

**EXECUTIVE MEMORANDUM NO. D-1 (Revised)**

(Supersedes Executive Memorandum No. D-1, dated January 8, 2001)

December 31, 2002

TO: Provost, Vice Provosts, Vice Presidents, Chancellors, Deans, Directors, and  
Heads of Schools, Divisions, Departments, and Offices

SUBJECT: Reaffirmation of University Policy on Equal Opportunity and Affirmative Action

**I. Statement of Principles and Values**

Purdue University is committed to maintaining an inclusive community which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach his or her own potential. In pursuit of its goal of academic excellence, Purdue University seeks to develop and nurture its diversity. The University believes that diversity among its many members strengthens the institution, stimulates creativity, promotes the exchange of ideas, and enriches campus life.

Purdue University views, evaluates, and treats all persons in any University related activity or circumstance in which they may be involved, solely as individuals on the basis of their own personal abilities, qualifications, and other relevant characteristics.

**II. Statement of Policy**

Equal Employment Opportunity and Affirmative Action: Purdue University does not condone and will not tolerate discrimination against any individual on the basis of race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability, or status as a disabled or Vietnam-era veteran. Purdue University promulgates policies and programs to ensure that all persons have equal access to its employment opportunities. All aspects of the employment relationship, including recruitment, selection, hiring, training, professional development, tenure, promotion, compensation, and separations, are administered in accordance with the "Statement of Principles and Values" and this equal employment opportunity policy. Additionally, Purdue University promotes the full realization of equal employment opportunity through a comprehensive affirmative action program applying to all units.

Reasonable Accommodations: Purdue University provides reasonable accommodations that allow otherwise qualified applicants or employees with disabilities to perform the essential functions of a position. Reasonable accommodations will be made unless such accommodations have the end result of placing an undue burden on the operations of the University. Employees needing accommodations should contact their supervisor or department head, or seek assistance from the following offices at their campus:

West Lafayette: Human Resource Services;  
Affirmative Action Office

Calumet: Department of Human Resources;  
Affirmative Action Office

Fort Wayne: Department of Human Resources;  
Affirmative Action/Equal Opportunity Office

North Central: Human Resources;  
Equal Opportunity/Affirmative Action Office.

Educational Opportunity: Purdue University does not discriminate against any individual in the University community on the basis of race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability, or status as a disabled or Vietnam-era veteran. Purdue University promulgates policies and programs to ensure that all persons have equal access to its educational programs, services and activities. All policies and procedures which are applicable to students are administered in accordance with the "Statement of Principles and Values". Purdue University provides academic adjustments and auxiliary aids and services to qualified students with disabilities in accordance with federal law. Questions concerning academic adjustments and auxiliary aids and services should be directed to the following offices:

West Lafayette: Adaptive Programs;  
Office of the Dean of Students

Calumet: Student Support Services;  
Vice Chancellor for Student Services

Fort Wayne: Services for Students with Disabilities;  
Dean of Students

North Central: Disability Services;  
Student Support Services

### **III. Programmatic Responsibility**

The President of Purdue University is charged with overall responsibility for the successful implementation of Purdue University's equal opportunity, equal access, and affirmative action policies.

The Vice President for Human Relations is Purdue University's equal opportunity officer and is responsible for developing University-wide policies pertaining to equal opportunity, equal access, and affirmative action in cooperation with other University officers.

The Director of Affirmative Action reports to the Vice President for Human Relations. Within the Purdue University system, the Director is responsible for the development and dissemination of affirmative action data and the provision of technical assistance to regional campus equal opportunity/affirmative action officers (EO/AA officers). The Director serves as a resource to and coordinator of system-wide activities and programs. At the West Lafayette campus, the Director is responsible for developing policies, procedures, and programs related to equal employment opportunity, equal access, and affirmative action in coordination with other University offices; assisting individual units with the development, implementation, and oversight of their equal employment opportunity, equal access, and affirmative action programs for academic and nonacademic employees; developing internal monitoring and reporting systems; and performing required analyses of affirmative action data. The Director serves as the campus liaison with federal and state enforcement agencies and community action groups and is the Americans with Disabilities Act Coordinator for the West Lafayette campus. The Equal Opportunity/Affirmative Action (EO/AA) officers at the Calumet, Fort Wayne, and North Central campuses are appointed by and report to the regional campus Chancellors. They are responsible for the development, implementation, and monitoring of their campus' equal employment opportunity, equal access, and affirmative action programs and for coordination of these efforts with the Director of Affirmative Action as necessary.

The Director of Human Resource Services, West Lafayette campus, is responsible for the inclusion, where appropriate, of equal employment opportunity, equal access, and affirmative action concepts in University personnel policies, procedures, and programs; coordination with the Director of Affirmative Action and other University offices in the development of policies, procedures, and programs which enhance the University's equal employment opportunity, equal access, and affirmative action efforts; and generating data from the Personnel Information System for use by the Affirmative Action Office. The Director provides support and assistance to University offices or departments in the exercise of their equal employment opportunity, equal access, and affirmative action responsibilities, which include monitoring and record keeping of applicant flow and hiring for staff positions.

The Vice President for Student Services is responsible for implementation of this policy to ensure equal opportunity, equal access and affirmative action concepts in the policies, procedures, programs, services and activities of the University concerning students.

#### **IV. Authority and Accountability within Administrative Units**

The principal objectives of Purdue University's equal opportunity, equal access, and affirmative action policies are to provide fair and consistent treatment for all students and employees of the University. The University is committed to increase the recruitment, selection, and promotion of faculty and staff at the University who are racial or ethnic minorities, women, persons with disabilities, or Vietnam-era veterans. Correspondingly, the University is committed to policies and programs which increase the diversity of the student body. The primary responsibility for achieving these objectives rests with the

Provost, Executive Vice President and Treasurer, regional campus Chancellors, Vice Presidents, Deans, and all other senior administrators.

Vice Presidents, Chancellors, and Deans are responsible for: establishing goals and action-oriented programs within their units and integrating equal opportunity, equal access, and affirmative action principles and objectives into all decisions within their areas of responsibility. Vice Presidents, Chancellors, and Deans (or their designees) are also responsible for reviewing recommendations for hiring, compensation, promotion, transfer or reassignment, and termination to ensure compliance with the University's affirmative action program in both procedure and outcome, and for reviewing the qualifications of applicants and reasons for selection to ensure that minorities, women, and persons with disabilities are given full opportunities for hire and promotion.

Department heads, directors, and supervisors at each campus are responsible for promoting equal employment opportunity and making good faith efforts to achieve affirmative action goals.

Evaluations of administrators and supervisors will include their equal employment opportunity, equal access, and affirmative action efforts and results.

## **V. Discrimination Complaints**

Purdue University is committed to addressing discrimination complaints promptly and consistently, using procedures that are fair and effective from the point of view of the person and the institution, and to resolving complaints at the lowest organizational level wherever possible. The Vice President for Human Relations shall issue procedures for the enforcement of the policies set forth in this Executive Memorandum.

Persons who feel they have been discriminated against should bring their complaints to the attention of their department head or supervisor, or seek assistance from the following offices at their campuses:

West Lafayette: Human Resource Services;  
Affirmative Action Office

Calumet: Department of Human Resources;  
Affirmative Action Office

Fort Wayne: Department of Human Resources;  
Affirmative Action/Equal Opportunity Office

North Central: Human Resources;  
Equal Opportunity/Affirmative Action Office.

Persons bringing complaints to the attention of the University are protected from interference, intimidation, or reprisal in any form. Retaliation against any person who

has made a complaint is absolutely prohibited. It inhibits the ability of the University to address complaints and contributes to distrust of complaint procedures.

The Vice President for Human Relations will be notified promptly of any written complaint filed internally and/or with external agencies at any campus which alleges discrimination on the basis of race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability, or status as a disabled or Vietnam-era veteran. In consultation with University officers, chancellors, and legal counsel, the Vice President for Human Relations shall be responsible for coordination of the resolution of all discrimination complaints filed with external agencies and for oversight and coordination of internal discrimination grievance procedures. Resolutions of formal complaints involving litigation or financial obligations for the University will be subject to review by cognizant University officers and approval by the President.

#### **VI. Complaints Alleging Discrimination on the Basis of Membership in Categories Not Protected Under Federal or State Law**

The University has gone beyond the requirements of federal and state laws in committing not to discriminate against any person in the University community on the basis of marital status, parental status or sexual orientation. Any complaint alleging a breach of the University's obligations to a person in a contractually protected category is barred unless a formal complaint is filed with the Vice President for Human Relations within one hundred twenty (120) days of the alleged occurrence. Complaints must conform to the requirements of the procedures implemented pursuant to this Policy. A person may not initiate a suit alleging breach of the University's contractual obligation against the University or any employee or agent of the University unless the person's claim has first been denied in whole or in part under the University's internal procedures. Any suit against the University or any employee or agent of the University alleging a breach of the University's obligation with respect to a person because of membership in a contractually protected category is barred unless a suit is filed within one (1) year of the alleged breach. Jurisdiction and venue for litigation alleging such a breach of the University's obligation shall lie exclusively in the courts in Tippecanoe County, Indiana, and any person who files such a suit hereby consents to service of process from said courts. Notwithstanding the prohibition against discrimination on the basis of marital status, parental status or sexual orientation, the University may, without violating this prohibition, provide different benefit packages to employees who have a spouse, same sex domestic partner, and/or dependent children than are provided to other employees.

#### **VII. Limitation of Remedies**

The combined aggregate liability of Purdue University and any employee or agent of the University, acting within the scope of their employment, for any breach of the University's obligation to any one person in a contractually protected status shall be limited to twenty-five thousand dollars (\$25,000) in damages, consequential, incidental or otherwise. In calculating such damages, neither Purdue University nor any employee

or agent of the University shall be liable for punitive damages, exemplary damages, damages for pain and suffering, emotional distress damages or attorney's fees.

#### **VIII. Waiver**

Nothing contained in this Policy should be interpreted as a waiver by the University of its sovereign immunity, immunity pursuant to the Eleventh Amendment of the United States Constitution, and any other immunity or defense which is available under state or federal laws.

#### **IX. Additional Requirements of Affirmative Action Programs**

As a federal contractor, each campus within the Purdue University system is required to develop and maintain a written affirmative action program which is a set of specific results-oriented actions and procedures to which the University commits itself. These programs must be updated annually. Affirmative action programs for Purdue University are available for inspection in the Affirmative Action Office at each campus.

Martin C. Jischke  
President