

2018

YOUR CAMPUS,  
YOUR SAFETY

PURDUE UNIVERSITY'S ANNUAL  
SECURITY REPORT 2018

[www.purdue.edu/ehps/police](http://www.purdue.edu/ehps/police)

LAFAYETTE POLYTECHNIC INSTITUTE

## QUICK REFERENCE RESOURCE GUIDE

### Safety and Security

#### **Purdue Police Department (On Campus)**

Emergency: 911  
Non-emergency: 765-494-8221  
Terry House  
purdue.edu/ehps/police

#### **Purdue Fire Department**

Emergency: 911  
Non-emergency: 765-494-6919  
purdue.edu/ehps/fire

#### **Office of the Dean of Students.....765-494-1747**

24/7 on-call team can be activated by Purdue Police or Lafayette Crisis Center  
Schleman Hall, 2nd Floor  
purdue.edu/odos

#### **Title IX Coordinator.....765-494-7255**

Assistance with sexual assault, dating and domestic violence, and stalking complaints  
Young Hall, 10th Floor  
[www.purdue.edu/sexual\\_assault](http://www.purdue.edu/sexual_assault)

#### **Emergency Preparedness Office**

765-494-0446  
purdue.edu/ehps/emergency\_preparedness/contact.php

#### **West Lafayette Police Department (Off Campus)**

Emergency: 911  
Non-emergency: 765-775-5200  
westlafayettepd.us

#### **Tippecanoe County Sheriff's Department (Off Campus)**

Emergency: 911  
Non-emergency: 765-423-9388  
tippecanoe.in.gov/department/?structureid=10

#### **Lafayette Police Department (Off Campus)**

Emergency: 911  
Non-emergency: 765-807-1200  
lafayettein.gov/police

#### **Indiana State Police (Off Campus)**

Emergency: 911  
Non-emergency: (765) 567-2125  
[www.in.gov/isp](http://www.in.gov/isp)

### Crisis Services

#### **MHA Crisis Center .....765-742-0244**

Crisis services, including sexual assault victim's advocacy services, available 24/7  
914 South Street, Lafayette, IN  
mhatippecanoe.org

#### **National Sexual Assault/Online**

**Message Service.....1-800-656-HOPE (4673)**

#### **National Domestic Violence**

**Hotline .....1-800-799-SAFE (7233)**

#### **National Suicide Prevention**

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

#### **National Institute on Drug Abuse**

**Hotline: .....1-800-662-HELP (4357)**

#### **Counseling and Psychological**

**Services (CAPS).....765-494-6995**  
PUSH, 2nd Floor  
purdue.edu/caps

### Health

#### **Purdue University**

**Student Health Center.....765-494-1700**  
Sexual Assault Nurse Examiner (SANE) available during business hours.  
PUSH, Main Floor  
purdue.edu/PUSH

#### **St. Elizabeth's Hospital.....765-502-4000**

SANE Exams after hours  
1701 S. Creasy Lane, Lafayette, IN

#### **IU Health Arnett Hospital.....765-448.8000**

5165 McCarty Lane, Lafayette, IN

### Legal Services

Student Legal Services  
Room 207 Schleman Hall  
475 Stadium Mall Drive  
West Lafayette, IN 47907  
<https://www.purdue.edu/odos/sls/>  
email: sls@purdue.edu

## AVAILABILITY OF ANNUAL SECURITY REPORT

The Purdue Polytechnic Institute at Lafayette’s *Annual Security Report* includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by Purdue University, 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. A copy of this report is made available to faculty, staff and students before October 1<sup>st</sup> of each fall semester and is available for public viewing online. Electronic versions are available online at <https://www.purdue.edu/ehps/police/reports/>.

Paper copies of this report may be obtained by contacting the Purdue University Police Department at 765-494-8221, at Terry House, 205 S. Martin Jischke Drive, West Lafayette, IN.

## 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; 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 including the option to obtain a printed copy from Purdue University’s Office of Admissions and the Division of Financial Aid in their Consumer Information section. Prospective employees receive a similar notice from Human Resources through the University’s TALEO system 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, 2015-2017						
Primary Crimes	Year	On-Campus Property	On-Campus Student Housing	Noncampus Property	Public Property	Unfounded
Murder/Non-Negligent Manslaughter	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
Negligent Manslaughter	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
Rape	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0

<b>Fondling</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Incest</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Statutory Rape</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Robbery</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Aggravated Assault</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Burglary</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Motor Vehicle Theft</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Arson</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0

<b>Disciplinary Referrals and Arrests</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>On-Campus Student Housing</b>	<b>Noncampus Property</b>	<b>Public Property</b>	<b>Unfounded</b>
<b>Weapons Law Violations (Arrests)</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Weapons Law Violations (Disciplinary Referrals)</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Drug Law Violations (Arrests)</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Drug Law Violations (Disciplinary Referrals)</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Liquor Law Violations (Arrests)</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Liquor Law Violations (Disciplinary Referrals)</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0

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

<i>Crimes Required to be Reported by the Violence Against Women Act</i>	Year	On-Campus Property	On-Campus Student Housing	Noncampus Property	Public Property	Unfounded
<b>Dating Violence</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Domestic Violence</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Stalking</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0

<sup>1\*</sup> Where there were no reportable offenses (murder/non-negligent manslaughter, negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, simple assault, intimidation, vandalism, or larceny-theft) in 2014, 2015, or 2016 in which the offense was motivated by the actual or perceived race, gender, religion, sexual orientation, ethnicity, disability, national origin, or gender identity of the victim, the rows for each listed bias were collapsed accordingly.

**Hate Crimes** - There were zero hate crimes reported in 2015, 2016, or 2017

**Unfounded Crimes** - There were three unfounded crimes in 2015, 2016, or 2017.

The following police department replied to our request for crime data but did not provide them in a usable format that allowed us to glean complete Clery statistics: Indiana State Excise Police. We are unable to determine the exact impact this may have on our reported numbers.

### 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.

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 Greater Lafayette 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 the Purdue Polytechnic Institute and in Lafayette, Indiana.

Purdue 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 community with an overview of Purdue University 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.

### Police Department

The Purdue Polytechnic Institute Lafayette Campus is located in the Subaru of Indiana Automotive production plant and does not have Purdue University Police personnel on site. While Purdue University does not have a formal Memorandum of Understanding with Lafayette Police Department for the Polytechnic Institute at SIA, we do have a good working relationship. LPD have agreed to provide necessary information pertaining to certain crimes or emergencies.

The plant is closed to the public and secured with a perimeter gate. The production facility is staffed with professional security staff. The security staff on site are non-sworn officers and do not have powers of arrest.

The City of Lafayette Police Department is the primary provider of police services to this campus. The Lafayette Police Department is staffed with officers who have powers of arrest throughout the State of Indiana. The Lafayette Police Department is staffed by competent law enforcement professionals who use advanced equipment, techniques, and current technology to perform their duties. The department works closely with the Purdue University Police Department, Indiana State Police, the FBI, and the Tippecanoe County Sheriff's Department. In an emergency, police can be summoned by dialing 911 on any telephone within the building or on their cellular telephone. All reports of criminal activity will be handled and investigated in an appropriate and professional manner.

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

**Public Information.** The police department works closely with the news media, including student publications, to publicize crimes and crime prevention strategies. Police Daily Crime logs are also available on line at <https://www.purdue.edu/ehps/police> and are open to the public.

**Group Presentations.** Purdue police officers present safety and security talks to campus and community groups upon request. Presentations are scheduled regularly to address the special concerns of groups or individuals. General topics are designed to inform students and employees about crime prevention techniques.



**Laptop Registration.** There is an online laptop computer registration program available through the police department’s website. This laptop registration program is voluntary, but highly recommended. . Proper registration acts as a deterrent to bike theft and prevents loss of property.

### Reporting of Criminal Offenses

Purdue University encourages anyone who is the victim or witness to any crime to promptly report the crime by calling 911, by calling Lafayette Police Department non-emergency number (765) 807-1200 or by contacting Subaru of Indiana security personnel.

Crimes occurring Off-campus may be reported by calling 911 or by calling the non-emergency numbers for the police department with primary jurisdiction. See the Quick Resource Reference Guide on page 2 for non-emergency phone numbers.

### 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 Police Department primarily, Purdue has designated other specific campus offices that may receive crime reports in addition to the Purdue Police Department:

<u>OFFICIAL</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
Office of the Dean of Students	Schleman Hall, 2 <sup>nd</sup> Floor, 475 Stadium Ave.	765.494.1747
Office of the V. Pres. Human Resources	Kurz Purdue Technology Center, 1281 Win Hentschel Blvd.	765.494.7395
Office of Institutional Equity	Young Hall, 10 <sup>th</sup> Floor, 155 South Grant St.	765.494.7255
Title IX Coordinator	Young Hall, 10 <sup>th</sup> Floor, 155 South Grant St.	765.494.5830
Executive Director Univ. Residences	Smalley Center, Third Street West Lafayette, IN	765.494.1000
Associate Dean – Polytechnic Institutes		812.206.8382
Director of Operations – Statewide Technology		765.404.9104

### Daily Crime Log

Since Polytechnic Institutes do not have their own police or security departments or written agreements with other campus or local police departments, they are not required to maintain crime logs on site. For information on crime logs, please contact the law enforcement agency with primary police jurisdiction. Contact information is located on page two “Quick Reference Resource Guide”.

### Anonymous Reporting

Purdue University 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 department anonymously by calling (765) 496-DRUG (3784) (off campus) or 6-DRUG (3784) (on campus). PUPD will evaluate the information received and take appropriate action. Tippecanoe County, Indiana also provides an anonymous crime reporting hotline: WeTip Hotline: 1-800-78-CRIME (27463).

Additionally, Purdue has 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 submit a report through the website ([www.purdue.edu/hotline](http://www.purdue.edu/hotline)).

Purdue 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**

Purdue University Polytechnic Institute at Lafayette is located in Subaru of Indiana Automotive and is closed to the public and access is only permitted for employees of the production plant and for registered students attending classes in the Institute. The building is locked every night to ensure the protection of its students, employees, and property. The Lafayette campus is a non-residential campus and locking the building ensures the protection of our employees and property. Onsite administrative staff and designated Campus Security Authorities are responsible for security considerations used in the maintenance of campus facilities. 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.

## **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), or you can visit the PUPD website: [www.purdue.edu/ehps/police](http://www.purdue.edu/ehps/police). 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 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 Emergency Warning Notification System:      CAMPUS ALERT for Polytechnic Institutes**

Purdue Polytechnic Institutes are large and complex institutions, and people move about our campus freely. A key part to Purdue's campus preparedness is the University emergency warning notification system — Campus Alert. 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:

- E-mail. An e-mail - All [purdue.edu](http://purdue.edu) accounts are associated with Purdue Polytechnic Institutes will receive a Campus alert email.
- Purdue home page. The home page ([www.purdue.edu](http://www.purdue.edu)) is the focal point of the most complete information in all campus-related emergencies.

## **Emergency Response and Evacuation**

Purdue police and fire departments embrace the National Incident Management System (NIMS) and use Incident Command principles while responding to major incidents.

Purdue University 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, Campus Alert, and will initiate the Campus Alert 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 Purdue Dispatch Center (PDC). The significant emergency or imminently dangerous situation will normally be confirmed prior to alerting the campus community. If confirmed, PDC 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 Campus Alert activation. However, the responding incident commander may direct Campus Alert activation if immediate life safety issues exist.

The initial Campus Alert notifications will normally use a pre-formatted message created by Public Safety leadership that provides very basic information designed to immediately notify Purdue faculty, staff, and students. More detailed information will be included in subsequent notifications and posted on the Purdue Campus Status page ([purdue.edu/ea](http://purdue.edu/ea)).

Campus Alert will normally be tested at the beginning of each academic semester. Tests may be announced or unannounced. In conjunction with the testing, Purdue public safety officials will publicize Purdue'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 Campus Alert is tested, the Emergency Preparedness Office publicizes that the Purdue community should review their emergency response and evacuation procedures as contained in the *Emergency Procedures Handbook* and Building Emergency Plan.

### Emergency Warning Notification System Test

The spring semester 2017 Campus Alert test was conducted on January 16, 2017. The fall semester 2017 Campus Alert test was conducted on September 28, 2017. Both tests tested all Campus Alert layers and were announced tests. Anytime Campus Alert is activated, the Emergency Preparedness Office conducts an After Action Review (AAR) with all affected departments to discuss any lessons learned. The lessons learned are documented in the University's Emergency Preparedness Improvement Plan and are used to refine procedures and train officials.

### Timely Warning Procedures

The Purdue University 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 threat to our community. Upon receipt of a report of Clery reportable crimes within the Clery geography, Public Safety Leadership (or their designated representatives) 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 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 if there is a substantial risk to the physical safety of other members of the campus community because of this crime; and
- **The possible risk of compromising law enforcement efforts**. This risk will not prevent Purdue 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 or any other identifying information of any crime victim is not included in a timely warning or emergency notification.

Due to the confidentiality of such relationships, Purdue University 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 Purdue Polytechnic Institute Lafayette 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:

- **E-mail:** An e-mail - All people with a purdue.edu accounts are associated with Purdue Polytechnic Institutes will receive a Campus alert email.
- **Purdue Campus Status page:** [www.purdue.edu/ea](http://www.purdue.edu/ea) 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 disseminate information.

### Policy for Reporting the Annual Disclosure of Crime Statistics

The Purdue 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>. Purdue Polytechnic Institute Lafayette's Annual Security Report can be accessed on the Web by visiting the Purdue University Police Department's home page at <https://www.purdue.edu/ehps/police> or visiting the direct link at [www.purdue.edu/ehps/police/reports/](http://www.purdue.edu/ehps/police/reports/).

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

### 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:

**Office of the Dean of Students (ODOS)** presents programs upon request, to individual student organizations, fraternity/sorority/cooperative houses, and international students on topics of campus safety and emergency preparedness. While not every program may be offered each semester, they are regularly scheduled and most are available upon request. Staff members in this office provide a variety of services to students, including victim assistance, counseling about personal concerns, and information about University resources.

**Violent Behavior Policy Training.** Offered by the Purdue Police and Physical Facilities Training, the training session provides participants with information related to workplace violence, including risk factors, key elements, definition and types of workplace violence, and more. For more information, e-mail [police@purdue.edu](mailto:police@purdue.edu).

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

Purdue 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 the 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.

### **Center for Advocacy, Response, and Education**

Purdue University's Center for Advocacy, Response, and Education (CARE) provides support and advocacy for survivors of sexual violence, dating violence, and stalking. CARE staff provide resources and direct services that are non-judgmental, survivor-focused and empowering. CARE recognizes that each person's experience is unique, and staff are available to help each survivor assess their reporting options and access resources that meet personal needs. CARE staff can also provide information and other support services to friends and family of survivors. In addition to direct survivor services, CARE offers campus-wide programming on sexual violence, consent, and bystander intervention, among other topics. <http://www.purdue.edu/odos/care/>.

### **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 in-person module during 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. 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 has implemented its "Respect Boundaries" campaign relating to sexual violence awareness and prevention. Drink coasters, magnets and posters were distributed within University Residences, at freshmen, graduate and transfer student resource fairs, and to sororities, fraternities, cooperative houses. 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 offers risk reduction, prevention and awareness programs and campaigns designed to prevent and eliminate dating violence, domestic violence, sexual assault, and stalking. A list of programs follows:

#### **Rape Aggression Defense (RAD)**

Available at Purdue since 1999, Rape Aggression Defense (RAD) is a women's self-defense program. This 12-hour comprehensive course equips participants with realistic self-defense tactics and techniques. The Purdue Police Department conducts RAD classes for student and staff groups, organizations, and the general public.

The initial focus of RAD is on education and awareness, prevention, risk reduction, and avoidance of assault and rape. The program then progresses to the basics of hands-on defense training. Certified instructors provide a workbook/reference manual and hands-on training. RAD is dedicated to teaching defensive concepts and techniques against various types of assault by utilizing easy, effective, and proven self-defense martial arts tactics.

The program provides participants with the knowledge to make an educated decision about resistance.

R.A.D. training is available at no charge to participants. For additional information, e-mail Sarah Sheppard at [sasheppard@purdue.edu](mailto:sasheppard@purdue.edu). Enrollment priority is given to University students, faculty, and staff, and is handled on a first-come, first-served basis.

### **Self-Defense Awareness and Familiarization Exchange (SAFE)**

The Self-Defense Familiarization and Exchange (SAFE) training is a two-and-a-half-hour long program that is an introduction to women's self-defense. Presented by the designers of RAD, the SAFE program exposes participants to information that may reduce their risk of exposure to violence, and allows them to familiarize themselves with physical skills training. This program serves as a precursor to the full RAD program. The lead instructor for RAD is also a certified SAFE instructor.

### **Boiler Up and Intervene Training**

In this 1-hour interactive workshop, participants will learn about bystander intervention, what stops people from intervening in situations, and how they can confidently and safely intervene in dangerous situations. The workshop will also cover how to recognize a potentially unsafe situation, practical tools for intervening, and practice with real life scenarios. Participants may find attending Power-Based Personal Violence 101 prior to this workshop is helpful, but it is not required.

### **Healthy Relationships Training**

The good news: you're likely going to be in a great relationship at some point in your life. The bad news is that relationships don't come with a user manual. This workshop is designed to help students learn about what makes a relationship healthy, how to keep them healthy, and how to help a friend or loved one in an unhealthy relationship.

### **Power-Based Personal Violence 101 Training**

What is power-based violence? How many people experience these types of violence? How does violence affect someone? How can I help prevent it from happening? All of these questions will be covered in this introductory level workshop about power-based personal violence, consent, and supporting a survivor.

### **Power-Based Personal Violence 102 Training**

Power-based personal violence is an epidemic in the United States and around the world. In this workshop that builds off of our Power-Based Personal Violence 101 session, participants will develop skills in media literacy and learn how they can make a difference in the prevention and response of power-based personal violence. Participants are highly encouraged to attend the Power-Based Personal Violence 101 workshop prior to attending 102, but it is not a required prerequisite.

### **SAS Training: Supporting a Survivor**

Everyone knows someone who has been sexually assaulted or harassed; but we don't always know how to best support them. This workshop, open to students, faculty, and staff, focuses on strategies to best support survivors. Participants will also learn about trauma response and how to refer someone to CARE.

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

### **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 may report the crime to Lafayette Police by calling 911, by calling the non-emergency number at (765) 807-1200, or by contacting Subaru of Indiana's security personnel. For more on what to expect while filing a police report, visit [www.purdue.edu/sexual\\_assault/faq/police.html](http://www.purdue.edu/sexual_assault/faq/police.html).

Off-campus crimes may be reported to the local law enforcement agency with jurisdiction over the location where the crime occurred. Individuals may call or text 911 or call the non-emergency numbers or visit the address listed on page 2 (Quick Reference Resource Guide).

### 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	Schleman Hall, 2 <sup>nd</sup> Floor, 475 Stadium Ave.	765.494.1747
Office of the V. Pres. Human Resources	Kurz Purdue Technology Center, 1281 Win Hentschel Blvd.	765.494.7395
Office of Institutional Equity	Young Hall, 10 <sup>th</sup> Floor, 155 South Grant St.	765.494.7255
Title IX Coordinator	Young Hall, 10 <sup>th</sup> Floor, 155 South Grant St.	765.494.5830
Executive Director Univ. Residences	Smalley Center, Third Street, West Lafayette, IN	765.494.1000
Associate Dean – Polytechnic Institutes		812.206.8382
Director of Operations – Statewide Technology		765.404.9104
Director of Polytechnic Institute – Lafayette		765.269.9630
Lafayette City Police Department		765.807.1200

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

<u>OFFICIAL</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
Counseling and Psychological Services	601 Stadium Mall, Room 246 (PUSH)	765.494.6995
Purdue Student Health Center (PUSH)	601 Stadium Mall Drive, Main Floor,	765.494.1700

### **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**

Purdue University Police or other University entities including but not limited to the Vice President for Ethics and Compliance, Office of the Dean of Students, Human Resources, and the Center for Advocacy, Response and Education (CARE) will provide all known student or employee victims with written notification about services available both within the institution and in the community. Available services include 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 protection 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. Don't 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 University's Center for Advocacy, Response, and Education (CARE) or the local MHA Crisis Center may provide assistance.

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

### **Support Services**

Students and employees of the University who are victims of dating violence, domestic violence, sexual assault, and stalking are entitled to a number of rights and services by the University. The University will provide these services whether the conduct occurred on- or off-campus and whether or not you wish to file a police report.

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

There are community centers with special training to deal with survivor/victims of dating violence, domestic violence, sexual assault, and stalking. These agencies are listed on page 2 of 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, Young Hall, 10<sup>th</sup> Floor, 765-494-7255, or the Center for Advocacy, Response, and Education (CARE), Duhme Hall, 1<sup>st</sup> Floor, 765-495-CARE (2273) for these services.



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

Purdue provides its 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 Tippecanoe County Court system.

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

There are 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 on page 2 of this report.

### **Confidentiality**

Purdue 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, Purdue 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* and will be addressed accordingly. This policy seeks to encourage faculty, staff, and students to report and address incidents of Harassment.

### **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 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.

## Processes

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

**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

Within 10 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.

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 I4 of these Procedures, a copy of the Respondent(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 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 preliminary 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.

As soon as practicable following appointment, the University Investigator will interview the Complainant. Within five days following the completion of his or her interview with the Complainant, the University Investigator will conduct an initial assessment and notify the Chancellor, Dean of Students or Director in writing as to (1) 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 (2) whether or not there is reasonable cause to believe that the Respondent(s) has violated one or both of the Policies. If the University Investigator's notification indicates that such allegations, if substantiated, would not constitute a violation of one or both of the Policies or that 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 may dismiss the 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.

In the event that the University Investigator's initial assessment and notification indicates that the allegations set forth in the Complaint, if substantiated, would constitute a violation of University policy and that there is reasonable cause to believe that the Respondent(s) has violated one or both of the Policies, or if the Chancellor, Dean of Students or Director determines that the matter should be investigated, 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 prepare a preliminary report summarizing the information gathered and outlining the contested and uncontested information. The preliminary investigation report will not include any findings. The Complainant (or impacted party in the case of a University-Initiated Investigation) and the Respondent will be provided access to review the preliminary investigation report and may submit comments and additional information to the University Investigator in writing. The University Investigator will designate a reasonable time for this review and response by the parties, not to exceed seven days. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the University Investigator during the designated review and response period will not be considered in the determination of responsibility for a violation of one or both of the Policies.

As soon as practicable following consideration by the University Investigator of any information provided by the Complainant (or impacted party in the case of a University-Initiated Investigation) and/or Respondent, the University Investigator will submit a final investigation report to the Chancellor, Dean of Students or Director. The report will

include findings based upon a preponderance of the evidence that (1) the allegations cannot be substantiated or some or all of the allegations are substantiated, (2) a statement as to whether the Formal Complaint was knowingly false or malicious, and (3) 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.

Within 15 days of 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 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.

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 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 has been 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 and filed in person, via courier, or via postal or electronic mail within 10 days of the issuance of notification of the decision with all supporting materials attached. Decisions not appealed within such time are deemed final.

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 10 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
- Probated suspension
- 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.

### **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 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. 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 E3, 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 of 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. Violators of alcohol policies are subject to the provisions of applicable state and federal laws as well as University disciplinary actions.

Purdue'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 Counseling and Psychological Services (CAPS) and for staff through the Employee Assistance Program (EAP).

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

The Purdue Police Department has installed an anonymous drug and crime tip telephone line. Those who want to report any illegal drug or crime activity should dial **(765) 496-DRUG (3784)**.

### **Illegal Drugs**

Indiana state law and University regulations prohibit the use, possession, or distribution of controlled substances without a valid prescription. Violators of drug laws and 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 Counseling and Psychological Services (CAPS).

### **Educational Programming**

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

**Boiler Gold Rush and Boiler Gold Rush International** - The Office of the Dean of Students partners with other campus offices, such as Student Success at Purdue and University Residences, to present annual trainings during

Boiler Gold Rush and other orientation activities on campus safety and ways that students can prevent criminal activity and from being the victim of a crime. In addition, ODOS presents programs upon request, to individual student organizations, fraternity/sorority/cooperative houses, and international students on topics of crime prevention.

**Alcohol Education Presentations** – These presentations were offered to students upon request. Given to organizations who has violated alcohol policy, the presentations discussed ways the organization can work to correct such behavior. The presentation allowed organizations to critically reflect on ways they could make their group safer concerning alcohol and parties. Alcohol safety and preventative measures were discussed. Seven such presentations were given to six different organizations.

**United Educators Online Alcohol Education Course** – An online program was offered to students during the fall of 2015 from which students learned alcohol facts concerning BAC, dangers of high risk drinking, and possible alternative healthy drinking behaviors.

A description of any drug or alcohol education programs as required in the **Drug Free Schools and Communities Act of 1989. [Section 120(a) through (d) of the HEA]**

The Office of the Dean of Students partners with a variety of campus offices to present preventative alcohol and drug education programs as outlined in our Biennial Review:  
[http://www.purdue.edu/aod/resources/Biennial\\_Review.pdf](http://www.purdue.edu/aod/resources/Biennial_Review.pdf)

**Counseling and Psych Services Programming:** Alcohol and other drug abuse presentations are provided upon request throughout the campus community by CAPS staff members. In addition, CAPS staff members teach “Life Skills” courses each fall semester and “Leadership Academy” courses each spring semester to first-year student athletes. These courses include some curriculum focused upon alcohol and other drug concerns.

**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.

**Alcohol program:** This program is an informational discussion about alcohol consumption, laws regarding alcohol use and possession and the effects and dangers of alcohol abuse.

**Alcohol Awareness Program:** This educational program includes special presentations regarding the dangers of alcohol consumption and true experience from the officer’s point of view.

**Drug Recognition and Identification:** This program provides education on a wide variety of drug related topics. The material is presented in a discussion format that is guided mostly by the interests of the students. Information on how to identify an individual under the intoxicating effects of drugs as well as how to identify specific drugs themselves is provided.

**Purdue Amnesty Policy Training:** This program provides education regarding the Purdue Cares Policy, as well as the Indiana Lifeline Law. Both the law and the policy provide different levels of protection to an individual if medical attention is needed in a situation where alcohol has been consumed. This program is presented in partnership with the Office of the Dean of Students.

### **Emergency Procedures Guide**

The guide 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. Purdue’s Emergency Procedures Quick Reference Guide can be found here: [http://www.purdue.edu/ehps/emergency\\_preparedness/docs/6.8.17PPI--Quick%20Ref%20Guide1.pdf](http://www.purdue.edu/ehps/emergency_preparedness/docs/6.8.17PPI--Quick%20Ref%20Guide1.pdf)



### **Annual Emergency Response and Evacuation Procedures Tests**

Purdue University tested its emergency preparedness by conducting several tabletop exercises. After exercise completion, an AAR was conducted for each exercise. All exercises were announced.

The spring semester 2017 Campus Alert test was conducted on January 19, 2017. The fall semester 2017 Campus Alert test was conducted on September 28, 2017. Both tests tested the Campus Alert layers and were announced tests.

### **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. 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.

## 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="#">Fort Wayne campus police website</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/epps/police/procedures.html)

[www.purdue.edu/epps/police/procedures.html](http://www.purdue.edu/epps/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 July 1, 2018

### 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 its members to strive to reach their potential. Harassment in the workplace or the educational environment is unacceptable and will not be tolerated.

These Procedures outline the resolution processes that will be used to investigate and/or resolve a report of harassment and/or discrimination under the Purdue University Anti-Harassment Policy (III.C.1) and Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (the “Policies”). These Procedures apply to Title IX matters, including Relationship Violence, Sexual Exploitation, Sexual Harassment, Sexual Violence and Stalking, in addition to all other forms of prohibited discrimination and harassment.

These Procedures apply to faculty, staff, students and anyone conducting business with or visiting the University. Any individual or group of individuals found to have violated the Policies will be subject to disciplinary and/or remedial action, up to and including termination of employment or expulsion from the University.

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. There is no requirement that a Complainant first 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 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 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, 2) the conduct has or had continuing adverse effects on campus or in an off-campus education program or activity or 3) the Respondent is a student.

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

Inquiries and complaints about discrimination and/or harassment may be brought 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, inquiries and complaints about Sexual Violence, Relationship Violence and Stalking may be brought 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 Administrative and Professional Staff Advisory Committee, the Clerical/Service 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 making a complaint under the Informal Resolution Process or the Formal Resolution Process.

### **Campus Equity Office**

The following University offices: (a) on the West Lafayette campus, the Office of Institutional Equity or the Office of the Dean of Students; (b) on the Purdue Northwest Hammond campus, the Office of Equity, Diversity and Inclusion or the Office of the Dean of Students; (c) on the Fort Wayne campus, Human Resources and Institutional Equity or the Office of the Dean of Students; and (d) on the Purdue Northwest Westville campus, 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 University Policy 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)**

*Procedures for Resolving Complaints of Discrimination and Harassment*

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

### 1. Delegation

The Chancellor, Dean of Students or Director may delegate his or her authority under the Procedures to an Eligible Designee.

### 2. 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 that the University 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 the Anti-Harassment Policy 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.

### 3. 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 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.

#### 4. 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.

#### 5. Time Frames

The University encourages prompt reporting. Persons who have experienced or witnessed discrimination or harassment are encouraged to report the incident to a Contact Person 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.

## 6. 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 resolution of a complaint 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.

## 7. Special Circumstances in the Event of Conflict of Interests

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.

## 8. 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.

## F. REPORTING OPTIONS AND RESOURCES FOR TITLE IX 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 assistance to 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.

### 1. 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 Title IX 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.

### 2. 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 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 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 faculty, supervisors, and other staff, administrators and student employees who have significant responsibility for the welfare of students. Student employees who are required to share reports with the Title IX Coordinator include Resident Assistants. 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](#).

### 3. 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.

#### 4. 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 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.

#### 5. 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 [www.purdue.edu/sexual\\_assault/definitions/legal/index.html](http://www.purdue.edu/sexual_assault/definitions/legal/index.html)). 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](#).

#### 6. 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 Whistleblower Hotline, an online reporting service that allows direct interaction with the Title IX Coordinator without providing identifying information. The Whistleblower Hotline can be accessed 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 E3, 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. Mediation may not be used, even with the agreement of the parties, in Complaints involving Sexual Violence or Relationship Violence. Similarly, a Complainant will not be required to resolve the matter directly with the Respondent.

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

Within 10 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.

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 I4 of these Procedures, a copy of the Respondent(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 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 preliminary 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. Investigation of Formal Complaints

As soon as practicable following appointment, the University Investigator will interview the Complainant. Within five days following the completion of his or her interview with the Complainant, the University Investigator will conduct an initial assessment and notify the Chancellor, Dean of Students or Director in writing as to (1) 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 (2) whether or not there is reasonable cause to believe that the Respondent(s) has violated one or both of the Policies. If the University Investigator's notification indicates that such allegations, if substantiated, would not constitute a violation of one or both of the Policies or that 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 may dismiss the 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.

In the event that the University Investigator's initial assessment and notification indicates that the allegations set forth in the Complaint, if substantiated, would constitute a violation of University policy and that there is reasonable cause to believe that the Respondent(s) has violated one or both of the Policies, or if the Chancellor, Dean of Students or Director determines that the matter should be investigated, 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 prepare a preliminary report summarizing the information gathered and outlining the contested and uncontested information. The preliminary investigation report will not include any findings. The Complainant (or impacted party in the case of a University-Initiated Investigation) and the Respondent will be provided access to review the preliminary investigation report and may submit comments and additional information to the University Investigator in writing. The University Investigator will designate a reasonable time for this review and response by the parties, not to exceed seven days. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the University Investigator during the designated review and response period will not be considered in the determination of responsibility for a violation of one or both of the Policies.

As soon as practicable following consideration by the University Investigator of any information provided by the Complainant (or impacted party in the case of a University-Initiated Investigation) and/or Respondent, the University Investigator will submit a final investigation report to the Chancellor, Dean of Students or Director. The report will include findings based upon a preponderance of the evidence that (1) the allegations cannot be substantiated or some or all of the allegations are substantiated, (2) a statement as to whether the Formal Complaint was knowingly false or malicious, and (3) 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.

## 5. Determination

Within 15 days of 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 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.

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 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 has been 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 and filed in person, via courier, or via postal or electronic mail within 10 days of the issuance of notification of the decision with all supporting materials attached. Decisions not appealed within such time are deemed final.

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 10 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): [www.purdue.edu/policies/ethics/iic2.html](http://www.purdue.edu/policies/ethics/iic2.html)

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

**Appendix A: Quick Reference Guide**

**Hammond Campus**

<b>Confidential Reporting Resources</b>			
Health Services Center	Gyte Annex, Room 34	M-F, hours vary daily	219-989-2366 219-989-1235
Counseling Center	Gyte Building, Room 005	M-Th, 8 a.m.-5 p.m. Fri., 8 a.m.-4 p.m.	219-989-2366
<b>Non-Confidential Reporting Resources</b>			
Title IX Coordinator Office of Equity & Diversity	Lawshe Hall, Room 231	M-F, 8 a.m.-5 p.m.	219-989-3169 219-989-2337
Police Department	6930 Wicker Ave. 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 Hammond, IN	M-F, 8 a.m.-5 p.m.	219-989-4150
<b>Medical Services (Confidential)</b>			
Health Services Center	Gyte Annex, Room 034	M-F, hours vary daily	219-989-1235
Methodist Hospital	600 Grant St. Gary, IN	24/7	219-886-4000



Advocate South Suburban Hospital	17800 S. Kedzie Ave. Hazel Crest, IL	24/7	708-799-8000
St. Margaret Health — Hammond Emergency Dept.	5454 Hohman Ave. Hammond, IN	24/7	219-933-2077
St. Margaret Health — Dyer Emergency Dept.	24 Joliet St. Dyer, IN	24/7	219-864-2077
St. Anthony Health — Crown Point Emergency Dept.	1201 S. Main St. Crown Point, IN	24/7	219-757-6310
St. Anthony Health — Michigan City Emergency Dept.	301 W. Homer St. Michigan City, IN	24/7	219-877-1616
Chesterton Health & Emergency Center	770 Indian Boundary Rd. 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. 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.-4:30p.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 800-519-0469
<b>Law Enforcement Resources</b>			
Police Department	6930 Wicker Ave. Hammond, IN	24/7	219-989-2220
Hammond Police Department	509 Douglas St. 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, 8:30 a.m.-4:30 p.m.	260-481-5748
PFW/Parkview Student Assistance Program	Walb Student Union, Room 113	M-F, 8:30 a.m.-4:30 p.m.	260-266-8060 800-721-8809 260-373-7500 (after hours)
<b>Non-Confidential Reporting Resources</b>			
Title IX Coordinator	Kettler Hall, Room 252	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 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, Room 234	M-F, 8:30 a.m.-4:30 p.m.	260-481-5748
Parkview Hospital Randallia	2200 Randallia Dr. Fort Wayne, IN	24/7	260-373-4000
Parkview Regional Medical Center	11109 Parkview Plaza Dr, Entrance 1, Fort Wayne, IN	24/7	260-266-1000

<b>Counseling Services (Confidential)</b>			
Purdue Fort Wayne/Parkview Student Assistance Program	Walb Student Union, Room 113	M-F, 8:30 a.m.-4:30 p.m.	260-266-8060 800-721-8809 260-373-7500 (after hours)
<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	2270 Lake Ave., Suite 201 Fort Wayne, IN	24/7	260-423-2222
Fort Wayne Women's Bureau Rape Crisis Hotline	2417 Fairfield Fort Wayne, IN	24/7	260-426-7273 888-311-7273
YWCA Domestic Violence Crisis Line	1610 Spy Run Fort Wayne, IN	24/7	260-447-7233 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 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. Chesterton, IN	24/7	219-921-2000
IU Health LaPorte Hospital	1007 Lincolnway LaPorte, IN	24/7	219-326-1234
IU Health Starke Hospital	102 E. Culver Road Knox, IN	24/7	574-772-6231
Porter Hospital	85 E. U.S. 6 Frontage Rd. Valparaiso, IN	24/7	219-263-4600
Methodist Hospital	8701 Broadway Merrillville, IN	24/7	219-738-5510
St. Anthony's	301 W. Homer St. Michigan City, IN	24/7	219-879-8511
<b>Counseling Services (Confidential)</b>			
Counseling Center	TBA	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 800-248-1151
The Caring Place	Valparaiso, IN	24/7 (Crisis Hotline)	219-464-2128 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. West Lafayette, IN	M-F, 8 a.m.-5 p.m.	765-494-1700
Counseling and Psychological Services (CAPS)	PUSH Room 246 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) 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. Sat., 10 a.m.-5:30 p.m.	765-494-1724
St. Elizabeth Hospital-East	1701 S. Creasy Ln., Lafayette, IN	24/7	765-502-4000
IU Health Arnett Hospital	5165 McCarty Lane 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 Lafayette, IN	24/7	765-742-0244 877-419-1632
YWCA Domestic Violence Intervention and Prevention Hotline	N/A	24/7	765-423-1118* <i>accepts collect calls</i> 888-345-1118
<b>Law Enforcement Resources</b>			
Police Department	205 S. Martin Jischke Dr. West Lafayette, IN	24/7	765-494-8221
West Lafayette Police Dept.	711 W. Navajo St. West Lafayette, IN	24/7	765-775-5200
Tippecanoe County Sheriff	2640 Duncan Road Lafayette, IN	24/7	765-423-9388
Lafayette Police Dept.	20 N 6th Street Lafayette, IN	24/7	765-807-1200

## Anti-Harassment Policy (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: July 1, 2018

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### Contacts

Subject	Contact	Telephone	E-mail/Web Address
Policy Clarification	Vice President for Ethics and Compliance (System-wide Title IX Coordinator)	765-494-5830	<a href="mailto:vpec@purdue.edu">vpec@purdue.edu</a> <a href="http://www.purdue.edu/ethics">www.purdue.edu/ethics</a> Office address: Ernest C. Young Hall, 10 <sup>th</sup> floor 155 S. Grant St. West Lafayette, IN 47907
Harassment Complaints	<b>Fort Wayne:</b> Human Resources and Institutional Equity	260-481-6677	<a href="http://www.pfw.edu/equity">www.pfw.edu/equity</a>
	<b>PNW Hammond Campus:</b> 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>	219-785-5545	<a href="http://www.pnw.edu/diversity">www.pnw.edu/diversity</a>

	Office of Equity, Diversity and Inclusion		
	<b>West Lafayette:</b> Office of Institutional Equity	765-494-7255	<a href="mailto:equity@purdue.edu">equity@purdue.edu</a>  <a href="http://www.purdue.edu/oie">www.purdue.edu/oie</a>
Reports of Sexual Violence	<b>For all emergencies, dial 911.</b>		
	Non-emergency reports may be made using the contacts below.		
	<b>Fort Wayne:</b> Title IX Coordinator – Christine M. Marcuccilli	260-481-6107	Kettler Hall, Room 252 2101 E. Coliseum Blvd. Fort Wayne, IN 46805 <a href="mailto:marcuccc@ipfw.edu">marcuccc@ipfw.edu</a>
	<b>PNW Hammond Campus:</b> Title IX Coordinator – Linda B. Knox	219-989-3169	Lawshe Hall, Room 231 2200 169 <sup>th</sup> St. Hammond, IN 46323 <a href="mailto:lbknox@pnw.edu">lbknox@pnw.edu</a>
	<b>PNW Westville Campus:</b> Title IX Coordinator – Laura Odom	219-785-5545	Schwarz Hall, Room 25 1401 S. U.S. Highway 421 Westville, IN 46391 <a href="mailto:odoml@pnw.edu">odoml@pnw.edu</a>
	<b>West Lafayette:</b> Title IX Coordinator – Erin Oliver	765-494-7255	Ernest C. Young Hall, 10 <sup>th</sup> floor 155 S. Grant St. West Lafayette, IN 47907 <a href="mailto:titleix@purdue.edu">titleix@purdue.edu</a>
	<b>Fort Wayne:</b>  • Police Department • Office of the Dean of Students • Student Housing • Health and Wellness Clinic	  • 260-481- 6827  • 260-481- 6601  • 260-481- 4180  • 260-481- 5748	  • <a href="http://www.pfw.edu/police/">www.pfw.edu/police/</a>  • <a href="http://www.pfw.edu/offices/dean/">www.pfw.edu/offices/dean/</a>  • <a href="http://www.pfw.edu/offices/housing/">www.pfw.edu/offices/housing/</a> • <a href="http://www.pfw.edu/clinic/">www.pfw.edu/clinic/</a>
	<b>PNW Hammond Campus:</b>  • Police Department	  • 219-989- 2220  • 219-989- 4141	  • <a href="http://www.pnw.edu/police">www.pnw.edu/police</a> • <a href="http://www.pnw.edu/odos">www.pnw.edu/odos</a> • <a href="http://www.pnw.edu/housing/">www.pnw.edu/housing/</a>

	<ul style="list-style-type: none"> <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>• 219-989-4150</li> <li>• 219-989-1235</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="http://www.pnw.edu/community-care-network-health-clinic/">www.pnw.edu/community-care-network-health-clinic/</a></li> </ul>
	<p><b>PNW North Central Campus:</b></p> <ul style="list-style-type: none"> <li>• Police Department</li> <li>• Office of the Dean of Students</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/police">www.pnw.edu/police</a></li> <li>• <a href="http://www.pnw.edu/dean-of-students">www.pnw.edu/dean-of-students</a></li> </ul>
	<p><b>West Lafayette:</b></p> <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/police/">www.purdue.edu/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 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.

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.

This policy may not be used to bring knowingly false or malicious charges against any faculty, staff, students or recognized student organizations, including fraternities, sororities and/or cooperatives. 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.

### **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 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
- Title IX of the Education Amendments of 1972
- Uniformed Services Employment and Reemployment Rights Act of 1994
- VEVRAA, Section 4212
- Violence Against Women Reauthorization Act of 2013

## **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 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 those 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 and faculty.
- 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**

- Take immediate steps in accordance with University policy and procedure to deal with 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. Additional defined terms may be found in the central [Policy Glossary](#).

#### **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 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.

#### **Harassment**

Conduct towards another person or identifiable group of persons that 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 faculty members, coaches, employees in supervisory or management roles, student affairs professionals, academic advisors and residential life staff. Also included are individuals who have authority and responsibility to remedy Harassment, or those whom a student would reasonably believe has such authority (e.g., Student Organization Advisors, including fraternities and sororities).

### **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 that 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, 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.

## 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 his or her 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 by telephone, mail, electronic communication, social media, in person or any other action, device or method that 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/iii1.html): [www.purdue.edu/policies/ethics/iii1.html](http://www.purdue.edu/policies/ethics/iii1.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.html)

[www.purdue.edu/ethics/resources/resolving-complaints.html](http://www.purdue.edu/ethics/resources/resolving-complaints.html)

[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://bulletin.ipfw.edu/content.php?catoid=19&navoid=487#Code) <http://bulletin.ipfw.edu/content.php?catoid=19&navoid=487#Code>
- [Northwest:](http://www.pnw.edu/dean-of-students/student-code-of-conduct/) [www.pnw.edu/dean-of-students/student-code-of-conduct/](http://www.pnw.edu/dean-of-students/student-code-of-conduct/)
- [West Lafayette:](http://www.purdue.edu/studentregulations/student_conduct/index.html) [www.purdue.edu/studentregulations/student\\_conduct/index.html](http://www.purdue.edu/studentregulations/student_conduct/index.html)

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://www.ed.gov/ocr) [www.ed.gov/ocr](http://www.ed.gov/ocr)
- [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/ofccp) [www.dol.gov/ofccp](http://www.dol.gov/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/jiic1.html](http://www.purdue.edu/policies/ethics/jiic1.html)

**HISTORY AND UPDATES**

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 Anti-harassment 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.

## 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, Finance and Administration	219-785-5400	
Non-Emergency Reports of Violent Behavior	University Police Chief	219-989-2220 or 219- 989-2911	

### Fort Wayne Campus

Subject	Contact	Telephone	E-mail/Web Address
Questions	Vice Chancellor for Financial Affairs	260-481-6804	



Non-Emergency Reports of Violent Behavior	University Police Chief	260-481-0739	
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**West Lafayette Campus**

Subject	Contact	Telephone	E-mail/Web Address
Questions	Senior Director, Environmental Health and Public Safety	765-494-7504	<a href="mailto:ehps@purdue.edu">ehps@purdue.edu</a>
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/iic1.html): [www.purdue.edu/policies/ethics/iic1.html](http://www.purdue.edu/policies/ethics/iic1.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) 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 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.