

Anti-Harassment (III.C.1)

Volume III: Ethics

Chapter C: Equal Opportunity

Responsible Executive: Vice President for Ethics and Compliance

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

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CONTACTS

Policy Clarification

VICE PRESIDENT FOR ETHICS AND COMPLIANCE

765-494-5830

Ernest C. Young Hall, 10th floor

155 S. Grant St.

West Lafayette, IN 47907

vpec@purdue.edu

www.purdue.edu/ethics

Harassment Complaints

FORT WAYNE CAMPUS

Human Resources and Institutional Equity

260-481-6677

www.pfw.edu/offices/human-resources/ethics-compliance/

PNW WESTVILLE CAMPUS

Office of Equity, Diversity and Inclusion

219-785-5545

www.pnw.edu/equity-diversity-inclusion

PNW HAMMOND CAMPUS

Office of Equity, Diversity and Inclusion

219-989-3169

www.pnw.edu/equity-diversity-inclusion/

WEST LAFAYETTE CAMPUS

Office of Institutional Equity

765-494-7255

equity@purdue.edu

www.purdue.edu/oie/index.php

Reports of Sexual Violence or Sexual Misconduct

For all emergencies, dial 911.

Non-emergency reports may be made using the contacts below

FORT WAYNE CAMPUS

Title IX Coordinator

Christine M. Marcuccilli

260-481-6107

Kettler Hall, Room 252

2101 E. Coliseum Blvd.

Fort Wayne, IN 46805

marcucc@pfw.edu

PNW WESTVILLE CAMPUS

Title IX Coordinator

Laura Odom

219-785-5545

Schwarz Hall, Room 25

1401 S. U.S. Highway 421

Westville, IN 46391

odoml@pnw.edu

PNW HAMMOND CAMPUS

Title IX Coordinator

Linda B. Knox

219-989-3169

Lawshe Hall, Room 231

2200 169th St.

Hammond, IN 46323

lbknox@pnw.edu

WEST LAFAYETTE CAMPUS

Title IX Coordinator

Christina Wright

765-494-7255

Ernest C. Young Hall, 10th floor

155 S. Grant St.

West Lafayette, IN 47907

titleix@purdue.edu

FORT WAYNE CAMPUS

Police Department
260-481-6827
www.pfw.edu/police/

Student Housing
260-481-4180
www.pfw.edu/housing/

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

Health and Wellness Clinic
260-481-5748
www.pfw.edu/clinic/

PNW HAMMOND CAMPUS

Police Department
219-989-2220
www.pnw.edu/public-safety/

Housing
219-989-4150
www.pnw.edu/housing/

Office of the Dean of Students
219-989-4141
www.pnw.edu/dean-of-students

Community Care Network Health
Clinic
219-989-1235
www.pnw.edu/health-care-facilities/

PNW WESTVILLE CAMPUS

Police Department
219-785-5220
www.pnw.edu/public-safety/

LaPorte Physician Network
219-304-6100
www.pnw.edu/health-care-facilities/

Office of the Dean of Students
219-785-5230
www.pnw.edu/dean-of-students

WEST LAFAYETTE CAMPUS

Police Department
765-494-8221
www.purdue.edu/ehps/police/

University Residences
765-494-1000
www.housing.purdue.edu/

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

Student Health Center (PUSH)
765-494-1700
www.purdue.edu/p

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.

Reporting and Addressing Harassment

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

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

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

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

Academic Freedom and Freedom of Speech

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

Violations of Policy and Sanctions

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

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

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.

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.

Education and Prevention

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

Coordination with Other University Policies

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

REASON FOR THIS POLICY

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

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

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

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

INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All Purdue University community members.

EXCLUSIONS

Title IX Harassment matters are addressed under the policy on **Title IX Harassment (III.C.4)** and the **Procedures for Resolving Complaints of Title IX Harassment**.

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**.

DEFINITIONS

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

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.

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:

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

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

Incapacitated/Incapacitation

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

Mandatory Reporters

Individuals employed by the University who hold a title of or equivalent to President, Chancellor, vice president, vice chancellor, vice provost, dean, department head and director, as well as all employees in supervisory or management roles, and other staff who have authority and responsibility to initiate corrective measures on behalf of the University.

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:

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

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

Relationship Violence

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

Retaliation

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

Sexual Exploitation

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

- Exposing one's own or another person's intimate parts without Consent.
- Recording video or audio 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.
- Engaging in any form of voyeurism.

Sexual Harassment

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

Sexual Violence

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

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

Stalking

Any knowing or intentional course of conduct involving repeated or continued following, threatening or intimidating another 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.

RELATED DOCUMENTS, FORMS AND TOOLS

Board of Trustees resolution dated December 18, 2010

Policies:

- **Equal Opportunity, Equal Access and Affirmative Action (III.C.2):**
www.purdue.edu/policies/ethics/iic2.html
- **Amorous Relationships (III.A.1):** www.purdue.edu/policies/ethics/iiia1.html
- **Title IX Harassment (III.C.4):** purdue.edu/policies/ethics/iic4.html
- **University Nondiscrimination Policy Statement:**
www.purdue.edu/purdue/ea_eou_statement.html
- **Procedures for Resolving Complaints of Discrimination and Harassment:**
www.purdue.edu/ethics/resources/resolving-complaints.php
- **Sexual Violence Awareness website:** www.purdue.edu/sexual_assault/

Regulations Governing Student Conduct:

- **Fort Wayne:** pfw.edu/committees/senate/code/?_ga=2.94649308.1951212460.1567775697-2036197937.1567775697#Code
- **Northwest:** www.pnw.edu/dean-of-students/policies/code-of-conduct/
- **West Lafayette:** catalog.purdue.edu/content.php?catoid=13&navoid=16335

Websites for Governing Bodies with Oversight for Applicable Laws and Regulations:

- **Indiana Civil Rights Commission:** www.in.gov/icrc
- **U.S. Department of Education Office for Civil Rights:**
www2.ed.gov/about/offices/list/ocr/index.html
- **U.S. Department of Justice, Americans with Disabilities Act:** www.ada.gov/
- **U.S. Department of Labor Office of Federal Contractor Compliance Programs:**
www.dol.gov/agencies/ofccp
- **U.S. Equal Employment Opportunity Commission:** www.eeoc.gov

WEBSITE ADDRESS FOR THIS POLICY

www.purdue.edu/policies/ethics/iic1.html

HISTORY AND UPDATES

August 1, 2021: Interim status removed.

August 14, 2020: Updated Contacts section. Added new sections to Statement of Policy on (1) False Allegations, Statements and Evidence and (2) Retaliation Prohibited that expand the previous language. Noted exclusion for issues addressed under the policy on Title IX Harassment. Updated definitions of Mandatory Reporters and Sexual Harassment. Updated links in Related Documents, Forms and Tools section.

September 12, 2019: Contacts and Related Documents, Forms and Tools sections updated.

July 1, 2018: Contacts section updated.

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

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

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

May 6, 2014: Contacts section updated.

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

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

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

July 1, 2011: Definition of Sexual Harassment amended.

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

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

APPENDIX

There are no appendices to this policy.