

Title IX Harassment (III.C.4)

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/push

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.

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.

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.

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 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.

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.

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.

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.

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.

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.

INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All Purdue University community members.

EXCLUSIONS

There are no exclusions to this policy.

RESPONSIBILITIES

Vice President for Ethics and Compliance

- In consultation with 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](#).

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.

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.

1. 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.
2. 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.

Domestic Violence

Violence committed:

1. by a current or former spouse or intimate partner of the victim,
2. by a person with whom the victim shares a child in common,
3. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
4. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Indiana, or
5. 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.

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

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 Title IX Harassment, assisting, participating, or refusing to participate in the investigation of a complaint of Title IX Harassment, or enforcing this policy.

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.

Stalking

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

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

For the purposes of this definition:

1. *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.
2. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

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

Title IX Harassment

Conduct on the basis of sex that satisfies one or more of the following:

1. A University employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., *quid pro quo*); or
2. 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
3. Sexual Assault, Dating Violence, Domestic Violence or Stalking.

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

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

University Nondiscrimination Policy Statement:

www.purdue.edu/purdue/ea_eou_statement.html

Procedures for Resolving Complaints of Title IX Harassment:

www.purdue.edu/ethics/resources/titleIX-complaints.php

Sexual Violence Awareness website: www.purdue.edu/sexual_assault/

University Title IX website: www.purdue.edu/titleix/index.php

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/iic4.html

HISTORY AND UPDATES

August 1, 2021: Interim status removed.

August 14, 2020: Policy adopted.

APPENDIX

There are no appendices to this policy.