


*OFFICE OF INSTITUTIONAL EQUITY -
POLICIES & PROCEDURES*

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Director, Office of Institutional Equity

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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:
 - Eliminate the harassment
 - Prevent its recurrence
 - Address its effects



Title IX

NEW TITLE IX REGULATIONS - Aug. 2020

New federal Title IX Regulations
effective August 14, 2020

What do they do?

- Mandate how the University must respond to certain instances of sexual misconduct



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)	Procedures for Resolving Complaints of Discrimination and Harassment
Anti-Harassment (III.C.1)	



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Key Differences

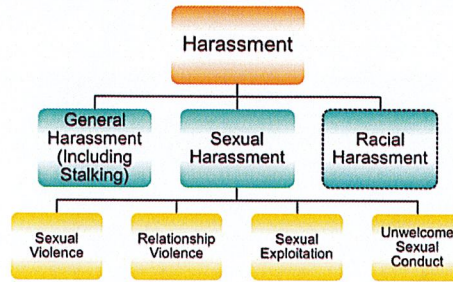
Title IX Harassment	Anti-Harassment EO/EA/AA
60-day investigation period	45-day investigation period
Live hearing with cross-examination	Equity Panel Meeting
Jurisdiction: The policy applies to the programs and activities of Purdue University <u>in the United States</u> , to conduct that takes place 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



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Harassment, Sexual Harassment, Racial Harassment

Anti-Harassment Policy (III.C.1)



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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 **and**
- actually causes such person substantial emotional distress or fear of bodily injury or death.



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Anti-Harassment Policy

Stalking-Examples

- My ex-boyfriend is showing up outside my classes, at the restaurant where I work, and even at my apartment.
- A group of guys from another fraternity has started posting hateful messages on my Facebook page. They've also repeatedly sent me threatening text messages saying, "You better watch out, you never know when something will happen to you."
- My girlfriend is checking-in on me very frequently with phone calls and text messages. She even installed an app on my phone to track where I am.

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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

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Anti-Harassment Policy

Relationship Violence-Examples

- My boyfriend and I have been engaging in consensual sex for a year. I didn't feel like having sex one night. He said, "Come on, I really want to make love to you." I continued to protest. He didn't listen; he threw me on the bed, pinned me down and forced me to have sex with him.
- My ex-boyfriend was very jealous around my family and preferred that I didn't spend time with them. Since we broke up he has threatened to take his own life if I don't take him back.
- Lately my girlfriend has been extremely jealous of my friends, and she is constantly accusing me of cheating on her. Yesterday she punched me in the stomach after reading a text message I sent to a friend.



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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 Exploitation-Examples

- While we were dating I sent my boyfriend pictures of me naked. Now that we broke up he is sharing them with all of his fraternity brothers without my consent.
- While I was showering in the CREC locker room I saw a man staring at me while masturbating.
- I found a hidden video camera in one of the stalls in the women's bathroom. It was streaming the video to a pornographic website.
- Without my consent, my roommate setup a webcam and recorded me having sex with my girlfriend.



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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



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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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Anti-Harassment Policy

Unwelcome Sexual Conduct-Examples

- My classmate and I are working on a project together and she keeps telling me sexual jokes and asking detailed questions about my sex life. I have continually asked her to stop.
- My Teaching Assistant insists that I have sex with her in exchange for a good grade.
- Someone keeps putting pornography on the door to my residence hall room.
- Someone is spreading rumors about my sex life across campus. It's turning me into a social outsider on campus.
- Two Resident Assistants frequently "rate" several residents' bodies and sex appeal, commenting suggestively about their clothing and appearance.



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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:

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.



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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:
 - Eliminate the harassment
 - Prevent its recurrence
 - 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.



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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.

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Examples

Sexual Violence/Sexual Assault

- I was at a fraternity party where I ran into my classmate John and we started talking. I had way too much to drink and was stumbling and blacking out. When I tried to leave to find my friends he pulled me by my hair into a room, grabbed my head and forced me to have oral sex with him.
- I met one of my friends in her residence hall room to watch a movie. Half way through the movie she tried to grope my breast. I kept pushing her away and saying no. When I tried to leave she blocked my way and said, "You wouldn't have come to my room if you didn't want to have sex with me." Then she grabbed my breast before I was able to get out of his room.

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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.



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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



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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

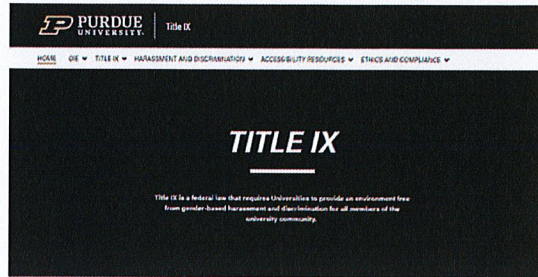


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Where to Direct Individuals

www.purdue.edu/oie OR www.purdue.edu/titleix



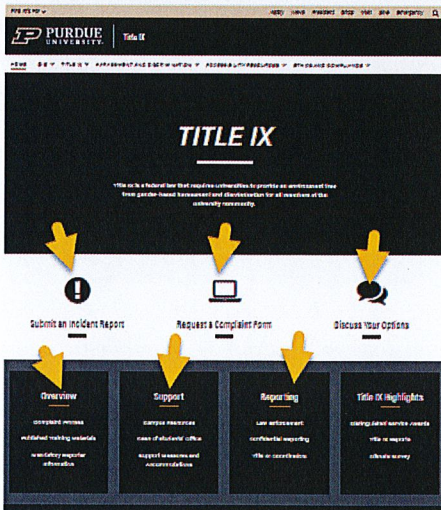
- 
[Submit an Incident Report](#)
- 
[Request a Complaint Form](#)
- 
[Discuss Your Options](#)



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PURDUE UNIVERSITY Office of Institutional Equity

HOME OIE TITLE IX HARASSMENT AND DISCRIMINATION ACCESSIBILITY RESOURCES ETHICS AND COMPLIANCE

Investigations Support Services Faculty Search and Screen Accessibility

Welcome to the Office of Institutional Equity

The Office of Institutional Equity (OIE) supports Purdue University's mission to promote human and intellectual diversity by providing equal access and opportunity through fostering an inclusive environment for all members of the University community. The office develops and directs the affirmative action program for the West Lafayette campus and serves as a resource and coordinator of Purdue University's system-wide affirmative action activities, including the Westlives and Fort Wayne campuses.

The Office of Institutional Equity works with the Purdue University community in implementing and upholding policies and practices that are consistent with federal and state mandates as well as existing University policies regarding equal access, equal employment and educational opportunity for all persons, without regard to race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, gender identity, gender expression, genetic information, disability, or veteran status.

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Where to find policies & procedures

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HOME OIE TITLE IX HARASSMENT AND DISCRIMINATION ACCESSIBILITY RESOURCES ETHICS AND COMPLIANCE

Title IX Home Title IX Coordinator University Reporting Schedule an Appointment Policies and Procedures

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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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Complaint Processes

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

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Resources

If you or someone you know has been the victim of **SEXUAL HARASSMENT, SEXUAL ASSAULT, STALKING, or RELATIONSHIP VIOLENCE**,

PURDUE CAN HELP

PURDUE TITLE IX

<p>TITLE IX COORDINATOR</p> <p>Christie Wright Director, Office of Institutional Equity Young Hall, 10011A 765-494-7255 wri438@purdue.edu purdue.edu/titleix</p>	<p>CONFIDENTIAL COUNSELING</p> <p>Counseling and Psychological Services (CAS) PUSL, Room 224 and PUSC, Room 233 765-494-6095</p>
<p>SUPPORT SERVICES</p> <p>Office of the Dean of Students Schlemmer Hall, 2nd Floor 765-494-1542</p> <p>Center for Advocacy, Response and Education (CARE) O'Brien Hall, 1st Floor 765-496-2273 * Confidential support available</p>	<p>MEDICAL SERVICES</p> <p>Purdue Student Health Center (PSHC) PUSL, Main Floor 101 Stockton Hall Drive, West Lafayette 765-494-1553</p>
<p>LAW ENFORCEMENT</p> <p>Purdue University Police Department (PUPD) Terry House 200 S. Watterly Avenue, West Lafayette 811 (Emergency) or 765-494-5201</p>	

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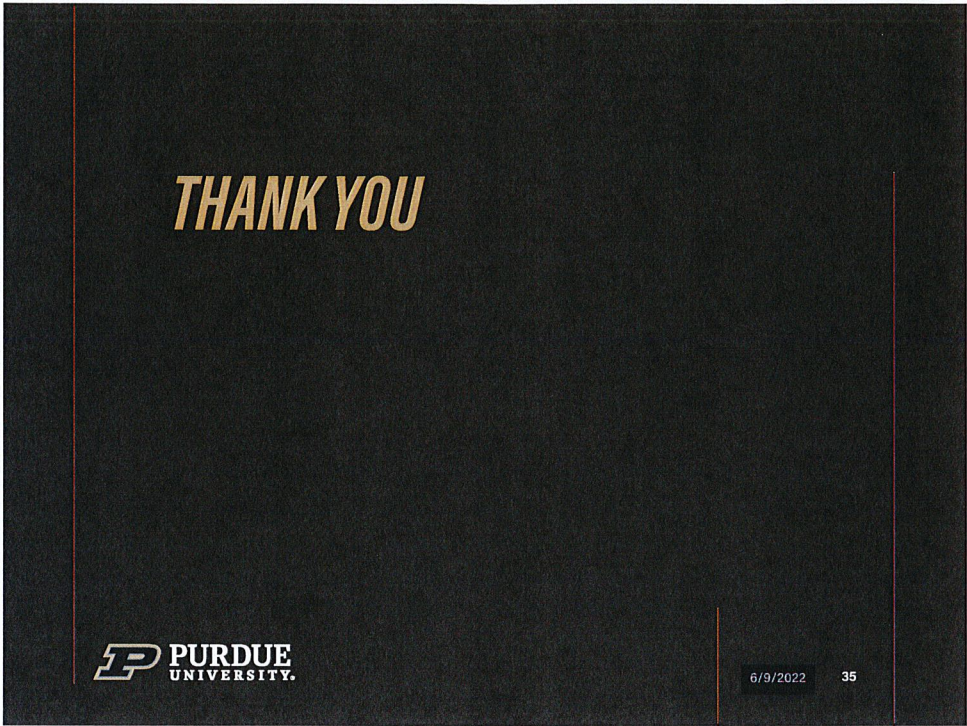
Questions?

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