



# PURDUE UNIVERSITY

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## ANNUAL SECURITY REPORT 2024

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POLYTECHNIC INSTITUTE  
KOKOMO

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## **ANNUAL SECURITY REPORT**

The purpose of this report is to:

- Provide the Purdue University community with an overview of available services and resources.
- Share crime statistics, as required by federal law.
- Inform current and prospective students, staff, faculty, and visitors about Purdue's policies and programs designed to help keep the community safe.
- Share information about emergency preparedness and planning.

## **PREPARING THE REPORT**

Purdue University values public accountability and transparency for law enforcement action. Accordingly, Purdue adheres to all applicable state and federal reporting laws, including the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), which is a federal law requiring colleges and universities across the country to disclose crime information on and around their campuses.

This Annual Security Report ("ASR") highlights safety practices and resources available to the Purdue community. It also includes Purdue policies concerning campus safety, crime prevention, sexual misconduct, alcohol and other drugs, other dangerous situations, and access to the campus.

The Clery Compliance Administrator prepares this ASR through collaboration with local law enforcement and several university partners, including: Office of Legal Counsel (OLC), Office of Dean of Students (ODOS), and designated Campus Security Authorities (CSA). CSAs are individuals who have significant responsibilities for students, employees, and university activities.

Once data has been reviewed for accuracy for each Purdue campus and prior to October 1, Purdue notifies prospective and current students and employees of the report's availability, the electronic address at which the report can be accessed, and a brief description of the contents. Additionally, printed copies are available upon request from PUPD (765-494-8221, Terry House, 205 S. Martin Jischke Drive, West Lafayette, IN).

## **DISCLOSURE OF CRIME STATISTICS**

Certain crime statistics for the previous three years are included in this report, specifically, crimes that occurred on Purdue's Polytechnic Institute Kokomo campus and on public property within or immediately adjacent to and accessible from campus.

The Clery Compliance Administrator collects crime statistics through several methods, including CSA reports. Statistics within this report reflect the number of criminal incidents reported to Purdue.

## DEFINITIONS OF REPORTABLE CRIMES

There are four categories of reportable crimes under Clery: (1) Primary criminal offenses, (2) Hate crimes, (3) Violence Against Women Act (VAWA) Offenses, and (4) Arrests and disciplinary referrals for violation of weapons, drug abuse, and liquor laws.

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### Primary Criminal Offenses

**MURDER/NON-NEGLIGENT MANSLAUGHTER** Willful (non-negligent) killing of one human by another.

**NEGLIGENT MANSLAUGHTER** Killing of another person through gross negligence.

**RAPE** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This includes any gender of victim or perpetrator.

**FONDLING** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**INCEST** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**STATUTORY RAPE** Sexual intercourse with a person who is under the statutory age of consent.

**ROBBERY** The taking or attempted taking of anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**AGGRAVATED ASSAULT** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**BURGLARY** The unlawful entry of a structure to commit a felony or a theft.

**MOTOR VEHICLE THEFT** The theft or attempted theft of a motor vehicle. A motor vehicle is any self-propelled vehicle that runs on land and not rails. This includes but is not limited to: automobiles, motorcycles, busses, electric scooters, golf carts, mopeds, snowmobiles, motorized wheelchairs, electric skateboards, and hoverboards.

**ARSON** Any willful or malicious burning or attempt to burn, without or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

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## Hate Crimes

**HATE CRIMES** include all of the primary criminal offenses (listed above) and other criminal offenses (listed in this section) that manifest evidence that the victim was intentionally chosen based on one of the categories of bias (listed below).

**LARCENY/THEFT** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larceny/theft is included. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**SIMPLE ASSAULT** The unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**INTIMIDATION** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY (EXCLUDING ARSON)** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control over it.

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## Categories of Bias

**RACE** A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind.

**GENDER** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

**GENDER IDENTITY** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against gender non-conforming persons, transgender, bisexual, gay, or lesbian persons.

**RELIGION** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

**SEXUAL ORIENTATION** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation, i.e., a person's physical, romantic, and/or emotional attraction to members of the same or opposite sex.



**ETHNICITY** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

**NATIONAL ORIGIN** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**DISABILITY** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

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### **Violence Against Women Act (VAWA) Offenses**

**DOMESTIC VIOLENCE** A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**DATING VIOLENCE** Violence committed by:

- A person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on the reporting party’s statement and a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

**STALKING** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstance and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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## **Arrests and Disciplinary Referrals: Violation of Weapons, Drug Abuse, and Liquor Laws**

**WEAPONS: CARRYING, POSSESSING, ETC.** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**DRUG ABUSE VIOLATIONS** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful substances and the equipment or devices relating to the cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

**LIQUOR LAW VIOLATIONS** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**ARREST** Processed by arrest, citation, and/or summons.

**DISCIPLINARY REFERRAL** The referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction. The statistics reported for the subcategories on liquor laws, drug laws, and weapons offenses represent the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

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## **Definitions of Geography**

The following definitions are specified in the Clery Act to identify the location of crimes on and around Purdue's campus.

### **ON CAMPUS BUILDING OR PROPERTY**

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and

- Any building or property that is within or reasonably contiguous to the area identified in Paragraph 1 above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

**NON-CAMPUS BUILDING OR PROPERTY**

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geography area of the institution.

**ON CAMPUS STUDENT HOUSING** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up campus.

**PUBLIC BUILDING OR PROPERTY** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. Purdue’s crime statistics do not include crimes that occur in privately owned homes or business within or adjacent to the campus boundaries.

**BRANCH CAMPUS** A specific Department of Education designation. A location of an institution that is geographically apart and independent of the main campus of the institution. A location of an institution is considered independent of the main campus if the location is permanent in nature, offers courses in educational programs leading to a degree or other recognized educational credential, has its own faculty and administrative or supervisory organization, and has its own budgetary and hiring authority.

**2021-2023 PURDUE UNIVERSITY CLERY CRIME STATISTICS**

**PRIMARY CRIMINAL OFFENSES**

<b>PRIMARY CRIMES STATISTICS</b>						
<b>PRIMARY CRIMES</b>	<b>YEAR</b>	<b>ON-CAMPUS PROPERTY</b>	<b>ON-CAMPUS STUDENT HOUSING</b>	<b>NON-CAMPUS PROPERTY</b>	<b>PUBLIC PROPERTY</b>	<b>UNFOUNDED</b>
<b>Murder/Non-Negligent Manslaughter</b>	<b>2021</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
	<b>2022</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
	<b>2023</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
<b>Negligent Manslaughter</b>	<b>2021</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
	<b>2022</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
	<b>2023</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>

## PRIMARY CRIMES STATISTICS

PRIMARY CRIMES	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	UNFOUNDED
Rape	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
Fondling	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
Incest	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
Statutory Rape	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
Robbery	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
Aggravated Assault	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
Burglary	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
Motor Vehicle Theft	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
Arson	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0

## HATE CRIMES

**NOTE:** Where there are no reportable offenses in which the offense was motivated by bias, the row for each bias is collapsed.

In this ASR, there were no reportable offenses motivated by bias.

<b>HATE CRIME STATISTICS</b>						
<b>HATE CRIMES</b>	<b>YEAR</b>	<b>ON-CAMPUS PROPERTY</b>	<b>ON-CAMPUS STUDENT HOUSING</b>	<b>NON-CAMPUS PROPERTY</b>	<b>PUBLIC PROPERTY</b>	<b>UNFOUNDED</b>
<b>SEXUAL ORIENTATION</b>						
<b>RELIGION</b>						
<b>ETHNICITY</b>						
<b>RACE</b>						
<b>GENDER</b>						
<b>DISABILITY</b>						
<b>NATIONAL ORIGIN</b>						
<b>GENDER IDENTITY</b>						

## VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES

<b>VIOLENCE AGAINST WOMEN ACT (VAWA) STATISTICS</b>						
<b>VIOLENCE AGAINST WOMEN ACT (VAWA) CRIMES</b>	<b>YEAR</b>	<b>ON-CAMPUS PROPERTY</b>	<b>ON-CAMPUS STUDENT HOUSING</b>	<b>NON-CAMPUS PROPERTY</b>	<b>PUBLIC PROPERTY</b>	<b>UNFOUNDED</b>
<b>Dating Violence</b>	<b>2021</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
	<b>2022</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
	<b>2023</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
<b>Domestic Violence</b>	<b>2021</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
	<b>2022</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
	<b>2023</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
<b>Stalking</b>	<b>2021</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
	<b>2022</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>
	<b>2023</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>0</b>

## ARRESTS AND DISCIPLINARY REFERRALS: VIOLATION OF WEAPONS, DRUG ABUSE, AND LIQUOR LAWS

<b>ARRESTS AND DISCIPLINARY REFERRALS</b>						
<b>ARRESTS AND DISCIPLINARY REFERRALS: WEAPONS, DRUGS, LIQUOR</b>	<b>YEAR</b>	<b>ON-CAMPUS PROPERTY</b>	<b>ON-CAMPUS STUDENT HOUSING</b>	<b>NON-CAMPUS PROPERTY</b>	<b>PUBLIC PROPERTY</b>	<b>UNFOUNDED</b>
<b>WEAPONS LAWS</b>						
Arrests	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
Disciplinary Referrals	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
<b>DRUG LAWS</b>						
Arrests	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
Disciplinary Referrals	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
<b>LIQUOR LAWS</b>						
Arrests	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0
Disciplinary Referrals	2021	0	N/A	N/A	0	0
	2022	0	N/A	N/A	0	0
	2023	0	N/A	N/A	0	0

### LOCAL POLICE DEPARTMENT

The Purdue Polytechnic Institute Kokomo is located in the city of Kokomo, Indiana; this campus does not have its own university police department. However, the Purdue University Police Department (PUPD) located on Purdue’s West Lafayette campus is still involved in certain aspects of Kokomo campus safety.

Kokomo Indiana Police Department (KPD) patrols on and around our campus, even though there is not a Memorandum of Understanding (MOU) for the agency to provide specific police services.

KPD officers have full police powers granted by the state of Indiana. Every KPD officer attends the Indiana Law Enforcement Academy (ILEA). The Academy's Basic course for police officers consists of over 600 hours of training in a variety of areas, including but not limited to: criminal and traffic law, firearms, emergency vehicle operations, physical tactics, EMS awareness, human behavior, accident investigation, criminal investigation, domestic violence, sexual assault, water rescue training, Standardized Field Sobriety Testing, crime prevention, and drug and narcotics training.

Additionally, the state of Indiana mandates each officer to complete 24 hours of in-service training annually.

### **WORKING RELATIONSHIPS WITH LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT**

KPD works closely with multiple agencies, including Indiana State Police, Howard County Sheriff's Office, Indiana Excise Police, Indiana Department of Natural Resources Law Enforcement Division, and the FBI.

The following is contact information for KPD and local agencies, all of which are available 24/7:

Kokomo Police Department (KPD)	100 South Union St. Kokomo, IN 46901	765-456-7100
Howard County Sheriff (HCS)	1800 West Markland Ave. Kokomo, IN 46901	765-456-2020

### **REPORTING CRIMES AND OTHER EMERGENCIES**

Purdue University values a community in which individuals feel safe when they report crimes. Reporting can be done with identification or anonymously.

### **REPORTING TO KOKOMO POLICE DEPARTMENT**

Calling or texting 911 is always the best way to reach the police in the case of an emergency.

KPD can also be contacted via the non-emergency phone number (765-456-7100) or in person at the department (100 South Union Street, Kokomo, IN 46901).

## REPORTING TO OTHER CAMPUS SECURITY AUTHORITIES

While all victims or witnesses of crimes are encouraged to report to local law enforcement first and foremost, Purdue University recognizes there may be situations in which individuals would feel more comfortable making a report to someone other than the police. Purdue University has identified other specific campus personnel to receive crime reports, called Campus Security Authorities (CSAs):

- Office of the Dean of Students, 765-494-1747, Helen B. Schleman Hall, 656 Oval Drive, 2<sup>nd</sup> Floor, West Lafayette, IN 47907
- Office of the Vice President of Human Resources, 765-494-7395, 2550 Northwestern Avenue, Suite 1100, West Lafayette, IN 47907
- Office of Institutional Equity (OIE), 765-494-7255, Young Hall, 10<sup>th</sup> Floor, 155 South Grant Street, West Lafayette, IN 47907
- Title IX Coordinator, 765-494-7255, Young Hall, 10<sup>th</sup> Floor, 155 South Grant Street, West Lafayette, IN 47907
- Director of Purdue University Polytech Institute Kokomo, 765-496-7804, 700 East Firmin Street, Kokomo, IN 46902

Reporting to any of these CSAs allows Purdue to take steps to protect the safety and well-being of the community, accurately document statistics, and conduct an internal University investigation – separate and distinct from any criminal investigation (involving police).

## VOLUNTARY AND CONFIDENTIAL REPORTING

Purdue University encourages everyone – even those not wanting to initiate a criminal investigation – to report crimes.

Additionally, Purdue has an enterprise-wide anonymous reporting program that is maintained by an external company that manages the intake of information with trained interview specialists who are available 24 hours a day, 7 days a week. After completing the intake, the report is provided to designated University personnel for appropriate action. Reports are handled promptly and discreetly, but do require sufficient information to conduct a thorough investigation.

Illegal or unethical behavior, suspected fraud, and other crimes may be reported anonymously to:

- Purdue's Enterprise-Wide Hotline: 1-866-818-2620, or [www.purdue.edu/hotline/](http://www.purdue.edu/hotline/)

Online reporting to the Enterprise-Wide Hotline allows direct interaction with the Title IX Coordinator, without providing identifying information. 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.

When a report of a criminal incident is made to Purdue, the reporting party's privacy will be respected to the fullest extent permitted by state law and/or University processes. At minimum, victims of crime will receive counseling and referral information.



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## **Pastoral and Professional Counselors**

There are two types of individuals who – although they may have significant responsibility for student and campus activities – are not CSAs under the Clery Act. These include pastoral and professional counselors. This exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may be told. The exemption protects the counselor-client relationship.

To be exempt from disclosing reported offenses, pastoral counselors and professional counselors who are appropriately credentialed and hired by Purdue University to serve in a counseling role are not considered CSAs when they are acting in their counseling roles.

Purdue University has three separate offices that fall under the professional counselor exemption:

- Counseling and Psychological Services (CAPS), 765-494-6995, 601 Stadium Mall, Room 246, West Lafayette, IN 47907
- Purdue Student Health Center (PUSH), 765-494-1700, 601 Stadium Mall Drive, Main Floor, West Lafayette, IN 47907
- Center for Advocacy, Response, and Education, 765-495-2273, Room 139, Duhme Hall, 205 N. Russell Street, West Lafayette, IN 47907

Staff from these offices are not required to report identifying information about the victim or the crime to either law enforcement or other University officials (unless the victim is a minor). Staff may provide statistical information about the offense for tracking purposes, but they will not divulge the identity of the parties involved without explicit permission from the victim.

Purdue does not have a procedure by which pastoral and professional counselors are encouraged to report crimes on a voluntary, confidential basis for inclusion in the Annual Security Report disclosure of statistics.

## **TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS**

### **TIMELY WARNINGS**

Purdue University is committed to providing campus crime information in compliance with the Clery Act. The purpose of Timely Warnings is to educate the campus community of an ongoing threat so community members can protect themselves. Timely Warnings include information to promote safety and aid in the prevention of similar crimes; this includes information about the crime that triggered the Timely Warning to be issued.

PUPD will issue Timely Warnings to notify the campus community of Clery reportable crimes that are considered an ongoing threat to the Purdue Polytechnic Institute community. Upon receiving a report of a Clery reportable crime within the applicable Clery geography, Public Safety Leadership (and/or designated representatives) determine, on a case by case basis, whether a Timely Warning is necessary. Factors considered include, but are not limited to:

- **NATURE OF THE CRIME** This includes whether it was a Clery reportable crime and if the location was within Clery geography.
- **CONTINUING DANGER TO THE CAMPUS COMMUNITY** This includes whether the suspect is in police custody, and if not, whether there is a substantial ongoing risk to the physical safety of other members of the Purdue campus community because of this crime.
- **RISK OF COMPROMISING LAW ENFORCEMENT EFFORTS** This factor alone does not prevent Purdue from issuing a Timely Warning, but it may impact the content and details included in a Timely Warning.

Timely Warnings do not include the name or identifying information of any crime victim. Additionally, Purdue University does not routinely issue a Timely Warning pertaining to crimes reported to a pastoral or professional counselor because of the inherent confidentiality of those relationships.

The primary method of Timely Warning delivery is via the Purdue University email system. All individuals at Polytechnic Institutes with an @purdue.edu email account will receive a Timely Warning. Additionally, notifications may be delivered via some, or all of the methods discussed in the section below.

## EMERGENCY NOTIFICATIONS

An integral part of Purdue University’s campus preparedness is the emergency warning notification system – Campus ALERT. This multi-layered communication approach helps spread the word about emergency situations. Purdue University utilizes two alarm/siren functions on campus:

- **FIRE ALARMS** When activated, fire alarms direct occupants to immediately evacuate the building and proceed to an Emergency Assembly Area.
- **OUTDOOR EMERGENCY WARNING SIRENS** This alert pertains to multiple types of emergencies. The emergency sirens may be activated during a weather event (such as a tornado warning), a serious civil disturbance (such as gunshots fired), or a hazardous release of toxic chemicals in the outside air. When the outdoor emergency warning siren is activated, immediately seek shelter (“shelter in place”) in a safe location within the closest building. “Shelter in place” means seeking immediate shelter inside a building.

Note: Because Polytechnic campuses are in different counties around Indiana and severe weather can appear quickly, Purdue’s Campus ALERT may be delayed. Individuals are encouraged to heed local weather alerts and take necessary precautions.

For an active threat, seek shelter in a securable location, without windows if possible, and attempt to obtain clarifying information.

**TORNADOES** A tornado **WATCH** is issued by the National Weather Service when conditions are favorable for tornado formation. A tornado **WARNING** is issued by the National Weather Service when a tornado has been detected and may be approaching. For a tornado warning, go to a safe location in your building, which is normally the lowest level and away from windows and doors.

If possible, avoid auditoriums, gymnasiums, and other buildings with wide-span roofs. Be prepared to kneel and cover your head. If you are outside and cannot make it to a building, lie flat in the nearest depression, ditch, or ravine.

In all cases, remain in place until the warning has expired, or police, fire, or other emergency response personnel indicate it is safe to leave.

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### Notification Delivery

In addition to fire alarms and outdoor emergency warning sirens, Campus ALERT communicates emergency notifications through multiple other means, including:

- **@PURDUE.EDU EMAIL** Similar to Timely Warnings, an emergency alert email is sent to all individuals with a Purdue Polytechnic Institute and/or Purdue email address.
- **LOCAL MEDIA** Purdue University works closely with the news media, radio, TV, and internet to disseminate emergency information. The local media may have emergency updates.

### EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Most significant emergencies or dangerous situations are reported to PUPD's Dispatch Center, which then investigates and attempts to confirm the emergency.

If confirmed, PUPD's Dispatch Center begins the notification process by first notifying Purdue's public safety officials. After considering incident-specific details and life safety factors, Public Safety Leadership will decide the appropriate segment(s) of the Purdue community to receive the notification, as well as whether part or all of the overall warning notification system is activated.

Without delay, Purdue University will take into account the safety of the community and determine the content of notification to the Purdue community.

Public Safety Leadership has the authority to direct Campus ALERT activation.

Unless – in the professional judgment of Public Safety Leadership – a notification will compromise the efforts to:

- Assist victims, or
- Mitigate the emergency,

Purdue will activate the Campus ALERT system to notify of a significant emergency or imminently dangerous situation involving a threat to the campus.

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### Evacuation for Persons with Disabilities

Persons with disabilities or persons requesting additional assistance in an emergency should call 911. To set up pre-arrangements or for questions, contact the PPI Director's office at 765-496-7804, 700 E. Firmin Street, Kokomo, IN 46902.

In the event of an emergency that requires evacuation of a campus building, it is recommended to:

- Evacuate the building without assistance if you are able.
- Use the stairs. Never use the elevator during a fire alarm.
- If you are unable to evacuate the building without assistance, “shelter in place” in an area with no immediate hazards.
- Dial 911 and advise the dispatcher of your location. If you are unable to speak, the dispatcher will automatically surmise you are in trouble and will respond accordingly.
- If you are unable to dial 911, advise others around you of your location and have them inform emergency personnel.
- If you are not in immediate danger, remain where you are and wait for emergency personnel to arrive.
- Carry a sounding device (like a small whistle, flashlight, and cell phone) to alert emergency personnel of your location.
- Have a plan for evacuation assistance and practicing it. Pre-planning assistance arrangements are available upon request.

## EMERGENCY NOTIFICATION DRILLS

Campus ALERT is tested during each academic semester. Tests are announced. In conjunction with testing, Purdue public safety officials will (1) publicize Purdue’s emergency response procedures, and (2) document for each test: a description of the exercise, the date and time, and how the test was announced.

When Campus ALERT is tested, the Emergency Preparedness Office publicizes that the Purdue community should review emergency response and evacuation procedures.

Anytime Campus ALERT is activated, the Emergency Preparedness Office also conducts an After Action Review (AAR) with all involved departments to discuss any lessons learned. This review is documented in the University’s Emergency Preparedness Improvement Plan and is used to refine procedures and to train officials.

In 2023, Campus ALERT was tested on March 14 and September 28.

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### 2023 Drills and Exercises

**VOLUNTARY TORNADO DRILL** This exercise occurred on March 14 and allowed Purdue University departments and the public the opportunity to practice their shelter procedures in response to a simulated tornado warning.

**EARTHQUAKE DRILL** This exercise occurred on October 19 and allowed Purdue University departments and the public the opportunity to practice earthquake procedures.

## SECURITY OF AND ACCESS TO CAMPUS FACILITIES

The Purdue Polytechnic Institute Kokomo Campus is generally open to the public.

However, the building is locked every night. The Kokomo Campus is a non-residential campus, and locking the building ensures the protection of its students, employees, and property.

On-site administrative staff and designated CSAs are responsible for security considerations of campus facilities. On-site administrative staff will routinely conduct security assessments and review lighting conditions and other safety issues. Security-related maintenance issues, such as broken windows, faulty doors and locks, missing screens, and discharged fire extinguishers, are given first priority by the maintenance personnel.

## CAMPUS SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

Programs are available to Purdue Polytechnic Institute students upon request. PUPD programs are available to students on Kokomo's campus upon request. Purdue University offers numerous safety programs and services which aid in crime prevention and detection, as well as foster campus safety and security:

**PUBLIC INFORMATION** PUPD works closely with news media – including student publications – to publicize crimes and crime prevention strategies. Additionally, various publications addressing date rape, alcohol abuse, theft, and other problems are distributed by PUPD, the Student Wellness Office, and the Office of the Dean of Students.

**PUPD PRESENTATIONS** PUPD officers present safety and security talks to campus and community groups upon request. Presentations are scheduled to address special concerns of groups and other student organizations. General topics are designed to inform students, faculty, and staff about crime prevention techniques.

**OFFICE OF THE DEAN OF STUDENTS (ODOS) PRESENTATIONS** Partnering with other campus offices, the ODOS presents trainings that cover topics ranging from campus safety and ways students can protect themselves, to campus safety and emergency preparedness.

## CRIMES INVOLVING STUDENT ORGANIZATIONS AT NON-CAMPUS LOCATIONS

PUPD solicits and monitors reports from other local police agencies to learn of criminal activity in which Purdue University students engaged at non-campus property. This includes, but is not limited to, off-campus student organizations and housing facilities.

## PURDUE UNIVERSITY POLICIES GOVERNING DRUGS AND ALCOHOL

Use, possession, and distribution of alcohol beverages is strictly regulated. Indiana state law prohibits consumption or possession of alcoholic beverages by persons younger than 21 years old. The law also prohibits persons 21 or older from providing alcoholic beverages to minors. A person misrepresenting his or her age in order to obtain alcoholic beverages is in violation of the law.

Indiana state law and Purdue University regulations prohibit the use, possession, or distribution of controlled substances without a valid prescription.

Individuals in violation of Purdue University's alcohol and drug policy are subject to applicable state and federal laws, as well as Purdue University disciplinary proceedings.

## **SUBSTANCE-FREE CAMPUS AND WORKPLACE POLICY**

Purdue University's official alcohol and drug policy is published and distributed annually to students and employees. Purdue University Substance-Free Campus and Workplace Policy IV.A.9 reads as follows:

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### **General Policy Statement**

Purdue University is committed to providing students, faculty, staff, and visitors a safe and healthful campus and Workplace. The University recognizes the health risks associated with Controlled Substance use and Alcohol misuse and is committed to supporting Students and Employees who seek treatment for these conditions. The University also recognizes that Controlled Substance use and Alcohol misuse diminish Workplace and campus safety and undermine the University's ability to fulfill its missions of learning, discovery and engagement. Therefore, compliance with this policy is considered a condition of employment (for Employees) and attendance (for Students) at the University.

The lawful use, sale, possession, storage, or dispensation of Alcohol and Controlled Substances on University Premises is permitted only:

1. With approval of and in facilities designated by the CFO (West Lafayette) or Chancellor (Fort Wayne and Northwest), or their designees,
2. In connection with university-related activities regulated under applicable federal or state laws and regulations, or
3. Pursuant to a valid prescription in the case of a Controlled Substance

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### **Prohibited Conduct**

The following conduct is prohibited:

1. Unlawful use, sale, manufacture, distribution, possession, storage, or dispensation of Alcohol or Controlled Substances on University Premises, as part of any university-related activity, or in the Workplace.
2. For Employees, being under the influence of Alcohol or a Controlled Substance that impairs job performance or attendance or creates an undue risk of harm to themselves or others, even when consumption or use is outside working hours or the Workplace. Inquiries regarding legal prescription drug use by Employees are allowed only by Human Resources in accordance with applicable laws and regulations.
3. For Students, being under the influence of Alcohol or a Controlled Substance during a university-related activity or on University Premises that creates an undue risk of harm to themselves or others. Inquiries regarding legal prescription drug use by Students are allowed only by the appropriate campus student affairs officer in accordance with applicable laws and regulations.
4. Any other conduct by a Student or Employee that the University determines to be inconsistent with providing a substance-free campus and Workplace.

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## **Workplace Inspections**

The University reserves the right to inspect the Workplace for Alcohol, Controlled Substances, and paraphernalia relating to Alcohol or Controlled Substances and to question any Employee when it reasonably suspects that this policy has been violated. The decision to conduct a Workplace inspection is made jointly by the supervisor who believes the inspection would be appropriate under this policy and a representative of the campus Human Resources department. In all cases, the head of Human Resources for the campus (or designee) must authorize a Workplace inspection. Employees who interfere with or otherwise obstruct a Workplace inspection may be subject to disciplinary action.

This section does not limit in any way the Purdue University Police Department's right to conduct law enforcement activities, including but not limited to, questioning or searching any person or inspecting any University Premises.

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## **Controlled Substance and Alcohol Testing**

Employees and Students who perform certain tasks or are involved in certain activities, academic programs or co-curricular activities may be subject to drug and Alcohol testing, which includes but is not limited to:

1. Student athletes who participate in intercollegiate sports, in accordance with National Collegiate Athletic Association regulations;
2. Employees engaged as commercial motor vehicle operators who are governed by Department of Transportation regulations;
3. Employees performing public safety duties may be subject to pre-employment testing, post-accident testing, return-to-duty testing, and follow-up testing; and
4. Employees and final applicants who work (or will work) on certain federal and non-federal sponsored project contracts, including U.S. Department of Defense contracts.

All Employees of the University may be subject to drug and Alcohol testing for reasonable suspicion. The decision to conduct reasonable suspicion testing will be made jointly by a supervisor who believes reasonable suspicion exists and a representative of Human Resources. In all cases, the head of Human Resources for the campus (or designee) must authorize reasonable suspicion testing.

Student athletes and Employees who fail to participate in drug or alcohol testing as outlined above and/or whose test results are positive may be subject to disciplinary action.

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## **Employee Assistance and Behavioral Health Programs**

The University offers free, confidential services to Employees regarding Alcohol or Controlled Substance dependency and abuse, including:

1. Information about the dangers of Alcohol and drug use,
2. Information about this policy,
3. Assessment and evaluation,
4. Referral to and information regarding public and private treatment programs,
5. Services to families of Employees with drug or Alcohol problems, and
6. Assistance with questions concerning insurance coverage.



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## **Employee Self-Referral**

Employees who believe they may be experiencing Alcohol or Controlled Substance dependency and/or abuse are strongly encouraged to voluntarily contact their family physician or the University campus's Employee assistance or behavioral health program for assistance. Employees may seek help without their supervisor's knowledge. Although voluntarily seeking assistance will not bar the University from treating the Employee like other Employees under this policy, the University will consider voluntary requests for help in determining any discipline to be imposed. The University will not assume any financial or other responsibility for Alcohol or drug treatment, except as may be provided by university benefits.

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## **Sanctions and Corrective Action**

The University will evaluate violations of this policy on a case-by-case basis. In determining the appropriate sanction or corrective action, the University may consider an individual's work or academic record, the seriousness of the violation, the safety-sensitivity of the individual's position, whether the individual's behavior violated the policy on Violent Behavior (IV.A.3), whether a sanction or corrective action is permissible under law, and any other relevant factors.

Any Employee who engages in prohibited conduct listed above may be:

1. Immediately removed from duty,
2. Referred to the Employee assistance or behavioral health program,
3. Required to complete successfully an Alcohol or drug abuse treatment program as a condition of employment,
4. Reported to authorities for criminal prosecution or other appropriate action,
5. Disciplined, up to and including termination of employment, and/or
6. Subject to any other appropriate action by the University.

Any Contractor or Visitor who engages in prohibited conduct listed above may be barred from further work for the University or from further participation in university-related activities as may be permitted by law. The University also may report the individual to authorities for criminal prosecution or other appropriate action.

Any Student who engages in prohibited conduct may be:

1. Referred to appropriate university personnel for assistance,
2. Required to complete successfully an Alcohol or drug abuse treatment program as a condition of continued attendance,
3. Reported to authorities for criminal prosecution or other appropriate action,
4. Subject to disciplinary penalties under the Regulations Governing Student Conduct, and/or
5. Subject to any other appropriate action by the University.

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## **Federal Contract or Grant Employees**

In addition to the other requirements of this policy, Employees engaged in the performance of (1) a federal agency grant or (2) a federal agency contract for procurement of property or services valued at \$25,000 or more must notify their supervisor or department head of a criminal drug statute conviction for a violation occurring in the Workplace no later than five calendar days after



the conviction. The University will notify the federal contracting or granting agency within 10 calendar days after receiving notice of the conviction from the Employee or otherwise receiving actual notice of the conviction.

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## **Grievances**

Any Employee or Student with a complaint relating to the application of this policy may seek redress through applicable university grievance or dispute resolution policies and procedures.

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## **Confidentiality**

The University will take reasonable measures to ensure individual privacy under this policy including, but not limited to, keeping all Alcohol and drug test results confidential to the maximum extent possible.

## **REASON FOR THIS POLICY**

This policy outlines the expectations for the university community regarding Alcohol and Controlled Substance use and informs Employees and Students of available assistance for substance dependency and/or abuse. The provisions of this policy are intended to comply with applicable local, state and federal law, including but not limited to, the United States Constitution, the Indiana Constitution, the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, and the Americans with Disabilities Act of 1990.

## **INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY**

This policy applies to all Students, Employees, Contractors and Visitors, including those who, by virtue of engaging in authorized university-related activities involving Controlled Substances, are regulated under federal or state laws imposing enhanced or more specific requirements than those set forth in this policy.

## **EXCLUSIONS**

There are no exclusions to this policy.

## **RESPONSIBILITIES**

### ***Employees, Students, Contractors and Visitors***

- Adhere to the requirements of this policy.

### ***Supervisors and Department Heads***

- Consult with Human Resources regarding Workplace inspections and suspicion testing.
- Consult with Human Resources prior to inquiring about Employee prescription drug use.

### ***Human Resources***

- Refer Employees to available Alcohol and drug use resources upon request.
- Maintain procedures for Alcohol and drug testing related to Department of Transportation regulations, sponsored project contracts, and reasonable suspicion.

- Assist supervisors in determining appropriate application of this policy.
- Annually notify Employees of the University's Alcohol- and drug-free policy.

### ***Student Affairs***

- Refer Students to available Alcohol and drug use resources upon request.
- Annually notify Students of the University's Alcohol- and drug-free policy.

### ***Athletics Departments***

- Maintain procedures for Alcohol and drug testing of Student athletes in accordance with the National Collegiate Athletic Association.

### ***Faculty and Staff***

- Report concerns about a Student's suspected misuse of Alcohol or use of Controlled Substances to the appropriate campus student affairs office.

## **Definitions**

All defined terms are capitalized throughout the document. Refer to the central Policy Glossary for additional defined terms.

**ALCOHOL** The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

**CONTRACTOR** Non-employees, including legal counsel, performing institutional services and functions. This includes, but is not limited to, independent contractors, consultants, individuals employed by outside employment agencies and individuals covered by the policy on Appointments for Personnel Not on Payroll (VI.B.3), as amended or superseded.

**CONTROLLED SUBSTANCE** Any substance including, but not limited to, pills, tablets, capsules, powders, leaves and liquids, whose use is prohibited by law. Examples include, but are not limited to, marijuana (THC), cocaine, opiates (heroin), phencyclidine (PCP), amphetamines (including methamphetamines), ecstasy, and prescription medications without a valid prescription.

**EMPLOYEE** All faculty members, staff members, temporary staff and Student employees.

**STUDENT** Any person taking one or more classes for academic credit.

**UNIVERSITY PREMISES** Any building, structure, vehicle, improved land or unimproved land, in whole or part, that is owned, used or occupied by Purdue University.

**VISITOR** Any individual who is on University Premises or is participating in a university activity that is not an Employee, Contractor or Student. This includes, but is not limited to, sports spectators, audience members, volunteers, conference and event attendees, and individuals auditing educational programs.

**WORKPLACE** Any University Premises or other location where an Employee is engaged in university business.

## **DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS**

Due to COVID-19, many programs were altered or postponed to ensure the health and safety of the Purdue community. This includes some of the following programs, which may not have been offered in the height of the COVID-19 pandemic. Nonetheless, Purdue typically offers the following drug and alcohol abuse education programs:

**OFFICE OF THE DEAN OF STUDENTS (ODOS) PROGRAMMING** ODOS offers multiple programs addressing drug and alcohol use.

**Purdue Amnesty Policy Training** This program provides education about the Purdue Cares Policy, as well as the Indiana Lifeline Law. Both the policy and the law provide different levels of protection to an individual if medical attention is needed in a situation where alcohol has been consumed.

**BI-ANNUAL ALCOHOL NOTIFICATION LETTER** In April and December, Purdue University sends all students a letter reminding them of the Purdue *Alcohol and Other Drug (AOD)* policy and legal law concerning alcohol. The letter includes a summary of material that meets the Department of Education requirements, as well as a link to the AOD website ([www.purdue.edu/aod/](http://www.purdue.edu/aod/)).

**eCHECKUP TO GO** This online program provides personalized feedback on drinking behavior. Incoming freshmen are asked to complete the program prior to their arrival to campus. The program is also available to all students on the Recreation and Wellness website, at any time.

**ALCOHOL EDUCATION and CORRECTION PRESENTATIONS** Available to students upon request, these presentations are typically given to organizations that have violated Purdue University's alcohol policy. Specifically, presenters discuss ways in which the organization can correct such behavior. These presentations allow organizations to critically reflect on their choices relating to drugs and alcohol, and how to make their organization safer. Alcohol safety and preventative measures are discussed.

**COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS) PROGRAMMING** Alcohol and other drug abuse presentations are provided by CAPS staff members upon request.

**Life Skills** CAPS staff members teach "Life Skills" courses each fall semester to first-year student athletes. The course includes some curriculum focused upon alcohol and drugs.

**Leadership Academy** CAPS staff members teach "Leadership Academy" courses each fall semester to first-year student athletes. The course includes some curriculum focused upon alcohol and drugs.

**Drug and Alcohol Counselling** Assistance for both students and employees is available through University counseling programs. Personal counseling and referral are provided for students and their spouses through CAPS and for staff through the Employee Assistance Program (EAP).

**UNITED EDUCATORS ONLINE ALCOHOL EDUCATION COURSE** This online program is offered to students and covers alcohol education, including blood alcohol content (BAC), dangers of high risk drinking, and possible alternative drinking behaviors.

**BYSTANDER INTERVENTION PROGRAM** This program – more commonly known to address sexual assault and domestic abuse awareness (and discussed in more detail below) – also addresses alcohol abuse and teaches methods to safely intervene.

**ALCOHOL AWARENESS PROGRAM** This educational program includes special presentations addressing the dangers of alcohol consumption and true experience from PUPD officers' point of view.

**PRESCRIPTION DRUG ABUSE** The Purdue Student Health Advocate Prescription Drug Abuse committee leads this interactive discussion offered to students. The presentation information centers around prescription drug abuse on campus and some of the associated health and legal questions.

## DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

### PROHIBITION OF MISCONDUCT

Purdue University proactively addresses dating violence, domestic violence, sexual assault, and stalking. These acts are not tolerated, and are a violation of both state law and Purdue University's policies (*Anti-Harassment Policy* and/or *Title IX Harassment Policy*).

### INDIANA STATE DEFINITIONS

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#### Domestic Battery: Indiana Code § 35-42-2-1.3

- (a) Except as provided in subsections (b) through (f), a person who knowingly or intentionally:
- (1) touches a family or household member in a rude, insolent, or angry manner; or
  - (2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member;
- commits domestic battery, a Class A misdemeanor.
- (b) The offense under subsection (a)(1) or (a)(2) is a Level 6 felony if one (1) or more of the following apply:
- (1) The person who committed the offense has a previous, unrelated conviction:
    - (A) for a battery offense included in this chapter; or
    - (B) for a strangulation offense under IC 35-42-2-9.
  - (2) The person who committed the offense is at least eighteen (18) years of age and committed the offense against a family or household member in the physical presence of

a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(3) The offense results in moderate bodily injury to a family or household member.

(4) The offense is committed against a family or household member who is less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(5) The offense is committed against a family or household member of any age who has a mental or physical disability and is committed by a person having the care of the family or household member with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(6) The offense is committed against a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(7) The offense is committed against a family or household member:

(A) who has been issued a protection order (as defined in IC 34-26-7.5-2) that protects the family or household member from the person and the protection order was in effect at the time the person committed the offense; or

(B) while a no contact order issued by the court directing the person to refrain from having any direct or indirect contact with the family or household member was in effect at the time the person committed the offense.

(c) The offense described in subsection (a)(1) or (a)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to a family or household member.

(2) The offense is committed with a deadly weapon against a family or household member.

(3) The offense results in bodily injury to a pregnant family or household member if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense or strangulation (as defined in section 9 of this chapter) included in this chapter against the same family or household member.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(B) A family or household member who has a mental or physical disability if the offense is committed by an individual having care of the family or household member with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(C) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(d) The offense described in subsection (a)(1) or (a)(2) is a Level 4 felony if it results in serious bodily injury to a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(e) The offense described in subsection (a)(1) or (a)(2) is a Level 3 felony if it results in serious bodily injury to a family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(f) The offense described in subsection (a)(1) or (a)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

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**Sexual Battery: Indiana Code § 35-42-4-8**

(a) A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person:

(1) touches another person when that person is:

(A) compelled to submit to the touching by force or the imminent threat of force;  
or

(B) so mentally disabled or deficient that consent to the touching cannot be given;  
or

(2) touches another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring;

commits sexual battery, a Level 6 felony.

(b) An offense described in subsection (a) is a Level 4 felony if:

(1) it is committed by using or threatening the use of deadly force;

(2) it is committed while armed with a deadly weapon; or

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

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**Rape: Indiana Code § 35-42-4-1**

(a) Except as provided in subsection (b), a person who knowingly or intentionally has sexual intercourse with another person or knowingly or intentionally causes another person to perform or submit to other sexual conduct (as defined in IC 35-31.5-2-221.5) when:

(1) the other person is compelled by force or imminent threat of force;

(2) the other person is unaware that the sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) is occurring;

(3) the other person is so mentally disabled or deficient that consent to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) cannot be given; or

(4) the person disregarded the other person's attempts to physically, verbally, or by other visible conduct refuse the person's acts;

commits rape, a Level 3 felony.

(b) An offense described in subsection (a) is a Level 1 felony if:

(1) it is committed by using or threatening the use of deadly force;

- (2) it is committed while armed with a deadly weapon;
- (3) it results in serious bodily injury to a person other than a defendant; or
- (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) In addition to any other penalty imposed for a violation of this section, the court shall order the person to pay restitution under IC 35-50-5-3 for expenses related to pregnancy and childbirth if the pregnancy is a result of the offense.

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**Intimidation: Indiana Code § 35-45-2-1**

- (a) A person who communicates a threat with the intent:
- (1) that another person engage in conduct against the other person's will;
  - (2) that another person be placed in fear of retaliation for a prior lawful act;
  - (3) of:
    - (A) causing:
      - (i) a dwelling, a building, or other structure; or
      - (ii) a vehicle; to be evacuated; or
    - (B) interfering with the occupancy of:
      - (i) a dwelling, building, or other structure; or
      - (ii) a vehicle; or
  - (4) that another person be placed in fear that the threat will be carried out, if the threat is a threat described in:
    - (A) subsection (c)(1) through (c)(5); or
    - (B) subsection (c)(7) through (c)(8);
- commits intimidation, a Class A misdemeanor.

- (b) However, the offense is a:
- (1) Level 6 felony if:
    - (A) the threat is to commit a forcible felony;
    - (B) the subject of the threat or the person to whom the threat is communicated is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;
    - (C) the threat is communicated because of the occupation, profession, employment status, or ownership status of a person or the threat relates to or is made in connection with the occupation, profession, employment status, or ownership status of a person;
    - (D) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or
    - (E) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and
  - (2) Level 5 felony if:

- (A) while committing it, the person draws or uses a deadly weapon;
- (B) the subject of the threat or the person to whom the threat is communicated:
  - (i) is a judicial officer or bailiff of any court; or
  - (ii) is a prosecuting attorney or a deputy prosecuting attorney;and the threat relates to the person's status as a judicial officer, bailiff, prosecuting attorney, or deputy prosecuting attorney, or is made in connection with the official duties of the judicial officer, bailiff, prosecuting attorney, or deputy prosecuting attorney; or
- (C) the threat is:
  - (i) to commit terrorism; or
  - (ii) made in furtherance of an act of terrorism.

- (c) "Threat" means an expression, by words or action, of an intention to:
- (1) unlawfully injure the person threatened or another person, or damage property;
  - (2) unlawfully subject a person to physical confinement or restraint;
  - (3) commit a crime;
  - (4) unlawfully withhold official action, or cause such withholding;
  - (5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;
  - (6) expose the person threatened to hatred, contempt, disgrace, or ridicule;
  - (7) falsely harm the credit or business reputation of a person; or
  - (8) cause the evacuation of a dwelling, a building, another structure, or a vehicle. For purposes of this subdivision, the term includes an expression that would cause a reasonable person to consider the evacuation of a dwelling, a building, another structure, or a vehicle, even if the dwelling, building, structure, or vehicle is not evacuated.

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**Harassment; "Obscene Message": Indiana Code § 35-45-2-2**

(a) A person who, with intent to harass, annoy, or alarm another person but with no intent of legitimate communication:

- (1) makes a telephone call, whether or not a conversation ensues;
- (2) communicates with a person by telegraph, mail, or other form of written communication;
- (3) transmits an obscene message, or indecent or profane words, on a Citizens Radio Service channel; or
- (4) uses a computer network (as defined in IC 35-43-2-3(a)) or other form of electronic communication to:

- (A) communicate with a person; or
- (B) transmit an obscene message or indecent or profane words to a person;

commits harassment, a Class B misdemeanor.

(b) A message is obscene if:

- (1) the average person, applying contemporary community standards, finds that the dominant theme of the message, taken as a whole, appeals to the prurient interest in sex;
- (2) the message refers to sexual conduct in a patently offensive way; and



(3) the message, taken as a whole, lacks serious artistic, literary, political, or scientific value.

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**Criminal Stalking: Indiana Code § 35-45-10-5**

(a) A person who stalks another person commits stalking, a Level 6 felony.

(b) The offense is a Level 5 felony if at least one (1) of the following applies:

(1) A person:

(A) stalks a victim; and

(B) makes an explicit or an implicit threat with the intent to place the victim in reasonable fear of:

(i) sexual battery (as defined in IC 35-42-4-8);

(ii) serious bodily injury; or

(iii) death.

(2) A protective order to prevent domestic or family violence, a no contact order, or other judicial order under any of the following statutes has been issued by the court to protect the same victim or victims from the person and the person has been given actual notice of the order:

(A) IC 31-15 and IC 34-26-5 or IC 31-1-11.5 before its repeal (dissolution of marriage and legal separation).

(B) IC 31-34, IC 31-37, or IC 31-6-4 before its repeal (delinquent children and children in need of services).

(C) IC 31-32 or IC 31-6-7 before its repeal (procedure in juvenile court).

(D) IC 34-26-5 or IC 34-26-2 and IC 34-4-5.1 before their repeal (protective order to prevent abuse).

(E) IC 34-26-6 (workplace violence restraining orders).

(3) The person's stalking of another person violates an order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion if the person has been given actual notice of the order.

(4) The person's stalking of another person violates a no contact order issued as a condition of probation if the person has been given actual notice of the order.

(5) The person's stalking of another person violates a protective order issued under IC 31-14-16-1 and IC 34-26-5 in a paternity action if the person has been given actual notice of the order.

(6) The person's stalking of another person violates an order issued in another state that is substantially similar to an order described in subdivisions (2) through (5) if the person has been given actual notice of the order.

(7) The person's stalking of another person violates an order that is substantially similar to an order described in subdivisions (2) through (5) and is issued by an Indian:

(A) tribe;

(B) band;

(C) pueblo;

(D) nation; or

(E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians if the person has been given actual notice of the order.

(8) A criminal complaint of stalking that concerns an act by the person against the same victim or victims is pending in a court and the person has been given actual notice of the complaint.

(9) The offense was committed or facilitated by the use of a tracking device.

(c) The offense is a Level 4 felony if:

(1) the act or acts were committed while the person was armed with a deadly weapon; or

(2) the person has an unrelated conviction for an offense under this section against the same victim or victims.

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## Consent

The state of Indiana does not have a statute defining “consent.”

Purdue University, however, defines “consent” in its *Anti-Harassment Policy* and *Title IX Harassment Policy*:

**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 where someone who has power or authority within the University over another person engages in a sexual relationship with that person.

## PREVENTION AND AWARENESS PROGRAMS

Purdue University offers risk reduction, prevention, and awareness programs that target preventing and eliminating dating violence, domestic violence, sexual assault, and stalking. Programs include:

**“RESPECT BOUNDARIES: SEXUAL ASSAULT AWARENESS”** This is an online three-module prevention and risk reduction program that is required of all incoming students. New employees complete an in-person module during New Employee Orientation. Programming includes:

- Definitions of dating violence, domestic violence, sexual assault, and stalking,
- Dynamics of sexual assault and intimate partner violence, with emphasis on college-aged populations,
- Data of sexual assault victimization, including the role of alcohol,
- Services and resources available to victims,
- Strategies for primary prevention, and
- Bystander intervention strategies.

**SAFE CLASS** (**S**elf-defense **A**wareness and **F**amiliarization **E**xchange) is an unparalleled 2.5-hour educational and crime-victim prevention class, offered through PUPD. It encompasses strategies, techniques, options, and prevention to provide teenage and adult women with information to reduce their risk of exposure to violence. It also introduces them to physical aspects of self-defense. The course is offered periodically throughout the academic year.

### **Bystander Intervention**

Bystanders are individuals who observe or witness the conditions that perpetuate sexual, gender-based, and intimate partner violence. Bystanders are not directly involved but can choose to intervene and put an end to the abuse.

The goal of bystander intervention programs is to develop ways to increase awareness of sexual assault, hazing, and drug and alcohol abuse. Specifically, these skills include learning to observe and recognize warning behaviors and learning the appropriate skills to safely and effectively intervene (directly and indirectly).

Multiple Purdue prevention programs address bystander intervention. Additionally, CARE (defined below) offers an interactive workshop dedicated solely to bystander intervention:

**BOILER UP AND INTERVENE** This 1-hour interactive workshop educates on why people choose not to intervene in situations, and how to confidently and safely intervene in dangerous situations. The workshop offers practice through real life scenarios.

### **LAW ENFORCEMENT RECOMMENDATIONS FOR VICTIMS**

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, PUPD recommends the following:

- **GET AWAY** Get to a safe place as soon as you can!
- **CALL 911** If the situation poses an immediate danger to you or someone else, alert the police as soon as possible by calling 911.
- **PRESERVE EVIDENCE** Preserving evidence that may assist with an investigation is crucial. This may also be helpful in obtaining a protection order. Even if you believe you do not want to report an incident, you should still attempt to preserve evidence because you may change your mind.

- **Sexual Assault** In cases of sexual assault, do not bathe, douche, eat, drink, shower, use the toilet, brush teeth, wash your hands, or change clothing. If you must change clothing, place all of your clothing into a bag.
- **Stalking** Evidence of stalking often includes technology, including voicemail, emails, social media postings, text messages, phone calls, etc.
- **DOCUMENT EVERYTHING** Take a moment to write down everything you remember about the incident, including descriptions of the perpetrator. Details are important! Also document evidence on your body, including taking photos of any injuries or bruising.
- **GET MEDICAL CARE AND SUPPORT** You should seek medical care as soon as possible, even if you do not have any visible injuries. Contact someone you trust to be with you for support. This could be a friend, family member, Resident Assistant, or a specially trained victim's advocate.

## PRIVACY AND CONFIDENTIALITY

Purdue University recognizes the importance of ensuring a victim's confidentiality. Purdue will keep confidential any accommodations, remedial, or protective measures provided to victims of dating violence, domestic violence, sexual assault, and stalking. This confidentiality is the greatest extent allowed by law and Purdue University policy.

The Clery Act requires collecting statistics and publishing a Daily Crime Log. However, neither these collected statistics nor the Daily Crime Log will include information that could lead to the victim's public identity. This information is strictly confidential.

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### Center for Advocacy, Response, and Education (CARE)

CARE is a division of the Office of the Dean of Students (ODOS) that provides confidential support and advocacy for survivors of sexual violence, dating violence, and stalking.

CARE is located in Duhme Hall (Windsor), Room 139, 205 North Russell Street, West Lafayette, IN. CARE staff are available from 9AM – 4PM, and advocates are available 24 hours a day, 7 days a week by phone at 765-495-CARE (765-495-2273).

Professional staff within CARE are available to assist students with requesting the following:

- Coordination of services,
- Academic adjustments, including processing absence notifications or changing class sections,
- 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 criminal processes, including in-person attendance at meetings with police and/or the Prosecutor's Office,
- Assistance in obtaining no-contact directives within Purdue University, and
- Assistance in obtaining a protective order through the Tippecanoe County Court system.

CARE also offers several workshops and programs (in addition to **BOILER UP AND INTERVENE** [above], which addresses bystander intervention), including:

**CARE OVERVIEW** This 30-minute presentation provides a brief overview of the services available at CARE, and highlights how victims can access the confidential support and advocacy from CARE.

**POWER-BASED PERSONAL VIOLENCE 101** This introductory level workshop is 1-hour and covers violence, consent, and supporting a survivor.

**HEALTHY RELATIONSHIPS** This 1-hour workshop helps students learn how to make and keep relationships healthy, and how to aide a friend or loved one in an unhealthy relationship.

**SUPPORTING A SURVIVOR** This workshop is 1-hour and focuses on strategies to best support a survivor of sexual assault or harassment. It also covers trauma response and how to refer someone else to CARE.

## **VICTIM RIGHTS, RESOURCES, AND ACCOMMODATIONS**

There are several rights and support services to which Purdue University students and employees are entitled. These resources are provided upon request, no matter what – regardless if the incident occurred on- or off-campus, and even if no report is made to the police.

**WRITTEN INFORMATION** Several entities on Purdue’s campus will provide victims with written information about available services – both on- and off-campus – including counseling, health, mental health, victim advocacy, and legal assistance. The entities that can provide this written information include:

- Center for Advocacy, Response, and Education (CARE),
- Vice President for Ethics and Compliance,
- Office of the Dean of Students (ODOS), and
- Human Resources (HR).

Many of the entities that provide the written information about available services actually provide services, too:

- Purdue Student Health Center (PUSH), 765-494-1700, 601 Stadium Mall Drive
- Counselling and Psychological Services (CAPS), 765-494-6995, PUSH Room 224
- University Residences, 765-494-1000, Smalley Center
- Purdue Crisis Line, 765-495-HELP (765-495-4357)

**ODOS** Staff members in the Office of the Dean of Students provide a variety of services to students, including victim assistance and counseling about personal concerns.

**MHA CRISIS CENTER** Mental Health America (MHA) is a crisis center in Lafayette, IN that is available 24/7. The MHA Crisis Center offers several services for those in crisis, including crisis intervention, suicide prevention, and information and referrals. Specially trained individuals are

available through the MHA Crisis Center, by phone or text, at 765-742-0244. Additionally, a trained advocate can go with you to the police department or emergency room. At your request, the MHA Crisis Center can also make the Office of the Dean of Students at Purdue University aware of the situation, so Purdue can also be prepared to give you the support you need on campus.

**CONFIDENTIAL MEDICAL FACILITIES** There are facilities both on and off Purdue’s campus that provide confidential medical care to victims:

- PUSH Women’s Clinic, 765-494-1700
- PUSH Urgent Care, 765-494-1724
- Franciscan Health Lafayette East – East, 765-502-4000, 1701 S. Creasy Lane, Lafayette, IN
- IU Health Arnett Hospital, 765-448-8000, 5165 McCarty Lane, Lafayette, IN
- YWCA Domestic Violence Intervention and Prevention Hotline, 765-423-1118 or 888-345-1118

**NO-CONTACT DIRECTIVES** Purdue University can issue no-contact directives that prohibit a respondent from contacting you. For information and assistance, contact the Title IX Coordinator (795-494-7255, Young Hall, 10<sup>th</sup> Floor) or CARE (765-495-2273, Duhme Hall (Windsor), Room 139, 205 North Russell Street).

## SEXUAL OFFENDER REGISTRY

The Campus Sex Crimes Prevention Act (CSCPA) is a federal law that provides for the tracking of convicted sexual offenders enrolled at or employed by institutions of higher education. The CSCPA’s intent is to extend to campus the protection of other sexual offender registries. Pertinent information can be viewed online:

- Indiana Sex and Violent Offender Registry, <https://indianasheriffs.org/resources/sex-and-violent-offender-registry/>
- National Sex Offender Public Website, [www.nsopw.gov](http://www.nsopw.gov)
- Megan’s Law Information for Indiana, [www.klaaskids.org/megans-law/indiana/](http://www.klaaskids.org/megans-law/indiana/)

## DISCIPLINARY POLICIES AND PROCEDURES GOVERNING HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

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.

Complaints of dating violence, domestic violence, sexual assault, stalking, and other forms of harassment may be resolved pursuant to one of two separate Purdue University policies: *Anti-Harassment Policy* or *Title IX Harassment Policy*.

Both policies seek to encourage faculty, staff, and students to report and address incidents of harassment. Additionally, the procedures within both policies are prompt, fair, and impartial – from the initial investigation to the final result.

## DEFINITIONS

The following definitions are referenced in the *Anti-Harassment Policy*, the *Procedures for Resolving Complaints of Discrimination and Harassment*, the *Title IX Harassment Policy*, and/or the *Procedures for Resolving Complaints of Title IX Harassment*:

**ADVISOR** An individual selected by the Complainant or the Respondent to accompany the Party to any interview or meeting under these Title IX Procedures. The individual may be, but is not required to be, an attorney. The same individual may also serve as the Hearing Advisor.

**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 Management and Professional Staff Advisory Committee, the Campus Support Staff Advisory Committee, a Vice President or Vice Chancellor, and a Dean to advise the Chancellors, Director and Dean of Students.

**CAMPUS EQUITY OFFICE** The following University offices: (1) on the West Lafayette campus, the Office of Institutional Equity or the Office of the Dean of Students; (2) on the Fort Wayne campus, Human Resources and Institutional Equity or the Office of the Dean of Students; and (3) on the Purdue Northwest Hammond and Westville campuses, the Office of Equity, Diversity and Inclusion or the Office of the Dean of Students.

**COMPLAINANT(S)** A person or persons (1) employed by, consulting with or contracting with the University or (2) participating in or attempting to participate in a Purdue University program or activity who is making a complaint under the Informal Resolution Process or the Formal Resolution Process.

**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 where someone who has power or authority within the University over another person engages in a sexual relationship with that person.

**DATING VIOLENCE** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**DAYS** Calendar days.

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

**DOMESTIC VIOLENCE** Violence committed:

- by a current or former spouse or intimate partner of the victim,
- by a person with whom the victim shares a child in common,
- by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Indiana, or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**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 the Procedures.

**FORMAL RESOLUTION PROCESS** The process for resolving complaints of discrimination and/or harassment set forth in 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.

**HARASSMENT** Conduct towards another person or identifiable group of persons that is so severe, pervasive or objectively offensive that it has the purpose or effect of:

- Creating an intimidating or hostile educational environment, work environment or environment for participation in a University program or activity;
- Unreasonably interfering with a person's educational environment, work environment or environment for participation in a University program or activity; or



- 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.

**HEARING** The formal live meeting during which the Parties, witnesses and other participants appear virtually with technology enabling participants simultaneously to see and hear each other. Evidence is presented and witnesses are heard.

**HEARING ADVISOR** An individual selected by the Complainant or the Respondent to accompany the Party to the Hearing and conduct cross examination of witnesses under these Title IX Procedures. The individual may be, but is not required to be, an attorney. The same individual may also serve as the Advisor. If a Party does not have a Hearing Advisor, the University will provide someone who is not an attorney to serve in this role.

**HEARING OFFICER** The individual responsible for administering the Hearing and issuing decisions concerning responsibility and sanctions, if applicable, in Title IX Harassment matters. The Hearing Officer cannot be a University Investigator in a matter or the University's Title IX Coordinator.

**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.

**INFORMAL COMPLAINT** A complaint made pursuant to the Procedures.

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

**INVESTIGATION REPORT** A written report prepared by the University Investigator(s) that fairly summarizes relevant evidence.

**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 employees in supervisory or management roles, and other staff who have authority and responsibility to initiate corrective measures on behalf of the University.

**PARTY/PARTIES** The Complainant and Respondent(s) in a Title IX Harassment matter.

**POLICIES** The University's policies on Anti-Harassment and on Equal Opportunity, Equal Access and Affirmative Action.

**PROCEDURES** The procedures set forth in this document.

**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 is so severe, pervasive or objectively offensive that it has the purpose or effect of:

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

**REGULATIONS GOVERNING STUDENT CONDUCT** The rules and procedures that govern student conduct and disciplinary action as set forth by each campus.

**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.

**RESPONDENT(S)** The person or persons whose conduct is the subject of concern under these Procedures.

**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 ASSAULT** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. As indicated in the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

**Rape** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling** The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is

incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest** Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

**Statutory Rape** Sexual intercourse with a person who is under the statutory age of consent.

**SEXUAL EXPLOITATION** Any act that exploits someone sexually. Examples include, but are not limited to:

- Exposing one's own or another person's intimate parts without consent;
- Recording video or audio of, photographing, or 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; and
- Engaging in any form of voyeurism.

**SEXUAL HARASSMENT** includes:

- Any act of sexual violence;
- Any act of sexual exploitation; or
- Any unwelcome sexual advance, request for sexual favors or other written, verbal or physical conduct of a sexual nature when:
  - 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;
  - 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
  - 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; and
- Compelling a person to touch their own or another person's intimate parts without consent.

**STALKING (Anti-Harassment Policy)** Any knowing or intentional course of conduct involving repeated or continued following, threatening or intimidating another person by telephone, mail, electronic communication, social media, in person, or by any other action, device or method when such conduct 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.

**STALKING (Title IX Harassment Policy)** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

**Course of conduct** means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

**Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

**Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**SUPPORTIVE MEASURES** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

**TITLE IX COORDINATOR** A University employee who is responsible for the implementation of the University's Title IX Harassment Policy.

**TITLE IX HARASSMENT** Conduct on the basis of sex that satisfies one or more of the following:

- A University employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's educational programs or activities; or
- Sexual assault, dating violence, domestic violence, or stalking.

**TITLE IX HARASSMENT POLICY** The University's policy on Title IX Harassment.

**TITLE IX PROCEDURES** The procedures set forth in this document.

**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.

**UNIVERSITY INVESTIGATOR** A person appointed by the Director, Chancellor or Dean of Students to investigate a Formal Complaint pursuant to 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.

## **ANTI-HARASSMENT POLICY**

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 and/or gender expression. Additionally, the *Anti-Harassment Policy* may cover dating violence, domestic violence, sexual assault, and stalking.

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### **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 and/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.

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### **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.

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### **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.

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## **Violation 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.

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## **False Allegations, Statements, and Evidence**

This policy may not be used to bring charges against any faculty, staff, students or Recognized Student Organizations, including fraternities, sororities and/or cooperatives, in bad faith. 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. In addition, individuals who, in bad faith, provide false statements or evidence, or who deliberately mislead a University official conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

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## **Retaliation Prohibited**

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated an investigation or proceeding under this policy.

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## **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.

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## **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.

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## **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,
- Uniformed Services Employment and Reemployment Rights Act of 1994,
- VEVRAA, Section 4212, and
- Jeanne Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013.

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## **Individuals and Entities Affected by This Policy**

All Purdue University community members.

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## **Exclusions**

Title IX Harassment matters are addressed under the *Title IX Harassment Policy* and the *Procedures for Resolving Complaints of Title IX Harassment*.

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## **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 the 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, consultants and contractors.
- 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*.

## **PROCEDURES FOR RESOLVING COMPLAINTS OF DISCRIMINATION AND HARASSMENT**

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### **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 individuals to strive to reach their potential. Harassment in the workplace or the educational environment is unacceptable and will not be tolerated.

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. A Complainant is not required to 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.

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### **Scope**

These Procedures outline the resolution processes that will be used to investigate and/or resolve a report of harassment and/or discrimination committed against a student, employee, consultant,

independent contractor, or a person participating in or attempting to participate in a program or activity of Purdue University under the University's Policies on *Anti-Harassment and Equal Opportunity, Equal Access and Affirmative Action* (the "Policies"). These Procedures apply to sexual misconduct matters, including Relationship Violence, Sexual Exploitation, Sexual Harassment, Sexual Violence and Stalking, in addition to all other forms of prohibited discrimination and harassment. Title IX Harassment matters are addressed under the *Title IX Harassment Policy* and the *Procedures for Resolving Complaints of Title IX Harassment*.

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 or attempting to participate 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, or 2) the conduct has or had continuing adverse effects on campus or in an off-campus education program or activity.

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## **Resources for Resolving Complaints**

University community members may bring inquiries and complaints about discrimination and/or harassment 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, University community members may bring inquiries and complaints about Sexual Violence, Relationship Violence, Sexual Exploitation or Stalking to the Title IX Coordinator. Information regarding the Title IX Coordinator for each campus is available in the Anti-Harassment policy.

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## **General Provisions**

### ***Delegation***

The Chancellor, Dean of Students and Director may delegate their authority under the Procedures to an Eligible Designee.

### ***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 the request to 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.

### ***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 to 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) and 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.

### ***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.

### ***Time Frames***

The University encourages prompt reporting. Persons who have experienced or witnessed discrimination or harassment are encouraged to report the incident 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.

***Expectation 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 initiation or resolution of a complaint or University-Initiated Investigation 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.

### ***Special Circumstances in the Event of Conflict of Interest or Bias***

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.

In the event that a Complainant (or impacted party in the case of a University-Initiated Investigation) or a Respondent has concerns that a University Investigator or decision maker under these Procedures cannot conduct an unbiased review or render a determination free from bias, such individual may report such concerns to the Vice President for Human Resources, who will assess the circumstances and determine whether a different University Investigator or decision maker ought to be assigned to the matter. Concerns must be reported promptly or will be considered waived. In reaching such decision, the Vice President for Human Resources will consider whether a reasonable person would believe bias exists.

### ***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.

### ***Requests by Individuals with Disabilities***

Purdue is committed to providing equal access under these Procedures to individuals with disabilities. Individuals who require academic adjustments, auxiliary aids and services and/or

reasonable accommodations to participate in any part of the resolution process should contact the Title IX Coordinator.

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## **Reporting Options and Resources for Sexual Misconduct**

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 assist 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.

### ***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.

It is important to understand that other University employees involved in the University's sexual misconduct 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.

### ***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 and Sexual Misconduct 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 and Sexual Misconduct 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 administrators, supervisors, and other staff who have authority to initiate corrective measures on behalf of the University. 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.

### ***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 and sexual misconduct 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.

### ***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 will 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.

### ***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. 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.

### ***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.

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## **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, 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, and
- Assistance in obtaining a protective order through the local court system.

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## **Informal Resolution Process**

### ***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.

### ***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.

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.

### ***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.

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## **Formal Resolution Process**

### ***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 the Formal Resolution Process and Sanctions and Remedies 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 these Procedures.

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

Generally within five 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. In the event the Chancellor, Dean of Students or Director made a determination pursuant to these Procedures to dismiss the Formal Complaint, no University Investigator will be assigned and the notification as outlined below will not be sent.

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 these Procedures, a copy of the Respondent(s)'s response will be provided to the Complainant.

### ***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 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 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 the Appeal Section.

### ***Jurisdiction/Dismissal***

Within five days following receipt of the Formal Complaint, the Chancellor, Dean of Students or Director shall make a determination as to:

- (a) whether or not the status of the Complainant or Respondent(s) places the matters complained of outside of the scope of one or both of the Policies;
- (b) 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
- (c) whether or not there is reasonable cause to believe that the Respondent(s) has violated one or both of the Policies.

If (a) the status of the Complainant or Respondent(s) places the matters complained of outside of the scope of one or both of the Policies; (b) such allegations, if substantiated, would not constitute a violation of one or both of the Policies; or (c) 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 shall dismiss the Formal 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.

The Chancellor, Dean of Students or Director may dismiss a Formal Complaint or any allegations contained in the Formal Complaint if, at any time during the Formal Resolution Process:

- A Complainant notifies the Chancellor, Dean of Students or Director in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

The Chancellor, Dean of Students or Director shall provide the Complainant and Respondent(s) with written notice of such dismissal, and that decision shall be final.

### ***Investigation of Formal Complaints***

In the event that the Formal Complaint is not dismissed, a copy of the Respondent(s)' response, if any, will be provided to the Complainant. 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.

### ***Investigation Report and Evidence***

Within 10 days following the conclusion of the investigation, the University Investigator will submit an investigation report to the Complainant (or impacted party in the case of a University-Initiated Investigation); the Respondent(s); and the Chancellor, Dean of Students or Director.

The report will include findings based upon a preponderance of the evidence that (a) the allegations cannot be substantiated or some or all of the allegations are substantiated, (b) a statement as to whether the Formal Complaint was knowingly false or malicious, and (c) 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. The University Investigator also will make available to the Complainant (or impacted party in the case of a University-Initiated Investigation) and the Respondent(s) an opportunity to review the evidence furnished in the matter.

### ***Determination***

No earlier than 10 days and no more than 15 days from 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 or University-Initiated Investigation 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 and whether the Formal Complaint was knowingly false or malicious.

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.

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### **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 the 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 is 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.

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### **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.

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### **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 with all supporting materials attached and filed in person, via courier, or via postal or electronic mail within seven days of the issuance of notification of the decision. Decisions not appealed within such time are deemed final. A copy of any appeal will be furnished to the Complainant (or impacted party in the case of a University-Initiated Investigation) or the Respondent(s), as the case may be. Each party may provide a response to the appeal. The response to the appeal must be in writing with all supporting materials attached and received in person, via courier, or via postal or electronic mail within seven days of the issuance of notification of the appeal.

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 20 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.

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### **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.

## **TITLE IX HARASSMENT POLICY**

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### **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 Title IX 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 Title IX 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 Title IX Harassment.

Title IX 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 Title IX Harassment. This policy addresses Title IX Harassment toward individuals for reasons of sex, sexual orientation, gender identity and/or gender expression. The University will not tolerate Title IX 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.

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### **Jurisdiction**

This policy applies to the programs and activities of Purdue University in the United States, to conduct that takes place on the campus or on property owned or controlled by the University in the United States, at University-sponsored events in the United States, or in buildings located in the United States that are owned or controlled by a Recognized Student Organization.

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### **Reporting and Addressing Title IX Harassment**

This policy seeks to encourage faculty, staff and students to report and address incidents of Title IX Harassment. The *Procedures for Resolving Complaints of Title IX 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 Title IX Harassment.

The University reserves the right to investigate circumstances that may involve Title IX Harassment in situations where the impacted party declines to file a Formal Complaint. In appropriate circumstances, sanctions in accordance with this policy will be implemented where the Title IX Coordinator has filed a Formal Complaint.

To determine whether a particular act or course of conduct constitutes Title IX 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. Such behavior must be so severe, pervasive and objectively offensive that it effectively denies an individual equal access to a program or activity of the University.

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### **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.

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### **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 Assault, Dating Violence, Domestic Violence or Stalking. Therefore, students who provide information regarding Sexual Assault, Dating Violence, Domestic Violence or Stalking 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 Assault, Dating Violence, Domestic Violence or Stalking.

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### **False Allegations, Statements, and Evidence**

This policy may not be used to bring charges against any faculty, staff, students or Recognized Student Organizations, including fraternities, sororities and/or cooperatives, in bad faith. Disciplinary action will be taken against any person or group found to have brought a charge of Title IX 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. In addition, individuals who, in bad faith, provide false statements or evidence, or who deliberately mislead a University official conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

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### **Retaliation Prohibited**

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX Harassment investigation, proceeding or hearing.

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### **Education and Prevention**

The University offers education and primary prevention, risk reduction and awareness programs for students, faculty and staff concerning Sexual Assault, Dating Violence, Domestic Violence and Stalking.

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### **Coordination with Other University Policies**

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

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### **Reason for This Policy**

This policy is designed to prevent and sanction incidents of Title IX Harassment within the Purdue University community. The University believes that Title IX Harassment 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 Title IX of the Education Amendments of 1972.

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### **Individuals and Entities Affected by This Policy**

All Purdue University community members.

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### **Exclusions**

There are no exclusions to this policy.

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## **Responsibilities**

### ***Vice President for Ethics and Compliance***

- In consultation with Title IX Coordinators, University officers, Chancellors and legal counsel, oversee and coordinate enforcement of policies and procedures dealing with Title IX Harassment for all campuses and operations within the Purdue University system.
- In consultation with Title IX Coordinators, 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 Assault, Dating Violence, Domestic Violence and Stalking within the University system.

### ***Chancellors***

- Maintain an educational and employment environment free from Title IX Harassment.

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

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

### ***Title IX Coordinators***

- Coordinate the University's efforts related to the intake, investigation, resolution and implementation of supportive measures to stop, remediate and prevent Title IX Harassment prohibited under this policy on their respective campuses involving students, staff, faculty and persons participating in or attempting to participate in a program or activity of the University.
- Oversee the investigation and resolution of all reports of sexual misconduct on their respective campuses involving students, staff, faculty consultants and contractors under the Anti-Harassment policy, as amended from time to time.
- 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 Assault, Dating Violence, Domestic Violence or Stalking.
- 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 Title IX 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 Title IX Harassment***

- Report all incidents of Title IX 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 Title IX Harassment or complaints of Title IX Harassment brought to their attention that involve University faculty, staff or students under their administrative jurisdiction.

***Individuals Who Believe They Have Experienced or Witnessed Title IX Harassment***

- Report the incident as described in the *Procedures for Resolving Complaints of Title IX Harassment*.

**PROCEDURES FOR RESOLVING COMPLAINTS OF TITLE IX HARASSMENT**

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**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 individuals to strive to reach their potential. Title IX Harassment in the workplace or the educational environment is unacceptable and will not be tolerated.

Any employee, student, campus visitor or person participating in a University activity, 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 Title IX Harassment, the University will take any and all necessary and immediate steps to protect the Complainant. Such actions may include taking interim steps and/or providing Supportive Measures before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

There are both formal and informal processes for resolving complaints of Title IX Harassment; however, the informal process is not available unless a Formal Complaint has been filed.

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.

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## **Scope**

These Title IX Procedures outline the resolution processes that will be used to investigate and/or resolve a report of Title IX Harassment committed against a student, employee, or a person participating in or attempting to participate in a program or activity of Purdue University under the University's policy on the *Title IX Harassment Policy*. These Title IX Procedures apply to allegations of conduct on the basis of sex addressed by the University in accordance with its obligations under Title IX of the Education Amendments of 1972 ("Title IX").

These Title IX Procedures incorporate the regulations governing educational institutions' Title IX obligations, as promulgated by the Department of Education's Office for Civil Rights. Other harassment and discrimination not covered by Title IX are addressed under the University's policies on *Anti-Harassment* and on *Equal Opportunity, Equal Access and Affirmative Action* and the *Procedures for Resolving Complaints of Discrimination and Harassment*. If a Formal Complaint is dismissed under these Title IX Procedures, the Procedures for Resolving Complaints of Discrimination and Harassment may be implemented.

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## **Resources for Resolving Complaints of Title IX Harassment**

Inquiries and complaints about Title IX Harassment, including, but not limited to, inquiries and complaints about Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking may be brought to the Title IX Coordinator. Information about the Title IX Coordinator for each campus is available in the Title IX Harassment Policy.

The management of all complaints of Title IX Harassment, regardless of where they are initially received, and the implementation of these Title IX Procedures is the responsibility of the Title IX Coordinator.

Any question of interpretation regarding these Title IX Procedures shall be referred to the Vice President for Ethics and Compliance for final determination.

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## **General Provisions**

### ***Presumption of Innocence and Burden of Proof***

The University administers these Title IX Procedures with the presumption that the Respondent is not responsible for the alleged Title IX Harassment unless and until the Respondent is determined to be responsible for a violation of the Title IX Harassment Policy by a preponderance of the evidence. The University has the burden of proof to establish each element of any alleged Title IX Harassment Policy violation by the Respondent.

### ***Delegation***

The Title IX Coordinator may delegate their authority under these Title IX Procedures to an Eligible Designee.

### ***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 Formal 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 Title IX Coordinator 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, federal law prohibits the University from pursuing disciplinary action against a Respondent. The University will, however, take other appropriate steps to eliminate any such Title IX Harassment, prevent its recurrence and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate Supportive Measures and/or providing targeted training and prevention programs.

If the University is unable to honor the request for anonymity or the request to take no formal action in response to a report, the University may be obligated to move forward with a Formal Complaint signed by the Title IX Coordinator if there is an individual or public safety concern and sufficient independent information exists to establish that the Title IX Harassment Policy has been violated.

The Title IX Coordinator 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.

### ***Advisor***

Both a Complainant and a Respondent are entitled to an Advisor of their choice, and the Advisor may accompany the Party to any meeting or proceeding under these Title IX Procedures. A Complainant may have an Advisor present when reporting Title IX Harassment or at any point. An Advisor 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, except as a Party's Hearing Advisor. In the event that an attorney is retained to serve as a Hearing Advisor, the attorney may participate in, speak for, or stand in the place of the Complainant or the Respondent and may act as legal counsel for a Party during the Hearing.

The University has the discretion to impose reasonable conditions upon the participation of an Advisor or support person and Hearing Advisor.

Any fees and/or expenses charged by an Advisor or Hearing Advisor for services under these Title IX Procedures are the responsibility of the Party who retained the Advisor or Hearing Advisor.

### ***Time Frames***

The University encourages prompt reporting. Persons who have experienced or witnessed harassment are encouraged to report the incident to the Title IX Coordinator as soon as possible. Unreasonable filing delays could result in the dulling of memories and a loss of relevant evidence and witness testimony. Delays in filing shall not affect the Complainant's eligibility for Supportive Measures from the University.

When extenuating circumstances warrant, the Title IX Coordinator has the authority and discretion to extend any of the time limits contained in these Title IX Procedures for good cause except those relating to 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 Title IX Procedures. In the event that good cause exists for the investigation and resolution to exceed these time frames, 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.

### ***Expectations Regarding Participation***

All University community members are expected to provide truthful information in any report or proceeding under these Title IX Procedures. Any person who, in bad faith, makes a false statement or submits false information in connection with the initiation or resolution of a Formal Complaint under these Title IX Procedures may be subject to appropriate discipline. Making a good faith report of Title IX Harassment that is not later substantiated is not considered a false statement. Similarly, a determination regarding responsibility, alone, is not sufficient to conclude that any individual made a materially false statement in bad faith.



### ***Formal Complaints involving University Officers and/or Administrators with Responsibilities under these Title IX Procedures***

In the event that a complaint concerns the conduct of the Title IX Coordinator or Hearing Officer (or the Title IX Coordinator or Hearing Officer 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 Title IX Coordinator or Hearing Officer pursuant to these Title IX Procedures. In the event that a complaint concerns the conduct of the Vice President for Ethics and Compliance (or the Vice President for Ethics and Compliance 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 pursuant to these Title IX 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 Title IX Procedures. In the event that the President or other member of senior administration is a Respondent under these Title IX Procedures, the University may, in its sole discretion, modify these Title IX 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.

### ***Conflicts of Interest and Bias Concerns***

Administrators of these Title IX Procedures may not have a conflict of interest or bias for or against a Party generally or for or against a specific Complainant or Respondent.

In the event that a Party has concerns that a University Investigator or decision maker under these Title IX Procedures cannot conduct an unbiased review or render a determination free from bias, the Party may report their concerns to the Title IX Coordinator who will assess the circumstances and determine whether a different University Investigator or decision maker ought to be assigned to the matter. Concerns should be reported promptly. In reaching such decision, the Title IX Coordinator will consider whether a reasonable person would believe bias exists.

### ***Coordination with Law Enforcement***

A Complainant may seek recourse under these Title IX 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 the University's Title IX Harassment Policy has occurred. Proceedings under these Title IX 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 and Respondent regarding Supportive Measures, options for resolution, and 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.

### ***Requests by Individuals with Disabilities***

Purdue is committed to providing equal access under these Title IX Procedures to individuals with disabilities. Individuals who require academic adjustments, auxiliary aids and services and/or reasonable accommodations to participate in any part of the resolution process should contact the Title IX Coordinator.

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### **Reporting Options and Resources for Title IX Harassment**

The University is committed to treating all members of the community with dignity, care and respect. Any individual affected by Title IX Harassment whether as a Complainant or a Respondent will have equal access to Supportive Measures.

A first step for any Complainant may be choosing how to proceed following an incident of Title IX Harassment. 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 Title IX Harassment Policy or these Title IX Procedures are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

### ***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.

It is important to understand that other University employees involved in the University's sexual misconduct 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 Title IX Harassment with the Title IX Coordinator.

### ***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 Title IX Harassment. All University community members are encouraged to report all incidents of discrimination, harassment or retaliation directly to the Title IX Coordinator.

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. 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 administrators, supervisors, and other staff who have authority to initiate corrective measures on behalf of the University. 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.

### ***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.

### ***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 Title IX Harassment Policy or the Title IX 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.

### ***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 Title IX Harassment that also may be crimes under state criminal statutes (see legal definitions on the Title IX website at [www.purdue.edu/titleix/index.php](http://www.purdue.edu/titleix/index.php)). 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.

### ***Anonymous Reporting***

Any individual may make an anonymous report concerning an act of Title IX Harassment. 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 Purdue Hotline, an online reporting service that allows direct interaction with the Title IX Coordinator without providing identifying information. Access the Purdue Hotline 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.

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## **Counseling, Advocacy and Support for Students**

The University is committed to providing a number of support services to University community members. 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 involved in a Title IX Harassment incident or participated in a resolution process under these Title IX Procedures with academic and advocacy/support services. The professional staff within the Office of the Dean of Students are available to assist students with Supportive Measures, including the following:

- Coordination of services,
- Academic adjustments, including processing absence notifications,
- 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, and
- Assistance in obtaining a protective order through the local court system.

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## **Informal Resolution Process**

After the filing of a Formal Complaint and at any time before there is a determination of responsibility, either Party may submit a written request to the Title IX Coordinator or the Title IX Coordinator may offer an Informal Resolution Process. Participation in the Informal Resolution Process is voluntary. In order to participate in the Informal Resolution Process, the Parties must provide their voluntary written consent to the Informal Resolution Process,

including the confidential nature of the Informal Resolution Process. A Complainant or Respondent has the right to withdraw from the Informal Resolution Process at any time and resume the process with respect to the Formal Complaint.

The Informal Resolution Process does not require an investigation or Hearing. 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 Title IX Harassment; verbal or written reprimands; or other interventions or actions aimed at ending the Title IX Harassment, preventing its recurrence, and addressing its effects.

The Informal Resolution Process is not available in matters in which a student is a Complainant and a faculty or staff member is a Respondent.

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## **Formal Resolution Process**

### ***Filing a Formal Complaint***

A Formal Complaint may be filed by a Complainant by completing the Complaint Information Form online, in person or via electronic mail. A document alleging a violation of the Title IX Harassment Policy against a Respondent and seeking an investigation may be submitted to the Title IX Coordinator in person, by mail, by electronic mail, and the document will be considered a Formal Complaint. Any Complainant who does not initiate this Formal Resolution Process by filing a Complaint Information Form will be asked to do so.

The University also may initiate an investigation in the absence of a Formal Complaint by a Complainant, in which case the Title IX Coordinator will sign a document alleging a violation of the Title IX Harassment Policy against a Respondent and initiate an investigation.

The Formal Complaint should contain the following:

- The identities of the Parties involved, if known;
- The date of the alleged incident, if known;
- The location of the alleged incident, if known; and
- A description of the conduct that is alleged to violate the Title IX Harassment Policy.

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

Upon receipt of a Formal Complaint, the Title IX Coordinator must provide the following written notice to the Complainant and Respondent. The notice shall include:

- An electronic copy of the Title IX Harassment Policy and these Title IX Procedures and/or a link to the Title IX Harassment Policy and these Title IX Procedures;
- A copy of the Formal Complaint;
- The identities of the Parties involved, if known;
- The date of the alleged incident, if known;
- The location of the alleged incident, if known;
- The conduct that is alleged to violate the Title IX Harassment Policy;

- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will not be made until an investigation is completed and a Hearing is held subject to any determination on appeal as provided under these Title IX Procedures;
- The Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- The Parties will be provided, for their inspection and review, with an electronic copy or hard copy of any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory whether obtained from a Party or other source;
- The Title IX Harassment Policy prohibits bringing knowingly false or malicious charges and prohibits knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation. The University's Regulations Governing Student Conduct, Disciplinary Proceedings, and Appeals provide that "dishonesty in connection with any University activity" constitutes conduct for which students may be subject to informal action or disciplinary sanctions; and
- A statement explaining that the Title IX Coordinator will review the Formal Complaint to determine if it is subject to mandatory dismissal or discretionary dismissal.

In cases where the Respondent is a faculty or staff member, the Title IX Coordinator will also provide prompt notification, including the items listed above, to the department head or supervisor and to the appropriate Vice President, Dean or head of another major unit.

The Formal Complaint or notice of allegations will be delivered through certified or express mail, electronic mail or hand delivery.

### ***Mandatory Dismissal***

The Title IX Coordinator shall dismiss a Formal Complaint if, at any time during the investigation or Hearing, it is determined that the factual allegations of the Formal Complaint, if taken as true:

- Fail to constitute Title IX Harassment, or
- Occur outside the University's jurisdiction as stated in the Title IX Harassment Policy.

The Title IX Coordinator shall review a Formal Complaint filed by a Complainant to determine if the Formal Complaint is subject to mandatory dismissal as provided in this section and notify the Parties of the dismissal in writing within 14 days of the receipt of the Formal Complaint.

If the Title IX Coordinator determines that a Formal Complaint is subject to mandatory dismissal at any other point during the investigation or Hearing, the Title IX Coordinator shall notify the Parties of the dismissal in writing as soon as reasonably practicable. A mandatory dismissal does not preclude action under the University's policies on Anti-Harassment or on Equal Opportunity, Equal Access and Affirmative Action or the Regulations Governing Student Conduct.

A mandatory dismissal may be appealed in accordance with the Title IX Procedures.

### ***Discretionary Dismissal***

The Title IX Coordinator may dismiss a Formal Complaint or any allegations contained in the Formal Complaint if, at any time during the investigation or Hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

The Title IX Coordinator shall provide the Complainant and Respondent(s) with written notice of the dismissal. Such a dismissal does not preclude action under the University's policies on *Anti-Harassment* or on *Equal Opportunity, Equal Access and Affirmative Action* or the Regulations Governing Student Conduct.

A discretionary dismissal may be appealed in accordance with the Title IX Procedures.

### ***Investigation of Formal Complaints***

In the event that, following an initial assessment, the Title IX Coordinator decides that the Formal Complaint is not subject to mandatory dismissal, the Title IX Coordinator will assign a University Investigator and notify the Parties:

- 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. Any extension of time must be approved by the Title IX Coordinator. A copy of the Respondent(s) written response will be provided to the Complainant.
- A statement that the Title IX Coordinator (or Eligible Designee) will contact the Complainant and Respondent separately to arrange individual meetings to discuss the allegation and any Informal Resolution Process for immediately resolving the dispute in a way Parties might agree upon, precluding the need for further action. The Title IX Coordinator (or Eligible Designee) shall also explain the Formal Resolution Process and answer any questions the Parties may have.
- A statement that the initial interview of the Respondent will not be scheduled until the time for the Respondent to provide a response to the Formal Complaint has expired;
- The name of the University Investigator(s) assigned to the matter;
- A statement regarding the opportunity to have an Advisor for all meetings during the investigation. Contact information for all campus student defenders groups;
- Guidance regarding Supportive Measures, if applicable; and
- A statement of the rights and resources to which Parties are entitled.

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. Both Parties will be provided the opportunity to provide information and names of witnesses to the University Investigator.

The University Investigator shall preserve all evidence. All interviews must be recorded. While investigating a Formal Complaint, the University must:

- Ensure that both the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the Parties;
- Provide equal opportunity for Parties to present witnesses and other inculpatory and exculpatory evidence;
- Not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence; and
- Provide to the Party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with a Party, with sufficient time for the Party to prepare to participate.

The investigation shall be completed within 60 days following the assignment of the Formal Complaint to the University Investigator, unless an extension of time for good cause is approved by the Title IX Coordinator.

### ***Investigation Report and Evidence***

At least 20 days before a Hearing, the Title IX Coordinator shall ensure that Parties and their Hearing Advisor are provided with an electronic copy or hard copy of any and all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including both inculpatory and exculpatory evidence, regardless of whether any Party or the University intends to present such evidence in the Hearing. This shall include the identities of Parties and any witnesses.

Parties shall have at least 10 days to submit to the University Investigator a written response, which the University Investigator will consider prior to completing the Investigation Report. At least 10 days prior to the Hearing, the University Investigator will prepare and complete an Investigation Report that fairly summarizes the relevant evidence and submit it to the Parties and their Hearing Advisors, if any, the Title IX Coordinator, and the Hearing Officer in an electronic format or a hard copy for their review. Parties may submit a written response to the Hearing Officer at or before the Hearing.

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## **Hearing**

Parties have the right to a Hearing Advisor of their choosing. The Hearing Advisor may actively participate in the Hearing.

If a Party does not have a Hearing Advisor present at the Hearing, the University will provide, without fee or charge to that Party, a Hearing Advisor of the University's choice to conduct cross-examination on behalf of that Party. The University-provided Hearing Advisors will not be attorneys.



At least 10 days after the Investigation Report is provided, the Hearing Officer shall convene a live Hearing. The Hearing Officer will provide to the Parties and any witnesses whose participation is invited or expected written notice of the date, time and manner of the Hearing. All Parties, witnesses and other participants will appear at the live Hearing virtually, with technology enabling the Hearing Officer and participants to simultaneously see and hear the Party and witnesses answering questions. The University will create an audio or audiovisual recording or a transcript of the Hearing and make it available to Parties for inspection and review upon request.

At the hearing, each Party's Hearing Advisor will conduct cross-examination of the other Party and any adverse witnesses. Such cross-examination must be conducted directly, orally, and in real time by the Party's Hearing Advisor and never by a Party personally.

Before a Party or witness answers a cross-examination question, the Hearing Officer must determine whether the question is relevant and, if the Hearing Officer refuses to allow a particular question, the Hearing Officer must explain their decision to the Parties and document the reasons for refusal on the record.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a Party or witness does not submit to cross-examination at the Hearing, the Hearing Officer must not rely on any statement of that Party or witness in reaching a determination regarding responsibility. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live Hearing or refusal to answer cross-examination or other questions.

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### **Determination, Sanctions and Remedies**

Within 14 days following the Hearing, the Hearing Officer shall make a written determination whether a violation of the Title IX Harassment Policy has occurred and shall simultaneously send the Complainant 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. That written determination shall include:

- An identification of the section(s) of the Title IX Harassment Policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and Hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Title IX Harassment Policy to the facts;

- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- Any sanctions the University imposes on the Respondent;
- Any remedies provided to the Complainant designed to restore or preserve access to the University's education program or activity;
- A determination of whether the Formal Complaint was knowingly false or malicious; and
- The University's procedures and permissible bases for Parties to appeal.
- The determination regarding responsibility becomes final either on the date that the Vice President for Ethics and Compliance provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The appropriate Vice President, Vice Chancellor, Vice Provost or Dean is responsible for imposing the sanction. In the case of a student as the Respondent, the appropriate Dean is the Dean of Students.

Sanctions will be decided on a case-by-case basis, must be reasonable and proportionate to the seriousness of the violation, 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 the Regulations Governing Student Conduct and include, without limitation, verbal or written warnings, restrictions, probation, probated suspension, suspension, degree deferral or expulsion as well as restrictions on employment and/or access to University property and related organizations.

Except as provided herein, sanctions imposed pursuant to these Title IX 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 is 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 Hearing Officer shall be accepted into evidence at the faculty member's termination hearing without the necessity of the Complainant 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. The Title IX Coordinator is responsible for the effective implementation of any remedies.

In the event the charge of Title IX Harassment is not substantiated following the written determination of the Hearing Officer, reasonable efforts may be taken to restore the Respondent(s) to their prior status.

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### **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, refusing to participate in any manner in an investigation, proceeding or Hearing under these Title IX Procedures 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 Title IX Procedures will be subject to appropriate and prompt disciplinary or remedial action.

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### **Appeal**

The Complainant and the Respondent each have the right to appeal any mandatory or discretionary dismissal as well as the decision of the Hearing Officer and imposition of any sanction to the Vice President for Ethics and Compliance. The appeal must be in writing with all supporting materials attached and filed in person, via courier, or via postal or electronic mail within ten days of the issuance of notification of the decision. Decisions not appealed within such time are deemed final. The Vice President for Ethics and Compliance will notify the other Party in writing when an appeal is filed and furnish a copy of the appeal. Each Party may provide a response to the appeal. The response to the appeal must be in writing with all supporting materials attached and received in person, via courier, or via postal or electronic mail within ten days of the issuance of notification of the appeal.

The grounds for appeals are limited to the following:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, University Investigator(s), Hearing Officer, or the Vice President for Ethics and Compliance had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
- 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 30 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.

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### **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.

### **SANCTIONS**

Sanctions imposed pursuant the *Title IX Harassment Policy* may not be appealed or made the subject of a grievance under any other University policy.

Sanctions for violations of the *Anti -Harassment Policy* and *Title IX Harassment Policy* differ for students and employees.

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### **Students**

Possible sanctions for students include:

- Verbal or written warning
- Restrictions
- Exclusion from certain locations on campus
- Exclusion from certain campus activities and/or organizations
- Probation
- No-contact directives
- Educational sanctions
- Community service
- Degree deferral
- Probated suspension
- Suspension
- Expulsion
- Other sanctions as determined by the Dean of Students

### **Faculty and Staff**

Possible sanctions for employees include:

- Reassignment of teaching or other responsibilities
- Letter of reprimand
- Removal of graduate faculty certification
- Suspension
- Leave of absence without pay
- Denial of merit pay increase

- Demotion
- Probation
- Personal liability for any damages, settlement costs, and/or expenses, including attorney's fees incurred by Purdue
- Termination
- Other sanctions as determined by the appropriate Vice President, Vice Chancellor, Vice Provost, or Dean

## **VICTIM SERVICES**

Purdue University provides written notification to all students and employees of existing services available for victims, both on Purdue's campus and within the community.

Several University entities – including the Vice President for Ethics and Compliance, Office of the Dean of Students, Human Resources, the Center for Advocacy, and Response and Education (CARE) – provide written notification to all student and employee victims of dating violence, domestic violence, sexual assault, and stalking. The written notification describes existing services of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within Purdue University and in the general community.

Such accommodations will be provided upon request, so long as accommodations are reasonably available – regardless of whether the victim chooses to report the crime to campus or local law enforcement. Written information about the rights, options, and services available to victims of dating violence, domestic violence, sexual assault, or stalking is provided to all students and employees who report such incidents.

Purdue University is committed to providing support services to Purdue community members affected by sexual harassment, sexual violence, sexual exploitation, stalking, and/or relationship violence.

Additionally, Purdue provides its students with access to professional staff who can assist those subjected to sexual harassment, sexual violence, sexual exploitation, stalking, and/or relationship violence. These professional academic, advocacy, and support services include:

- Academic adjustments, including processing absence notifications and schedule changes;
- Housing reassignments and assistance with emergency housing placement;
- 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 through Purdue;
- Assistance in obtaining a protective order through the local court system;
- Changing working situations; and
- Changing transportation to/from Purdue.