OFFICE OF INSTITUTIONAL EQUITY -**POLICIES & PROCEDURES**

Christie Wright, J.D., CCEP - Director, OIE Title IX Coordinator ADA Coordinator



OIE Overview

Our Staff

- Christie Wright, J.D., CCEP, Director
 Tammy Patrick, Senior Associate Director for Title IX
 Bryan Bullock, J.D., Senior Associate Director for Equal Access and Equal Opportunity*
 Jacob Amberger, Senior Investigator
 Chris Parthun, Title IX Investigator
 Andrew Stutz, J.D., Investigator*
 Maggie Wetzel, Case Manager/Investigator
 Maria Poynter, Senior Administrative Assistant



Purdue's Commitment

Maintain a positive and safe environment free from harassment that:

- Recognizes and values the inherent worth and dignity of every person
- Fosters tolerance, sensitivity, understanding and mutual respect
- Encourages each individual to strive to reach his or her own potential



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Title IX of the Education Amendments of 1972

- Prohibits discrimination on the basis of sex including pregnancy and parental status – in any federally funded education program or activity
- Obligates the University to:
 - o Eliminate the harassment
 - o Prevent its recurrence
 - o Address its effects



Policies & Procedures

| Policies | Procedures |
|---|---|
| Title IX Harassment (III.C.4) | Procedures for Resolving Complaints of Title IX Harassment |
| Equal Opportunity, Equal Access and Affirmative Action (III.C.2) Anti-Harassment (III.C.1) | Procedures for Resolving Complaints of Discrimination and Harassment |



Key Differences

| Title IX Harassment | Anti-Harassment EO/EA/AA |
|---|---|
| 60-day investigation period | 45-day investigation period |
| Live hearing with cross- examination | Equity Panel Meeting |
| Jurisdiction: The policy applies to the programs and activities of Purdue University in the United States, to conduct that takes place on 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 | Covers conduct occurring inside and outside of the United States Cover off campus conduct Includes: Sexual Assault, Sexual Harassment, Sexual Exploitation, Relationship Violence, Staking, Retaliation |



Key Differences

| Title IX Harassment | Anti-Harassment EO/EA/AA |
|--|---------------------------------|
| Dating Violence | Relationship Violence |
| Domestic Violence | |
| Retaliation | Retaliation |
| Sexual Assault | Sexual Violence |
| Rape Fondling Incest Statutory Rape | Sexual Exploitation |
| Stalking | Stalking |
| Title IX Harassment • Quid Pro Quo | Sexual Harassment |
| Unwelcome Conduct – so severe, pervasive and objectively offensive | Racial Harassment Harassment |
| Sexual Assault, Dating Violence, Domestic Violence, Stalking | Discrimination |



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Possible Sanctions

- Expulsion
- Suspension
- No contact requirements
- Exclusion from certain campus activities
 - E.g., Football games
- Exclusion from certain locations on campus
 - E.g., France A. Córdova Recreational Sports Center
- Removal from Residence Hall
- Probated suspension
- Probation
- Community service
- Educational sanctions



Anti-Harassment Policy

Stalking

Any knowing or intentional course of conduct involving repeated or continued following, threatening or intimidating another by telephone, mail, electronic communication, social media, in person or any other action, device or method that

- would cause a reasonable person to suffer substantial emotional distress or fear of bodily injury or death <u>and</u>
- actually causes such person substantial emotional distress or fear of bodily injury or death.



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Anti-Harassment Policy

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



Anti-Harassment Policy

Sexual Exploitation

Any act that exploits someone sexually. Includes, but is not limited to:

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



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Anti-Harassment Policy

Sexual Harassment

- May be physical, verbal or written behavior
- Includes:
 - Sexual violence
 - Relationship violence
 - Sexual exploitation
 - Other unwelcome sexual conduct



Anti-Harassment Policy

Sexual Harassment - Unwelcome Sexual Conduct

Any unwelcome sexual advance, request for sexual favors, or other written, verbal, or physical conduct of a sexual nature in the following contexts:

- Quid pro quo
 - Submission is made a term or condition of employment, education, or participation in a University program or activity;
 - Submission to, or rejection of, is used as a factor in decisions affecting employment, education, or participation in a University program or activity;
- Hostile environment
 - Such conduct creates an intimidating, offensive, or hostile environment; or
 - Such conduct unreasonably interferes with an individual's employment or academic performance or participation in a University program or activity



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Title IX Harassment Policy & Procedures

Title IX Harassment

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

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



Title IX and Sexual Misconduct Matters

Sexual Assault/Sexual Violence

- Are covered by both policies
- Sexual Assault is a form of Title IX Harassment; Sexual Violence is a form of Sexual Harassment
- Title IX obligates the University to:
 - o Eliminate the harassment
 - o Prevent its recurrence
 - o Address its effects
- Obligations are distinct from law enforcement investigation.
- Both parties are entitled to due process and an equal opportunity to be heard and participate in grievance/hearing process.



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Consent

Definition

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.



Consent

Definition Cont.

- 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.



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Incapacitated/Incapacitation

Definition

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.



Amorous Relationships

Purdue prohibits amorous relationships between a:

- Student and any Purdue employee who has educational responsibility over the student
- Supervisor and subordinate where there is a supervisory or evaluative relationship



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Amorous Relationships

Purdue prohibits amorous relationships between a:

Disparity of power

- · Consent by the student/subordinate becomes suspect
- · Susceptible to exploitation

Effect on Others

- · Perceived favoritism
- Others think they have to do the same
- Hostile environment

Must report to department or unit head

Remove evaluator or supervisory relationship

Violations subject to discipline



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How we can help:

- If there is an imminent danger/harm, call 911!
- Connect them with OIE by calling our office, submitting an Incident Report online, having them request an appointment online, or walking them over to Young Hall (M-F during regular business hours)
- Provide them with the Purdue Can Help resource card and/or Sexual Misconduct and Title IX Resource Guide
- Connect them with the Center for Advocacy, Response and Education (CARE), which is a confidential resource (24-hour/365 day support available)
- Help them connect with PUPD/local law enforcement (contact information is included in the resource guides)
- Encourage the individual to seek medical attention (PUSH) and emotional support (CAPS)

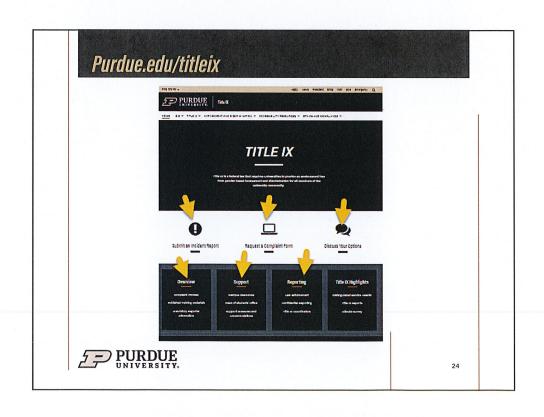


Reporting -Best Practices

- If you are a mandatory reporter, inform them of that first and state that you must inform the University that an incident has occurred
 - If they don't want to speak to you since you are a mandatory reporter, connect them with CARE/CAPS/PUSH, who are confidential
- Provide support & resources
- Listen without casting judgment
- Do not promise confidentiality
- Do not attempt to resolve the matter on your own











What happens next?

After an Incident Report is submitted:

- Respond to reporter letting them know we've receive the IR
- Outreach to Impacted Party
- Follow up Outreach to Impacted Party
- MOST OFTEN, if we have not heard back after two outreaches, we will close the matter
- Sometimes, we will require a meeting or will engage in follow up with a department or the respondent



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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.
- 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

Examples

- 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
- Other similar measures



Questions?

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