Purdue University West Lafayette, Purdue Cooperative Extension Service and Purdue Polytechnic Institute Statewide.

## University-Initiated Investigation

An investigation initiated by the University in the absence of a Formal Complaint submitted by a Complainant. In a University-Initiated Investigation, a Respondent will be provided with written notice of the allegations forming the basis of the University-Initiated Investigation, and Section I of these Procedures will govern such investigations to the greatest extent practicable.

## University Investigator

A person appointed by the Director, Chancellor or Dean of Students to investigate a Formal Complaint pursuant to Section I of these Procedures. Any individual designated to conduct an investigation must receive appropriate annual training and be approved to serve in this role by the Vice President for Ethics and Compliance. A University Investigator may be a University employee or an external professional.

## E. GENERAL PROVISIONS

### 1. Delegation

The Chancellor, Dean of Students or Director may delegate his or her authority under the Procedures to an Eligible Designee.

### 2. Requests for Anonymity or No Action

To protect both the Complainant and the Respondent, every effort will be made to protect the privacy interests of the persons involved in a manner consistent with the need for a thorough review of a report or Complaint.

If the Complainant requests that their name or other identifiable information not be shared with the Respondent, or requests that the University take no formal action in response to a report, the Vice President for Ethics and Compliance shall evaluate such request and notify the individual of the University's response to their request.

The University will honor the Complainant's request to the extent possible based on a careful balancing of the request with any legal reporting requirements, the risk of harm to any individual and the University's duty to maintain a safe and non-discriminatory environment for all.

If the University honors the request for anonymity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against a Respondent may be limited. The University will take other appropriate steps to eliminate any such discrimination or harassment, prevent its recurrence and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate remedial measures to the Complainant and/or providing targeted training and prevention programs.

If the University is unable to honor the request for anonymity or that the University take no formal action in response to a report, the University may be obligated to move forward with a University-Initiated Investigation and potential disciplinary action if there is an individual or public safety concern and sufficient independent information exists to establish that one or both of the Policies has been violated.

The Vice President for Ethics and Compliance will assess requests for the University to take no formal action by examining the seriousness of the reported conduct, whether the reported misconduct was perpetrated with a weapon, the respective ages and roles of the Complainant and Respondent, whether there have been other reports of harassment or discrimination by the Respondent, whether the University possesses other means to obtain relevant evidence, whether the report reveals a pattern of perpetration at a given location or by a particular group, and the rights of the Respondent to receive notice and relevant information before disciplinary action is initiated.

### 3. Interim Measures

The University offers a wide range of resources for students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation and resolution of a report of discrimination or harassment. Upon receipt of a complaint, the University may take interim measures to address concerns regarding safety and well-being and facilitate the Complainant's continued access to University employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (involving action against a Respondent). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, changes in class or work schedules, academic modifications and support, changes in University-owned living arrangements, interim suspension, University-imposed leave, suspension from employment, pre-disciplinary leave (with or without pay), or any other reasonably available measures that the University deems appropriate. Interim measures are available under both Informal and Formal Resolution Processes. Remedial measures are available regardless of whether a Complainant pursues a complaint or investigation under these Procedures. The ability to impose certain protective measures against a Respondent may require that the report be resolved through the Formal Resolution Process. The University will maintain the privacy of any remedial and protective measures provided to the extent practicable and will promptly address any violation of the protective measures.

## 4. Advisor or Support Person

Both a Complainant and a Respondent are entitled to an advisor or support person of their choice, and the advisor or support person may accompany the party to any meeting or proceeding under these Procedures. A Complainant may have an advisor or support person present when reporting discrimination and/or harassment or at any point in these Procedures. A Respondent also may have an advisor or support person present if and when the Respondent becomes a party to an Informal Resolution Process or a Formal Resolution Process. An advisor or support person may be an attorney, but an advisor or support person may not speak for or stand in place of either the Complainant or the Respondent, act as legal counsel for a party in the Informal Resolution Process or the Formal Resolution Process, or otherwise participate in the Informal Resolution Process or the Formal Resolution Process.

The University has the discretion to impose reasonable conditions upon the participation of an advisor or support person. The advisor or support person may not be a party or witness involved in the investigation.

## 5. Time Frames

The University encourages prompt reporting. Persons who have experienced or witnessed discrimination or harassment are encouraged to report the incident to a Contact Person as soon as possible.

Informal Complaints must be filed with a Campus Equity Office within 120 days of the incident of discrimination or harassment or, where the discrimination or harassment is of an ongoing nature, within 120 days from the most recent incident.

Formal Complaints must be filed with a Campus Equity Office within the earlier of 10 days following the conclusion of the Informal Resolution Process or 120 days of the incident of discrimination or harassment. Where the discrimination or harassment is of an ongoing nature, a Formal Complaint must be filed within the earlier of 10 days following the conclusion of the Informal Resolution Process or 120 days from the most recent incident.

To file an Informal or Formal Complaint, a Complainant must complete a Complaint Information Form online, in person or via electronic mail.

The 120-day deadline to file a complaint does not apply to University-Initiated Investigations, and the University will accept reports of discrimination or harassment at any time.

When extenuating circumstances warrant, a Chancellor, Dean of Students or the Director, as the case may be, has the authority and discretion to extend any of the time limits contained in these Procedures for good cause except those relating to the filing of complaints or the filing of appeals.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in these Procedures. In the event that good cause exists for the investigation and resolution to exceed this time frame, the University will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Good cause may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness, due process and fairness with promptness.

Notwithstanding the foregoing, a complaint relating to alleged discrimination or harassment occurring during a Complainant's employment by the University must be properly filed within 10 days following termination of the Complainant's employment with the University.

## 6. Expectations Regarding Participation by the Parties

All employees and students have an obligation to cooperate in the conduct of these Procedures. Failure to do so may result in disciplinary action. In the event that a Complainant chooses not to participate in an interview or declines to provide information requested by the University Investigator, the Chancellor, Dean of Students or Director may dismiss the complaint if there is no independent information upon which to proceed. The Chancellor, Dean of Students or Director shall provide written notice of such dismissal to the Complainant(s) and the Respondent(s). In the event that a Respondent chooses not to participate in an interview or declines to provide information requested by the University Investigator, the University Investigator may conclude that such information or interview, if provided or conducted, would be adverse to the Respondent. Where the complaint or the circumstances involve potential criminal conduct, however, a party may choose to remain silent during the process, and such silence will not be held as an admission or considered to be adverse to the party.

In the event that an impacted party chooses not to participate in an interview or declines to provide information requested by the University Investigator in connection with a University-Initiated Investigation, the Chancellor, Dean of Students or Director may dismiss the University-Initiated Investigation.

All University community members are expected to provide truthful information in any report or proceeding under these Procedures. Any person who knowingly makes a false statement in connection with the resolution of a complaint under these Procedures may be subject to appropriate discipline. Making a good faith report of discrimination or harassment that is not later substantiated is not considered a false statement.

## **7. Special Circumstances in the Event of Conflict of Interests**

In the event that a complaint concerns the conduct of the Director or the Dean of Students (or the Director or Dean of Students has a conflict of interest), the Vice President for Ethics and Compliance shall designate an individual to be responsible for implementing the responsibilities of the Director or Dean of Students pursuant to these Procedures. In the event that a complaint concerns the conduct of the Vice President for Ethics and Compliance or a Chancellor (or the Vice President for Ethics and Compliance or a Chancellor has a conflict of interest), the President shall designate an individual to be responsible for implementing the responsibilities of the Vice President for Ethics and Compliance or such Chancellor pursuant to these Procedures. In the event that a complaint concerns the President (or the President has a conflict of interest), the Chairman of the Board of Trustees shall be responsible for implementing the responsibilities of the President pursuant to these Procedures. In the event that the President or other member of senior administration is a Respondent under these Procedures, the University may, in its sole discretion, modify these Procedures to provide for an investigation by an independent University Investigator to be selected by the Board of Trustees and for final decision making by the Board of Trustees or a subcommittee of the Board of Trustees.

## **8. Coordination with Law Enforcement**

A Complainant may seek recourse under these Procedures and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, is determinative of whether a violation of University Policy has occurred. Proceedings under these Procedures may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

At the request of law enforcement, the University may agree to defer its fact gathering for a brief period during the evidence gathering stage of a criminal investigation. The University will nevertheless communicate with the Complainant regarding support, options for resolution and the implementation of interim remedial measures to address concerns regarding safety and well-being. The University may also take immediate and prompt steps that it deems necessary to protect the University community. The University will promptly resume its fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

## **F. REPORTING OPTIONS AND RESOURCES FOR TITLE IX MATTERS**

The University is committed to treating all members of the community with dignity, care and respect. Any individual affected by Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking or Relationship Violence, whether as a Complainant, a Respondent or a third party, will have equal access to support consistent with their needs and available University resources.

A first step for any Complainant or third-party witness may be choosing how to proceed following an incident of Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking and/or Relationship Violence. The University recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The University encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources and procedural options and assistance to either party in the event that a report and/or resolution under the Policies or the Procedures are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

### **1. Confidential Resources**

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual. Those campus and community professionals include medical providers, mental health providers, ordained clergy and rape crisis counselors, all of whom have privileged confidentiality that has been recognized by the law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor under the age of 18. A list of on-campus confidential resources is listed in Appendix A to these Procedures.



It is important to understand that other University employees involved in the University's Title IX response do not have the same level of privileged confidentiality as the designated campus or community professionals described above. In fact, any other University employee who is not one of these confidential reporting resources may be **required** to share a report of Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking or Relationship Violence with the Title IX Coordinator.

## 2. Non-Confidential Campus Reporting Resources and Mandatory Reporters

The University is committed to providing a variety of welcoming and accessible means to encourage the reporting of all instances of Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking and Relationship Violence. All University community members are encouraged to report all incidents of discrimination, harassment or retaliation directly to the Title IX Coordinator or a member of the campus Title IX team.

In contrast to the designated campus or community professionals described above under "Confidential Resources," who are obligated to refrain from revealing confidential information shared within the scope of their privilege, some University employees are **required** to report all incidents of discrimination, harassment or retaliation directly to the Title IX Coordinator or a member of the campus Title IX team ("mandatory reporters"). Mandatory reporters receive annual required training to ensure that they understand their obligations and the resources available to University community members who report such incidents. University employees who are mandatory reporters include faculty, supervisors, and other staff, administrators and student employees who have significant responsibility for the welfare of students. Student employees who are required to share reports with the Title IX Coordinator include Resident Assistants. Mandatory reporters are required to share with the Title IX Coordinator all information they receive or of which they become aware, including the identities of the parties, if known. A list of campus reporting options, by campus, to whom individuals are encouraged to report any incidents, is available in Appendix A.

## 3. Privacy

The privacy of the parties will be respected and safeguarded at all times. All University employees who are involved in the University's Title IX response receive specific training and guidance about safeguarding private information. Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of

this information is limited to those University employees who "need to know" in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

## 4. Release of Information

If a report of misconduct discloses a serious and immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The University also may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the University release the name of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

Pursuant to the Clery Act, anonymous statistical information must be shared with the campus police department where required by the Clery Act. Annual Clery Act reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at campus locations. The information contained in the Clery report tracks the number of Clery reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident.

All University proceedings are conducted in compliance with the requirements of Title IX, the Clery Act, VAWA, FERPA, state and local law, and University policy. No information shall be released from proceedings under the Policies or the Procedures except as required or permitted by law and University policy. The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly probation, loss of housing, suspension and expulsion.

## 5. Reporting to Law Enforcement

In matters involving alleged criminal conduct, the Complainant may notify, or decline to notify, local law enforcement at any time. The University encourages Complainants to pursue criminal action for incidents of Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking and Relationship Violence that also may be crimes under state criminal statutes (see [www.purdue.edu/sexual\\_assault/definitions/legal/index.html](http://www.purdue.edu/sexual_assault/definitions/legal/index.html)). The University will assist a Complainant, at the Complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a

Complainant decides to pursue the criminal process. A list of law enforcement resources for each campus is available in Appendix A.

## 6. Anonymous Reporting

Any individual may make an anonymous report concerning an act of Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking or Relationship Violence. A report can be made without disclosing one's own name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the University's ability to respond or take further action.

Anonymous reports can be made through the Whistleblower Hotline, an online reporting service that allows direct interaction with the Title IX Coordinator without providing identifying information. The Whistleblower Hotline can be accessed at: [www.purdue.edu/hotline](http://www.purdue.edu/hotline) or by calling 1-866-818-2620.

As with all other reports, all anonymous reports will go to the Title IX Coordinator for review and appropriate response and action. Where there is sufficient information, the University will ensure that anonymous reports are reviewed and included for compliance with the Clery Act.

## G. COUNSELING, ADVOCACY AND SUPPORT SERVICES

The University is committed to providing a number of support services to University community members who experience Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking or Relationship Violence incidents. Resources available to University community members include a variety of campus and community-based service providers and professionals.

Additionally, Purdue provides its students with professional staff who can assist students who have been subjected to Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking or Relationship Violence with academic and advocacy/support services. The Title IX Coordinator and professional staff within the Office of the Dean of Students is available to assist students with the imposition of interim remedial and protective measures set forth in Section E3, including the following:

- Coordination of services.
- Academic adjustments, including processing absence notifications.

- Housing reassignments and assistance with emergency housing needs.
- Support during the campus disciplinary process, including in-person attendance at all meetings and ongoing in-person support.
- Support during the law enforcement process, including in-person attendance at meetings with law enforcement and/or the prosecutor's office.
- Assistance in obtaining no-contact directives within the University.
- Assistance in obtaining a protective order through the local court system.

A list of counseling, advocacy and other support services for each campus is listed in Appendix A.

## H. INFORMAL RESOLUTION PROCESS

### 1. Filing an Informal Complaint

To file an Informal Complaint, a Complainant must submit the Complaint Information Form online, in person or via electronic mail. The Complaint Information Form must be submitted to the Campus Equity Office within 120 days of the incident of discrimination or harassment or, where the discrimination or harassment is of an ongoing nature, within 120 days from the most recent incident. The Campus Equity Office can provide assistance in completing the Complaint Information Form. Participation in the Informal Resolution Process is voluntary, and a Complainant may ask to conclude the process at any time. The Campus Equity Office will take steps to ensure the privacy of the Complainant and Respondent during the Informal Resolution Process to the extent maintenance of privacy does not interfere with the University's obligation to address allegations of discrimination and/or harassment.

### 2. Processing of Informal Complaints

In consultation with the Chancellor, Director or Dean of Students, as the case may be, the Campus Equity Office may take appropriate steps to resolve the Informal Complaint. Possible resolutions by agreement of the parties may include, but are not limited to: an apology to the Complainant, assisting the Respondent to better understand the effects of their conduct and ways in which this behavior could be changed, participation in educational programs about equal opportunity or harassment, verbal or written reprimands, or other interventions or actions aimed at ending the discrimination or harassment, preventing its recurrence and addressing its effects. Mediation

may not be used, even with the agreement of the parties, in Complaints involving Sexual Violence or Relationship Violence. Similarly, a Complainant will not be required to resolve the matter directly with the Respondent.

Prior to completing the Informal Resolution Process, and/or upon the Complainant's request, a Chancellor, the Dean of Students or the Director may determine that no purpose is served by pursuing the Informal Resolution Process and may refer the Complaint to the Formal Resolution Process.

### **3. Conclusion of the Informal Resolution Process**

The Informal Resolution Process is designed to empower the parties to an Informal Complaint to reach a mutually satisfactory agreement. The Informal Resolution Process will be concluded by one of the following: (1) a decision to stop further action on the Informal Complaint, (2) a resolution of the Informal Complaint by agreement of the parties or (3) initiation of the Formal Resolution Process.

The Campus Equity Office will attempt to conclude the Informal Resolution Process within 30 days. Within 10 days following conclusion of the Informal Resolution Process, the Campus Equity Office must complete and submit a Status Report Form. A copy of the Status Report Form is to be submitted to the Vice President for Ethics and Compliance or Chancellor.

## **I. FORMAL RESOLUTION PROCESS**

### **1. Filing a Formal Complaint**

A Formal Complaint may be filed as the first course of action or following an Informal Complaint if there is no mutually acceptable resolution during the Informal Resolution Process. The University also may initiate an investigation in the absence of a Formal Complaint by a Complainant.

To file a Formal Complaint, a Complainant must complete the Complaint Information Form online, in person or via electronic mail. The complaint must be dated by the Complainant and describe the alleged incident(s) with the relevant date(s), name(s) of the Respondent(s) and name(s) of witness(es). The Campus Equity Office can provide assistance in completing the Complaint Information Form.

Formal Complaints or University-Initiated Investigations in which a student or recognized student organization is named as a Respondent will be adjudicated by the Dean of Students for each campus in accordance with Sections I and J of these Procedures.

Formal Complaints or University-Initiated Investigations against employees, including faculty and staff, will be adjudicated by the appropriate Chancellor (or designee) or the Director pursuant to Sections I and J of these Procedures.

### **2. Notification of Formal Complaint and Response**

Within 10 days of receipt of a Formal Complaint, the Chancellor, Dean of Students or Director will assign a University Investigator to investigate the Formal Complaint. Persons eligible to serve as University Investigators shall be designated by the Vice President for Ethics and Compliance. The University Investigator must have sufficient training and/or experience to conduct a thorough and impartial investigation.

The Chancellor, Dean of Students or Director will provide prompt notification, including a copy of the Formal Complaint or notice of allegations, to the Complainant, the Respondent(s), to the department head or supervisor and to the appropriate Vice President, Dean or head of other major unit. The Formal Complaint or notice of allegations will be delivered through certified or express mail, electronic mail or hand delivery. In the event the Respondent is a student or recognized student organization, the Dean of Students is the appropriate Dean. The notification to the Respondent(s) will include a copy of the Formal Complaint, or, in University-Initiated Investigations, a statement of allegations, and a copy of or link to the relevant University Policy and these Procedures.

The Respondent(s) will be requested to respond in writing to the Formal Complaint within a reasonable time, not to exceed 10 days from the date of certified or express mailing, electronic mailing or hand delivery of the notification of the Formal Complaint. Any extension of time must be approved by the Chancellor, Dean of Students or Director. In the event that an investigation is undertaken in accordance with Section I4 of these Procedures, a copy of the Respondent(s)' response will be provided to the Complainant.

### **3. University-Initiated Investigation**

In a University-Initiated Investigation, a Respondent will be provided with written notice of the allegations forming the basis of the University-Initiated Investigation, and Section I of these Procedures will govern such investigation to the greatest extent practicable.

A Complainant or impacted party who may have been subject to discrimination or harassment that forms the basis of a University-Initiated Investigation shall (1) be provided with written notice that the University has commenced a University-Initiated Investigation; (2) receive a copy of

any written response submitted by the Respondent(s); (3) be afforded an opportunity to review the preliminary investigation report; (4) upon request, be afforded an opportunity to meet with the Chancellor, Dean of Students or Director and the panel in connection with the University-Initiated Investigation; (5) be provided with written notice of the determination of whether a violation of one or both of the Policies occurred and any sanction or remedial measures imposed in connection with the violation; and (6) be afforded the right to appeal such determination, sanctions or remedial measures in accordance with Section L.

#### 4. Investigation of Formal Complaints

As soon as practicable following appointment, the University Investigator will interview the Complainant. Within five days following the completion of his or her interview with the Complainant, the University Investigator will conduct an initial assessment and notify the Chancellor, Dean of Students or Director in writing as to (1) whether or not the allegations set forth in the Formal Complaint, if substantiated, would constitute a violation of one or both of the Policies and (2) whether or not there is reasonable cause to believe that the Respondent(s) has violated one or both of the Policies. If the University Investigator's notification indicates that such allegations, if substantiated, would not constitute a violation of one or both of the Policies or that there is not reasonable cause to believe that the Respondent(s) has violated one or both of the Policies, the Chancellor, Dean of Students or Director may dismiss the Complaint, and that decision shall be final. The Chancellor, Dean of Students or Director shall provide the Complainant and Respondent(s) with written notice of such dismissal.

In the event that the University Investigator's initial assessment and notification indicates that the allegations set forth in the Complaint, if substantiated, would constitute a violation of University policy and that there is reasonable cause to believe that the Respondent(s) has violated one or both of the Policies, or if the Chancellor, Dean of Students or Director determines that the matter should be investigated, the University Investigator will conduct a thorough fact-finding investigation and will meet separately with both the Complainant and the Respondent(s), interview pertinent witnesses and review relevant documents regarding the Formal Complaint. The University Investigator may consider all relevant information, including evidence of pattern or prior misconduct by the Respondent, credibility of the parties and witnesses, and in very limited circumstances, any prior sexual history of the Complainant with the Respondent. Both parties will be provided the opportunity to provide information and names of witnesses to the University Investigator.

The investigation shall be completed within 45 days following the assignment of the Formal Complaint to the University Investigator, unless an extension of time for good cause is approved by the Chancellor, Dean of Students or Director.

Within 10 days following the conclusion of the investigation, the University Investigator will prepare a preliminary report summarizing the information gathered and outlining the contested and uncontested information. The preliminary investigation report will not include any findings. The Complainant (or impacted party in the case of a University-Initiated Investigation) and the Respondent will be provided access to review the preliminary investigation report and may submit comments and additional information to the University Investigator in writing. The University Investigator will designate a reasonable time for this review and response by the parties, not to exceed seven days. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the University Investigator during the designated review and response period will not be considered in the determination of responsibility for a violation of one or both of the Policies.

As soon as practicable following consideration by the University Investigator of any information provided by the Complainant (or impacted party in the case of a University-Initiated Investigation) and/or Respondent, the University Investigator will submit a final investigation report to the Chancellor, Dean of Students or Director. The report will include findings based upon a preponderance of the evidence that (1) the allegations cannot be substantiated or some or all of the allegations are substantiated, (2) a statement as to whether the Formal Complaint was knowingly false or malicious, and (3) if material to the determination as to whether or not a violation of one or both of the Policies has occurred, an assessment of the credibility of the Complainant and the Respondent(s). No violation of University policy will be presumed unless a preponderance of the evidence standard supports the finding of a violation. This preponderance of the evidence standard requires that the facts and information supporting each finding are more convincing than the facts and information offered in opposition to such finding. The report will include the basis upon which the University Investigator reached their conclusions. The report also will include the University Investigator's determination of whether a violation of one or both of the Policies has occurred.

## 5. Determination

Within 15 days of receipt of the University Investigator's report, the Chancellor, Dean of Students or Director will convene a meeting with and seek advice from a three-member panel selected by the Chancellor, Dean of Students or Director from the Advisory Committee on Equity consisting of at least one participant who is a member of the faculty and one participant who is not a member of the faculty. At least two members of the panel shall be representatives of the campus from which the Formal Complaint originated. Prior to the meeting, members of the panel shall be furnished with a copy of the University Investigator's report and copies of any complaint or response of the parties. At the meeting, the panel will be afforded the opportunity to ask questions of the University Investigator. Upon request, the Complainant and the Respondent will be afforded an opportunity to meet with the Chancellor, Dean of Students or Director and the panel to make a brief statement and to answer any questions that they may have.

Within 10 days following the meeting with the panel from the Advisory Committee on Equity, the Chancellor, Dean of Students or Director shall make a written determination whether a violation of one or both of the Policies has occurred.

In the event the charge of discrimination and/or harassment is not substantiated following the written determination of the Chancellor, Dean of Students or Director, reasonable efforts may be taken to restore the Respondent(s) to their prior status.

## J. SANCTIONS AND REMEDIES

At the West Lafayette campus, sanctions will be determined by the appropriate Vice President or Dean and the Director. In the event of a disagreement between the Director and the designated Vice President or Dean, the Director will refer the disagreement to the Provost for resolution. In the case of a student or recognized student organization, sanctions will be determined and imposed by the Dean of Students.

At the Fort Wayne and Northwest campuses, sanctions will be determined and imposed by the Chancellor (or designee), except that sanctions for students and recognized student organizations will be determined and imposed by the Dean of Students.

The Chancellor, Dean of Students or Director will send the Complainant (or impacted party in the case of a University-Initiated Investigation) and the Respondent the written determination and final outcome of the matter, including sanctions, if any, by certified or express mail, electronic mail or hand delivery. The determination will include the rationale, a description of the parties' appeal rights and any changes in the outcome before it becomes final. The appropriate Vice President, Vice Chancellor, Vice Provost or Dean is responsible for imposing the sanction.

Sanctions will be decided on a case-by-case basis and will be in accordance with University policy. Possible sanctions for employees include, but are not limited to, the following: a letter of reprimand, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, removal of graduate faculty certification, denial of a merit pay increase, demotion, probation or termination. Sanctions for students are listed in Regulations Governing Student Conduct and may include without limitation verbal or written warnings, restrictions, probation, probated suspension, suspension or expulsion.

Except as provided herein, sanctions imposed pursuant to these Procedures may not be appealed or made the subject of a grievance under any other University policy.

If the accused is a faculty member and the sanction has been to recommend termination of employment, the procedures for termination of a faculty member (as outlined in Executive Memorandum No. B-48 or its successor) will be followed; provided, however, that the report of the University Investigator and the written determination of the Chancellor or Director shall be accepted into evidence at the faculty member's termination hearing without the necessity of the Complainant (or impacted party in the case of a University-Initiated Investigation) testifying as a witness.

Remedial measures for students, faculty and staff will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement on campus; ensuring that the Complainant and Respondent do not share classes or extracurricular activities; reassignment of residence halls; tutoring or other academic support; arranging for extra time to complete or re-take a class or withdraw from a class without academic or financial penalty; job reassignment; targeted training for a group of students, faculty or staff; and other remedies that can be tailored to the needs of the parties.

## **K. RETALIATION PROHIBITED**

Retaliation against any person for reporting or complaining of discrimination and/or harassment, assisting or participating in the investigation of a complaint of discrimination and/or harassment, or enforcing University Policies with respect to discrimination and/or harassment is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment against an individual or group for exercising rights or performing duties under these Procedures will be subject to appropriate and prompt disciplinary or remedial action.

## **L. APPEAL**

The Complainant (or impacted party in the case of a University-Initiated Investigation) and the Respondent each have the right to appeal the decision of the Chancellor, Dean of Students or Director and imposition of any sanction to the Vice President for Ethics and Compliance. The appeal must be in writing and filed in person, via courier, or via postal or electronic mail within 10 days of the issuance of notification of the decision with all supporting materials attached. Decisions not appealed within such time are deemed final.

The appeal shall consist of a concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Appeals are not intended to open a new investigation of the complaint. In most cases, appeals are confined to a review of the written documentation and pertinent documentation regarding the grounds for appeal. The appeal will be conducted in an impartial manner.

The Vice President for Ethics and Compliance will issue a decision on the appeal to all parties involved. Normally this decision will be made within 10 days from the date the appeal was received. The Vice President for Ethics and Compliance may (1) uphold or reverse the finding, (2) decrease or increase the sanction(s), and/or (3) take other action as deemed appropriate by the Vice President for Ethics and Compliance. The written decision of the Vice President for Ethics and Compliance on the appeal shall constitute the University's final action.

## **M. FILING WITH EXTERNAL AGENCIES**

Any person may file a complaint with the Indiana Civil Rights Commission, the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's Office for Civil Rights. Information regarding filing charges with any of these agencies may be obtained from the Office of Institutional Equity on the West Lafayette campus.

## **N. RELATED DOCUMENTS, FORMS AND TOOLS**

Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2):  
[www.purdue.edu/policies/ethics/iic2.html](http://www.purdue.edu/policies/ethics/iic2.html)

Anti-Harassment Policy (III.C.1):  
[www.purdue.edu/policies/ethics/iic1.html](http://www.purdue.edu/policies/ethics/iic1.html)

## **APPENDIX A: QUICK REFERENCE GUIDE**

[Intentionally omitted. See online version at  
[www.purdue.edu/ethics/resources/resolving-complaints.html](http://www.purdue.edu/ethics/resources/resolving-complaints.html)]

# AMOROUS RELATIONSHIPS

## [III.A.1]

Volume III: Ethics

Chapter A: Conduct

Responsible Executive:  
Vice President for Ethics and Compliance

Responsible Office:  
Office of the Vice President for Ethics and Compliance

Date Issued: January 1, 2009

Date Last Revised: May 1, 2018

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## CONTACTS

### Policy Clarification

Vice President for Ethics and Compliance      765-494-5830      vpec@purdue.edu

### Campus Specific Questions

Fort Wayne: Human Resources /Office of Institutional Equity      260-481-6840      HR/OIE contacts

Northwest: Human Resources      219-989-2251      HR contacts

West Lafayette: HR Employee Relations      765-494-1679      Employee Relations contacts

## STATEMENT OF POLICY

Purdue University is committed to maintaining an environment in which learning, discovery and engagement take place in a professional atmosphere of mutual respect and trust. Amorous Relationships can develop within the University community between faculty, students and staff.

The disparity of power when an Amorous Relationship is between (1) a student and a faculty member, graduate teaching or research assistant, or any other University employee who has educational responsibility over the student, (2) a supervisor and subordinate, or (3) senior and junior colleagues in the same department or unit makes the individuals involved susceptible to exploitation. Amorous Relationships that occur in the context of Educational or Employment Supervision and Evaluation like those named above undermine professionalism and hinder the fulfillment of the University's educational mission. Relationships between faculty and students are particularly susceptible to exploitation. The respect and trust accorded a member of the faculty by a student, as well as the power exercised by faculty in giving grades, approvals or recommendations for future study and employment, make voluntary consent by the student suspect.

Those who abuse their power in the context of an Amorous Relationship where there is Educational or Employment Supervision and Evaluation violate their duty to the University community. Voluntary consent by the student or subordinate in a romantic or sexual relationship is difficult to determine given the asymmetric nature of the power structure in the relationship. Because of the complex and subtle effects of the power differential in the relationship, the individual with power may perceive the existence of consent that may not exist or not exist at the level perceived by the individual with power. The possibility exists that, if the relationship sours, these individuals may be subject to a claim of sexual harassment.

Amorous Relationships may have an effect on others in the course, department or unit. Others may perceive that the student or subordinate in the Amorous Relationship is favored and afforded undue access and advantage above others in the same course, department or unit. These individuals may perceive the environment created as a result of the Amorous Relationship to be hostile and/or perceive forward progress and benefits are obtained through engaging in a romantic or sexual relationship with the person in power.

Therefore, Purdue University prohibits Amorous Relationships between a student and any University employee who has educational responsibility over the student, and supervisors and subordinates where there is a supervisory or evaluative relationship between the parties.

Individuals who are or were engaged in an Amorous Relationship prior to the existence of a supervisory or evaluative relationship within the educational and/or employment context, or who find themselves entering into such a relationship, have a duty to report the existence of the Amorous Relationship to the department or unit head who must ensure that arrangements are made to sever the supervisory or evaluative relationship between the parties. The parties must further abide by the University's policy on Nepotism (III.B.3). Individuals engaged in an Amorous Relationship in violation of this policy are subject to disciplinary action ranging from a written reprimand up to and including termination.

## REASON FOR THIS POLICY

Purdue University is committed to maintaining an environment in which learning, discovery and engagement take place in a professional atmosphere of mutual respect and trust. Amorous Relationships that occur in the context of Educational or Employment Supervision and Evaluation undermine professionalism and are disruptive to the educational and work environment. Ultimately, Amorous Relationships hinder the fulfillment of the University's educational mission.



## INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All colleges, schools, departments, offices, units, faculty, staff and students are governed by this policy.

## EXCLUSIONS

None.

## RESPONSIBILITIES

### Faculty, Staff and Students

- Report to their department or unit head any Amorous Relationship that they are in or previously were in with an individual with whom there is or will be a supervisory or evaluative relationship at the University.

### Department and Unit Heads

- Ensure that arrangements are made to sever the supervisory or evaluative relationship between two individuals who are in or previously were in an Amorous Relationship.

### Vice President for Ethics and Compliance

- Interpret and enforce this policy.

## DEFINITIONS

All defined terms are capitalized throughout the document. Additional defined terms may be found in the central Policy Glossary.

### Amorous Relationships

Romantic or sexual relationships between two individuals of the opposite or same sex who are not married to each other and who mutually and consensually understand the relationship to be romantic and/or sexual in nature.

### Educational or Employment Supervision and Evaluation

To (A) assess, determine or influence another person's (1) academic or research performance, progress or potential, (2) employment performance, progress or potential, or (3) entitlement to or eligibility for any institutionally conferred right, benefit or opportunity; or (B) to oversee, manage or direct another person's academic, research, employment, co-curricular, athletic or other institutionally prescribed activities.

## RELATED DOCUMENTS, FORMS AND TOOLS

Anti-Harassment (III.C.1): [www.purdue.edu/policies/ethics/iiic1.html](http://www.purdue.edu/policies/ethics/iiic1.html)

Nepotism (III.B.3): [www.purdue.edu/policies/ethics/iiib3.html](http://www.purdue.edu/policies/ethics/iiib3.html)

Procedures for Resolving Complaints of Discrimination and Harassment: [www.purdue.edu/ethics/resources/resolving-complaints.html](http://www.purdue.edu/ethics/resources/resolving-complaints.html)

## WEBSITE ADDRESS FOR THIS POLICY

[www.purdue.edu/policies/ethics/iiia1.html](http://www.purdue.edu/policies/ethics/iiia1.html)

## HISTORY AND UPDATES

May 1, 2018: Clarified application of policy to previous Amorous Relationships, including responsibilities for reporting and addressing. Removed reference to domestic partners.

June 1, 2015: Policy reformatted into current template.

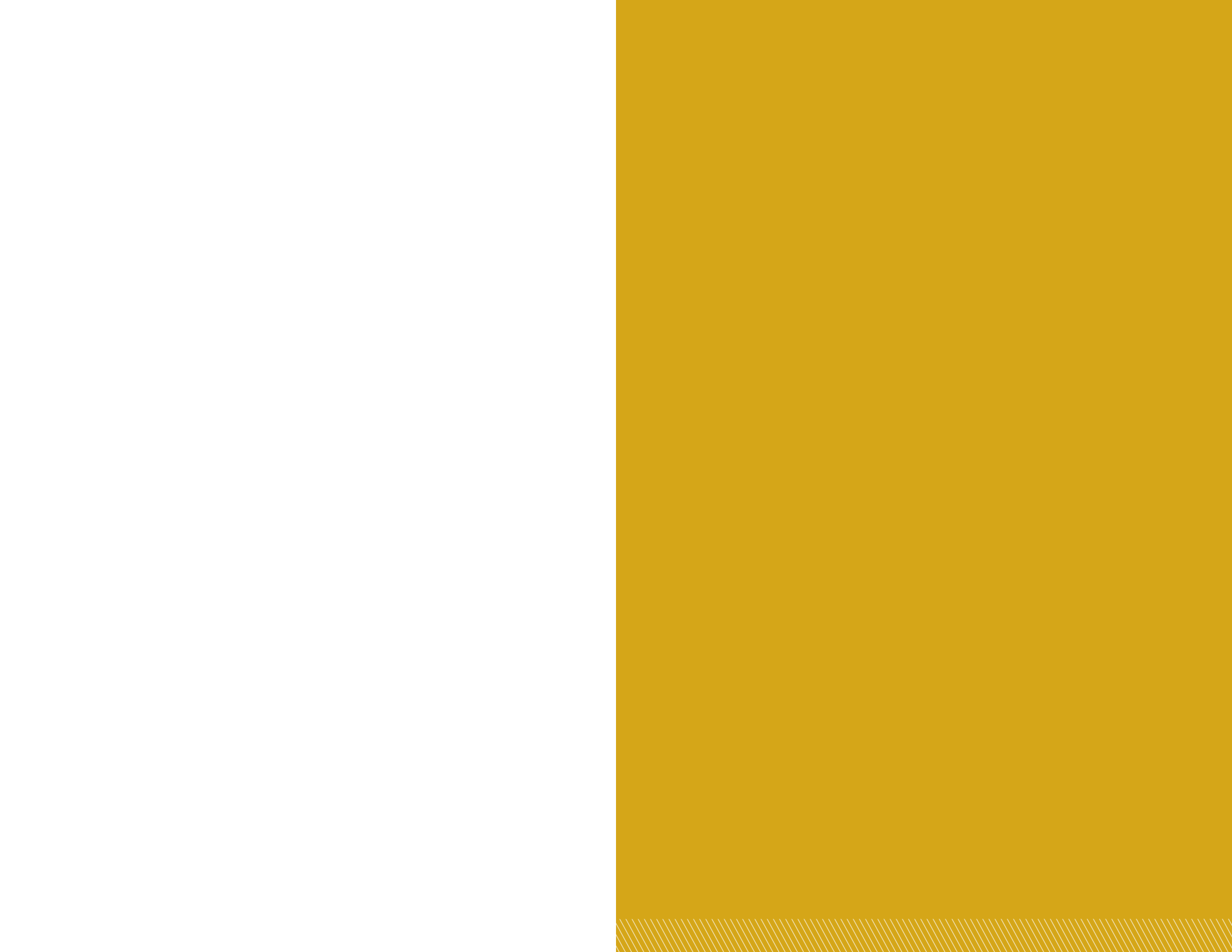
November 18, 2011: Policy number changed to III.A.1 (formerly IV.7.1).

July 22, 2011: Related Documents and Contacts sections updated.

January 1, 2009: This Policy supersedes the provision on amorous relationships previously contained in Executive Memorandum No. C-33, Antiharassment Policy, dated September 16, 1994.

## APPENDIX

There are no appendices to this policy.





## Ethics and Compliance

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[www.purdue.edu/ethics](http://www.purdue.edu/ethics)

An equal access/equal opportunity university

