

2020



# YOUR CAMPUS, YOUR **SAFETY**

PURDUE UNIVERSITY FORT WAYNE  
ANNUAL SECURITY AND FIRE SAFETY REPORT



[www.pfw.edu/police](http://www.pfw.edu/police)

EA/EOU

**PURDUE**  
UNIVERSITY®  
**FORT WAYNE**

## QUICK REFERENCE RESOURCE GUIDE

### Safety and Security Crisis Services

#### Purdue Fort Wayne

Student Assistance Program .....260-744-4326

#### Center for Women and

Returning Adults.....260-481-6029

Sexual Assault Treatment Center.....260-423-2222

Rape Crisis Hotline (24 Hours).....260-426-7273

Toll Free.....888-311-7273

YWCA Domestic Violence.....260-447-7233

Toll Free.....800-441-4073

Victim's Assistance.....260-427-1205

Fort Wayne Women's Bureau.....260-424-7977

#### National Sexual Assault/Online

Message Service.....1-800-656-HOPE (4373)

#### National Domestic Violence

Hotline ...1-800-799-SAFE (7223)

#### National Suicide Prevention

Hotline ...1-800-73-TALK (8255)

#### National Center on

Drug Abuse Hotline...1-800-662-HELP

#### Health

##### Purdue Fort Wayne Campus Clinic

.....260-481-5748

Dupont Hospital.....260-416-3000

Lutheran Hospital.....260-435-7001

Parkview Hospital.....260-373-4000

St. Joseph Hospital.....260-425-3000

#### Purdue Fort Wayne Police Department (On Campus)

Emergency: 911

Non-emergency: 260-481-6827

Support Services Building

pfw.edu/police

#### Fort Wayne Fire Department

Emergency: 911

Non-emergency: 260-427-1222

fortwaynefiredepartment.org

**Purdue Fort Wayne Escort ..... 260-481-6827**

Escorts to and from campus buildings available 24/7

**Office of the Dean of Students.....260-481-6601**

Walb Union 111

pfw.edu/dean

**Title IX Coordinator..... 260-481-6107**

Assistance with sexual assault, dating and domestic violence,  
and stalking complaints

Doerner School of Business 312

pfw.edu/equity

#### Fort Wayne Police Department (Off Campus)

Emergency: 911

Non-emergency: 260-427-1222

fwpd.org

#### Allen County Sheriff's Department (Off Campus)

Emergency: 911

Non-emergency: 260-449-3000

allencountysheriff.org

#### Indiana State Police (Off Campus)

Emergency: 911

Non-emergency: 260-432-8661

in.gov/isp

## AVAILABILITY OF ANNUAL SECURITY AND FIRE SAFETY REPORT

The Purdue University Fort Wayne Police Department's *Your Campus, Your Safety: Annual Security and Fire Safety Report* includes statistics for the previous three years concerning crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by Purdue University Fort Wayne, and on public property within, or immediately adjacent to and accessible from, campus. The report also includes policies concerning campus security, dating violence, domestic violence, sexual assault, and stalking as well as other related matters. Copies of this report can be obtained by contacting the Purdue University Fort Wayne Police Department at 260-481-6827, at Support Services Building, 2101 East Coliseum Boulevard, Fort Wayne, IN, or online at <https://www.pfw.edu/police-report>

## CAMPUS CRIME STATISTICS

### Introduction

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") is a federal law that requires the distribution of an annual security report to all current faculty, staff, and students and notice of its availability to prospective students, faculty and staff. Current students and employees receive an email prior to October 1<sup>st</sup> each year containing a statement of the report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents, and a statement that the institution will provide a paper copy of the report upon request.

This annual security report is submitted to the Department of Education by October 1<sup>st</sup> and includes statistics for the previous three years concerning specific reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by the University, and on public property within or immediately adjacent to, and accessible from, campus. This report also includes information regarding personal safety and general crime prevention; safety and educational programs offered at Purdue University Fort Wayne; dating violence, domestic violence, sexual assault, and stalking risk reduction, prevention, and disciplinary processes; how the University communicates to students, faculty, staff and the larger community about emergency or imminently dangerous situations; emergency preparedness; alcohol and drug policies; and fire safety.

Prospective students receive notice of the availability of this report through links on the Purdue University Fort Wayne's Office of Admissions and the Division of Financial Aid departmental websites.

Prospective employees receive a similar notice on the Human Resources website when they inquire about employment.

The definitions for crimes in the below statistics come from the FBI Uniform Crime Reporting Handbook, Summary Reporting System (SRS) User Manual, or the National Incident Based Reporting System (NIBRS).

| Campus Crime Statistics, 2017-2019 |      |                    |                           |                    |                 |           |
|------------------------------------|------|--------------------|---------------------------|--------------------|-----------------|-----------|
| Primary Crimes                     | Year | On-Campus Property | On-Campus Student Housing | Noncampus Property | Public Property | Unfounded |
| Murder/Non-Negligent Manslaughter  | 2019 | 0                  | 0                         | 0                  | 0               | 0         |
|                                    | 2018 | 0                  | 0                         | 0                  | 0               | 0         |
|                                    | 2017 | 0                  | 0                         | 0                  | 1               | 0         |
| Negligent Manslaughter             | 2019 | 0                  | 0                         | 0                  | 0               | 0         |
|                                    | 2018 | 0                  | 0                         | 0                  | 0               | 0         |

|                     |      |   |   |   |   |   |
|---------------------|------|---|---|---|---|---|
|                     | 2017 | 0 | 0 | 0 | 0 | 0 |
| Rape                | 2019 | 5 | 4 | 0 | 0 | 0 |
|                     | 2018 | 1 | 1 | 0 | 0 | 0 |
|                     | 2017 | 0 | 0 | 0 | 0 | 0 |
| Fondling            | 2019 | 1 | 1 | 0 | 0 | 0 |
|                     | 2018 | 0 | 0 | 0 | 0 | 0 |
|                     | 2017 | 1 | 0 | 0 | 0 | 0 |
| Incest              | 2019 | 0 | 0 | 0 | 0 | 0 |
|                     | 2018 | 0 | 0 | 0 | 0 | 0 |
|                     | 2017 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape      | 2019 | 0 | 0 | 0 | 0 | 0 |
|                     | 2018 | 0 | 0 | 0 | 0 | 0 |
|                     | 2017 | 0 | 0 | 0 | 0 | 0 |
| Robbery             | 2019 | 0 | 0 | 0 | 0 | 0 |
|                     | 2018 | 0 | 0 | 0 | 0 | 0 |
|                     | 2017 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault  | 2019 | 0 | 0 | 0 | 0 | 0 |
|                     | 2018 | 0 | 0 | 0 | 0 | 0 |
|                     | 2017 | 0 | 0 | 0 | 0 | 0 |
| Burglary            | 2019 | 0 | 0 | 0 | 0 | 0 |
|                     | 2018 | 1 | 0 | 0 | 0 | 0 |
|                     | 2017 | 2 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2019 | 1 | 0 | 0 | 0 | 0 |
|                     | 2018 | 1 | 0 | 0 | 0 | 0 |
|                     | 2017 | 0 | 0 | 0 | 0 | 0 |
| Arson               | 2019 | 0 | 0 | 0 | 0 | 0 |
|                     | 2018 | 0 | 0 | 0 | 0 | 0 |
|                     | 2017 | 1 | 0 | 0 | 0 | 0 |

| <i>Disciplinary Referrals and Arrests</i>       | Year | On-Campus Property | On-Campus Student Housing | Noncampus Property | Public Property | Unfounded |
|---|------|--------------------|---------------------------|--------------------|-----------------|-----------|
| Weapons Law Violations (Arrests)                | 2019 | 0                  | 0                         | 0                  | 0               | 0         |
|   | 2018 | 0                  | 0                         | 0                  | 0               | 0         |
|   | 2017 | 0                  | 0                         | 0                  | 0               | 0         |
| Weapons Law Violations (Disciplinary Referrals) | 2019 | 0                  | 0                         | 0                  | 0               | 0         |
|   | 2018 | 1                  | 1                         | 0                  | 0               | 0         |
|   | 2017 | 0                  | 0                         | 0                  | 0               | 0         |
| Drug Law Violations (Arrests)                   | 2019 | 21                 | 13                        | 0                  | 7               | 0         |
|   | 2018 | 15                 | 12                        | 0                  | 0               | 0         |
|   | 2017 | 2                  | 1                         | 0                  | 0               | 0         |
| Drug Law Violations                             | 2019 | 3                  | 3                         | 0                  | 0               | 0         |



|   |      |    |    |   |   |   |
|---|------|----|----|---|---|---|
| (Disciplinary Referrals)                          | 2018 | 15 | 15 | 0 | 0 | 0 |
|   | 2017 | 12 | 12 | 0 | 0 | 0 |
| Liquor Law Violations<br>(Arrests)                | 2019 | 21 | 15 | 0 | 5 | 0 |
|   | 2018 | 37 | 36 | 0 | 1 | 0 |
|   | 2017 | 20 | 20 | 0 | 0 | 0 |
| Liquor Law Violations<br>(Disciplinary Referrals) | 2019 | 20 | 20 | 0 | 0 | 0 |
|   | 2018 | 31 | 31 | 0 | 0 | 0 |
|   | 2017 | 17 | 17 | 0 | 0 | 0 |

| <i>Hate Crimes<sup>[1]</sup>*Fields<br/>will be collapsed where<br/>there is no data to<br/>shorten tables.</i> | Year | On-Campus<br>Property | On-Campus<br>Student<br>Housing | Noncampus<br>Property | Public<br>Property | Unfounded |
|---|------|-----------------------|---------------------------------|-----------------------|--------------------|-----------|
| RACE  |      |                       |                                 |                       |                    |           |
| GENDER  |      |                       |                                 |                       |                    |           |
| RELIGION  |      |                       |                                 |                       |                    |           |
| SEXUAL ORIENTATION  |      |                       |                                 |                       |                    |           |
| Criminal Mischief   | 2019 | 1                     | 0                               | 0                     | 0                  | 0         |
|   |      |                       |                                 |                       |                    |           |
|   |      |                       |                                 |                       |                    |           |
| DISABILITY  |      |                       |                                 |                       |                    |           |
| NATIONAL ORIGIN   |      |                       |                                 |                       |                    |           |
| GENDER IDENTITY   |      |                       |                                 |                       |                    |           |

| <i>Crimes Required to be<br/>Reported by the Violence<br/>Against Women Act</i> | Year | On-Campus<br>Property | On-Campus<br>Student<br>Housing | Noncampus<br>Property | Public<br>Property | Unfounded |
|---|------|-----------------------|---------------------------------|-----------------------|--------------------|-----------|
| Dating Violence   | 2019 | 1                     | 1                               | 0                     | 0                  | 0         |
|   | 2018 | 3                     | 3                               | 0                     | 0                  | 0         |
|   | 2017 | 3                     | 2                               | 0                     | 0                  | 0         |
| Domestic Violence   | 2019 | 5                     | 2                               | 0                     | 2                  | 0         |
|   | 2018 | 3                     | 3                               | 0                     | 0                  | 0         |
|   | 2017 | 2                     | 0                               | 0                     | 0                  | 0         |
| Stalking  | 2019 | 1                     | 1                               | 0                     | 0                  | 0         |
|   | 2018 | 2                     | 0                               | 0                     | 2                  | 0         |
|   | 2017 | 5                     | 0                               | 0                     | 0                  | 0         |

## Definitions

THE FOLLOWING DEFINITIONS ARE FROM THE “SUMMARY REPORTING SYSTEM (SRS) USER MANUAL” FROM THE FBI’S UNIFORM CRIME REPORTING (UCR) PROGRAM

**Criminal homicide** - a.) Murder and non-negligent manslaughter: the willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to: (1) the killing of a felon by a law enforcement officer in the line of duty; or (2) the killing of a felon, during the commission of a felony, by a private citizen. b.) Manslaughter by negligence: the killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities are not included in the category manslaughter by negligence. (UCR)

**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. (UCR)

**Robbery** - The taking or attempting to take 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. (UCR)

**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. Simple assaults are excluded. (UCR)

**Burglary** (breaking or entering) - The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included (UCR)

**Motor vehicle theft** - The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category. (UCR)

**Arson** - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. (UCR)

**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. (UCR)

**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 possession, sale, use, growing, manufacturing, and making of narcotic drugs. (UCR)

**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. (UCR)

## CRIME DEFINITIONS FROM THE HATE CRIME DATA COLLECTION GUIDELINES AND TRAINING MANUAL FROM THE FBI'S UCR PROGRAM

**Larceny-Theft (Except Motor Vehicle Theft)** - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Simple Assault** - An 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** - 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 of it.

## CRIME DEFINITIONS FROM THE NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) USER MANUAL FROM THE FBI'S UCR PROGRAM

**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 or physical incapacity (NIBRS)

**Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (NIBRS)

**Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent (NIBRS)

## DEFINITIONS FROM THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

The Violence Against Women Act of 1994 defines the term “**dating violence**” to mean violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; where the existence of such a relationship is determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. The State of Indiana does not specifically define Dating Violence in Indiana criminal code.

The Violence Against Women Act of 1994 defines the term “**domestic violence**” to mean a felony or misdemeanor crime of 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies under VAWA, 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.

The Violence Against Women Act of 1994 defines the term “**stalking**” to mean “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.”

## Definitions from Clery Act

**Unfounded** -“An institution may withhold, or subsequently remove, reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

An institution must report to the Department and disclose in its annual security report statistics the total number of crime reports listed in paragraph (c)(1) of this section that were “unfounded” and subsequently withheld from its crime statistics pursuant to paragraph (c)(2)(iii) of this section during each of the three most recent calendar years.”

**“Advisor** means any individual who provides the accuser or accused support, guidance, or advice.”

**“Proceeding** means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.”

**“Result** means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.”

## Geography

**Campus:** (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 (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, 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 other retail vendor).

**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 the campus is considered an on-campus student housing facility.

**Non-campus building or property:** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) 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 geographic area of the institution.

**Public 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.

**Prospective Employee** - Prospective employee means an individual who has contacted an eligible institution for the purpose of requesting information concerning employment with that institution.



**Prospective Student** - Prospective student means an individual who has contacted an eligible institution requesting information concerning admission to that institution.

## **Campus Safety**

### **Introduction**

The Purdue University Fort Wayne community offers numerous advantages to students and residents. The community is a great place to live, work, and study. However, it is not immune to the kinds of problems that beset the rest of the nation. Unfortunately, one of these problems— crime — is a reality at Purdue University Fort Wayne and in Fort Wayne.

The University attempts to provide a safe and secure environment for students, staff, and visitors. However, it is possible to maintain safety and security only when every student, faculty and staff member takes an active part in the effort. No matter how effective the University's programs are, the primary responsibility for safety and security lies with each of us. No police department or set of procedures can be effective unless individuals exercise reasonable care and prudence. Safety and security is everyone's personal responsibility.

The purpose of this publication is to:

- Provide the Purdue University Fort Wayne community with an overview of Police Department services.
- Share crime statistics required by federal law (Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act).
- Inform current and prospective students, staff, and visitors about the University's more than 200 policies and programs designed to help keep them safe.
- Share information regarding emergency preparedness and planning.
- Share information regarding fire safety, fire statistics, and fire-related information.

### **Purdue University Fort Wayne Police Department**

The University maintains its own professional police agency. State law grants Purdue University Fort Wayne police officers the same powers of arrest and law enforcement as city and county officers. The Police Department is staffed by competent law enforcement professionals who use advanced equipment, techniques, and current technology to perform their duties. I.C. 21-17-5-5 permits police officers to "... exercise the powers granted under this chapter upon any real property owned or occupied by the educational institution employing the police officer, including the streets passing through and adjacent to the educational institution. An institution may extend a police officer's territorial jurisdiction..."

The department works closely with the Indiana State Police, the FBI, and the City of Fort Wayne Police and Allen County and has been approved by the state legislature and Purdue's Board of Trustees to maintain jurisdiction across the entire state of Indiana. The University Police Department has a memorandum of understanding with the Fort Wayne Police Department for immediate mutual aid assistance. The Purdue University Fort Wayne Police Department encourages the other agencies to inform it of all reported criminal activity at any site affiliated with the University or with University-recognized organizations on and off campus. In an emergency, police can be summoned via any of the nearly 66 emergency telephones located throughout campus as well as by dialing 911. All reports of criminal activity will be handled and investigated in an appropriate and professional manner.

**Crime Prevention Programs** The Police Department provides numerous services which serve in crime prevention and detection, as well as to foster safety and security on campus:

**Bike Patrol.** The Police Department's bike patrol officers can perform nearly all of their duties on bicycles, with the exception of transporting prisoners. The bike patrol is a cost-effective community outreach program that allows officers to interact with people while patrolling the campus.

**Public Information.** The police department works closely with Marketing and Communications to publicize crimes and criminal investigations.

**Bicycle Registration.** Students are encouraged to register their bicycles as an aid to recovery in case of theft. Bicycles can be registered at no charge through the police department.

**Property Engraving.** Students can bring property, such as calculators, to the Police Department to be engraved with ID numbers as an aid to recovery in case of theft.

**Reporting of Criminal Offenses**

The Purdue University Fort Wayne Police Department encourages anyone who is the victim or witness to any crime to promptly report the crime by calling 911, by calling the non-emergency number at (260) 481-6827, or by going to the police department at Support Services Building, 2101 East Coliseum Boulevard, Fort Wayne, IN.

Off-campus reports of crime may be reported by calling 911 or by calling the non-emergency numbers for the following departments:

- Fort Wayne Police Department: (260) 427-1222
- Allen County Sheriff’s Department: (260) 449-3000
- Indiana State Police: (260) 432-8661

**Campus Offices Designated to Receive Crime Reports**

While all individuals who have witnessed or been the victim of a crime are encouraged to report crimes to the Purdue University Fort Wayne Police Department first and foremost, the university has designated other specific campus offices that may receive crime reports in addition to the Police Department:

| <u>OFFICIAL</u>                | <u>ADDRESS</u>                  | <u>PHONE NUMBER</u> |
|--------------------------------|---------------------------------|---------------------|
| Office of the Dean of Students | Walb Student Union, Room 111    | 260-481-6601        |
| Office of Human Resources      | Doermer School of Business #300 | 260-481-6840        |
| Office of Institutional Equity | Doermer School of Business #300 | 260-481-6679        |
| Title IX Coordinator           | Doermer School of Business #312 | 260-481-6107        |
| Director Univ. Residences      | Student Housing Clubhouse       | 260-481-4180        |

**Daily Crime Log**

The police department maintains a daily crime log that records, by the date the crime was reported, any crime that occurred on campus, on a non-campus building or property, or within our patrol jurisdiction.

The logs include the nature, date, general location, and disposition of each crime. Reported crimes, updates in disposition, and additional information will normally be added to the daily crime log within two business days of receipt.

The daily crime log for the most recent 60-day period will be open to public inspection during normal business hours. The police department will make any portion of the log older than 60 days available for inspection within two business days of request.

**Anonymous Reporting**

Purdue University Fort Wayne remains committed to providing an environment where individuals may report, in a simple anonymous way, suspected fraud or illegal behaviors. Suspected crimes may be reported to the police department anonymously by calling (260) 481-6827. The police department will evaluate the information received and take appropriate action. The police department also provides an anonymous crime reporting hotline: WeTip Hotline: 1-800-78-CRIME.

Additionally, there is a system-wide anonymous reporting program that is maintained by an external company, managing the intake of information with trained interview specialists who are available 24 hours a day, 7 days a week. After the intake is complete, the report will be provided to designated University personnel for appropriate action. Reports will be handled promptly and discreetly; however, sufficient and detailed information is necessary to conduct a thorough investigation. To utilize the Purdue University Enterprise-Wide Hotline, please call 1-866-818-2620 or make a report via the website ([www.purdue.edu/hotline](http://www.purdue.edu/hotline)).

Purdue University Fort Wayne has policies that allow for voluntary, confidential reporting of crimes for inclusion in the annual disclosure of crime statistics. Crimes reported to the anonymous hotlines and Campus Security Authorities are included in the annual crime statistics and aid in providing timely warning notices to the community, when appropriate and possible.

### **Building Security**

Most academic buildings must remain unlocked until late at night because of evening classes, student and faculty research projects, and special events. The Purdue University Fort Wayne campus is a residential campus and locking the building ensures the protection of students, employees and property. Facilities Management and police personnel are responsible for security considerations used in the maintenance of campus facilities. On-site administrative staff will routinely conduct security assessments, 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.

Access to residence halls is restricted to residents, their approved guests, and other approved members of the University community. Residents gain entry by swiping their access fobs on electronic readers or the use of a standard key. Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their access fobs. The police department patrols the residence halls on a regular basis.

Housing staff, including Resident Advisors, also enforce security measures in the halls and work with residents to achieve a community respectful of individual and group rights and responsibilities.

### **Missing Student Notification Procedures**

In the event that a student is discovered to be missing, notify the Purdue University Fort Wayne Police Department immediately. If a Resident Assistant (RA) or other University personnel is notified of a missing student, that individual must report the missing student immediately to the police department.

Each student living in on-campus housing has the option to identify a contact person or persons whom the university will notify within 24 hours if the student is determined to be missing by the Police Department.

Each student will designate his or her emergency contacts with university housing at the beginning of the school year. The student may also change and amend their emergency contacts, throughout the year, at the front desk of their residence hall.

This contact information will be registered confidentially, will be accessible only to authorized University officials, and will not be disclosed, except to law enforcement personnel in furtherance of the missing person investigation.

If a student is under 18 years of age and not emancipated, a custodial parent or guardian must be notified within 24 hours of the determination that the student is missing, in addition to any additional contact person designated by the student.

Unless a local law enforcement agency was the entity that made the determination that the student was missing, the University will notify the local law enforcement agencies surrounding our main campus within 24 hours of the determination that the student is missing.

### **Crisis Intervention Team**

There are several police officers specially trained to safely de-escalate contacts with emotionally distressed and mentally ill persons and work with the mental health system in Allen County to get help for people in need. The Crisis Intervention Team (CIT) is a county-wide effort that involves the hospitals, counselors, courts, and law enforcement officers from various local agencies. All officers are provided training to help them recognize when a person's actions may be the result of a mental health issue, and they are encouraged to involve CIT members to help bring the situation to a successful resolution for the person in distress and the community.

### **SEX OFFENDER REGISTRATION**

The Campus Sex Crimes Prevention Act (CSCPA) is a federal law that provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The CSCPA's intent is to extend the protection of the sex offender registries and Megan's Law to college campuses. It also amends the Clery Act to require institutions of higher education to issue a statement advising the campus community where to obtain law enforcement agency information provided by a state concerning registered sex offenders. The Indiana Sex and Violence Offender Registry may be checked online at [www.icrimewatchnet/indiana.php](http://www.icrimewatchnet/indiana.php). Megan's Law can be found online at [www.klaaskids.org/st-ind.htm](http://www.klaaskids.org/st-ind.htm). The National Sex Offender Public Website (NSOPW) may be found online at [www.nsopw.gov](http://www.nsopw.gov).

### **COMMUNICATION ABOUT CAMPUS CRIMES AND SAFETY**

Purdue University Fort Wayne provides information about campus security procedures and practices to students and employees in a variety of ways and encourages them to be responsible for the security of themselves and others. This section discusses some of the ways in which campus offices communicate information about crime on campus.

#### **Purdue University Fort Wayne Emergency Warning Notification System:**

Purdue University Fort Wayne is a large and complex institution, and people move about our campus freely. A key part to campus preparedness is the university emergency warning notification system. Despite advances in communication, there is no way to reach everyone instantly with a single message. However, the multi-layered communication approaches we have in place will help spread the word on emergency incidents. We use two very simple concepts to initiate our warning notification:

- **Fire Alarms:** immediately evacuate the building and proceed to your Emergency Assembly Area
- **All-Hazards Outdoor Emergency Warning Sirens:** immediately seek shelter ("shelter in place") in a safe location within the closest building. This course of action may need to be taken during a weather event (such as a tornado warning), a serious civil disturbance such as gunshots fired, or a major hazardous materials release of toxic chemicals in the outside air.

For a Tornado Warning immediately go to a safe location in your building, normally the lowest level away from doors and windows (should be specified in the Building Emergency Plan.) For a Life Threatening Incident the response depends on situational awareness then "Run, Hide or Fight." For a Major Hazardous Material Release stay inside. For all situations seek additional information by all means possible. Remain in place until police, fire, or other emergency response personnel tell you it is safe to leave or until such information is announced through the Emergency notification system.

Additional warning notifications and follow-up information will use other layers of the emergency notification system. They are,

- **Text Messaging:** University faculty, staff and students may sign up via the goPFW website to receive an emergency notification text message.

- **Social Media:** Emergency information may also be found on Purdue University Fort Wayne's Facebook page at [www.facebook.com/PFW.mastodons](https://www.facebook.com/PFW.mastodons) or twitter account at [www.twitter.com/PFW](https://www.twitter.com/PFW).
- **Email:** An e-mail will be sent to all people with a PFW.edu address.
- **Home page:** [www.pfw.edu](http://www.pfw.edu) is the focal point of the most complete information in all campus-related emergencies.
- **Local Media:** The University works with the news media, radio, TV, newspapers, and Internet, to help spread the word.

### **Emergency Response and Evacuation**

The police department embraces the National Incident Management System (NIMS) and use Incident Command principles while responding to major incidents.

Purdue University Fort Wayne will, without delay, and taking into account the safety of the community, determine the content of notification by the University's emergency warning notification system, and will initiate the system if a significant emergency or imminently dangerous situation involving a threat to the health and safety of students, employees or visitors occurs on or near campus, unless in the professional judgment of public safety leadership the notification will compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Most significant emergencies or dangerous situations will be reported to the Consolidated Communication Partnership Communications Center, which will dispatch officers to investigate and confirm the emergency. The significant emergency or imminently dangerous situation will normally be confirmed prior to alerting the campus community. If confirmed, the police department staff starts the notification process by notifying public safety officials.

Activation of all or part of the overall warning notification system, including the determination of the appropriate segment or segments of the campus community to receive the notification, will be decided by the incident commander and public safety leadership. Each incident will be evaluated based on incident specifics and life safety factors; a decision to make an emergency notification will then be made. Public safety leadership will normally direct the emergency notification system activation. However, the responding incident commander may direct activation if immediate life safety issues exist.

The initial notification will normally use a pre-formatted message that provides very basic information designed to immediately notify faculty, staff, and students. More detailed information will be included in subsequent notifications and posted on the University homepage.

The emergency notification system will normally be tested at the beginning of each academic semester. Tests may be announced or unannounced. In conjunction with the testing, public safety officials will publicize IFPW's emergency response procedures, and will document for each test, a description of the exercise, the date, time, and whether it was announced or unannounced. When the system is tested, the University Police Department recommends that the community should review their emergency response and evacuation procedures as contained in the *Emergency Procedures Handbook*.

### **Emergency Warning Notification System Test**

During the 2019 calendar year, there were nine (9) instances in which Purdue University Fort Wayne used the Emergency Notification System for real-time notifications (i.e. weather alerts, hazardous situation). Additionally, there were thirteen (13) Emergency Notification System tests conducted spread throughout the calendar year, as well as two (2) tests related to the statewide severe weather drill.

### **Timely Warning Procedures**

The Police Department will issue timely warnings to notify the campus community of Clery reportable crimes reported to Campus Security Authorities or local police agencies and that are considered to represent a serious or



continuing threat to our community. Upon receipt of a report of a crime on or near campus, the University Chief of Police (or designated representative) will determine, on a case-by-case basis, whether to issue a timely warning. Factors considered include, but are not limited to:

- **The nature of the crime**, including but not limited to whether it was a Clery crime and whether it involved harm to person or property and whether it was committed within the Clery reportable geography;
- **The continuing danger to the campus community**, including but not limited to whether the suspect has been apprehended and whether there is a substantial risk to the safety of other members of the campus community; and
- **The possible risk of compromising law enforcement efforts**. This risk will not prevent the police department from issuing a timely warning but may impact the content of any issued timely warning.

The purpose of timely warnings is to allow campus community members to protect themselves. Thus, timely warnings will include information that helps promote safety and aids in the prevention of similar crimes, including information about the crime that triggered the warning and steps individuals can take to protect themselves. The name of any crime victim is not included in a timely warning or emergency notification.

Due to the confidentiality of such relationships, Purdue University Fort Wayne does not routinely issue a timely warning with respect to crime reported to a pastoral or professional counselor.

Once a decision has been made to issue a timely warning, Public Safety Leadership or their designees will create and disseminate timely warnings. Timely warnings are issued to the campus through a variety of methods, which is determined on a case-by-case basis by public safety leadership or their designees. Methods of delivery may include:

- **Text Messaging:** University faculty, staff and students may sign up via the goPFW website to receive an emergency notification text message.
- **Social Media:** Emergency information may also be found on the Purdue University Fort Wayne Facebook page at [www.facebook.com/PFW.mastodons](http://www.facebook.com/PFW.mastodons) or twitter account at [www.twitter.com/PFW](http://www.twitter.com/PFW).
- **Email:** An e-mail will be sent to all people with a PFW.edu address.
- **Home page:** [www.PFW.edu](http://www.PFW.edu) is the focal point of the most complete information in all campus-related emergencies.
- **Local Media:** The University works with the news media, radio, TV, newspapers, and Internet, to help spread the word.

## Policy for Reporting the Annual Disclosure of Crime Statistics

The Police Department prepares this report to comply with the federal law (the Clery Act). The full text of the Clery Act can be located on the Web at <http://clerycenter.org/jeanne-clery-act>. The Purdue University Fort Wayne Annual Security and Fire Safety Report can be accessed on the Web by visiting the University Police Department's home page at [PFW.edu/police](http://PFW.edu/police) or visiting the direct link at [www.pfw.edu/offices/police/documents/PS-Annual-Reports/2017-ipfw-annual-security-fire-safety-report.pdf](http://www.pfw.edu/offices/police/documents/PS-Annual-Reports/2017-ipfw-annual-security-fire-safety-report.pdf). This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and alternate sites, Student Housing on the Waterfield Campus, Office of the Dean of Students, the Office of Student Life, the Center for Women and Returning Adults, Human Resources, and Athletics, Recreation, and Intramural Sports. Each entity provides updated statistical information.

Campus crime, arrest, and referral statistics include those reported to the Police Department, designated campus security authorities (including but not limited to directors, deans, department heads, residence halls disciplinary personnel, athletic coaches), and local law enforcement agencies.

The Police Department solicits and monitors reports from police agencies of criminal activity in which students engaged at non-campus property, including, but not limited to, off-campus locations of officially recognized student organizations, including student organizations with off-campus housing facilities, travel locations where the University has control for the dates and times specified in the lease, rental agreement or other written agreement.

## CRIME PREVENTION PROGRAMS AND SECURITY AWARENESS

The University attempts to provide a safe and secure environment for students, staff, and visitors. However, it is possible to maintain safety and security only when every student, faculty and staff member takes an active part in the effort. No matter how effective the University's programs may be, the primary responsibility for safety and security lies with each of us. No police department or set of procedures can be effective unless individuals exercise reasonable care and prudence. Safety and security is everyone's personal responsibility.

The University offers a variety of safety programs and services to both students and employees throughout the year and/or upon request. The specifics of these programs and services changes depending on need but the focus remain on crime prevention and safety. Currently, the following are offered:

**International Student Orientation Program.** These programs are offered at the beginning of each school year during International Student Orientation. Topics covered are proper utilization of the 911 system and signing up for the campus alerts at [go.pfw.edu](http://go.pfw.edu).

**Personal Safety.** This program is offered as requested and presented by the University Police. Topics that are covered include personal safety tips and theft prevention measures to safeguard personal items.

**Student Housing Training.** This program is offered at the beginning of each semester to the RA staff and describes the police department's role in assisting them with investigations and how they can supplement our efforts. Also included are personal safety tips and theft prevention measures to safeguard personal items.

**Publications.** The police department and the Office of the Dean of Students distribute various publications that address problems such as date rape, alcohol abuse, and theft.

**Lighting.** The campus is routinely surveyed to ensure that exterior areas are adequately lighted at night. Sidewalks are specifically reviewed to determine whether additional lighting is needed. Trees and shrubs that impair lighting along walks are trimmed as needed.

**Escort.** The University Police department provides escort services for faculty, staff, and students when requested by dialing 260-481-6827.

**Code Blue Phones.** Purdue University Fort Wayne has 51 "code blue" emergency telephones located around the campus. These phones provide direct communication to the 24-hour staffed dispatch center, should a person need assistance.

**Office of the Dean of Students (ODOS).** Staff members in this office provide a variety of services to students, including victim assistance, counseling about personal concerns, and information about University resources.

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

Purdue University Fort Wayne proactively addresses, dating violence, domestic violence, sexual assault, and stalking. These crimes will not be tolerated on campus and are a violation of state law as well as the University's *Anti-Harassment Policy*.

## **Consent in reference to Sexual Activity**

### **Indiana Law**

The state of Indiana does not define Consent as it pertains to sexual activity but Purdue University has defined it by policy.

### **Consent/Consensual. (University Ethics /Anti-Harassment Policy [III.C.1] Appendix C.)**

Affirmative, clear communication given by words or actions that shows an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is given freely and voluntarily. Consent may not be inferred from silence, passivity or when an individual is Incapacitated or otherwise prevented from giving Consent as a result of impairment due to a mental or physical condition or age. No Consent exists when there is a threat of force or physical or psychological violence. Although Consent may be given initially, it may be withdrawn at any point without regard to activity preceding the withdrawal of Consent. The voluntary nature of Consent will be subject to heightened scrutiny in circumstances in which a person engages in a sexual relationship with a person over whom he or she has any power or authority within the University.

### **Primary Prevention Programs**

A three-module online primary prevention and risk reduction program entitled “Respect Boundaries: Sexual Assault Awareness” is required of all incoming students. New employees are required to complete an online module within 30 days of New Employee Orientation. The components of these programs include:

1. Definitions of dating violence, domestic violence, sexual assault, and stalking.
2. Dynamics of sexual assault and intimate partner violence, with particular emphasis on college-aged populations.
3. Data concerning sexual assault victimization, including the role of alcohol in sexual assaults and intimate partner violence.
4. Services and resources available to victims/survivors.
5. Strategies for primary prevention.
6. Bystander intervention strategies. Bystander Intervention program: Common goals of bystander programs are to develop ways to increase awareness of sexual assault, hazing, and alcohol abuse such as learning to make observations and recognizing warning behaviors that may require intervention; teach the appropriate skills to intervene safely and effectively, in both direct and indirect ways.

### **Awareness Campaign**

Since 2012, Purdue University Fort Wayne has implemented its “Respect Boundaries” campaign relating to sexual violence awareness and prevention. Magnets, phone pockets, cards, and posters were distributed within University Residences, at new student orientation, and Athletics. Materials were also distributed as part of Title IX training for students. Online education for new students and ongoing education for continuing students also incorporates the “Respect Boundaries” logo and campaign.

### **Ongoing Prevention and Educational Dating Violence, Domestic Violence, Sexual Assault, and Stalking Programs**

Purdue University Fort Wayne offers risk reduction, prevention and awareness programs and campaigns designed to prevent and eliminate dating violence, domestic violence, sexual assault, and stalking. A representative list of programs follows:

#### **Escalation Workshop**

Our flagship relationship violence workshop. This 90-minute peer education session begins with a screening of a powerful feature film followed by a meaningful discussion about relationship violence, the warning signs of an abusive relationship, and how this relates to our lives and our campus. This program may also be delivered to specific student organizations, groups and teams upon request.

#### **Supporting a Survivor**

What do you do when a friend comes to you and reveals that they have been assaulted or are in an abusive relationship? This 60-minute session will give you tools to best support a survivor of trauma. We will discuss how to

"start by believing" the survivor and how you can play a critical role in helping a survivor move forward on their path to healing.

**Counseling and Psychological Services** provides sexual assault programming upon request, and tailor the program to the audience requesting the program.

**Student Assistance Program** provides sexual assault programming upon request, and tailors the program to the audience requesting the program.

- Offers free and confidential short-term group, individual, and couples counseling to all currently enrolled students
- Facilitates referrals to community agencies for long-term service needs
- Works with a variety of concerns, including, but not limited to, depression, anxiety, relationship issues, substance abuse, and eating disorders
- Available for consultation and outreach services

**Peer Health Educators** offer students health and wellness education, awareness, and support that promotes academic success, student retention, positive health attitudes, and health-enhancing behaviors. Topics include overall wellness; Alcohol, Tobacco, and Other Drug education; bystander interventions; sexual assault, understanding consent, dating violence, and dating safety; and Peer Pressure.

**Dean's Diplomats** focus on areas that include student rights, responsibilities and conduct (which has personnel misconduct such as alcohol, drugs and harassment), academic integrity, conflict resolution, sexual violence and bystander intervention in monthly meetings.

**Campus Escort Service** provides crime prevention lectures and seminars for new staff and students, as well as 24 hour safe walks for students and staff.  
Phone 260-481-6827

**Athlete Orientation Program** is a program in which all athletes attend annually. This educational program and orientation reviews the Code of Students Rights and Responsibilities, with specific discussion on alcohol and drug use, as well as sexual assault and harassment.

**New Student Orientation** New students and families attend a program during New Student Orientation that provides an overview of Student Rights and Responsibilities. There are specific discussions on Drugs, Alcohol, the Tobacco Free policy, Harassment and Sexual Violence, as well as bystander interventions. The students are also reintroduced to these topics during the week of welcome. New Students are provided the Student Handbook which delineates the policies regarding all of these topics.

**International Student Training** Incoming international students attend an orientation program whereby information on Harassment and Sexual Violence, Alcohol, and Drug use, as well as being informed about campus resources by the Office of Institutional Equity, the Student Assistance Program, and the Office of the Dean of Students.

**Student Housing Residence Assistance Training** All RA's receive comprehensive training on the university policies and procedures as they relate to Harassment and Sexual Violence and other violations of the Code of Student Rights and Responsibilities.

**Procedures victims/survivors should follow if they are the victim of a dating violence, domestic violence, sexual assault, or stalking crime**

People who have been victimized react in many different ways, there is no right or wrong reaction. Listed here are some important things to consider. Even if you were victimized days, weeks, months or years ago, it is never too late, or less important, for you to seek help and start your healing process.

### **Reporting Dating Violence, Domestic Violence, Sexual Assault, or Stalking**

Reporting dating violence, domestic violence, sexual assault, or stalking is optional but highly encouraged. Victim/survivors have a number of different reporting options.

### **Law Enforcement**

Victims of dating violence, domestic violence, sexual assault, or stalking may report the crime to the Police Department by calling 911, by calling the non-emergency number at (260)481-6827, or by going to the department at the Support Services Building, 2101 East Coliseum Boulevard, Fort Wayne, IN.

University officials can assist you in notifying law enforcement authorities if you would like such assistance.

Off-campus crimes may be reported to the local law enforcement agency with jurisdiction over the location where the assault occurred. Individuals may call 911 or the non-emergency numbers to their local law enforcement agency.

### **Non-Confidential Reporting Options**

While reporting a crime to Law enforcement is always an option, reporting dating violence, domestic violence, sexual assault, stalking, or other crimes to non-law enforcement personnel at the University is an option as well. This will allow the University to take steps to protect the safety and well-being of all University community members, accurately document the statistic, and conduct an internal University investigation that is separate and distinct from the criminal investigation. Matters reported to the below offices will be kept as private as possible, in consideration of the victim's wishes as well as the need to ensure the safety of all University community members. University officials will also assist you in notifying the proper law enforcement agency if so desired.

| <u>OFFICIAL</u>                | <u>ADDRESS</u>                  | <u>PHONE NUMBER</u> |
|--------------------------------|---------------------------------|---------------------|
| Office of the Dean of Students | Walb Student Union, Room 111    | 260-481-6601        |
| Office of Human Resources      | Doermer School of Business #300 | 260-481-6840        |
| Office of Institutional Equity | Doermer School of Business #300 | 260-481-6679        |
| Title IX Coordinator           | Doermer School of Business #312 | 260-481-6107        |
| Director Univ. Residences      | Student Housing Clubhouse       | 260-481-4180        |

### **Confidential Reporting Options / Pastoral and Professional Counselors**

Dating Violence, Domestic Violence, Sexual Assault or Stalking and other crimes may be reported to the below offices and will remain entirely confidential. Purdue University Fort Wayne staff from these offices are not required to report identifying information about the assault or the victim to law enforcement or other University officials, unless the victim is a minor. They may provide statistical information about the offense but will not divulge identity of the victim or others involved without permission from the victim/survivor.

Purdue University Fort Wayne does not have policies or procedures that encourage pastoral counselors and professional counselors, if and when they deem appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Purdue University Fort Wayne does not have policies or procedures to encourage pastoral and professional counselors who are exempt from Clery reporting requirements to report aggregate statistical information.

OFFICIAL

PHONE NUMBER



### **What to do if you have been victimized**

Get to a safe place as soon as you can. If the situation poses an immediate danger to you or anyone else, alert the police as soon as possible by calling 911. Once you are safe, contact someone you trust to be with you for support. This could be a friend, family member, a resident assistant or even a specially trained victim's advocate.

### **Preservation of Evidence following an incident of dating violence, domestic violence, sexual assault, or stalking**

Police or other University entities including but not limited to the Vice President for Ethics and Compliance, Office of the Dean of Students and Human Resources will provide all known student or employee victims with written notification about services available both within the institution and in the community. Available services included counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and student financial aid.

Additionally, the victim/survivor will be briefed on the importance of preserving evidence that may assist with an investigation or may be helpful in obtaining a protective order. If an incident of dating violence, domestic violence, sexual assault, or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful prosecution or obtaining a protective order. Try to preserve all physical evidence even if you don't know if you want to report the assault or press charges. Evidence may be maintained so that it will be available if you decide to move forward with criminal charges at a later point in time.

In cases of **sexual assault** do not eat, drink, bathe, shower, wash your hands, use the toilet or brush your teeth. Do not change your clothes if possible, but if you need to change, put all of the clothes you were wearing in a bag and bring them with you to your medical exam. Take a minute to write down everything you remember about the assault, including a description of the assailant.

Evidence of **violence**, such as bruising or other visible injuries, should be documented including through photographs.

**Stalking** evidence including any communication, such as written notes, voice mail, social media postings, or other electronic communications should be saved without altering in any manner.

**Medical Care.** You should seek medical and emotional care as soon as possible, even if you don't have any apparent injuries. The Campus Clinic or the local Sexual Assault Treatment Center may provide assistance.

**Emotional Support.** Seek emotional support to help sort out your feelings about the assault.

### **Support Services**

There are a number of support services and rights to which students and employees of the University are entitled in matters of dating violence, domestic violence, sexual assault, and stalking. The University provides these rights and services whether the conduct occurred on- or off-campus and whether or not a police report is filed.

### **Local Crisis Services Available 24/7**

There are community centers that are specially trained to deal with survivor/victims of dating violence, domestic violence, sexual assault, and stalking. These agencies are listed at the beginning this document (Quick Reference Resource Guide).

### **Protective Orders and No-Contact Directives**

Protective orders, which would direct an assailant not to contact you under a court order, are available through the County Courts. University officials, upon request, will provide you with assistance in navigating this process. Additionally, the University can issue no-contact directives that direct a respondent not to contact you. Contact the Title IX Coordinator, Doermer School of Business #312, 260-481-6107, or the Office of the Dean of Students, Walb Student Union, 260-481-6601 for these services.

### **Advocacy and Other Support Services.**

Purdue University Fort Wayne provides students and staff with professional staff who can assist dating violence, domestic violence, sexual assault, and stalking victims with academic and advocacy/support services and the provision of interim remedial measures. These services are available whether the assault occurred on- or off-campus. Professional staff within the Office of the Dean of Students 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 law enforcement process, including in-person attendance at meetings with law enforcement and/or the Prosecutor's Office.
- Assistance in obtaining no-contact directives within the University.
- Assistance in obtaining a protective order through the Allen County Court system.

### **Medical Facilities (confidential)**

There are a number of medical facilities both on and off-campus that provide confidential medical care to victims. Contact information for some of the medical resources available to victims is listed on the Quick Reference Resource Guide at the beginning of this report.

### **Confidentiality**

Purdue University Fort Wayne recognizes the importance of ensuring the confidentiality of victims of dating violence, domestic violence, sexual assault, and stalking and others to the greatest extent practicable.

For purposes of the Clery Act disclosures, Campus Security Authorities do not disclose the name of the victim or others as it pertains to FERPA in making their required reports without the express permission of victim. Further, the university will keep confidential any accommodations, remedial, or protective measures provided to victims to the greatest extent possible that does not otherwise prevent the University from providing such measures. Neither collected statistics nor required Clery logs will include information that may lead to the victim being identified.

### **Campus Disciplinary Procedure (Non-Criminal Process)**

Dating violence, domestic violence, sexual assault, and stalking are violations of the University's *Anti-Harassment Policy, Interim* or the *Title IX Harassment Policy, Interim* and will be addressed accordingly. These policies seek to encourage faculty, staff, and students to report and address incidents of Harassment.

### **Interim Measures (Non Title-IX Harassment Matters)**

The University offers a wide range of resources for students and employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation and resolution of a report of discrimination or harassment. Upon receipt of a complaint, the University may take interim measures to address concerns regarding safety and well-being and facilitate the Complainant's continued access to University employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (involving action against a Respondent). Remedial and protective measures, which may be temporary or permanent, may

include no-contact directives, changes in class or work schedules, academic modifications and support, changes in University-owned living arrangements, interim suspension, University-imposed leave, suspension from employment, pre-disciplinary leave (with or without pay), or any other reasonably available measures that the University deems appropriate. Interim measures are available under both Informal and Formal Resolution Processes. Remedial measures are available regardless of whether a Complainant pursues a complaint or investigation under these Procedures. The ability to impose certain protective measures against a Respondent may require that the report be resolved through the Formal Resolution Process. The University will maintain the privacy of any remedial and protective measures provided to the extent practicable and will promptly address any violation of the protective measures.

### **Supportive Measures (Title IX Harassment Matters)**

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.

### **Processes**

Complaints may be resolved by either the University's informal or formal process pursuant to the Procedures for Resolving Complaints of Discrimination and Harassment ("Procedures") or the Procedures for Resolving Complaints of Title IX Harassment ("Title IX Procedures"). Either process will be a prompt, fair, and impartial process from the initial investigation to the final result.

### **Procedures for Resolving Complaints of Discrimination and Harassment**

**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.

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

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

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

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

### **Disciplinary Process Steps**

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 section I.4 of 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 Section I.5 of these Procedures, a copy of the Respondent(s)'s response will be provided to the Complainant.

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

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.

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.

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.

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.

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.

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.

**Possible Student Sanctions.** Sanctions for violations of the *Anti-Harassment Policy* are listed in Regulations Governing Student Conduct and may include without limitation the following:

- Verbal or written warnings
- Expulsion
- Suspension
- Exclusion from certain locations on campus
- Exclusion from certain campus activities
- Probated Suspension
- Probation
- No Contact Directives
- Educational Sanctions
- Community Service

**Possible Staff Sanctions.** Sanctions for violations of the *Anti-Harassment Policy* include but are not limited to the following:

- Letter of Reprimand
- Suspension or leave of absence without pay
- Reassignment of responsibilities
- Removal of graduate faculty certification
- Denial of merit pay increase
- Demotion
- Termination

### **Advisor**

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.

### **Written Notification**

Throughout the process, both the accused and the accuser will be notified in writing the result of the disciplinary proceeding, the procedures for appeal, and any changes to result and when the results are final.

### **Retaliation Prohibited**

As outlined in the University's Anti-Harassment Policy, 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.

### **Procedures for Resolving Complaints of Title IX Harassment, Interim**

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.

### **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.

### **Disciplinary Process Steps**

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 as described in Sections I.3 and I.4.

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.

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 (III.C.1) or on Equal Opportunity, Equal Access and Affirmative Action (III.C.2) or the Regulations Governing Student Conduct.

A mandatory dismissal may be appealed in accordance with Section M of these Title IX Procedures.

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 (III.C.1) or on Equal Opportunity, Equal Access and Affirmative Action (III.C.2) or the Regulations Governing Student Conduct.

A discretionary dismissal may be appealed in accordance with Section M of these Title IX Procedures.

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.

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.

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.

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.

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.

### **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.

### **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.

**Possible Student Sanctions.** Sanctions for violations of the *Anti-Harassment Policy* are listed in Regulations Governing Student Conduct and may include without limitation the following:

- Verbal or written warnings
- Expulsion
- Suspension
- Exclusion from certain locations on campus
- Exclusion from certain campus activities
- Probated Suspension
- Probation
- No Contact Directives
- Educational Sanctions
- Community Service

**Possible Staff Sanctions.** Sanctions for violations of the *Anti-Harassment Policy* include but are not limited to the following:

- Letter of Reprimand
- Suspension or leave of absence without pay
- Reassignment of responsibilities
- Removal of graduate faculty certification
- Denial of merit pay increase
- Demotion
- Termination

### **Written Notifications**

Throughout the process, both the accused and the accuser will be notified in writing the result of the disciplinary proceeding, the procedures for appeal, and any changes to result and when the results are final.

### **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.

### **Written Notifications**

Purdue University provides written notification to all students and employees of existing services available for victims, both within the institution and within the Greater Lafayette community.

Several University entities including Purdue University Police Department, the Vice President for Ethics and Compliance, Office of the Dean of Students, Human Resources, and the Center for Advocacy, Response and

Education (CARE) provide written notification to all student and employee dating violence, domestic violence, sexual assault, and stalking victims. The written notification describes existing counseling services, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

Such accommodations will be provided upon request, provided that they are reasonably available, regardless of whether the victim chooses to report the crime to campus local law enforcement. Written information about the rights, options, and services available to victims of dating violence, domestic violence, sexual assault, or stalking (described above), is provided to all students and employees who report such an instance. To request changes in, or assistance with how to request changes to academic, living, transportation, and working situations or protective measures, contact one of the services listed below.

The University is committed to providing 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, including the following:

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

A list of counseling, advocacy and other support services for each campus is listed in [Appendix A](#) to the Procedures.

## **ALCOHOL AND OTHER DRUG INFORMATION**

### **Alcoholic Beverages**

Use, possession, or distribution of alcoholic beverages is strictly regulated.

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 to obtain alcoholic beverages is in violation of the law.

With a few exceptions, such as pre-approved events in the John and Ruth Rhinehart Music Center, Walb Student Union, Williams Theatre, the Alumni Center, or the SCAN Garden, possession of alcoholic beverages on the campus is prohibited. Violators of alcohol policies are subject to the provisions of applicable state and federal laws as well as University disciplinary actions.

Purdue University Fort Wayne's alcohol policy is published and distributed annually to students and employees. Purdue's Alcohol and Drug-Free Campus and Workplace Policy (Executive Memorandum No. C-44) is available at Appendix F.



Assistance for both students and employees is available through University counseling programs. Personal counseling and referral are provided for students and their spouses through Parkview Student Assistance Program (SAP) and for staff through the Employee Assistance Program (EAP).

### **Drug and Crime Tip Telephone Line**

The Police Department has installed an anonymous drug and crime tip telephone line. Those who want to report any illegal drug or crime activity should call the WeTip Hotline: 1-800-78-CRIME.

### **Illegal Drugs**

Indiana state law and University regulations prohibit the use, possession, or distribution of controlled substances without a valid prescription. Violators of drug policies are subject to the provisions of applicable state and federal laws as well as University disciplinary actions.

Purdue's drug policy is published and distributed annually to students and employees. Purdue's Alcohol and Drug-Free Campus and Workplace Policy (Executive Memorandum No. C-44) is available at Appendix F.

Assistance for both students and employees is available through University counseling programs. Drug abuse counseling is provided by the Employee Assistance Program (EAP). Personal counseling and referral are provided for students and their spouses through Parkview Student Assistance Program (SAP).

### **Educational Programming**

The University currently offers the following Alcohol and Drug educational programming:

**Alcohol Edu:** A program that is assigned to alcohol violation offenders.

**Athlete Orientation Program** – All athletes at Purdue University Fort Wayne attend a yearly educational program and orientation that reviews the Code of Students Rights and Responsibilities, with specific discussion on alcohol and drug use, as well as sexual assault and harassment.

**Student organization officers and advisors** attend a mandatory orientation each where alcohol issues and policies are addressed.

**Athletic Training:** Athletics annually presents videos on banned substances and where they might appear. A list of banned substances and Athletics policies are also discussed.

**Alcohol Awareness Program:** This educational program is presented to resident assistants at the beginning of the fall semester by University Police. The program includes a presentation regarding the dangers of alcohol consumption.

**Drug Recognition and Identification:** This program is presented to resident assistants at the beginning of the fall semester by University Police. It provides education on a wide variety of drug related topics. Information on how to identify an individual under the intoxicating effects of drugs as well as how to identify specific drugs themselves is provided.

**Mastodons HERDS: Helping to Educate and Respond to Drinking Situations:** This is a program which allows active bystanders to report emergency situations that arise from unsafe alcohol or drug misuse. To induce this behavior, as a practice Purdue University Fort Wayne will waive charging a student with a violation of the Student Rights, Responsibilities, and Conduct if the reporting student calls for emergency assistance (911), stays with the student who is having a potential emergency situation, and complies with emergency officials by being forthright in providing information. This practice will parallel and support the Indiana Lifeline law ([indianalifeline.org](http://indianalifeline.org)).

**Student Assistance Program:** This program offers alcohol education programming and counseling upon request. This program offers alcohol education programming and counseling done in conjunction with the Center for Healthy Living and the Office of the Dean of Students upon request. Screenings and assessments are offered for students and highlighted during Suicide Prevention Week, Mental Health Awareness Week, the Health Fair, and Drug and Alcohol Awareness Week.

**International Student Education:** The Office of the Dean of Students speaks with international students about the alcohol and drug policies at the start of both fall and spring semesters. The Office of the Dean of Students, The Office of Institutional Equity, and the Student Assistance Program speaks with international students about the alcohol and drug policies at the start of both fall and spring semesters.

**TIPS:** When requested, this training program is offered to all groups that host events where alcohol will be served.

**Resident Assistant Training:** Resident assistants are trained on policies and warning signs in August. The resident assistants conduct training programs for their residents.

## **EMERGENCY PREPAREDNESS**

The Campus Crisis Management Committee is responsible for the emergency preparedness and planning activities on the University campus. The Campus Crisis Management Committee partners with the University police, local fire departments, and other offices, agencies, and departments (as applicable) in developing the Crisis Response Plan. Our goal is to provide a means to utilize all available resources to **PREPARE** for potential emergencies or disasters whenever possible and deal efficiently with the effects of inevitable events, **RESPOND** to save lives and protect property, and promote a means to **RECOVER** mission-critical business and academic operations.

Purdue University Fort Wayne has adopted the National Incident Management System (NIMS), which is a comprehensive, national approach to incident management that is applicable to all jurisdictional levels and across functional disciplines. A key part of NIMS is the Incident Command System (ICS). ICS is a field emergency management system designed for all hazards and levels of emergency response. It provides the framework for University first responders to react to any incident or major event. University police personnel meet all ICS training requirements.

### **Emergency Procedures Handbook**

The handbook provides basic “how to” information to help the campus community respond to emergencies. While it is impossible to produce a document that is all-inclusive, this publication addresses the most common emergencies and those that are most likely to occur in the future. The Handbook is available at [www.pfw.edu/dotAsset/240512.pdf](http://www.pfw.edu/dotAsset/240512.pdf).

### **Tornadoes**

A tornado watch is issued when conditions are favorable for tornado formation. A tornado warning is issued when a tornado has been detected and may be approaching. In this locality, a continuous siren signal lasting approximately three minutes signifies a tornado warning. Tornado warnings are broadcast by the All-Hazards Outdoor Emergency Warning sirens, NOAA weather radios, and by local commercial radio and television stations. When you hear a tornado warning, you should take shelter immediately in the nearest facility (preferably in a reinforced concrete building — like most buildings on campus) and proceed to the lowest level of the building away from windows and doors. If possible, avoid auditoriums, gymnasiums, and other areas with wide-span roofs. Be prepared to kneel and cover your head. If you are in a building with no basement, get under heavy furniture near the center of the facility. Do not remain in a trailer or mobile home. If you are outdoors, lie flat in the nearest depression, ditch, or ravine. Remain in the sheltered area until the all-clear signal is given via radio or television or the expiration of the original tornado warning.

## **Emergency Building Evacuation for Persons with Disabilities or Persons Requiring Additional Assistance**

In the event of an emergency that may require the evacuation of a campus building, the following procedures are recommended:

- If you are able to be evacuated, please do so at that time. Remember to use the stairs if able. Never use the elevator during a fire alarm.
- If not, “shelter in place” in an area with no immediate hazards and telephone 911. Advise the police dispatcher of your location. The use of 911 routinely identifies your location if you are calling from a Purdue University Fort Wayne land-line phone. Even if you are unable to speak, the dispatcher will automatically surmise that you may be in trouble and will respond accordingly.
- If you are unable to call 911, advise others around you of your location and have them inform emergency personnel.
- If you are in no immediate danger, remain where you are and wait for emergency personnel to arrive.
- If you are in immediate danger, move to an area where you can “shelter in place” (recommended areas such as a room with an outside window or a room with a sprinkler system, if available).
- You are also encouraged to carry a sounding device (like a small whistle), flashlight, and cell phone to alert emergency personnel of your location.
- Having a plan for evacuation assistance and practicing it may save your life. It is best to pre-plan for such an eventuality. Arrangements can be made to reasonably assure that assistance is provided to anyone who requires it.

## **FIRE SAFETY REPORT**

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008. It requires all United States academic institutions that maintain on-campus housing facilities to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics. Beginning October 1, 2010 it became a Clery Act obligation as well.

The following public disclosure report details all information required by this law as it relates to the Purdue University Fort Wayne Campus.

### **General Statement**

At Purdue University Fort Wayne, all residence halls are protected with integrated fire sprinkler systems and redundant fire alarm monitoring systems which are monitored 24 hours/day, seven days/week.

### **Fire Safety Improvements and Upgrades**

The Campus Safety Office reviews the fire systems in all residence halls and will make upgrades, repairs or revisions when problems are identified. There are currently no further fire safety improvement projects.

### **Residence Hall Fire Drills**

Fire drills are held once a semester, fall and spring, for each residence hall. Fire drills are mandatory supervised evacuations of a building for a fire. The fire drill is scheduled with the Student Housing Director, the police department, and the individual residence hall staff. Supervised fire drills are scheduled at a time that is conducive to demonstrate the effectiveness of the drill. A total of 42 fire drills were held during 2018.

Evacuation route maps are posted in each resident room showing the closest egress route and the assembly area outside. Students who fail to leave the building during a fire drill are counseled and the incident is turned over to the Director of Residence Life for adjudication.

False reporting of an emergency is unlawful. We prohibit unauthorized use of or tampering with emergency or safety equipment. Interference with and/or non-adherence to emergency evacuation procedures is unlawful. Blocking open any fire door, locked door, or passing through any door where security alarms are set is prohibited.

Tampering with emergency equipment and/or safety equipment can result in university disciplinary sanctions and or arrest. Always keep hallways and stairwell smoke doors closed. Do not reenter the building until you hear an all-clear signal.

When a fire alarm sounds, you must:

- Close room windows.
- Leave room lights on.
- Close room doors.
- Walk calmly to the nearest exit and continue outside and away from the building.

Do not use the elevators during a fire or a fire drill. **YOU MUST EVACUATE THE BUILDING WHENEVER THE FIRE ALARM IS SOUNDED.** General rules for campus and student housing evacuations are:

- Wear shoes and a coat.
- Walk calmly when exiting the building.
- Check out with the designated fire marshal at the assigned fire exit. If you are in another part of the building at the time of the alarm, use the nearest fire exit. When you are outside the building, report immediately to your fire marshal, so that the staff is aware that you have left the building.
- Remember others will be using the same exit, so remain calm and orderly and move away from the doorway.
- Remain at your assigned place outside the building until you are given the signal to return.
- If you see a fire or smoke, pull the nearest alarm and notify someone on staff, then evacuate. Students reporting a fire should call 911 after exiting the building.

### **Fire Life Safety Education**

The university residence policy on evacuation from residence halls is discussed with all residents when they move into the residence hall and are located in the Student Housing Handbook. Resident assistants view a fire training video and are educated on the use of fire extinguishers and locations of fire exit doors. Resident assistants conduct a training session with all residents on fire safety education at the beginning of the fall semester and spring semesters.

### **Student Housing Policies**

The university residence policy on fire safety is to prohibit usage of certain portable electrical appliances, open flames, and smoking in individual rooms. Candles or open flame are prohibited in residence halls. There are limits on the number electrical appliances allowed in a specific room. The prohibited appliances include, but are not limited to space heaters, halogen lamps, and other heating devices.

Purdue University Fort Wayne prohibits smoking in any of the residence halls. Smoking is permitted only in designated outdoor smoking areas.

### **Fire/Life Safety Inspections**

During the academic semester university residence staff personnel conduct fire/life inspections. Students are notified of all upcoming inspections and are urged to participate.

During the inspection if a violation is found, the student(s) will receive a letter indicating what the violation was, and will be expected to meet immediate compliance. If the violations have not been corrected after an unannounced re-inspection, the occupant(s) will be subject to disciplinary action.

Some common violations are as follows:

- Extension cords and multi-tap electric units without a breaker
- Items stored closer than 18 inches from a sprinkler head
- Blocking of electrical panels
- Blocking of egress (exit) pathways

- Evidence of burning of candles, incense, or tobacco products
- Evidence of cooking; or cooking appliances, even if unused
- Evidence of a heavy load of combustibles in a room, on the walls, or ceiling
- Covering a door with paper or other combustible material
- Use of electrical wiring, devices, appliances which are modified or damaged
- Use of portable heater
- Tampering with smoke detector, including removing the battery
- Use of halogen lamp/lighting
- Unsafe lofting or raising of beds, including beds with no guardrails
- Strings of lights, twinkle lights, holiday lights
- Any other situation deemed unsafe by the staff inspector

### **Reporting a Fire**

Students reporting a fire should call 911. If the fire event is no longer a danger they should contact the Student Housing Director, or Assistant Director to report the incident to the police department for purposes of investigation and inclusion of a fire in the Annual Fire Safety Report.

### **Fire Statistics Definitions**

**Fire** - Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire drill** – A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related injury**- Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

**Fire-related death** – Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or deaths that occur within 1 year of injuries sustained as a result of the fire.

**Fire safety system** - Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire including: Sprinkler or other fire extinguishing systems, Fire detection devices, standalone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights, smoke-control and reduction mechanisms, and Fire doors and walls that reduce the spread of a fire.

**Value of Property Damage** - The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including: contents damaged by fire, related damages caused by smoke, water, and overhaul, however it does not include indirect loss, such as business interruption.

### **Fire Log**

A Fire Log kept at the University Police Department is open to the public during normal business hours. The Log reflects any fire that occurred in an on-campus student housing facility and includes information such as the nature, date, time and general location of each fire for the most recent 60-day period. The Fire Log entry, or an addition to an entry, shall be made within two business days of the receipt of information. Any portion of the log older than 60 days will be available within two business days of a request for public inspection.



# STATISTICS AND INFORMATION REGARDING FIRES IN PURDUE UNIVERSITY FORT WAYNE RESIDENTIAL HALLS

| 2017                   |                              |             |               |  |                                    |  |             |
|------------------------|------------------------------|-------------|---------------|--|------------------------------------|--|-------------|
| RESIDENTIAL FACILITIES | TOTAL FIRES IN EACH BUILDING | FIRE NUMBER | CAUSE OF FIRE | NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY | NUMBER OF DEATHS RELATED TO A FIRE | VALUE OF PROPERTY DAMAGE CAUSED BY FIRE* | FIRE DRILLS |
| Cole Commons           | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| A                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| B                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| C                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| D                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| E                      | 1                            | 2           | Cooking       | 0  | 0                                  | 0  | 3           |
| F                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| G                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| H                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| I                      | 1                            | 1           | Cooking       | 0  | 0                                  | 0  | 3           |
| J                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| K                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| L                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| M                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| Clubhouse              | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |

| 2018                   |                              |             |               |  |                                    |  |             |
|------------------------|------------------------------|-------------|---------------|--|------------------------------------|--|-------------|
| RESIDENTIAL FACILITIES | TOTAL FIRES IN EACH BUILDING | FIRE NUMBER | CAUSE OF FIRE | NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY | NUMBER OF DEATHS RELATED TO A FIRE | VALUE OF PROPERTY DAMAGE CAUSED BY FIRE* | FIRE DRILLS |
| Cole Commons           | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 0           |
| A                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| B                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| C                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| D                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| E                      | 1                            | 1           | Cooking       | 0  | 0                                  | 0  | 3           |
| F                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| G                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| H                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| I                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |
| J                      | 1                            | 1           | Cooking       | 0  | 0                                  | 0  | 3           |
| K                      | 1                            | 1           | Cooking       | 0  | 0                                  | 0  | 3           |
| L                      | 0                            | 0           | N/A           | 0  | 0                                  | 0  | 3           |

|           |   |   |     |   |   |   |   |
|-----------|---|---|-----|---|---|---|---|
| M         | 0 | 0 | N/A | 0 | 0 | 0 | 3 |
| Clubhouse | 0 | 0 | N/A | 0 | 0 | 0 | 3 |

| 2019                   |                              |             |                 |  |                                    |  |             |
|------------------------|------------------------------|-------------|-----------------|--|------------------------------------|--|-------------|
| RESIDENTIAL FACILITIES | TOTAL FIRES IN EACH BUILDING | FIRE NUMBER | CAUSE OF FIRE   | NUMBER OF INJURIES THAT REQUIRED TREATMENT AT A MEDICAL FACILITY | NUMBER OF DEATHS RELATED TO A FIRE | VALUE OF PROPERTY DAMAGE CAUSED BY FIRE* | FIRE DRILLS |
| Cole Commons           | 0                            | 0           | N/A             | 0  | 0                                  | 0  | 0           |
| A                      | 1                            | 1           | Cooking         | 0  | 0                                  | 0  | 3           |
| B                      | 1                            | 1           | Cooking         | 0  | 0                                  | 0  | 3           |
| C                      | 0                            | 0           | N/A             | 0  | 0                                  | 0  | 3           |
| D                      | 1                            | 1           | Cooking         | 1  | 0                                  | 0  | 3           |
| E                      | 0                            | 0           | N/A             | 0  | 0                                  | 0  | 3           |
| F                      | 0                            | 0           | N/A             | 0  | 0                                  | 0  | 3           |
| G                      | 1                            | 1           | Cooking         | 0  | 0                                  | 0  | 3           |
| H                      | 0                            | 0           | N/A             | 0  | 0                                  | 0  | 3           |
| I                      | 0                            | 0           | N/A             | 0  | 0                                  | 0  | 3           |
| J                      | 0                            | 0           | N/A             | 0  | 0                                  | 0  | 3           |
| K                      | 0                            | 0           | N/A             | 0  | 0                                  | 0  | 3           |
| L                      | 1                            | 1           | Burning Incense | 0  | 0                                  | 0-99                                     | 3           |
| M                      | 1                            | 1           | Cooking         | 0  | 0                                  | 0  | 3           |
| Clubhouse              | 0                            | 0           | N/A             | 0  | 0                                  | 0  | 3           |

| FIRE PREVENTION SYSTEMS |             |                 |              |               |                |                  |           |               |                    |
|-------------------------|-------------|-----------------|--------------|---------------|----------------|------------------|-----------|---------------|--------------------|
| BUILDING                | ALARM PANEL | SMOKE DETECTORS | SMOKE ALARMS | AUDIBLE HORNS | VISUAL STROBES | SPRINKLER SYSTEM | FIRE PUMP | PULL STATIONS | FIRE EXTINGUISHERS |
| Cole Commons            | X           | X               | X            | X             | X              | X                | -         | X             | X                  |
| A                       | X           | X               | X            | X             | X              | X                | -         | X             | X                  |
| B                       | X           | X               | X            | X             | X              | X                | -         | X             | X                  |
| C                       | X           | X               | X            | X             | X              | X                | -         | X             | X                  |
| D                       | X           | X               | X            | X             | X              | X                | -         | X             | X                  |
| E                       | X           | X               | X            | X             | X              | X                | -         | X             | X                  |
| F                       | X           | X               | X            | X             | X              | X                | -         | X             | X                  |
| G                       | X           | X               | X            | X             | X              | X                | -         | X             | X                  |
| H                       | X           | X               | X            | X             | X              | X                | -         | X             | X                  |
| I                       | X           | X               | X            | X             | X              | X                | -         | X             | X                  |
| J                       | X           | X               | X            | X             | X              | X                | -         | X             | X                  |
| K                       | X           | X               | X            | X             | X              | X                | -         | X             | X                  |

|           |   |   |   |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|---|---|---|
| L         | X | X | X | X | X | X | - | X | X |
| M         | X | X | X | X | X | X | - | X | X |
| Clubhouse | X | X | X | X | X | X | - | X | X |

**\*Values are in dollars.**

## Campus Security and Crime Statistics (IV.A.2)

Volume IV: Facilities and Safety

Chapter A: Safety

Responsible Executive: Treasurer and Chief Financial Officer

Responsible Office: Environmental Health and Public Safety

Date Issued: January 31, 2000

Date Last Revised: August 23, 2017

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### Contacts

#### Policy Clarification

| Title/Office  | Telephone    | Email/Webpage  |
|---|--------------|--|
| Senior Director, Environmental Health and Public Safety | 765-494-7504 | <a href="mailto:ehps@purdue.edu">ehps@purdue.edu</a> |

#### Request a Copy of a Campus Annual Security Report

| Title/Office                            | Telephone    | Email/Webpage   |
|---|--------------|---|
| Hammond Campus Police Department        | 219-989-2220 | <a href="#">Northwest campus police website</a>                       |
| Fort Wayne Campus Police Department     | 260-481-6827 | <a href="https://www.pfw.edu/police/">https://www.pfw.edu/police/</a> |
| West Lafayette Campus Police Department | 765-494-8221 | <a href="#">West Lafayette campus police website</a>                  |
| Westville Campus Police Department      | 219-785-5220 | <a href="#">Northwest campus police website</a>                       |

### Statement of Policy

Purdue University strives to provide a safe and secure Campus environment to students, faculty, staff and visitors. To promote the safety and security of our University community, the University has developed and supports numerous programs and activities relating to crime awareness, crime education and crime prevention. Additionally, the University's policies and procedures prohibit violence in the workplace ([policy IV.A.3, Violent Behavior](#)), drugs and alcohol in the workplace and on Campus ([Executive Memorandum No. C-44, Alcohol- and Drug-Free Campus and Workplace Policy](#)), and possessing or storing firearms or other weapons in University facilities ([policy IV.B.1, Regulations Governing the Use and Assignment of University Facilities](#)). The University also maintains a professionally trained police force at each of its Campuses. In addition to its academic programs offered at Purdue's Campuses, the University offers organized programs of study at several other locations. Each of these Separate Campuses has a memorandum of understanding with the local police department.

Based upon the University's commitment to providing students, faculty, staff and visitors with a safe and secure Campus environment and its obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Higher Education Opportunity Act, the senior director of environmental health and public safety at the West Lafayette Campus, the vice chancellors responsible for Campus security at the Regional Campuses and the directors of the University's Separate Campuses are charged with the responsibilities of developing, disseminating, administering and updating procedures to comply with the Clery Act and the Higher Education Opportunity Act. These procedures are set forth in the University's Operating Procedures for Gathering and Reporting Crime Statistics.

**Reason for this Policy**

To make Campuses safer by ensuring that students, prospective students, employees, prospective employees and visitors are informed about Campus safety and security. To comply with federal laws regarding Campus safety, including the Clery Act and the Higher Education Opportunity Act.

**Individuals and Entities Affected by this Policy**

- All University community members
- Prospective Students
- Prospective Employees

**Exclusions**

There are no exclusions to this policy.

**Responsibilities****Office of the Vice President for Ethics and Compliance (VPEC)**

- Provide guidance for the development, dissemination, administration and update of procedures to comply with the Clery Act and the Higher Education Opportunity Act.
- Identify and train Campus Security Authorities annually.
- Maintain a database of current Campus Security Authorities.

**Senior Director, Environmental Health and Public Safety (West Lafayette), Vice Chancellors Responsible for Campus Security (Regional Campuses) and Directors of Separate Campuses**

- Develop, disseminate, administer and update procedures to comply with the Clery Act and the Higher Education Opportunity Act in consultation with the Office of the VPEC.
- Distribute the Annual Security and Fire Safety Report as outlined in section I of the Operating Procedures.
- Make an annual security report to the U.S. Secretary of Education as outlined in section III of the Operating Procedures.
- In consultation with University Police, make emergency notifications and timely warnings as necessary.
- In consultation with University Police and, on the West Lafayette Campus, the Purdue Fire Department, conduct regular Tests to assess and evaluate emergency plans and capabilities.

**University Police**

- Record and gather crime statistics that must be reported in the Annual Security and Fire Safety Report.
- Prepare, publish and disseminate the Annual Security and Fire Safety Report as outlined in section I of the Operating Procedures.
- In consultation with the senior director, environmental health and public safety (West Lafayette), vice chancellors responsible for Campus security (Regional Campuses), and directors of Separate Campuses, make emergency notifications and timely warnings as necessary.
- Prepare and maintain a daily crime log and make the crime log available to the public.

**Purdue Fire Department (West Lafayette) and University Police Chiefs (Regional Campuses) and Directors of Separate Campuses**

- Gather fire safety statistics that must be reported in the Annual Security and Fire Safety Report.
- Prepare and maintain a daily fire log and make the fire log available to the public.

**Definitions**

All defined terms are capitalized throughout the document. Additional defined terms may be found in the central [Policy Glossary](#). Some terms may only be used in the associated Operating Procedures for Gathering and Reporting Crime Statistics.

**Campus**

Any building or property owned or controlled by the University within the same reasonably contiguous geographic area of the University and used by the University in direct support of, or in a manner related to, the University's educational purposes, including residence halls; and property within the same reasonably contiguous geographic area of the University that is owned by the University but controlled by another person, is used by students and supports institutional purposes (such as a food or other retail vendor).



**Campus Security Authority**

A Campus law enforcement unit; any individual or individuals who have responsibility for campus security but who do not constitute a University Police department or a Campus security department; any individual or organization specified in the University's statement of Campus security policy as the individual or organization to whom students and employees should report criminal offenses; and an official of the University, who has significant responsibility for student and Campus activities, but does not have significant counseling responsibilities.

**Drug-related Violations**

Violations of Indiana and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Fire-related Death**

Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause, while involved in fire control, attempting rescue or escaping from the dangers of a fire; or any instance in which a person dies within one year of injuries sustained as a result of a fire. The term "person" may include students, employees, visitors, firefighters or any other individuals.

**Fire-related Injury**

Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue or escaping from the dangers of the fire. The term "person" may include students, employees, visitors, firefighters or any other individuals.

**Liquor Law Violations**

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing or possession of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not considered Liquor Law Violations under this policy.)

**Non-Campus Building or Property**

Any building or property owned or controlled by the University that is used in direct support of, or in relation to, the University's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the University; and any building or property owned or controlled by a student organization recognized by the University.

**Prospective Employee**

An individual who has contacted the University for the purpose of requesting information concerning employment with that institution.

**Prospective Student**

An individual who has contacted the University requesting information concerning admission to that institution.

**Public Property**

All public property that is within the same reasonably contiguous geographic area of the University, such as a sidewalk, a street, other thoroughfare or parking facility, or is adjacent to a facility owned or controlled by the University if the facility is used by the University in direct support of, or in a manner related to, the University's educational purposes.

**Separate Campus**

A facility that is owned or controlled by the University, but is not reasonably contiguous with the main campus, has an organized program of students and has at least one administrator.

**Test**

Regularly scheduled drills, exercises and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities.

### **Weapons Possession**

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

### **Related Documents, Forms and Tools**

[Operating Procedures for Gathering and Reporting Security and Crime Statistics](http://www.purdue.edu/ehps/police/procedures.html): [www.purdue.edu/ehps/police/procedures.html](http://www.purdue.edu/ehps/police/procedures.html)  
Policies

- [Alcohol- and Drug-Free Campus and Workplace Policy \(Executive Memorandum C-44\)](http://www.purdue.edu/policies/facilities-safety/c-44.html): [www.purdue.edu/policies/facilities-safety/c-44.html](http://www.purdue.edu/policies/facilities-safety/c-44.html)
- [Regulations Governing the Use and Assignment of University Facilities \(IV.B.1\)](http://www.purdue.edu/policies/facilities-safety/ivb1.html): [www.purdue.edu/policies/facilities-safety/ivb1.html](http://www.purdue.edu/policies/facilities-safety/ivb1.html)
- [Violent Behavior \(IV.A.3\)](http://www.purdue.edu/policies/facilities-safety/iva3.html): [www.purdue.edu/policies/facilities-safety/iva3.html](http://www.purdue.edu/policies/facilities-safety/iva3.html)

[Purdue University West Lafayette Fire Department](http://www.purdue.edu/fire/): [www.purdue.edu/fire/](http://www.purdue.edu/fire/)

### **Website Address for this Policy**

[www.purdue.edu/policies/facilities-safety/iva2.html](http://www.purdue.edu/policies/facilities-safety/iva2.html)

### **History and Updates**

August 23, 2017: Contacts section updated; added the word “security” in references to the “annual security report.”

January 29, 2015: Policy revised to comply with changes in federal legislation. Updates to the policy include 1) a definition for Separate Campus, 2) responsibilities for directors of Separate Campuses, 3) stated responsibilities for conducting Tests and issuing emergency notifications and timely warnings, 4) responsibilities for the Office of the VPEC and 5) the conversion of the policy to the current template, which separates the procedures from the policy.

November 18, 2011: Policy number changed to IV.A.2 (formerly I.2.2) and website address updated. Links to other policies also updated throughout.

July 1, 2010: This policy supersedes Executive Memorandum No. C-49, Campus Crime Statistics and Security Policy and Procedure, dated January 31, 2000.

### **Appendix**

There are no appendices to this policy.

## Operating Procedures for Gathering and Reporting Crime Statistics

These procedures supplement the policy on **Campus Security and Crime Statistics (IV.A.2)**. Please refer to the policy for contact information and applicable definitions.

**Effective date: January 29, 2015**

### I. Annual Security and Fire Safety Report

- A. Current Students and Employees:** The senior director of environmental health and public safety (West Lafayette), the vice chancellors responsible for security (Regional Campuses) and the directors of the University's Separate Campuses, or their designees, will distribute, by October 1 of each year, an Annual Security and Fire Safety Report to all current students and employees of their respective Campuses. The report will be distributed to each individual by U.S. mail, Campus mail, electronic mail or through publications provided directly to each individual.
- B. Prospective Students and Employees:** Notice of the Annual Security and Fire Safety Report's availability, including a description of the report's contents, and the opportunity to request a copy of the report will be provided to Prospective Students and Employees. The report will be provided upon request to all Prospective Students and Prospective Employees.
- C. Contents of the Annual Security and Fire Safety Report:** The Annual Security and Fire Safety Report will contain at least the following information regarding each Campus's security and fire policies and statistics:
  1. **Campus Policies Regarding Criminal Actions and Emergencies:** A statement of current Campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on Campus and policies concerning the Campus's response to such reports, including:
    - a. Policies for making timely warning reports to members of the Campus community regarding the occurrence of crimes described in paragraph I.C.13 below;
    - b. Policies for preparing the annual disclosure of crime statistics;
    - c. A list of the titles of each person or organization to whom students and employees should report the criminal offenses described in paragraph I.C.13 below for the purpose of making timely warning reports and the annual statistical disclosure; and
    - d. A disclosure of whether the University has any policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, and, if so, a description of those policies and procedures.
  2. **Campus Security and Access Policies:** A statement of current policies concerning security and access to Campus facilities, including Campus residences, and security considerations used in the maintenance of Campus facilities.
  3. **Campus Policies Concerning Law Enforcement:** A statement of current policies concerning Campus law enforcement, including:
    - a. The enforcement authority of University Police, including their working relationship with Indiana and local police agencies and their authority to make lawful arrests;
    - b. Policies that encourage accurate and prompt reporting of all crimes to the University Police and appropriate police agencies; and
    - c. Procedures, if any, that encourage professional and/or pastoral counselors, if and when they deem it appropriate, to inform the individuals they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
  4. **Security Programs Offered to Students and Employees:** A description of the type and frequency of programs designed to inform students and employees about Campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
  5. **Crime Prevention Programs:** A description of programs designed to inform students and employees about the prevention of crimes.
  6. **Monitoring Criminal Activity at Off-Campus Student Organizations:** A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-Campus student organizations that are recognized by the University and that are engaged in by students attending the University, including those student organizations with Non-Campus Buildings or Property.
  7. **Alcohol and Drug Policies:** A statement of policy regarding:
    - a. The possession, use and sale of alcoholic beverages and enforcement of Indiana underage drinking laws

- b. The possession, use and sale of illegal drugs and enforcement of Federal and Indiana drug laws;
  - c. A description of any drug or alcohol abuse education programs as required under 20 U.S.C.145g; and
  - d. A description of the University's Alcohol- and Drug-Free Campus and Workplace Policy.
- 8. Dating Violence, Domestic Violence, Sexual Assault and Stalking Programs and Procedures: A statement of policy regarding Campus dating violence, domestic violence, sexual assault and stalking programs designed to prevent such acts, including:
  - a. A description of primary prevention and awareness programs for all incoming students and new employees, which must include:
    - i. A statement that the University prohibits the crimes of dating violence, domestic violence, sexual assault and stalking;
    - ii. The definition of "dating violence," "domestic violence," "sexual assault" and "stalking" in the state of Indiana;
    - iii. A statement that Indiana law does not define "consent" in reference to sexual activity;
    - iv. A description of safe and positive options for bystander intervention;
    - v. Information on risk reduction;
    - vi. Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred (and information outlined in section I.C.8.b below);
    - vii. Information about how the University will protect the confidentiality of victims and other necessary parties;
    - viii. A statement that the University will provide an individual who reports that s/he has been the victim of dating violence, domestic violence, sexual assault or stalking, regardless of location, a written explanation of the individual's rights and options; and
    - ix. A description of the procedures for University disciplinary action in cases of alleged dating violence, domestic violence, sexual assault and stalking.
  - b. Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred, including written information about:
    - i. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order
    - ii. How and to whom the alleged offense should be reported;
    - iii. Options about the involvement of law enforcement and Campus authorities, including notification of the victim's option to:
      - I. Notify proper law enforcement authorities, including University Police and local police;
      - II. Be assisted by Campus authorities in notifying law enforcement authorities if the victim so chooses; and
      - III. Decline to notify such authorities.
    - iv. The rights of victims for orders of protection issued by a criminal or civil court and the University's responsibilities for orders of no-contact directives issued by the University.
  - c. Information about how the University will protect the confidentiality of victims and other necessary parties, including how the University will:
    - i. Complete publicly available recordkeeping, for purposes of Clery Act reporting and disclosure, without the inclusion of identifying information about the victim; and
    - ii. Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the University to provide such accommodations or protective measures.
  - d. A statement that the University will provide written notification to students and employees about existing on and off-Campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims of dating violence, domestic violence, sexual assault or stalking.
  - e. A statement that the University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations. The University must make such accommodations requested by the victim if they are reasonably available, regardless of whether the victim chooses to report the crime to University Police or local law enforcement.

- f. Procedures for Campus disciplinary action in cases of alleged dating violence, domestic violence, sexual assault and stalking, which must include:
- i. A description of each type of disciplinary proceeding used by the University; the steps, anticipated timelines and decision-making process for each type of disciplinary proceeding; and how the University determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault or stalking;
  - ii. A description of the standard of evidence that is used in disciplinary proceedings involving allegations of dating violence, domestic violence, sexual assault or stalking;
  - iii. A list of all possible sanctions the University may impose following the results of a disciplinary proceeding for allegations of dating violence, domestic violence, sexual assault or stalking;
  - iv. A description of the range of protective measures that the University may offer following an allegation of dating violence, domestic violence, sexual assault or stalking;
  - v. A statement that disciplinary proceedings will:
    - I. Include a prompt, fair and impartial process from the initial investigation to the final result
    - II. Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
    - III. Provide the complainant and respondent with the same opportunities to have others present during any disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
    - IV. Not limit the choice of advisor or presence for either the complainant or respondent in any meeting or disciplinary proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in proceedings provided that such restrictions apply equally to both parties; and
    - V. Require simultaneous notification, in writing, to both the complainant and the respondent of:
      - I. The result of any disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault or stalking;
      - II. The University's procedures for the complainant and respondent to appeal the result of the disciplinary proceeding, if appeals are provided;
      - III. Any change to the result; and
      - IV. When such results become final.
9. Sex and Violent Offender Registry: A statement advising the Campus community of the availability and location of the Indiana Sheriff's Sex and Violent Offender Registry.
10. Emergency Response and Evacuation Procedures: A statement of policy regarding emergency response and evacuation procedures. This statement must include:
- a. The procedures the University will use to immediately notify the Campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on Campus;
  - b. A description of the process the University will use to:
    - i. Confirm that there is a significant emergency or dangerous situation on Campus
    - ii. Determine the appropriate segment or segments of the Campus community to receive a notification;
    - iii. Determine the content of the notification; and
    - iv. Initiate the notification system.
  - c. A statement that the University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency;
  - d. A list of the titles of each person(s) or organization(s) responsible for carrying out the actions described in paragraph 10.b above;
  - e. The University's procedures for disseminating emergency information to the larger community; and



- f. The University's procedures to Test the emergency response and evacuation procedures on at least an annual basis, including:
  - i. Tests that may be announced or unannounced;
  - ii. Publicizing its emergency response and evacuation procedures in conjunction with at least one Test per calendar year; and
  - iii. Documenting, for each Test, a description of the exercise, the date, time and whether it was announced or unannounced.
11. Timely Warning Procedures: A statement of the University's timely warning procedures, including:
  - a. The circumstances for which a warning will be issued;
  - b. The individual or office responsible for issuing the warning; and
  - c. The manner in which the warning will be disseminated.

See section II below.

12. Missing Student Notification Policies and Procedures: A statement of policy regarding missing student notification procedures for students who reside in Campus student housing facilities. This statement must:
  - a. Indicate a list of titles of each person or organization to which students, employees, or other individuals should report that a student has been missing for 24 hours;
  - b. Require that any missing student report must be referred immediately to the University Police;
  - c. Provide that each student living in a Campus student housing facility may identify a contact person(s) whom the University will notify if the student is determined missing by the University Police;
  - d. Advise students that their contact information will be registered confidentially, that this information will be accessible only to authorized University officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation;
  - e. Advise students that if they are under 18 years of age and not emancipated, the University must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to any additional contact person designated by the student; and
  - f. Advise students that unless a local law enforcement agency was the entity that made the determination that a student is missing, the University will notify the local law enforcement agency within 24 hours of the determination that the student is missing.
13. Crime Statistics: Each Annual Security and Fire Safety Report will include crime statistics for the most recent calendar year and the two immediately preceding calendar years.

The University must report statistics for which data are available concerning the occurrence on Campus, in or on Non-Campus Buildings or Property, and on Public Property of the following criminal offenses reported to University Police, Campus Security Authorities, or relevant local police agencies:

- a. Criminal homicide: murder, non-negligent and negligent manslaughter;
- b. Sex offenses;
- c. Robbery;
- d. Aggravated assault;
- e. Burglary;
- f. Motor vehicle theft;
- g. Arson;
- h. Dating Violence;
- i. Domestic Violence;
- j. Stalking;
- k. Arrests or persons referred for Campus disciplinary action for Liquor Law Violations, Drug-related Violations and Weapons Possession;
- l. The crimes (a) through (g) above, in which the evidence suggests the victim was intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, disability, gender identity or national origin of the victim that was reported to University Police or local police agencies;
- m. The crimes of larceny-theft, simple assault, intimidation and destruction/damage/vandalism of property in which the evidence suggests the victim was intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, disability, gender identity or national origin of the victim; and

- n. Crimes involving bodily injury to any person in which the evidence suggests the victim was intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, disability, gender identity or national origin of the victim.

The crimes described in paragraphs (l), (m) and (n) above will be reported by category of prejudice.

14. The statistics in this section will be reported according to the location of the crime as follows:
  - a. On Campus,
  - b. In or on a Non-Campus Building or Property,
  - c. On Public Property, and
  - d. In dormitories or other residential facilities for students on Campus.
15. The statistics in this section will be reported for the calendar year in which the crime was reported to a Campus Security Authority, except for reports of Stalking.
  - a. Reports of Stalking will be reported for the calendar year in which they were first reported to a Campus Security Authority.
  - b. If a Stalking course of conduct continues in a subsequent year, it must also be recorded in the subsequent year.
  - c. Finally, if Stalking behavior occurs after an official intervention or warning from law enforcement or from the University, a Stalking report must be counted as a new and distinct incident in the statistics.
16. Fire Safety Policies and Procedures: Each Annual Security and Fire Safety Report must include the following fire safety policy information:
  - a. A description of each Campus student housing facility fire safety system
  - b. The number of fire drills held during the previous calendar year;
  - c. The University's policies or rules on portable electrical appliances, smoking, and open flames in a student housing facility;
  - d. The University's procedures for student housing evacuation in the case of a fire;
  - e. The policies regarding fire safety education and training programs provided to the students and employees, including a description of the procedures that students and employees should follow in the case of a fire;
  - f. A list of the titles of each person or organization to which students and employees should report that a fire occurred.
  - g. Plans for future improvements in fire safety, if known as of the date of the Annual Security and Fire Safety Report.
17. Fire Statistics: Each Annual Security and Fire Safety Report will include fire safety statistics for each Campus student housing facility for the most recent calendar year and the two immediately preceding calendar years. The University must report statistics concerning:
  - a. The number of fires and the cause of each fire;
  - b. The number of individuals who received Fire-related Injuries that resulted in treatment at a medical facility, including at the Purdue University Student Health Center;
  - c. The number of Fire-related Deaths; and
  - d. The value of property damage caused by a fire.

## II. Timely Warning to the Campus Community

- A. To ensure the safety of the Campus community, the senior director, environmental health and public safety (West Lafayette), the vice chancellors responsible for Campus security (Regional Campuses) and the directors of Separate Campuses, or their designees, will issue timely warnings to the Campus community regarding crimes that are:
  1. Listed in section I.C.13. above;
  2. Reported to University Police, a Campus Security Authority, or relevant local police agencies; and
  3. Considered by the senior director, environmental health and public safety, the vice chancellor or the director, or their designees, to be a threat to students and employees.
- B. The decision whether to issue a timely warning to the Campus community must be based upon the facts surrounding the crime including, but not limited to, the nature of the crime, the continuing danger to the Campus community and the possible risk of compromising law enforcement efforts. Timely warnings are issued through a variety of methods determined on a case-by-case basis, which include
  1. Text messages,
  2. Twitter,

3. Desktop pop-up alerts,
  4. Alert beacons,
  5. Email,
  6. Purdue Campus status page,
  7. Boiler TV Emergency Alert System, and/or
  8. Local media.
- C. If there is an immediate threat to the health or safety of students or employees occurring on Campus (as described in section I.C.10 above), the University will follow its emergency notification procedures. If emergency notification procedures are executed, a timely warning is not required based on the same circumstances; however, adequate follow-up information will be provided to the Campus community as needed.

### III. Crime Log

- A. University Police will make, keep and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to University Police. The log must include the following information:
1. The nature, date, time and general location of each crime and
  2. The disposition of the complaint, if known.
- B. University Police will record crimes in the daily log within two business days of the report of the crime to the University Police, and will record any new information about a log entry within two business days after the information becomes available to University Police. Generally, log entries will be open to public inspection within two business days of the initial report being made to University Police. However, the senior director, environmental health and public safety (West Lafayette), the vice chancellors responsible for Campus security (Regional Campuses) and the directors of Separate Campuses, or their designees, may withhold information from the log under any of the following circumstances:
1. Where the law prohibits the University from releasing the information,
  2. Where releasing the information would jeopardize the confidentiality of the victim, or
  3. Where there is clear and convincing evidence that releasing the information would:
    - a. Jeopardize an ongoing criminal investigation,
    - b. Jeopardize the safety of an individual,
    - c. Cause a suspect to flee or evade detection, or
    - d. Result in the destruction of evidence.
  4. The individual with the responsibility for determining whether information will be withheld from the log will document in writing the basis for withholding information from the log and he or she will maintain a copy of the documentation in a secure file. The withheld information must be disclosed once the adverse effects described above are no longer likely to occur.
- C. Log entries for the most recent 60-day period must be available for public inspection during normal business hours. Logs older than 60 days must be made available within two business days of a request for public inspection.

### I. Gathering Crime Statistics — University Police

- A. Campus Security Authorities: University Police will be responsible for gathering the crime statistics that must be reported in the Annual Security and Fire Safety Report (See section I.C.13 above). University Police will develop a written procedure for gathering the statistics. University Police will also implement safeguards to prevent double counting.
- B. Local Police Agencies: University Police will be responsible for making good faith efforts to gather crime statistics from local police agencies, which must be reported in the Annual Security Report (See section I.C.13). Any such efforts will be documented in writing.

### II. Fire Log

- A. The Purdue Fire Department (West Lafayette) and the University Police chiefs (Regional Campuses) will make, keep and maintain a daily log, written in a form that can be easily understood, recording all fires that occurred in a Campus student housing facility. The log must include the nature, date, time and general location of each fire.
- B. Fires will be recorded in the daily log within two business days of the report of the fire to the Purdue Fire Department (West Lafayette) or University Police department (Regional Campuses), and any new information about a log entry will be recorded within two business days after the information becomes available to the Purdue Fire Department (West Lafayette) or the University Police Department (Regional Campuses).

- C. Log entries for the most recent 60-day period must be available for public inspection during normal business hours. Logs older than 60 days must be made available within two business days of a request for public inspection.

### **III. Annual Report to the Secretary of Education**

The senior director, environmental health and public safety (West Lafayette), the vice chancellor responsible for security (Regional Campuses) and the directors of Separate Campuses, or their designees, will submit annually the crime statistics listed in paragraph I.C.13 and the fire statistics listed in paragraph I.C.17 for their respective Campuses to the United States Secretary of Education.

### **IV. Questions**

Questions regarding these procedures may be directed to the senior director of environmental health and public safety (West Lafayette and Separate Campuses) or the vice chancellor responsible for security (Regional Campuses).

### **V. History and Updates**

January 29, 2015: These Operating Procedures were revised and separated from the related policy on Campus Security and Crime Statistics (IV.A.2). Revisions include the expansion of section I.C.8 to include information about dating violence, domestic violence, stalking and related programs and procedures, as well as information on timely warning procedures.

## Procedures for Resolving Complaints of Discrimination and Harassment

Revised August 14, 2020

### A. INTRODUCTION

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages 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.

### B. 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 \(III.C.1\)](#) and [Equal Opportunity, Equal Access and Affirmative Action \(III.C.2\)](#) (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 policy on [Title IX Harassment \(III.C.4\)](#) 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.

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

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.

**D. DEFINITIONS****Advisory Committee on Equity**

The committee composed of faculty and staff appointed by the Vice President for Ethics and Compliance upon the nomination of the Provost, a Chancellor, the University Senate, the 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 pursuant to Section I of these Procedures

**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.

**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.

**Days**

Calendar days.

**Director**

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

**Eligible Designee**

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

**Formal Complaint**

A complaint filed pursuant to Section I of these Procedures.

**Formal Resolution Process**

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

**Informal Complaint**

A complaint made pursuant to Section H of these Procedures.

**Informal Resolution Process**

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

**Policies**

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

**Procedures**

The procedures set forth in this document.

**Regulations Governing Student Conduct**

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

**Respondent(s)**

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



**University**

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

**University-Initiated Investigation**

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

**University Investigator**

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

**E. GENERAL PROVISIONS****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) or protective (involving action against a Respondent). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, changes in class or work schedules, academic modifications and support, changes in University-owned living arrangements, interim suspension, University-imposed leave, suspension from employment, pre-disciplinary leave (with or without pay), or any other reasonably available measures that the University deems appropriate. Interim measures are available under both Informal and Formal Resolution Processes. Remedial measures are available regardless of whether a Complainant pursues a complaint or investigation under these Procedures. The ability to impose certain protective measures against a Respondent may require that the report be resolved through the Formal Resolution Process. The University will maintain the privacy of any remedial and protective measures provided to the extent practicable and will promptly address any violation of the protective measures.

**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.

**Expectations Regarding Participation by the Parties**

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

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

All University community members are expected to provide truthful information in any report or proceeding under these Procedures. Any person who knowingly makes a false statement in connection with the 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 Interests 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.

**F. REPORTING OPTIONS AND RESOURCES FOR SEXUAL MISCONDUCT MATTERS**

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

A first step for any Complainant or third-party witness may be choosing how to proceed following an incident of Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking and/or Relationship Violence. The University recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The University encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources and procedural options and 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. A list of on-campus confidential resources is listed in [Appendix A](#) to these Procedures.

It is important to understand that other University employees involved in the University's 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. A list of campus reporting options, by campus, to whom individuals are encouraged to report any incidents, is available in [Appendix A](#).

**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 (see legal definitions on the [Title IX website](http://www.purdue.edu/titleix/index.php) 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. A list of law enforcement resources for each campus is available in [Appendix A](#).

**Anonymous Reporting**

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

Anonymous reports can be made through the Purdue Hotline, an online reporting service that allows direct interaction with the Title IX Coordinator without providing identifying information. Access the [Purdue Hotline](http://www.purdue.edu/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.

**G. COUNSELING, ADVOCACY AND SUPPORT SERVICES**

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

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

- Coordination of services.
- Academic adjustments, including processing absence notifications.
- Housing reassignments and assistance with emergency housing needs.
- Support during the campus disciplinary process, including in-person attendance at all meetings and ongoing in-person support.

- Support during the law enforcement process, including in-person attendance at meetings with law enforcement and/or the prosecutor's office.
- Assistance in obtaining no-contact directives within the University.
- Assistance in obtaining a protective order through the local court system.

A list of counseling, advocacy and other support services for each campus is listed in [Appendix A](#).

## H. INFORMAL RESOLUTION PROCESS

### 1. Filing an Informal Complaint

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

### 2. Processing of Informal Complaints

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

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

### 3. Conclusion of the Informal Resolution Process

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

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

## I. FORMAL RESOLUTION PROCESS

### 1. Filing a Formal Complaint

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

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

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



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

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

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 section I.4 of 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 Section I.5 of these Procedures, a copy of the Respondent(s)'s response will be provided to the Complainant.

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

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

A Complainant or impacted party who may have been subject to discrimination or harassment that forms the basis of a University-Initiated Investigation shall (1) be provided with written notice that the University has commenced a University-Initiated Investigation; (2) receive a copy of any written response submitted by the Respondent(s); (3) be afforded an opportunity to review the investigation report; (4) upon request, be afforded an opportunity to meet with the Chancellor, Dean of Students or Director and the panel in connection with the University-Initiated Investigation; (5) be provided with written notice of the determination of whether a violation of one or both of the Policies occurred and any sanction or remedial measures imposed in connection with the violation; and (6) be afforded the right to appeal such determination, sanctions or remedial measures in accordance with Section L.

## **4. 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. 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
- b. The Respondent is no longer enrolled in or employed by the University; or

- c. 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.

### **5. 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.

### **6. 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.

### **7. 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.

## **J. SANCTIONS AND REMEDIES**

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

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

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

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

## **K. RETALIATION PROHIBITED**

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

## **L. APPEAL**

The Complainant (or impacted party in the case of a University-Initiated Investigation) and the Respondent each have the right to appeal the decision of the Chancellor, Dean of Students or Director and imposition of any sanction to the Vice President for Ethics and Compliance. The appeal must be in writing 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.

#### M. FILING WITH EXTERNAL AGENCIES

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

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

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

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

#### O. VERSION HISTORY

Revisions to these procedures took effect on the following dates:

- August 14, 2020
- July 1, 2018
- August 1, 2017
- August 15, 2016
- July 1, 2015
- July 1, 2014
- February 27, 2012
- May 15, 2011
- October 19, 2007
- May 3, 2004

#### Appendix A: Quick Reference Guide

##### Appendix A: Quick Reference Guide Hammond Campus

| Confidential Reporting Resources                     |   |  |                              |
|--|---|--|------------------------------|
| Health Services Center                               | Gyte Annex, Room 34                     | M-F, hours vary daily                      | 219-989-2366<br>219-989-1235 |
| Counseling Center                                    | Gyte Building, Room 005                 | M-Th, 8 a.m.-5 p.m.<br>Fri., 8 a.m.-4 p.m. | 219-989-2366                 |
| Non-Confidential Reporting Resources                 |   |  |                              |
| Title IX Coordinator<br>Office of Equity & Diversity | Lawshe Hall, Room 231                   | M-F, 8 a.m.-5 p.m.                         | 219-989-3169<br>219-989-2337 |
| Police Department                                    | 6930 Wicker Ave.<br>Hammond, IN         | 24/7                                       | 219-989-2220                 |
| Office of the Dean of Students                       | SULB 313                                | M-F, 8 a.m.-4:30 p.m.                      | 219-989-4141                 |
| Housing  | 2440 173rd Street<br>Hammond, IN        | M-F, 8 a.m.-5 p.m.                         | 219-989-4150                 |
| Medical Services (Confidential)                      |   |  |                              |
| Health Services Center                               | Gyte Annex, Room 034                    | M-F, hours vary daily                      | 219-989-1235                 |
| Methodist Hospital                                   | 600 Grant St.<br>Gary, IN               | 24/7                                       | 219-886-4000                 |
| Advocate South Suburban Hospital                     | 17800 S. Kedzie Ave.<br>Hazel Crest, IL | 24/7                                       | 708-799-8000                 |

|  |   |  |                              |
|--|---|--|------------------------------|
| St. Margaret Health — Hammond Emergency Dept.      | 5454 Hohman Ave.<br>Hammond, IN           | 24/7                                       | 219-933-2077                 |
| St. Margaret Health — Dyer Emergency Dept.         | 24 Joliet St.<br>Dyer, IN                 | 24/7                                       | 219-864-2077                 |
| St. Anthony Health — Crown Point Emergency Dept.   | 1201 S. Main St.<br>Crown Point, IN       | 24/7                                       | 219-757-6310                 |
| St. Anthony Health — Michigan City Emergency Dept. | 301 W. Homer St.<br>Michigan City, IN     | 24/7                                       | 219-877-1616                 |
| Chesterton Health & Emergency Center               | 770 Indian Boundary Rd.<br>Chesterton, IN | 24/7                                       | 219-921-2012                 |
| <b>Counseling Services (Confidential)</b>          |   |  |                              |
| Counseling Center                                  | Gyte Building, Room 005                   | M-Th, 8 a.m.-5 p.m.<br>Fri., 8 a.m.-4 p.m. | 219-989-2366                 |
| <b>Advocacy and Support Services</b>               |   |  |                              |
| Office of the Dean of Students                     | SULB                                      | M-F, 8 a.m.-4:30 p.m.                      | 219-989-4141                 |
| <b>Community Resources</b>                         |   |  |                              |
| The Caring Place                                   | Valparaiso, IN                            | 24/7                                       | 219-464-2128                 |
| The Crisis Center, Inc.                            | Gary, IN                                  | 24/7                                       | 219-938-0900<br>800-519-0469 |
| <b>Law Enforcement Resources</b>                   |   |  |                              |
| Police Department                                  | 6930 Wicker Ave.<br>Hammond, IN           | 24/7                                       | 219-989-2220                 |
| Hammond Police Department                          | 509 Douglas St.<br>Hammond, IN            | 24/7                                       | 219-853-6487                 |

### Fort Wayne Campus

|  |  |                             |              |
|--|--|-----------------------------|--------------|
| <b>Confidential Resources</b>                |  |                             |              |
| Center for Healthy Living                    | Walb Student Union, Room 234                           | M-F,<br>8:30 a.m.-4:30 p.m. | 260-481-5748 |
| Purdue Fort Wayne Student Assistance Program | Walb Student Union, Room 113                           | M-F,<br>8:30 a.m.-4:30 p.m. | 260-481-6601 |
| <b>Non-Confidential Reporting Resources</b>  |  |                             |              |
| Title IX Coordinator                         | Doerner School of Business<br>Room 312                 | M-F, 8 a.m.-5 p.m.          | 260-481-6107 |
| Police Department                            | Support Services Building                              | 24/7                        | 260-481-6827 |
| Office of the Dean of Students               | Walb Student Union, Room 111                           | M-F, 8 a.m.-5 p.m.          | 260-481-6601 |
| Student Housing                              | 410 Crescent Avenue<br>Fort Wayne, IN                  | M-F, 8 a.m.-5 p.m.          | 260-481-4180 |
| <b>Medical Services (Confidential)</b>       |  |                             |              |
| Center for Healthy Living                    | Walb Student Union,<br>Room 234                        | M-F,<br>8:30 a.m.-4:30 p.m. | 260-481-5748 |
| Parkview Hospital Randallia                  | 2200 Randallia Dr.<br>Fort Wayne, IN                   | 24/7                        | 260-484-6636 |
| Parkview Regional Medical Center             | 11109 Parkview Plaza Dr,<br>Entrance 1, Fort Wayne, IN | 24/7                        | 260-266-1000 |
| Lutheran Hospital                            | 7950 W. Jefferson Blvd                                 | 24/7                        | 260-435-7001 |
| <b>Counseling Services (Confidential)</b>    |  |                             |              |

|   |                                    |  |                              |
|---|------------------------------------|--|------------------------------|
| Purdue University Fort Wayne Student Assistance Program | Walb Student Union, Room 113       | M-F, 8:30 a.m.-4:30 p.m.                   | 260-481-6601                 |
| Bowen Center  | 2100 Goshen Road                   | M-F, 9:00 a.m.-5:00 p.m.<br>24/7 via phone | 800-342-5653                 |
| <b>Advocacy and Support Services</b>                    |                                    |  |                              |
| Office of the Dean of Students                          | Walb Student Union, Room 111       | M-F, 8 a.m.-5 p.m.                         | 260-481-6601                 |
| <b>Community Resources</b>                              |                                    |  |                              |
| Sexual Assault Treatment Center                         | 1420 Kerrway<br>Fort Wayne, IN     | 24/7                                       | 260-423-2222                 |
| National Suicide Prevention Hotline                     |                                    | 24/7                                       | 1-800-273-8255               |
| Fort Wayne Women's Bureau Rape Crisis Hotline           | 2417 Fairfield<br>Fort Wayne, IN   | 24/7                                       | 260-426-7273<br>888-311-7273 |
| YWCA Domestic Violence Crisis Line                      | 1610 Spy Run<br>Fort Wayne, IN     | 24/7                                       | 260-447-7233<br>800-441-4073 |
| <b>Law Enforcement Resources</b>                        |                                    |  |                              |
| Police Department                                       | Support Services Building          | 24/7                                       | 260-481-6827                 |
| Fort Wayne Police Department                            | 1 E. Main Street<br>Fort Wayne, IN | 24/7                                       | 260-427-1222                 |

### Westville Campus

|   |  |                       |              |
|---|--|-----------------------|--------------|
| <b>Confidential Resources</b>               |  |                       |              |
| Counseling Center                           | Technology Building, Room 101                      | M-F, 9 a.m.-3:00 p.m. | 219-989-2366 |
| <b>Non-Confidential Reporting Resources</b> |  |                       |              |
| Title IX Coordinator                        | Schwarz Hall, Room 25D                             | M-F, 8 a.m.-4:30 p.m. | 219-785-5545 |
| Police Department                           | Physical Facility/Campus Police Building, Room 101 | 24/7                  | 219-785-5220 |
| Office of the Dean of Students              | Library-Student-Faculty Building, Room 103         | M-F, 8 a.m.-4:30 p.m. | 219-785-5368 |
| <b>Medical Services (Confidential)</b>      |  |                       |              |
| Chesterton Health & Emergency Center        | 770 Indian Boundary Rd.<br>Chesterton, IN          | 24/7                  | 219-921-2000 |
| IU Health LaPorte Hospital                  | 1007 Lincolnway<br>LaPorte, IN                     | 24/7                  | 219-326-1234 |
| IU Health Starke Hospital                   | 102 E. Culver Road<br>Knox, IN                     | 24/7                  | 574-772-6231 |
| Porter Hospital                             | 85 E. U.S. 6 Frontage Rd.<br>Valparaiso, IN        | 24/7                  | 219-263-4600 |
| Methodist Hospital                          | 8701 Broadway<br>Merrillville, IN                  | 24/7                  | 219-738-5510 |
| St. Anthony's                               | 301 W. Homer St.<br>Michigan City, IN              | 24/7                  | 219-879-8511 |
| <b>Counseling Services (Confidential)</b>   |  |                       |              |
| Counseling Center                           | Technology Building, Room 101                      | M-F, 9 a.m.-3:00 p.m. | 219-989-2366 |
| <b>Advocacy and Support Services</b>        |  |                       |              |
| Office of the Dean of Students              | Library-Student-Faculty Building, Room 103         | M-F, 8 a.m.-4:30 p.m. | 219-785-5368 |
| <b>Community Resources</b>                  |  |                       |              |



|  |   |                          |                              |
|--|---|--------------------------|------------------------------|
| National Domestic Violence Hotline     | N/A   | 24/7                     | 800-799-SAFE (7233)          |
| Crisis Hotline                         | LaPorte/Starke Counties                             | 24/7                     | 219-324-6263                 |
| Crisis Hotline                         | Lake County   | 24/7                     | 219-938-0900                 |
| Victim's Assistance Services           | Porter County                                       | M-F, 8:30 a.m.-4:30 p.m. | 219-465-3408                 |
| Stepping Stones for Women              | Michigan City, IN                                   | 24/7 (Crisis Hotline)    | 219-879-4615<br>800-248-1151 |
| The Caring Place                       | Valparaiso, IN                                      | 24/7 (Crisis Hotline)    | 219-464-2128<br>800-933-0466 |
| <b>Law Enforcement Resources</b>       |   |                          |                              |
| PNW Westville Campus Police Department | Physical Facility/ Campus Police Building, Room 101 | 24/7                     | 219-785-5220                 |
| LaPorte County Sheriff                 | LaPorte, IN   | 24/7                     | 219-326-7700                 |
| Westville Police Department            | Westville, IN                                       | 24/7                     | 219-785-4177                 |

### West Lafayette Campus

|   |  |  |                             |
|---|--|--|-----------------------------|
| <b>Confidential Resources</b>                       |  |  |                             |
| Purdue Crisis Line                                  | N/A  | 24/7   | 765-495-HELP (4357)         |
| Student Health Center (PUSH)                        | 601 Stadium Mall Dr.<br>West Lafayette, IN | M-F, 8 a.m.-5 p.m.                           | 765-494-1700                |
| Counseling and Psychological Services (CAPS)        | PUSH Room 246<br>PSYC Room 1120            | M-F, 8 a.m.-5 p.m.                           | 765-494-6995                |
| Center for Advocacy, Response, and Education (CARE) | Duhme Hall, Room 139                       | M-F, 8 a.m.-5 p.m.                           | 765-495-CARE (2247)<br>24/7 |
| <b>Non-Confidential Reporting Resources</b>         |  |  |                             |
| Title IX Coordinator                                | Young Hall, Room 1053                      | M-F, 8 a.m.-5 p.m.                           | 765-494-7255                |
| Police Department                                   | Terry House                                | 24/7   | 765-494-8221                |
| Office of the Dean of Students                      | Schleman Hall, 2nd Floor                   | M-F, 8 a.m.-5 p.m.                           | 765-494-1747                |
| University Residences                               | Smalley Center                             | M-F, 8 a.m.-5 p.m.                           | 765-494-1000                |
| <b>Medical Services (Confidential)</b>              |  |  |                             |
| PUSH Women's Clinic                                 | PUSH                                       | M-F, 8 a.m.-5 p.m.                           | 765-494-1700                |
| PUSH Urgent Care                                    | PUSH                                       | M-F, 8 a.m.-8 p.m.<br>Sat. 10 a.m.-5:30 p.m. | 765-494-1724                |
| St. Elizabeth Hospital-East                         | 1701 S. Creasy Ln.,<br>Lafayette, IN       | 24/7   | 765-502-4000                |
| IU Health Arnett Hospital                           | 5165 McCarty Lane<br>Lafayette, IN         | 24/7   | 765-448-8000                |
| <b>Counseling Services (Confidential)</b>           |  |  |                             |
| CAPS  | PUSH                                       | M-F, 8 a.m.-5 p.m.                           | 765-494-6995                |
| <b>Advocacy and Support Services</b>                |  |  |                             |
| Office of the Dean of Students                      | Schleman Hall, 2nd Floor                   | M-F, 8 a.m.-5 p.m.                           | 765-494-1747                |

| <b>Community Resources</b>                                    |   |      |   |
|---|---|------|---|
| Mental Health America Crisis Center                           | 1244 N. 15th Street<br>Lafayette, IN            | 24/7 | 765-742-0244<br>877-419-1632                                  |
| YWCA Domestic Violence Intervention<br>and Prevention Hotline | N/A   | 24/7 | 765-423-1118*<br><i>accepts collect calls</i><br>888-345-1118 |
| <b>Law Enforcement Resources</b>                              |   |      |   |
| Police Department   | 205 S. Martin Jischke Dr.<br>West Lafayette, IN | 24/7 | 765-494-8221  |
| West Lafayette Police Dept.                                   | 711 W. Navajo St.<br>West Lafayette, IN         | 24/7 | 765-775-5200  |
| Tippecanoe County Sheriff                                     | 2640 Duncan Road<br>Lafayette, IN               | 24/7 | 765-423-9388  |
| Lafayette Police Dept.  | 20 N 6th Street<br>Lafayette, IN                | 24/7 | 765-807-1200  |

## ANTI-HARASSMENT, INTERIM (III.C.1)

Volume III: Ethics

Chapter C: Equal Opportunity

Responsible Executive: Vice President for Ethics and Compliance

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

Date Issued: December 22, 2010

Date Last Revised: August 14, 2020

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### Contacts

| Title/Office                             | Telephone    | Email/Webpage   |
|--|--------------|---|
| Vice President for Ethics and Compliance | 765-494-5830 | <a href="mailto:vpec@purdue.edu">vpec@purdue.edu</a><br><a href="http://www.purdue.edu/ethics">www.purdue.edu/ethics</a><br>Office address:<br>Ernest C. Young Hall, 10 <sup>th</sup> floor<br>155 S. Grant St.<br>West Lafayette, IN 47907 |

### Harassment Complaints

| Title/Office  | Telephone    | Email/Webpage  |
|---|--------------|--|
| <b>Fort Wayne:</b> Human Resources and Institutional Equity               | 260-481-6677 | <a href="http://www.pfw.edu/offices/human-resources/ethics-compliance/">www.pfw.edu/offices/human-resources/ethics-compliance/</a> |
| <b>PNW Hammond Campus:</b><br>Office of Equity, Diversity and Inclusion   | 219-989-3169 | <a href="http://www.pnw.edu/equity-diversity-inclusion/">www.pnw.edu/equity-diversity-inclusion/</a>                               |
| <b>PNW Westville Campus:</b><br>Office of Equity, Diversity and Inclusion | 219-785-5545 | <a href="http://www.pnw.edu/equity-diversity-inclusion">www.pnw.edu/equity-diversity-inclusion</a>                                 |

|  |              |  |
|--|--------------|--|
| <b>West Lafayette:</b><br>Office of Institutional Equity | 765-494-7255 | <a href="mailto:equity@purdue.edu">equity@purdue.edu</a><br><a href="http://www.purdue.edu/oie/index.php">www.purdue.edu/oie/index.php</a> |
|--|--------------|--|

### Reports of Sexual Violence or Sexual Misconduct

| Title/Office  | Telephone  | Email/Webpage  |
|---|--|--|
| <b>For all emergencies, dial 911.</b><br>Non-emergency reports may be made using the contacts below.  |  |  |
| <b>Fort Wayne:</b><br>Title IX Coordinator – Christine M. Marcuccilli   | 260-481-6107   | Doermer School, Room 312<br>2101 E. Coliseum Blvd.<br>Fort Wayne, IN 46805<br><a href="mailto:marcuccilli@pfw.edu">marcuccilli@pfw.edu</a>   |
| <b>PNW Hammond Campus:</b><br>Title IX Coordinator – Linda B. Knox  | 219-989-3169   | Lawshe Hall, Room 231<br>2200 169 <sup>th</sup> St.<br>Hammond, IN 46323<br><a href="mailto:lbknox@pnw.edu">lbknox@pnw.edu</a>   |
| <b>PNW Westville Campus:</b><br>Title IX Coordinator – Laura Odom   | 219-785-5545   | Schwarz Hall, Room 25<br>1401 S. U.S. Highway 421<br>Westville, IN 46391<br><a href="mailto:odoml@pnw.edu">odoml@pnw.edu</a>   |
| <b>West Lafayette:</b><br>Title IX Coordinator – Christina Wright   | 765-494-7255   | Ernest C. Young Hall, 10 <sup>th</sup> floor<br>155 S. Grant St.<br>West Lafayette, IN 47907<br><a href="mailto:titleix@purdue.edu">titleix@purdue.edu</a>   |
| <b>Fort Wayne:</b> <ul style="list-style-type: none"> <li>Police Department</li> <li>Office of the Dean of Students</li> <li>Student Housing</li> <li>Health and Wellness Clinic</li> </ul>           | <ul style="list-style-type: none"> <li>260-481-6827</li> <li>260-481-6601</li> <li>260-481-4180</li> <li>260-481-5748</li> </ul> | <ul style="list-style-type: none"> <li><a href="http://www.pfw.edu/police/">www.pfw.edu/police/</a></li> <li><a href="http://www.pfw.edu/offices/dean-of-students/">www.pfw.edu/offices/dean-of-students/</a></li> <li><a href="http://www.pfw.edu/housing/">www.pfw.edu/housing/</a></li> <li><a href="http://www.pfw.edu/clinic/">www.pfw.edu/clinic/</a></li> </ul>                             |
| <b>PNW Hammond Campus:</b> <ul style="list-style-type: none"> <li>Police Department</li> <li>Office of the Dean of Students</li> <li>Housing</li> <li>Community Care Network Health Clinic</li> </ul> | <ul style="list-style-type: none"> <li>219-989-2220</li> <li>219-989-4141</li> <li>219-989-4150</li> <li>219-989-1235</li> </ul> | <ul style="list-style-type: none"> <li><a href="http://www.pnw.edu/public-safety/">www.pnw.edu/public-safety/</a></li> <li><a href="http://www.pnw.edu/dean-of-students">www.pnw.edu/dean-of-students</a></li> <li><a href="http://www.pnw.edu/housing/">www.pnw.edu/housing/</a></li> <li><a href="http://www.pnw.edu/health-care-facilities/">www.pnw.edu/health-care-facilities/</a></li> </ul> |
| <b>PNW Westville Campus:</b> <ul style="list-style-type: none"> <li>Police Department</li> </ul>  | <ul style="list-style-type: none"> <li>219-785-5220</li> <li>219-785-5230</li> </ul>   | <ul style="list-style-type: none"> <li><a href="http://www.pnw.edu/public-safety/">www.pnw.edu/public-safety/</a></li> </ul>   |

|   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li>Office of the Dean of Students</li> <li>LaPorte Physician Network</li> </ul>   | <ul style="list-style-type: none"> <li>219-304-6100</li> </ul>   | <ul style="list-style-type: none"> <li><a href="http://www.pnw.edu/dean-of-students">www.pnw.edu/dean-of-students</a></li> <li><a href="http://www.pnw.edu/health-care-facilities/">www.pnw.edu/health-care-facilities/</a></li> </ul>   |
| <b>West Lafayette:</b> <ul style="list-style-type: none"> <li>Police Department</li> <li>Office of the Dean of Students</li> <li>University Residences</li> <li>Student Health Center (PUSH)</li> </ul> | <ul style="list-style-type: none"> <li>765-494-8221</li> <li>765-494-1747</li> <li>765-494-1000</li> <li>765-494-1700</li> </ul> | <ul style="list-style-type: none"> <li><a href="http://www.purdue.edu/ehps/police/">www.purdue.edu/ehps/police/</a></li> <li><a href="http://www.purdue.edu/odos/">www.purdue.edu/odos/</a></li> <li><a href="http://www.housing.purdue.edu/">www.housing.purdue.edu/</a></li> <li><a href="http://www.purdue.edu/push/">www.purdue.edu/push/</a></li> </ul> |

## 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 \(III.C.2\)](http://www.purdue.edu/policies/ethics/iic2.html): [www.purdue.edu/policies/ethics/iic2.html](http://www.purdue.edu/policies/ethics/iic2.html)
- [Amorous Relationships \(III.A.1\)](http://www.purdue.edu/policies/ethics/iia1.html): [www.purdue.edu/policies/ethics/iia1.html](http://www.purdue.edu/policies/ethics/iia1.html)
- [Title IX Harassment \(III.C.4\)](http://purdue.edu/policies/ethics/iic4.html): [purdue.edu/policies/ethics/iic4.html](http://purdue.edu/policies/ethics/iic4.html)
- [University Nondiscrimination Policy Statement](http://www.purdue.edu/purdue/ea_eou_statement.html): [www.purdue.edu/purdue/ea\\_eou\\_statement.html](http://www.purdue.edu/purdue/ea_eou_statement.html)

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

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

#### Regulations Governing Student Conduct:

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

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

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

### WEBSITE ADDRESS FOR THIS POLICY

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

### HISTORY AND UPDATES

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.

*Anti-Harassment, Interim*

July 1, 2018: Contacts section updated.

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

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

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

May 6, 2014: Contacts section updated.

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

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

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

July 1, 2011: Definition of Sexual Harassment amended.

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

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

## **APPENDIX**

There are no appendices to this policy.

## Procedures for Resolving Complaints of Title IX Harassment

Implemented August 14, 2020

### A. INTRODUCTION

Purdue University is committed to maintaining an environment that recognizes the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect; and encourages 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.

### B. 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 [Title IX Harassment \(III.C.4\)](#) (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 \(III.C.1\)](#) and on [Equal Opportunity, Equal Access and Affirmative Action \(III.C.2\)](#) 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.

### C. 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.

## **D. DEFINITIONS**

All defined terms are capitalized throughout the document. Additional defined terms may be found in the [Title IX Harassment Policy \(III.C.4\)](#) and the central [Policy Glossary](#).

### **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.

### **Complainant(s)**

A person or persons (1) employed by University or (2) participating in or attempting to participate in a Purdue University program or activity, who is alleged to be the victim of conduct that could constitute Title IX Harassment whether or not a Formal Complaint has been filed.

### **Campus Equity Office**

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

### **Days**

Calendar days.

### **Director**

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

### **Eligible Designee**

An individual to whom the Title IX Coordinator delegates their authority under these Title IX 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 document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Harassment against a named Respondent(s) that requests the University investigate the allegations. See Section I of these Title IX Procedures.

### **Formal Resolution Process**

The process for resolving complaints of Title IX Harassment set forth in Section I of these Title IX Procedures. The Formal Resolution Process involves the filing of a Formal Complaint, an investigation, a Hearing, a determination as to whether the Title IX Harassment Policy has been violated and, as appropriate, the imposition of sanctions and remedial measures.

### **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.

#### **Informal Resolution Process**

The process for resolving complaints of Title IX Harassment set forth in Section H of these Title IX Procedures. The Informal Resolution Process is designed to empower the Parties to reach a mutually satisfactory agreement.

#### **Investigation Report**

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

#### **Party or Parties**

The Complainant(s) and Respondent(s) in a Title IX Harassment matter.

#### **Respondent(s)**

The person or persons who has been reported to be the perpetrator of conduct that could constitute Title IX Harassment.

#### **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 Policy**

The University's policy on [Title IX Harassment \(III.C.4\)](#).

#### **Title IX Procedures**

The procedures set forth in this document.

#### **University Investigator**

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

### **E. GENERAL PROVISIONS**

#### **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**

*Procedures for Resolving Title IX Harassment Complaints*

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.

## **F. 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. A list of on-campus confidential resources is listed in [Appendix A](#) to these Title IX Procedures.

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. A list of campus reporting options, by campus, to whom individuals are encouraged to report any incidents, is available in [Appendix A](#).

## 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](http://www.purdue.edu/titleix/index.php) 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. A list of law enforcement resources for each campus is available in [Appendix A](#).

## 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](http://www.purdue.edu/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.



## G. 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.
- Assistance in obtaining a protective order through the local court system.

A list of counseling, advocacy and other support services for each campus is listed in [Appendix A](#).

## H. INFORMAL RESOLUTION PROCESS

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.

## I. FORMAL RESOLUTION PROCESS

### 1. 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:

*Procedures for Resolving Title IX Harassment Complaints*

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

## **2. 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:

- a. 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;
- b. A copy of the Formal Complaint;
- c. The identities of the Parties involved, if known;
- d. The date of the alleged incident, if known;
- e. The location of the alleged incident, if known;
- f. The conduct that is alleged to violate the Title IX Harassment Policy;
- g. 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;
- h. The Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- i. 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;
- j. 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
- k. 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 as described in Sections I.3 and I.4.

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.

## **3. 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:

- a. Fail to constitute Title IX Harassment, or
- b. 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 (III.C.1) or on Equal Opportunity, Equal Access and Affirmative Action (III.C.2) or the Regulations Governing Student Conduct.

A mandatory dismissal may be appealed in accordance with Section M of these Title IX Procedures.

#### **4. 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. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- b. The Respondent is no longer enrolled in or employed by the University; or
- c. 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 (III.C.1) or on Equal Opportunity, Equal Access and Affirmative Action (III.C.2) or the Regulations Governing Student Conduct.

A discretionary dismissal may be appealed in accordance with Section M of these Title IX Procedures.

#### **5. 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. 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.
- b. 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;
- c. The name of the University Investigator(s) assigned to the matter;
- d. A statement regarding the opportunity to have an Advisor for all meetings during the investigation. Contact information for all campus student defenders groups;
- e. Guidance regarding Supportive Measures, if applicable; and
- f. 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:

- a. 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;

- b. Provide equal opportunity for Parties to present witnesses and other inculpatory and exculpatory evidence;
- c. Not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence; and
- d. 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.

## 6. 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.

## J. 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.

## K. 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:

1. An identification of the section(s) of the Title IX Harassment Policy alleged to have been violated;
2. 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;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the Title IX Harassment Policy to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
6. Any sanctions the University imposes on the Respondent;
7. Any remedies provided to the Complainant designed to restore or preserve access to the University's education program or activity;
8. A determination of whether the Formal Complaint was knowingly false or malicious; and
9. 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.

**L. 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.

**M. 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:

1. Procedural irregularity that affected the outcome of the matter;
2. 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
3. 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.

**N. 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.

**O. RELATED DOCUMENTS, FORMS AND TOOLS**

[Title IX Harassment Policy \(III.C.4\)](http://www.purdue.edu/policies/ethics/iic4.html): [www.purdue.edu/policies/ethics/iic4.html](http://www.purdue.edu/policies/ethics/iic4.html)

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

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



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

#### **P. VERSION HISTORY**

The initial effective date of these procedures is August 14, 2020.

[Appendix A: Quick Reference Guide](#)

## Title IX Harassment, Interim (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

Date Issued: August 14, 2020

Date Last Revised: N/A

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### CONTACTS

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|--|--------------|---|
| Title/Office                             | Telephone    | Email/Webpage   |
| Vice President for Ethics and Compliance | 765-494-5830 | <a href="mailto:vpec@purdue.edu">vpec@purdue.edu</a><br><a href="http://www.purdue.edu/ethics">www.purdue.edu/ethics</a><br>Office address:<br>Ernest C. Young Hall, 10 <sup>th</sup> floor<br>155 S. Grant St.<br>West Lafayette, IN 47907 |

| Title IX Harassment Complaints  |              |  |
|---|--------------|--|
| Title/Office  | Telephone    | Email/Webpage  |
| <b>Fort Wayne:</b> Human Resources and Institutional Equity               | 260-481-6107 | <a href="http://www.pfw.edu/equity">www.pfw.edu/equity</a>       |
| <b>PNW Hammond Campus:</b><br>Office of Equity, Diversity and Inclusion   | 219-989-3169 | <a href="http://www.pnw.edu/diversity">www.pnw.edu/diversity</a> |
| <b>PNW Westville Campus:</b><br>Office of Equity, Diversity and Inclusion | 219-785-5545 | <a href="http://www.pnw.edu/diversity">www.pnw.edu/diversity</a> |

|  |              |  |
|--|--------------|--|
| <b>West Lafayette:</b><br>Office of Institutional Equity | 765-494-7255 | <a href="mailto:equity@purdue.edu">equity@purdue.edu</a><br><a href="http://www.purdue.edu/oie">www.purdue.edu/oie</a> |
|--|--------------|--|

### Reports of Sexual Violence

| Title/Office  | Telephone  | Email/Webpage  |
|---|--|--|
| <b>For all emergencies, dial 911.</b><br><b>Non-emergency reports may be made using the contacts below.</b>   |  |  |
| <b>Fort Wayne:</b><br>Title IX Coordinator – Christine M. Marcuccilli   | 260-481-6107   | Doermer School of Business, Rm 312<br>2101 E. Coliseum Blvd.<br>Fort Wayne, IN 46805<br><a href="mailto:marcuccc@pfw.edu">marcuccc@pfw.edu</a>   |
| <b>PNW Hammond Campus:</b><br>Title IX Coordinator – Linda B. Knox  | 219-989-3169   | <b>Lawshe Hall, Room 231</b><br><b>2200 169<sup>th</sup> St.</b><br><b>Hammond, IN 46323</b><br><a href="mailto:lbknox@pnw.edu">lbknox@pnw.edu</a>   |
| <b>PNW Westville Campus:</b><br>Title IX Coordinator – Laura Odom   | 219-785-5545   | <b>Schwarz Hall, Room 25</b><br><b>1401 S. U.S. Highway 421</b><br><b>Westville, IN 46391</b><br><a href="mailto:odoml@pnw.edu">odoml@pnw.edu</a>  |
| <b>West Lafayette:</b><br>Title IX Coordinator – Christina Wright   | 765-494-7255   | <b>Ernest C. Young Hall, 10<sup>th</sup> floor</b><br><b>155 S. Grant St.</b><br><b>West Lafayette, IN 47907</b><br><a href="mailto:titleix@purdue.edu">titleix@purdue.edu</a>   |
| <b>Fort Wayne:</b> <ul style="list-style-type: none"> <li>Police Department</li> <li>Office of the Dean of Students</li> <li>Student Housing</li> <li>Health and Wellness Clinic</li> </ul> | <ul style="list-style-type: none"> <li>260-481-6827</li> <li>260-481-6601</li> <li>260-481-4180</li> <li>260-481-5748</li> </ul> | <ul style="list-style-type: none"> <li><a href="http://www.pfw.edu/police/">www.pfw.edu/police/</a></li> <li><a href="http://www.pfw.edu/offices/dean-of-students/index.html">www.pfw.edu/offices/dean-of-students/index.html</a></li> <li><a href="http://www.pfw.edu/housing/">www.pfw.edu/housing/</a></li> <li><a href="http://www.pfw.edu/clinic/">www.pfw.edu/clinic/</a></li> </ul>         |
| <b>PNW Hammond Campus:</b> <ul style="list-style-type: none"> <li>Police Department</li> <li>Office of the Dean of Students</li> <li>Housing</li> <li>Regional Health Clinic</li> </ul>     | <ul style="list-style-type: none"> <li>219-989-2220</li> <li>219-989-4141</li> <li>219-989-4150</li> <li>219-989-1235</li> </ul> | <ul style="list-style-type: none"> <li><a href="http://www.pnw.edu/public-safety/">www.pnw.edu/public-safety/</a></li> <li><a href="http://www.pnw.edu/dean-of-students">www.pnw.edu/dean-of-students</a></li> <li><a href="http://www.pnw.edu/housing/">www.pnw.edu/housing/</a></li> <li><a href="http://www.pnw.edu/health-care-facilities/">www.pnw.edu/health-care-facilities/</a></li> </ul> |

|   |  |  |
|---|--|--|
| <b>PNW Westville Campus:</b> <ul style="list-style-type: none"> <li>• Police Department</li> <li>• Office of the Dean of Students</li> <li>• LaPorte Physician Network</li> </ul>                               | <ul style="list-style-type: none"> <li>• 219-785-5220</li> <li>• 219-785-5230</li> <li>• 219-304-6100</li> </ul>                         | <ul style="list-style-type: none"> <li>• <a href="http://www.pnw.edu/public-safety/">www.pnw.edu/public-safety/</a></li> <li>• <a href="http://www.pnw.edu/dean-of-students">www.pnw.edu/dean-of-students</a></li> <li>• <a href="http://www.pnw.edu/health-care-facilities/">www.pnw.edu/health-care-facilities/</a></li> </ul>                                     |
| <b>West Lafayette:</b> <ul style="list-style-type: none"> <li>• Police Department</li> <li>• Office of the Dean of Students</li> <li>• University Residences</li> <li>• Student Health Center (PUSH)</li> </ul> | <ul style="list-style-type: none"> <li>• 765-494-8221</li> <li>• 765-494-1747</li> <li>• 765-494-1000</li> <li>• 765-494-1700</li> </ul> | <ul style="list-style-type: none"> <li>• <a href="http://www.purdue.edu/ehps/police/">www.purdue.edu/ehps/police/</a></li> <li>• <a href="http://www.purdue.edu/odos/">www.purdue.edu/odos/</a></li> <li>• <a href="http://www.housing.purdue.edu/">www.housing.purdue.edu/</a></li> <li>• <a href="http://www.purdue.edu/push/">www.purdue.edu/push/</a></li> </ul> |

## 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

Title IX Harassment, Interim

- [Equal Opportunity, Equal Access and Affirmative Action \(III.C.2\)](http://www.purdue.edu/policies/ethics/iic2.html): www.purdue.edu/policies/ethics/iic2.html
- [Amorous Relationships \(III.A.1\)](http://www.purdue.edu/policies/ethics/iiia1.html): www.purdue.edu/policies/ethics/iiia1.html
- [Anti-Harassment \(III.C.1\)](http://www.purdue.edu/policies/ethics/iic1.html): www.purdue.edu/policies/ethics/iic1.html
- [University Nondiscrimination Policy Statement](http://www.purdue.edu/purdue/ea_eou_statement.html): www.purdue.edu/purdue/ea\_eou\_statement.html

[Procedures for Resolving Complaints of Title IX Harassment](http://www.purdue.edu/ethics/resources/titleIX-complaints.php): www.purdue.edu/ethics/resources/titleIX-complaints.php

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

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

#### Regulations Governing Student Conduct:

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

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

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

#### WEBSITE ADDRESS FOR THIS POLICY

[www.purdue.edu/policies/ethics/iic4.html](http://www.purdue.edu/policies/ethics/iic4.html)

#### HISTORY AND UPDATES

August 14, 2020: Policy adopted.

#### APPENDIX

There are no appendices to this policy.

## Violent Behavior (IV.A.3)

Volume IV: Facilities and Safety

Chapter A: Safety

Responsible Executive: Chief Financial Officer and Treasurer

Responsible Office: Office of Environmental Health and Public Safety

Date Issued: February 1, 2011

Date Last Revised: September 21, 2016

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### CONTACTS

**For all emergencies, dial 911.** Non-emergency reports and questions are directed to the contact information below.

#### Policy Clarification

Senior Director, Environmental Health and Public Safety

765-494-7504

[ehps@purdue.edu](mailto:ehps@purdue.edu)

#### Northwest Campus

| Subject                                      | Contact   | Telephone                        | E-mail/Web Address |
|--|---|----------------------------------|--------------------|
| Questions                                    | Vice Chancellor,<br>Finance and<br>Administration | 219-785-5400                     |                    |
| Non-Emergency Reports of<br>Violent Behavior | University Police<br>Chief                        | 219-989-2220 or 219-989-<br>2911 |                    |

#### Fort Wayne Campus

| Subject                                      | Contact                                  | Telephone    | E-mail/Web Address                                 |
|--|--|--------------|--|
| Questions                                    | Vice Chancellor for<br>Financial Affairs | 260-481-6804 |  |
| Non-Emergency Reports of<br>Violent Behavior | University Police<br>Chief               | 260-481-0739 | <a href="mailto:police@pfw.edu">police@pfw.edu</a> |

#### West Lafayette Campus

| Subject   | Contact                           | Telephone    | E-mail/Web Address                                   |
|-----------|-----------------------------------|--------------|--|
| Questions | Senior Director,<br>Environmental | 765-494-7504 | <a href="mailto:ehps@purdue.edu">ehps@purdue.edu</a> |

|   |                               |                     |  |
|---|-------------------------------|---------------------|--|
|   | Health and Public Safety      |                     |  |
| Non-Emergency Reports of Violent Behavior | Purdue Public Safety Dispatch | 765-494-8221 or 911 | <a href="mailto:police@purdue.edu">police@purdue.edu</a> |

## STATEMENT OF POLICY

Purdue University is committed to providing a safe and secure campus environment for members of the university community. Purdue strives to create an educational environment for students and a work environment for employees that promote educational and career goals. Violent Behavior impedes such goals and is prohibited in or on any University Facility or while participating in any University activity.

Purdue University uses best efforts to protect victims of Violent Behavior by offering reasonable and appropriate security measures. Whenever possible and appropriate, accommodations or adjustments to a victim's work/class schedule, location or conditions will be made to enhance safety. Individuals who are aware that someone is a victim of Violent Behavior may offer support to the victim through steps such as referring him or her to the Employee Assistance Program, Student Counseling Center or other appropriate resources. The University's policies will allow for flexibility to attend medical, court or counseling appointments related to trauma and/or victimization from situations covered by this policy.

Retaliation against any employee, student or other member of the University community who, in good faith, reports a violation of this policy is prohibited.

Purdue University employees who violate this policy will be subject to disciplinary action up to and including termination. An act of off-duty Violent Behavior may also be grounds for disciplinary action up to and including termination if there is a relevant relationship between the type of Violent Behavior and the potential adverse impact on the employee's or another employee's ability to perform his or her assigned duties and responsibilities. Purdue University students who violate this policy on or off University Facilities may be subject to disciplinary action up to and including expulsion, as provided in the Regulations Governing Student Conduct. In addition, any person who violates this policy may be subject to the issuance of a persona non grata notification, which limits access to a part of or all of University Facilities, in accordance with the [Persona Non Grata \(IV.A.5\)](#) policy.

## REASON FOR THIS POLICY

The University is committed to providing a safe environment for students, faculty, staff and visitors. Criminal and civil laws prohibit Violent Behavior, and the Occupational Safety and Health Act of 1970 governs employers' workplace safety. This policy describes Violent Behavior, its prevention and response, and University sanctions.

## INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All units, students, faculty, staff, volunteers and agents/contractors of Purdue University.

## EXCLUSIONS

There are no exclusions to this policy.

## RESPONSIBILITIES

### Behavioral Assessment Teams

- Assess potentially threatening situations and recommend action to mitigate risk of harm.
- Make every effort to protect the confidentiality and safety of those who report potential violations of this policy or raise concerns about Violent Behavior.

### **Employees**

- Report immediately any Violent Behavior or other violations of this policy to the University Police or the head of Human Resources on their campus (or the head's designee for such reports).

### **Human Resources**

- Promptly investigate allegations that employees have engaged in Violent Behavior or otherwise violated this policy and take action to mitigate risk of harm, including, when necessary, removal of an employee or student from campus or other interim corrective measures of a non-disciplinary nature until the investigation is concluded.
- Upon receipt of a report of Violent Behavior, notify the chair of the appropriate Behavioral Assessment Team, and request a meeting of the team, as needed.
- Refer employees and/or students to appropriate resources for coordination of assessments of Violent Behavior in the workplace and/or academic environment.
- Promptly notify the Title IX Coordinator of reports of Violent Behavior that may also violate the Anti-Harassment (III.C.1) policy's definitions of Relationship Violence, Sexual Violence and/or Stalking.
- Develop and deliver, jointly with University Police, training and educational materials regarding Violent Behavior prevention and response.

### **Office of the Dean of Students**

- Promptly investigate allegations that students have engaged in Violent Behavior or otherwise violated this policy and take action to mitigate risk of harm, including, when necessary, removal of a student from campus or other interim corrective measures of a non-disciplinary nature until the investigation is concluded.
- Promptly notify the Title IX Coordinator of reports of Violent Behavior that may also violate the Anti-Harassment (III.C.1) policy's definitions of Relationship Violence, Sexual Violence and/or Stalking.
- Upon receipt of a report of Violent Behavior, notify the chair of the appropriate Behavioral Assessment Team, and request a meeting of the team, as needed.
- Develop and deliver, jointly with University Police, training and educational materials regarding Violent Behavior prevention and response.

### **Supervisors**

- Immediately report to the University Police incidents or allegations of Violent Behavior or other violations of this policy that are brought to their attention.
- Contact Human Resources to determine whether an employee should undergo an assessment of Violent Behavior in the workplace with an appropriate resource.

### **Students**

- Immediately report any Violent Behavior or other violations of this policy to the University Police or the Dean of Students.

### **University Police**

- Promptly investigate reports of Violent Behavior or other violations of this policy.

- Upon receipt of a report of Violent Behavior, notify the chair of the appropriate Behavioral Assessment Team, and request a meeting of the team, as needed.
- Develop and deliver, jointly with Human Resources and with the Office of the Dean of Students, training and educational materials regarding Violent Behavior prevention and response.
- Comply with the policy on Campus Security and Crime Statistics (IV.A.2).

**Vice Chancellor for Finance and Administrative Services (Northwest) and Vice Chancellor for Financial and Administrative Affairs (Fort Wayne)**

- Serve as the chairperson for their campus employee Behavioral Assessment Team or designate responsibility for such.
- Identify the membership of their respective campus employee Behavioral Assessment Teams.

**Vice Chancellor for Enrollment Management and Student Affairs (Northwest) and Vice Chancellor for Student Affairs (Fort Wayne)**

- Serve as the chairperson for their campus student Behavioral Assessment Team or designate responsibility for such.
- Identify the membership of their respective campus student Behavioral Assessment Teams.

**Vice President for Human Resources**

- Serve as the chairperson for the West Lafayette campus employee Behavioral Assessment Team or designate responsibility for such.

**Dean of Students (West Lafayette)**

- Serve as the chairperson for the West Lafayette campus student Behavioral Assessment Team or designate responsibility for such.

**DEFINITIONS**

All defined terms are capitalized throughout the document. Additional defined terms may be found in the central [Policy Glossary](#).

**Behavioral Assessment Team**

A standing committee of multi-disciplinary experienced representatives who will analyze potentially threatening situations, especially imminent threats to self or others, and take action to mitigate risk. Each campus may assign a specific name to their committee(s), but the purpose, function and membership must adhere to this policy.

The chairperson of each campus's employee Behavior Assessment Team is as noted in the Responsibilities section and includes representatives from Human Resources, Environmental Health and Public Safety (West Lafayette only), University Police, legal counsel, mental health professional(s) and others as appropriate. The chairperson of each campus's student Behavior Assessment Team is as noted in the Responsibilities section and includes representatives from the Office of the Dean of Students, University Police, Housing and Food Services (West Lafayette only), legal counsel, mental health professional(s) and others as appropriate.

**Intimidation**

Engaging in actions intended to frighten, coerce or induce duress. These actions include, but are not limited to, unwanted pursuit or stalking, as defined in the policy on Anti-Harassment (III.C.1).

**Physical Attack**

Unwanted physical contact such as hitting, kicking, pushing, shoving, biting, fighting, throwing objects or use of an unauthorized weapon against another person.

### **Property Damage**

Reckless or intentional damage to property, including property owned by Purdue University or its employees, students, visitors or vendors.

### **Threat**

A serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals or to cause damage to another person's property, or other conduct which threatens or endangers the health and safety of another person or another person's property.

### **University Facility(ies)**

As used in this policy, any building or structure or any improved or unimproved land, or any part of any such building, structure or land, that is owned, used or occupied by Purdue University.

### **Violent Behavior**

A broad range of behaviors that generate reasonable concerns for personal safety, result in physical injury or result in damage to University Facilities. Violent behavior includes, but is not limited to, aggressive or frightening acts, Intimidation, Threats, Physical Attacks or Property Damage.

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

Policies:

- [Anti-Harassment \(III.C.1\)](http://www.purdue.edu/policies/ethics/iiic1.html): [www.purdue.edu/policies/ethics/iiic1.html](http://www.purdue.edu/policies/ethics/iiic1.html)
- [Campus Security and Crime Statistics \(IV.A.2\)](http://www.purdue.edu/policies/facilities-safety/iva2.html): [www.purdue.edu/policies/facilities-safety/iva2.html](http://www.purdue.edu/policies/facilities-safety/iva2.html)
- [Persona Non Grata \(IV.A.5\)](http://www.purdue.edu/policies/facilities-safety/iva5.html): [www.purdue.edu/policies/facilities-safety/iva5.html](http://www.purdue.edu/policies/facilities-safety/iva5.html)

Regulations Governing Student Conduct:

- [Fort Wayne](#)
- [Northwest](#)
- [West Lafayette](#)

### [Occupational Safety and Health Act of 1970](#)

## **WEBSITE ADDRESS FOR THIS POLICY**

[www.purdue.edu/policies/facilities-safety/iva3.html](http://www.purdue.edu/policies/facilities-safety/iva3.html)

## **HISTORY AND UPDATES**

October 1, 2016: Updated to reflect appropriate contacts, titles and campus names.

May 15, 2015: Definition of Threat revised to reflect the Board of Trustees' resolution regarding principles of free speech passed on May 15, 2015.

September 29, 2014: Policy converted to new template. Language that was previously contained in the Procedures section has been incorporated into the Statement of Policy and Responsibilities sections as appropriate. The definitions of Intimidation and Property Damage were updated, as were personnel titles and hyperlinks throughout.

November 1, 2012: The definition of Behavioral Assessment Team was revised to allow each campus to assign its own names to the committees.



December 8, 2011: Updates to the Contacts and Responsibilities sections were made. This policy supersedes Violent Behavior, Interim (IV.A.3) dated November 18, 2011.

November 18, 2011: Policy number changed to IV.A.3 (formerly I.2.3) and website address updated. Related Documents section updated as well.

February 1, 2011: This policy supersedes the Violence in the Workplace Policy (Executive Memorandum No. C-43).

## **APPENDIX**

There are no appendices to this policy.

## Alcohol- and Drug-Free Campus and Workplace Policy (C-44)

PURDUE UNIVERSITY  
OFFICE OF THE PRESIDENT  
EXECUTIVE MEMORANDUM No. C-44  
June 12, 1998

**To:** Vice Presidents, Chancellors, Deans, Directors, and Heads of Schools, Divisions, Departments, and Offices

**RE:** Alcohol- and Drug-Free Campus and Workplace Policy

Executive Memorandum No. C-44 sets forth Purdue University's policy prohibiting alcohol misuse and the use of controlled substances and is effective 45 calendar days after the above-captioned date. This policy supersedes any prior oral or written policy of the University including, but not limited to, the Interim Drug Abuse Policy issued February 28, 1989, the Alcohol and Drug-Free Campus and Workplace Policies, effective September 1, 1990, and the Interim Policy for Drug and Alcohol Testing of Commercial Motor Vehicle Operators, effective January 1, 1995. The provisions of this policy are intended to comply with applicable local, state, and federal law including, but not limited to, the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, the United States Constitution, the Indiana Constitution, and the Americans With Disabilities Act of 1990. This policy is subject to change at the sole discretion of the University.

### I. 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 education, research, and service. The University has therefore developed this Alcohol- and Drug-Free Campus and Workplace Policy. Compliance with this policy is considered a condition of employment and attendance at the University. All employees and students will be notified of this policy by publication.

### II. Scope

This policy applies to all students, employees, and invitees as defined in Section III below, except those regulated under federal or state drug laws to the extent that this policy conflicts with such laws.

### III. Definitions

*Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

*Controlled substances* (or "drugs") refers to any drug or substance whose use is legally prohibited including, but not limited to, marijuana (THC), cocaine, opiates, phencyclidine (PCP), amphetamines (including methamphetamines).

*Employee(s)* means faculty, staff, or student employees.

*Invitee(s)* means any person authorized by the University to engage in University-related activities on University premises including, but not limited to, independent contractors, consultants, volunteers, individuals employed by outside employment agencies, conference attendees, and persons taking or auditing educational programs.

*Student(s)* means any person taking one or more classes for academic credit.

*University premises* means any building, structure, vehicle, improved land, or unimproved land, in whole or part, which is owned, used, or occupied by the University.

*Workplace* means any University premise or other location where an employee is engaged in University business.

### IV. Prohibited Conduct

The following conduct is prohibited:

- A. **Alcohol.** Using, selling, manufacturing, distributing, possessing, storing, or dispensing alcohol on University premises, as part of any University-related activity, or in the workplace, except as authorized under *University Regulations* or otherwise by the University.
  - B. **Controlled Substances.** Using, selling, manufacturing, distributing, possessing, storing, or dispensing controlled substances on University premises, as part of any University-related activities, or in the workplace, except as authorized under *University Regulations* or otherwise by the University.
  - C. **Employee Treatment Programs.** Failing to meet the requirements of a drug or alcohol treatment program that the University requires an employee to complete as a condition of employment.
  - D. **Workplace Inspection.** Interfering with a workplace inspection under this policy.
  - E. **Impaired Job Performance or Attendance.** Alcohol misuse or controlled substance use, even though not during working hours or in the workplace, which impairs job performance or attendance.
  - F. **Testing Procedures.** Failing any drug or alcohol test or engaging in any other conduct prohibited under the University's drug or alcohol testing procedures.
  - G. **Prescription Drug Use.**
    1. Being under the influence of legally prescribed drugs in the workplace that prevent an individual from performing the essential functions of his or her job or where that individual poses a direct threat while using those drugs.
    2. Inquiries regarding prescription drug use by employees are governed by the Americans With Disabilities Act of 1990, and therefore should be made only as authorized by the Department of Personnel Services.
  - H. **Other Misconduct.** Any other conduct that the University determines to be inconsistent with providing a drug-free and alcohol-free campus and workplace.
- V. Consequences of Engaging in Prohibited Conduct**
- A. **Factors Relevant to Sanction or 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 University's Violence in the Workplace Policy, whether a sanction or corrective action is permissible under law including, without limitation, The Americans With Disabilities Act of 1990, and any other relevant factors.
  - B. **Employee.** Any employee who engages in prohibited conduct may be:
    - Immediately removed from duty.
    - Referred to the Employee Assistance Program.
    - Required to complete successfully an alcohol or drug abuse treatment program as a condition of employment.
    - Reported to authorities for criminal prosecution or other appropriate action.
    - Disciplined, up to and including termination of employment.
    - Subject to any other appropriate action by the University.
  - C. **Invitee.** Any invitee who engages in prohibited conduct may be barred from further work for the University or from participating in other University-related activities as may be permitted by law. Further, they may be reported to authorities for criminal prosecution or other appropriate action.
  - D. **Student.** Any student who engages in prohibited conduct may be:
    - Referred to appropriate University personnel for assistance.
    - Required to complete successfully a drug or alcohol abuse treatment program as a condition of University attendance.
    - Reported to authorities for criminal prosecution or other appropriate action.

- Subject to disciplinary penalties under *University Regulations*.
- Subject to any other appropriate action by the University.

## VI. Workplace Inspections

- A. The University reserves the right to inspect the workplace for alcohol, controlled substances, or paraphernalia relating to alcohol or controlled substances and to question any employee when it reasonably suspects that this policy or any procedure under this policy has been violated.
- B. The University will prominently post the following notice in conspicuous places in the workplace:
- Purdue University reserves the right to inspect the workplace for alcohol, controlled substances, or paraphernalia relating to alcohol or controlled substances and to question any employee when the University reasonably suspects that its Alcohol- and Drug-Free Campus and Workplace Policy or any procedure under that policy has been violated.**
- C. The decision to conduct a workplace inspection should be made jointly by the supervisor who believes the inspection would be appropriate under this policy and a representative of his or her campus personnel department. In all cases, the director of personnel services for the campus or his or her designee must authorize a workplace inspection.
- D. This section of the policy 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.

## VII. Controlled Substance and Alcohol Testing

- A. **Commercial Motor Vehicle Drivers.** Persons employed as commercial motor vehicle operators who are governed by Department of Transportation regulations are subject to drug and alcohol testing under procedures developed by the Department of Personnel Services.
- B. **Defense Contracts.** Department of Defense regulations require the University to establish programs to test employees and final applicants for illegal drug use if they will work in sensitive positions on Defense Department contracts. The University will determine appropriate tests based on the nature of the work being performed, the employee's duties, the efficient use of University resources, and the risks to public health and safety and national security that could result if the employee fails to perform the duties of the position adequately.
- C. **Intercollegiate Athletics.** Student athletes who participate in intercollegiate sports will be subject to drug and alcohol testing under National Collegiate Athletic Association regulations in testing programs developed by the University's Department of Intercollegiate Athletics.
- D. **Employee Reasonable Suspicion Drug and Alcohol Testing.** All employees of the University may be subject to reasonable suspicion drug and alcohol testing under procedures developed by the Department of Personnel Services and approved by the president of the University or his or her designee. These procedures must, at a minimum, provide that the decision to conduct reasonable suspicion testing will be made jointly by a supervisor who believes reasonable suspicion exists and a representative of his or her human resource service team. Further, in all cases, reasonable suspicion testing must be authorized by an appropriate University employee or other individual designated by the University who has been trained to recognize physical or behavioral symptoms commonly attributed to the use of drugs or alcohol.
- E. **Public Safety Employees.** Employees performing public safety duties may be subject to drug and alcohol testing procedures as authorized by the president of the University or his or her designee. This testing may include, but is not limited to, pre-employment testing, post-accident testing, return-to-duty testing, and follow-up testing.

## VIII. Employee Self-Referral and Employee Assistance Program

- A. **Self-Referral.** Employees with alcohol or drug problems are strongly encouraged to voluntarily contact their family physicians or the University's Employee Assistance 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 drug or alcohol treatment except as may be provided by University benefits.
- B. **Employee Assistance Program.** The University's Employee Assistance Program offers free, confidential services to employees with alcohol or drug problems, including:
1. Information about the dangers of alcohol and drug use and the University's Alcohol- and Drug-Free Campus and Workplace Policy;
  2. Assessment and evaluation;
  3. Referral to and information regarding public and private treatment programs;
  4. Services to families of employees with drug or alcohol problems; and
  5. Assistance with questions concerning insurance coverage.

**VI. Federal Contract or Grant Employees**

Under the Drug-Free Workplace Act of 1988 and the Federal Acquisition Regulations System, in addition to the other requirements of this policy, an employee engaged in the performance of (1) a federal agency contract for procurement of property or services valued at \$25,000 or more, or (2) a federal agency grant will notify his or her supervisor or department head if he or she is convicted under a criminal drug statute for conduct 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.

**VII. Grievance Procedures**

Any student or employee with a complaint relating to the application of this policy may seek redress through applicable University grievance policies and procedures. However, employee complaints challenging drug or alcohol test results must be resolved in accordance with the applicable testing procedure.

**VIII. Confidentiality**

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

**IX. Administrative Responsibility**

Campus personnel departments will share responsibility for administering this policy and its associated procedures as they relate to employees and invitees. The Office of the Dean of Students will administer policy and procedures related to students. Intercollegiate Athletics will be responsible for policy and associated procedures described in Section VII, paragraph C.

Steven C. Beering  
President

## Relevant Indiana Law Pertaining to Offenses Associated with Relationship Violence, Stalking and Sexual Assault

### Ind. Code § 35-42-2-1: Battery

(a) As used in this section, “public safety official” means:

- (1) a law enforcement officer, including an alcoholic beverage enforcement officer;
- (2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);
- (3) an employee of the department of correction;
- (4) a probation officer;
- (5) a parole officer;
- (6) a community corrections worker;
- (7) a home detention officer;
- (8) a department of child services employee;
- (9) a firefighter;
- (10) an emergency medical services provider;
- (11) a judicial officer;
- (12) a bailiff of any court; or
- (13) a special deputy (as described in IC 36-8-10-10.6).

(b) As used in this section, “relative” means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

- (1) a spouse;
- (2) a parent or stepparent;
- (3) a child or stepchild;
- (4) a grandchild or stepgrandchild;
- (5) a grandparent or stepgrandparent;
- (6) a brother, sister, stepbrother, or stepsister;
- (7) a niece or nephew;
- (8) an aunt or uncle;
- (9) a daughter-in-law or son-in-law;
- (10) a mother-in-law or father-in-law; or
- (11) a first cousin.

(c) Except as provided in subsections (d) through (k), a person who knowingly or intentionally:

- (1) touches another person in a rude, insolent, or angry manner; or
- (2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person;

commits battery, a Class B misdemeanor.

(d) The offense described in subsection (c)(1) or (c)(2) is a Class A misdemeanor if it:

- (1) results in moderate bodily injury to any other person; or
- (2) is committed against a member of a foster family home (as defined in [IC 35-31.5-2-139.3](#)) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense.

(e) The offense described in subsection (c)(1) or (c)(2) is a Level 6 felony if one (1) or more of the following apply:

- (1) The offense results in moderate bodily injury to any other person.
- (2) The offense is committed against a public safety official while the official is engaged in the official's official duty.
- (3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

- (4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.
- (5) The offense is committed against an endangered adult (as defined in [IC 12-10-3-2](#)).
- (6) The offense:
  - (A) is committed against a member of a foster family home (as defined in [IC 35-31.5-2-139.3](#)) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense; and
  - (B) results in bodily injury to the member of the foster family.
- (f) The offense described in subsection (c)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.
- (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5 felony if one (1) or more of the following apply:
  - (1) The offense results in serious bodily injury to another person.
  - (2) The offense is committed with a deadly weapon.
  - (3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.
  - (4) The person has a previous conviction for a battery offense:
    - (A) included in this chapter against the same victim; or
    - (B) against the same victim in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.
  - (5) The offense results in bodily injury to one (1) or more of the following:
    - (A) A public safety official while the official is engaged in the official's official duties.
    - (B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.
    - (C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.
    - (D) An endangered adult (as defined in [IC 12-10-3-2](#)).
- (h) The offense described in subsection (c)(2) is a Level 5 felony if:
  - (1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and
  - (2) the person placed the bodily fluid or waste on a public safety official.
- (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in [IC 12-10-3-2](#)).
- (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.
- (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:
  - (1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.
  - (2) An endangered adult (as defined in [IC 12-10-3-2](#)).

**Ind. Code § 35-42-4-1: Rape**



(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; or
- (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;

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.

**Ind. Code § 35-31.5-2-221.5: "Other sexual conduct"**

"Other sexual conduct" means an act involving:

- (1) a sex organ of one (1) person and the mouth or anus of another person; or
- (2) the penetration of the sex organ or anus of a person by an object.

**Ind. Code § 35-42-4-8: Sexual battery**

(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.

**Ind. Code § 35-45-2-1: Intimidation**

(a) A person who communicates a threat to another person, with the intent:

- (1) that the other person engage in conduct against the other person's will;
- (2) that the other person be placed in fear of retaliation for a prior lawful act; or
- (3) of:

(A) causing:

- (i) a dwelling, building, or another 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;

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 person to whom the threat is communicated:

(i) is a law enforcement officer;

(ii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;

(iii) is an employee of a school or school corporation;

(iv) is a community policing volunteer;

(v) is an employee of a court;

(vi) is an employee of a probation department;

(vii) is an employee of a community corrections program;

(viii) is an employee of a hospital, church, or religious organization; or

(ix) is a person that owns a building or structure that is open to the public or is an employee of the person;

and, except as provided in item (ii), the threat is communicated to the person because of the occupation, profession, employment status, or ownership status of the person as described in items (i) through (ix) or based on an act taken by the person within the scope of the occupation, profession, employment status, or ownership status of the person;

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

(D) 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; or

(B) the person to whom the threat is communicated:

(i) is a judge or bailiff of any court; or

(ii) is a prosecuting attorney or a deputy prosecuting attorney.

(c) “Communicates” includes posting a message electronically, including on a social networking web site (as defined in IC 35-31.5-2-307.

(d) “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 the person threatened; or

(8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.

**Ind. Code § 35-45-2-2: Harassment; “obscene message” defined**

(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.

**Ind. Code § 35-45-10-2: “Harassment” defined**

As used in this chapter, “harassment” means conduct directed toward a victim that includes but is not limited to repeated or continuing impermissible contact that would cause a reasonable person to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include statutorily or constitutionally protected activity, such as lawful picketing pursuant to labor disputes or lawful employer-related activities pursuant to labor disputes.

**Ind. Code § 35-45-10-5: Criminal stalking**

(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.

(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.

**Ind. Code § 35-45-10-1: “Stalk” defined**

Sec. 1. As used in this chapter, “stalk” means a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity.